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SENATE BILL

No. 110

Introduced by Senator Liu
(Coauthor: Senator Hollingsworth)
(Coauthor: Assembly Member Cook)

January 28, 2009

An act to amend Sections 11163.6, 11174.5, 11174.7, 13515, 13823.16, 13836.1, and 14213 of, to amend the heading of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of, to add Sections 368.5 and 13836.3 to, and to add a heading as Chapter 13 (commencing with Section 368) to Title 9 of Part 1 of, the Penal Code, and to amend Sections ~~4427, 4427.5, 4427.5~~, 15650, 15654, and 15763 of the Welfare and Institutions Code, relating to people with disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as amended, Liu. People with disabilities: victims of crime.
Existing law addresses aspects of the jurisdiction of state agencies and law enforcement in regard to long-term care facilities and elder and dependent adult abuse, as specified.

This bill would further specify the jurisdiction of various state agencies and of law enforcement in regard to investigating those facilities and that conduct.

Existing law regulates the investigation and prosecution of crimes against a dependent adult, which is defined to include a person who is between 18 and 64 years of age, inclusive, and who has a physical or mental limitation which restricts his or her ability, or substantially restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, a person who has a physical or developmental disability or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the term also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities.

Existing law authorizes any county to establish an interagency elder death review team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communications among persons who perform autopsies and persons involved in the investigation or reporting of elder abuse or neglect. Existing law establishes procedures for the sharing or disclosure of information by elder death review teams.

This bill would rename these teams “elder and dependent adult death review teams” and would expand the authority of these teams to cover dependent adult death, abuse, and neglect, as specified.

Existing law provides for the training of peace officers.

This bill would require the Commission on Peace Officer Standards and Training and the Bureau of Medi-Cal Fraud and Elder Abuse to consult with each other and with other subject matter experts when producing new or updated training materials relating to elder and dependent adult abuse, as specified.

~~Existing law regulates the procedures and practices of long-term care ombudsman programs, adult protective services agencies, as well as certain state agencies, relative to the protection, investigation, and reporting of suspected crimes involving persons with disabilities, as specified.~~

~~This bill would require the State Department of Developmental Services to either immediately report a case of suspected abuse or neglect of a person held in custody as developmentally disabled to local law enforcement, or ascertain the facts and then report confirmed cases of abuse to the local law enforcement agency, as specified.~~

Existing law provides for the creation of an advisory committee responsible for developing a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Existing law requires that the courses shall include training in the unique emotional trauma experienced by victims of these crimes. Existing law requires that the committee shall consist of 11 members of which 6 shall be public members appointed by the Commission on the Status of Women, as specified.

This bill would additionally require the courses to include training in the special problems of investigating and prosecuting these crimes when committed against individuals with disabilities. The bill would require that one of the appointees of the Commission on the Status of Women be an expert on crimes against persons with disabilities, appointed as specified.

Existing law provides that each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, 7 days per week, to reports of abuse of an elder or dependent adult, as specified.

This bill would make technical changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Crime Victims with Disabilities Act of 2010.

3 SEC. 2. The heading of Chapter 13 (commencing with Section
4 368) is added to Title 9 of Part 1 of the Penal Code, immediately
5 preceding Section 368, to read:

6
7 CHAPTER 13. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,
8 AND PERSONS WITH DISABILITIES
9

10 SEC. 3. Section 368.5 is added to the Penal Code, to read:

11 368.5. (a) Local law enforcement agencies and state law
12 enforcement agencies with jurisdiction shall have concurrent
13 jurisdiction to investigate elder and dependent adult abuse and all
14 other crimes against elder victims and victims with disabilities.

1 (b) Adult and child protective services agencies and local
2 long-term care ombudsman programs also have jurisdiction within
3 their statutory authority to investigate elder and dependent adult
4 abuse, and may assist local law enforcement agencies in criminal
5 investigations at the law enforcement agencies' request, provided
6 however, that law enforcement agencies shall retain exclusive
7 responsibility for criminal investigations, any provision of law to
8 the contrary notwithstanding.

9 SEC. 4. Section 11163.6 of the Penal Code is amended to read:

10 11163.6. In order to ensure consistent and uniform results, data
11 may be collected and summarized by the domestic violence death
12 review teams to show the statistical occurrence of domestic
13 violence deaths in the team's county that occur under the following
14 circumstances:

15 (a) The deceased was a victim of a homicide committed by a
16 current or former spouse, fiancé, or dating partner.

17 (b) The deceased was the victim of a suicide, was the current
18 or former spouse, fiancé, or dating partner of the perpetrator and
19 was also the victim of previous acts of domestic violence.

20 (c) The deceased was the perpetrator of the homicide of a former
21 or current spouse, fiancé, or dating partner and the perpetrator was
22 also the victim of a suicide.

23 (d) The deceased was the perpetrator of the homicide of a former
24 or current spouse, fiancé, or dating partner and the perpetrator was
25 also the victim of a homicide related to the domestic homicide
26 incident.

27 (e) The deceased was a child of either the homicide victim or
28 the perpetrator, or both.

29 (f) The deceased was a current or former spouse, fiancé, or
30 dating partner of the current or former spouse, fiancé, or dating
31 partner of the perpetrator.

32 (g) The deceased was a law enforcement officer, emergency
33 medical personnel, or other agency responding to a domestic
34 violence incident.

35 (h) The deceased was a family member, other than identified
36 above, of the perpetrator.

37 (i) The deceased was the perpetrator of the homicide of a family
38 member, other than identified above.

39 (j) The deceased had a disability and the homicide was related
40 to domestic violence.

1 (k) The deceased was a person not included in the above
2 categories and the homicide was related to domestic violence.

3 SEC. 5. The heading of Article 2.7 (commencing with Section
4 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code is
5 amended to read:

6
7 Article 2.7. Elder and Dependent Adult Death Review Teams

8
9 SEC. 6. Section 11174.5 of the Penal Code is amended to read:

10 11174.5. (a) Each county may establish an interagency elder
11 and dependent adult death review team to assist local agencies in
12 identifying and reviewing suspicious elder and dependent adult
13 deaths and facilitating communication among persons who perform
14 autopsies and the various persons and agencies involved in elder
15 and dependent adult abuse or neglect cases.

16 (b) Each county may develop a protocol that may be used as a
17 guideline by persons performing autopsies on elders and dependent
18 adults to assist coroners and other persons who perform autopsies
19 in the identification of elder and dependent adult abuse or neglect,
20 in the determination of whether elder or dependent adult abuse or
21 neglect contributed to death or whether elder or dependent adult
22 abuse or neglect had occurred prior to, but was not the actual cause
23 of, death, and in the proper written reporting procedures for elder
24 and dependent adult abuse or neglect, including the designation
25 of the cause and mode of death.

26 (c) As used in this section, the term “dependent adult” has the
27 same meaning as in Section 368, and applies regardless of whether
28 the person lived independently.

29 SEC. 7. Section 11174.7 of the Penal Code is amended to read:

30 11174.7. (a) An oral or written communication or a document
31 shared within or produced by an elder and dependent adult death
32 review team related to an elder or dependent adult death review
33 is confidential and not subject to disclosure or discoverable by
34 another third party.

35 (b) An oral or written communication or a document provided
36 by a third party to an elder and dependent adult death review team,
37 or between a third party and an elder and dependent adult death
38 review team, is confidential and not subject to disclosure or
39 discoverable by a third party.

1 (c) Notwithstanding subdivisions (a) and (b), recommendations
2 of an elder and dependent adult death review team upon the
3 completion of a review may be disclosed at the discretion of a
4 majority of the members of the elder and dependent adult death
5 review team.

6 SEC. 8. Section 13515 of the Penal Code is amended to read:

7 13515. (a) Every city police officer or deputy sheriff at a
8 supervisory level and below who is assigned field or investigative
9 duties shall complete an elder and dependent adult abuse training
10 course certified by the Commission on Peace Officer Standards
11 and Training within 18 months of assignment to field duties.
12 Completion of the course may be satisfied by telecourse, video
13 training tape, or other instruction. The training shall, at a minimum,
14 include all of the following subjects:

- 15 (1) Relevant laws.
- 16 (2) Recognition of elder and dependent adult abuse.
- 17 (3) Reporting requirements and procedures.
- 18 (4) Neglect of elders and dependent adults.
- 19 (5) Fraud of elders and dependent adults.
- 20 (6) Physical abuse of elders and dependent adults.
- 21 (7) Psychological abuse of elders and dependent adults.
- 22 (8) The role of the local adult protective services and public
23 guardian offices.

24 (b) When producing new or updated training materials pursuant
25 to this section, the commission shall consult with the Bureau of
26 Medi-Cal Fraud and Elder Abuse and other subject matter experts.
27 Any new or updated training materials shall address all of the
28 following:

- 29 (1) The jurisdiction and responsibility of law enforcement
30 agencies pursuant to Section 368.5.
- 31 (2) The fact that the protected classes of “dependent person” as
32 defined in Section 288 and “dependent adult” as defined in Section
33 368 include many persons with disabilities, regardless of the fact
34 that most of those persons live independently.

35 (3) Other relevant information and laws.

36 (c) When the commission offers or provides new or updated
37 training materials pursuant to this section, the commission also
38 may inform the law enforcement agencies of other relevant training
39 materials.

1 SEC. 9. Section 13823.16 of the Penal Code is amended to
2 read:

3 13823.16. (a) The Comprehensive Statewide Domestic
4 Violence Program established pursuant to Section 13823.15 shall
5 be collaboratively administered by the California Emergency
6 Management Agency (Cal EMA) and an advisory council. The
7 membership of the (Cal EMA) Domestic Violence Advisory
8 Council shall consist of experts in the provision of either direct or
9 intervention services to victims of domestic violence and their
10 children, within the scope and intention of the Comprehensive
11 Statewide Domestic Violence Assistance Program.

12 (b) The membership of the council shall consist of domestic
13 violence victims' advocates, battered women service providers, at
14 least one representative of service providers serving the lesbian,
15 gay, bisexual, and transgender community in connection with
16 domestic violence, and representatives of women's organizations,
17 law enforcement, and other groups involved with domestic
18 violence. At least one-half of the council membership shall consist
19 of domestic violence victims' advocates or battered women service
20 providers from organizations such as the California Partnership to
21 End Domestic Violence. It is the intent of the Legislature that the
22 council membership reflect the ethnic, racial, cultural, and
23 geographic diversity of the state, including people with disabilities.
24 The council shall be composed of no more than 13 voting members
25 and two nonvoting ex officio members who shall be appointed, as
26 follows:

27 (1) Seven voting members shall be appointed by the Governor.

28 (2) Three voting members shall be appointed by the Speaker of
29 the Assembly.

30 (3) Three voting members shall be appointed by the Senate
31 Committee on Rules.

32 (4) Two nonvoting ex officio members shall be Members of the
33 Legislature, one appointed by the Speaker of the Assembly and
34 one appointed by the Senate Committee on Rules. Any Member
35 of the Legislature appointed to the council shall meet with the
36 council and participate in its activities to the extent that
37 participation is not incompatible with his or her position as a
38 Member of the Legislature.

1 (c) The Cal EMA shall collaborate closely with the council in
2 developing funding priorities, framing the request for proposals,
3 and soliciting proposals.

4 (d) This section shall remain in effect only until January 1, 2015,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2015, deletes or extends that date.

7 SEC. 10. Section 13836.1 of the Penal Code is amended to
8 read:

9 13836.1. (a) The committee shall consist of 11 members. Five
10 shall be appointed by the executive director of the agency or
11 agencies designated by the Director of Finance pursuant to Section
12 13820, and shall include three district attorneys or assistant or
13 deputy district attorneys, one representative of a city police
14 department or a sheriff or a representative of a sheriff's department,
15 and one public defender or assistant or deputy public defender of
16 a county. Six shall be public members appointed by the
17 Commission on the Status of Women, and shall include one
18 representative of a rape crisis center, one expert on crimes against
19 persons with disabilities, and one medical professional experienced
20 in dealing with sexual assault trauma victims. The committee
21 members shall represent the points of view of diverse ethnic and
22 language groups.

23 (b) The requirement that the Commission on the Status of
24 Women appoint an expert on crimes against victims with
25 disabilities shall take effect upon the occurrence of the first vacancy
26 for a member appointed by the commission, other than the member
27 who represents a rape crisis center or the member who is a medical
28 professional, on or after January 1, 2011.

29 (c) Members of the committee shall receive no compensation
30 for their services but shall be reimbursed for their expenses actually
31 and necessarily incurred by them in the performance of their duties.
32 Staff support for the committee shall be provided by the agency
33 or agencies designated by the Director of Finance pursuant to
34 Section 13820.

35 SEC. 11. Section 13836.3 is added to the Penal Code, to read:

36 13836.3. The course of training pursuant to Section 13836 shall
37 include training on the special problems of investigating and
38 prosecuting the crimes specified in that section when committed
39 against individuals with disabilities.

40 SEC. 12. Section 14213 of the Penal Code is amended to read:

1 14213. (a) As used in this title, “missing person” includes, but
2 is not limited to, a child who has been taken, detained, concealed,
3 enticed away, or retained by a parent in violation of Chapter 4
4 (commencing with Section 277) of Title 9 of Part 1. It also includes
5 any child who is missing voluntarily or involuntarily, or under
6 circumstances not conforming to his or her ordinary habits or
7 behavior and who may be in need of assistance.

8 (b) As used in this title, “evidence that the person is at risk”
9 includes, but is not limited to, evidence or indications of any of
10 the following:

- 11 (1) The person missing is the victim of a crime or foul play.
- 12 (2) The person missing is in need of medical attention.
- 13 (3) The person missing has no pattern of running away or
14 disappearing.
- 15 (4) The person missing may be the victim of parental abduction.
- 16 (5) The person missing is mentally impaired.

17 (c) As used in this title, “child” is any person under the age of
18 18.

19 (d) As used in this title, “center” means the Violent Crime
20 Information Center.

21 (e) As used in this title, “dependent adult” is any person
22 described in subdivision (h) of Section 368, regardless of whether
23 the person lives independently.

24 (f) As used in this title, “dental or medical records or X-rays,”
25 include all those records or X-rays which are in the possession of
26 a dentist, physician and surgeon, or medical facility.

27 ~~SEC. 13. Section 4427 of the Welfare and Institutions Code is~~
28 ~~amended to read:~~

29 ~~4427. (a) When the department has reason to believe that any~~
30 ~~person held in custody as developmentally disabled is wrongfully~~
31 ~~deprived of his or her liberty, is cruelly or negligently treated, that~~
32 ~~inadequate provision is made for the skillful medical care, proper~~
33 ~~supervision, and safekeeping of that person, or is otherwise the~~
34 ~~victim of a crime, the department shall do either of the following:~~

35 ~~(1) Report the case immediately to the local police or sheriff's~~
36 ~~department that has jurisdiction.~~

37 ~~(2) Ascertain the facts. It may issue compulsory process for the~~
38 ~~attendance of witnesses and the production of papers, and may~~
39 ~~exercise the powers conferred upon a referee in a superior court.~~
40 ~~It may make such orders for the care and treatment of that person~~

1 as it deems proper. If the department ascertains that the person is
2 the victim of a crime, the department shall report the case
3 immediately to the local police or sheriff's department that has
4 jurisdiction.

5 (b) ~~Whenever the department undertakes an investigation into
6 the general management and administration of any establishment
7 or place of detention for the developmentally disabled, it may give
8 notice of such investigation to the Attorney General, who shall
9 appear personally or by deputy, to examine witnesses in attendance
10 and to assist the department in the exercise of the powers conferred
11 upon it in this code.~~

12 (c) ~~The department may at any time cause the patients of any
13 county or city almshouse to be visited and examined, in order to
14 ascertain if developmentally disabled persons are kept therein.~~

15 (d) ~~When the department has reason to believe that any person
16 with a developmental disability who receives community services
17 through a regional center has been the victim of a crime, the
18 department shall report the case immediately to the local police
19 or sheriff's department that has jurisdiction.~~

20 (e) ~~The reporting requirements of this section are in addition
21 to, and do not substitute for, the reporting requirements of
22 mandated reporters.~~

23 ~~SEC. 14.~~

24 *SEC. 13.* Section 4427.5 of the Welfare and Institutions Code
25 is amended to read:

26 4427.5. (a) (1) A developmental center shall immediately
27 report all resident deaths and serious injuries of unknown origin
28 to the appropriate local law enforcement agency, which may, at
29 its discretion, conduct an independent investigation.

30 (2) The reporting requirements of this subdivision are in addition
31 to, and do not substitute for, the reporting requirements of
32 mandated reporters.

33 (b) The department shall do both of the following:

34 (1) Annually provide written information to every developmental
35 center employee regarding all of the following:

36 (A) The statutory and departmental requirements for mandatory
37 reporting of suspected or known abuse.

38 (B) The rights and protections afforded to individuals' reporting
39 of suspected or known abuse.

40 (C) The penalties for failure to report suspected or known abuse.

1 (D) The telephone numbers for reporting suspected or known
2 abuse or neglect to designated investigators of the department and
3 to local law enforcement agencies.

4 (2) On or before August 1, 2001, in consultation with employee
5 organizations, advocates, consumers, and family members, develop
6 a poster that encourages staff, residents, and visitors to report
7 suspected or known abuse and provides information on how to
8 make these reports.

9 *SEC. 14. Section 15650 of the Welfare and Institutions Code*
10 *is amended to read:*

11 15650. (a) Investigation of reports of known or suspected
12 instances of abuse in long-term care facilities shall be the
13 responsibility of the *local law enforcement agency and the*
14 *long-term care ombudsman program*, for instances of physical and
15 financial abuse, the local law enforcement agency, and for instances
16 of potential criminal neglect in a long-term health care facility,
17 *the local law enforcement agency*, the long-term care ombudsman
18 program, and the bureau.

19 (b) Investigations of known or suspected instances of abuse
20 outside of long-term care facilities shall be the responsibility of
21 the county adult protective services agency ~~and the local law~~
22 ~~enforcement agency~~, unless another public agency is given
23 responsibility for investigation in that jurisdiction, *and the local*
24 *law enforcement agency*.

25 (c) The investigative responsibilities set forth in this section are
26 in addition to, and not in derogation of or substitution for, the
27 investigative and regulatory responsibilities of licensing agencies,
28 such as the State Department of Social Services Community Care
29 Licensing Division and the State Department of Health Services
30 Licensing and Certification Division and their authorized
31 representatives.

32 (d) Other public agencies involved in the investigation of abuse
33 or advocacy of respective client populations, or both, include, but
34 shall not be limited to, the State Department of Mental Health and
35 the State Department of Developmental Services. Other public
36 agencies shall conduct or assist in, or both, the investigation of
37 reports of abuse of elder and dependent adults within their
38 jurisdiction in conjunction with county adult protective services,
39 local ombudsman programs and local law enforcement agencies.

1 (e) Each county adult protective services agency shall maintain
2 an inventory of all public and private service agencies available
3 to assist victims of abuse, as defined by Section 15610.07. This
4 inventory shall be used to refer victims in the event that the county
5 adult protective services agency cannot resolve the immediate
6 needs of the victim, and to serve the victim on a long-term,
7 followup basis. The intent of this section is to acknowledge that
8 limited funds are available to resolve all suspected cases of abuse
9 reported to a county adult protective services agency.

10 (f) Each local ombudsman program shall maintain an inventory
11 of all public and private agencies available to assist long-term care
12 residents who are victims of abuse, as defined by Section 15610.07.
13 This inventory shall be used to refer cases of abuse in the event
14 that another agency has jurisdiction over the resident, the abuse is
15 verified and further investigation is needed by a law enforcement
16 or licensing agency, or the program does not have sufficient
17 resources to provide immediate assistance. The intent of this section
18 is to acknowledge that ombudsman responsibility in abuse cases
19 is to receive reports, determine the validity of reports, refer verified
20 abuse cases to appropriate agencies for further action as necessary,
21 and follow up to complete the required report information. Other
22 ombudsman services shall be provided to the resident, as
23 appropriate.

24 SEC. 15. Section 15654 of the Welfare and Institutions Code
25 is amended to read:

26 15654. (a) As described in subdivision (h) of Section 12528
27 of the Government Code, the bureau shall offer training programs
28 to local law enforcement and prosecutorial personnel in
29 investigating and prosecuting crimes against elders and dependent
30 adults, and to the State Department of Health Care Services, the
31 State Department of Social Services, the county adult protective
32 services agencies and to the long-term care ombudsman program
33 in evaluating and documenting criminal abuse against elders and
34 dependent adults.

35 (b) When producing new or updated training materials pursuant
36 to this section, the bureau shall consult with the Commission on
37 Peace Officer Standards and Training and other subject matter
38 experts. Any new or updated training materials shall address all
39 of the following:

1 (1) The jurisdiction and responsibility of law enforcement
2 agencies pursuant to Section 368.5 of the Penal Code.

3 (2) The fact that the protected classes of “dependent person” as
4 defined in Section 288 of the Penal Code and “dependent adult”
5 as defined in Section 368 of the Penal Code include many persons
6 with disabilities, regardless of the fact that most of those persons
7 live independently.

8 (3) Other relevant information and laws.

9 (c) When the bureau offers or provides new or updated training
10 materials pursuant to this section, the bureau also may inform the
11 agencies of other relevant training materials.

12 SEC. 16. Section 15763 of the Welfare and Institutions Code
13 is amended to read:

14 15763. (a) Each county shall establish an emergency response
15 adult protective services program that shall provide in-person
16 response, 24 hours per day, seven days per week, to reports of
17 abuse of an elder or a dependent adult, for the purpose of providing
18 immediate intake or intervention, or both, to new reports involving
19 immediate life threats and to crises in existing cases. The program
20 shall include policies and procedures to accomplish all of the
21 following:

22 (1) Provision of case management services that include
23 investigation of the protection issues, assessment of the person’s
24 concerns, needs, strengths, problems, and limitations, stabilization
25 and linking with community services, and development of a service
26 plan to alleviate identified problems utilizing counseling,
27 monitoring, followup, and reassessment.

28 (2) Provisions for emergency shelter or in-home protection to
29 guarantee a safe place for the elder or dependent adult to stay until
30 the dangers at home can be resolved.

31 (3) Establishment of multidisciplinary teams to develop
32 interagency treatment strategies, to ensure maximum coordination
33 with existing community resources, to ensure maximum access
34 on behalf of elders and dependent adults, and to avoid duplication
35 of efforts.

36 (b) (1) A county shall respond immediately to any report of
37 imminent danger to an elder or dependent adult in other than a
38 long-term care facility, as defined in Section 9701 of the Welfare
39 and Institutions Code, or a residential facility, as defined in Section
40 1502 of the Health and Safety Code. For reports involving persons

1 in a long-term care facility or a residential care facility, the county
2 shall report to the local long-term care ombudsman program. Adult
3 protective services staff shall consult, coordinate, and support
4 efforts of the ombudsman program to protect vulnerable residents.
5 Except as specified in paragraph (2), the county shall respond to
6 all other reports of danger to an elder or dependent adult in other
7 than a long-term care facility or residential care facility within 10
8 calendar days or as soon as practicably possible.

9 (2) An immediate or 10-day in-person response is not required
10 when the county, based upon an evaluation of risk, determines and
11 documents that the elder or dependent adult is not in imminent
12 danger and that an immediate or 10-day in-person response is not
13 necessary to protect the health or safety of the elder or dependent
14 adult.

15 (3) The State Department of Social Services, in consultation
16 with the County Welfare Directors Association, shall develop
17 requirements for implementation of paragraph (2), including, but
18 not limited to, guidelines for determining appropriate application
19 of this section and any applicable documentation requirements.

20 (4) Notwithstanding Chapter 3.5 (commencing with Section
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
22 the department shall implement the requirements developed
23 pursuant to paragraph (3) by means of all-county letters or similar
24 instructions prior to adopting regulations for that purpose.
25 Thereafter, the department shall adopt regulations in accordance
26 with the requirements of Chapter 3.5 (commencing with Section
27 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

28 (c) A county shall not be required to report or respond to a report
29 pursuant to subdivision (b) that involves danger to an elder or
30 dependent adult residing in any facility for the incarceration of
31 prisoners that is operated by or under contract to the Federal Bureau
32 of Prisons, the Department of Corrections and Rehabilitation, a
33 county sheriff's department, a county probation department, a city
34 police department, or any other law enforcement agency when the
35 abuse reportedly has occurred in that facility.

36 (d) A county shall provide case management services to elders
37 and dependent adults who are determined to be in need of adult
38 protective services for the purpose of bringing about changes in
39 the lives of victims and to provide a safety net to enable victims
40 to protect themselves in the future. Case management services

1 shall include the following, to the extent services are appropriate
2 for the individual:

3 (1) Investigation of the protection issues, including, but not
4 limited to, social, medical, environmental, physical, emotional,
5 and developmental.

6 (2) Assessment of the person's concerns and needs on whom
7 the report has been made and the concerns and needs of other
8 members of the family and household.

9 (3) Analysis of problems and strengths.

10 (4) Establishment of a service plan for each person on whom
11 the report has been made to alleviate the identified problems.

12 (5) Client input and acceptance of proposed service plans.

13 (6) Counseling for clients and significant others to alleviate the
14 identified problems and to implement the service plan.

15 (7) Stabilizing and linking with community services.

16 (8) Monitoring and followup.

17 (9) Reassessments, as appropriate.

18 (e) To the extent resources are available, each county shall
19 provide emergency shelter in the form of a safe haven or in-home
20 protection for victims. Shelter and care appropriate to the needs
21 of the victim shall be provided for frail and disabled victims who
22 are in need of assistance with activities of daily living.

23 (f) Each county shall designate an adult protective services
24 agency to establish and maintain multidisciplinary teams including,
25 but not limited to, adult protective services, law enforcement,
26 probation departments, home health care agencies, hospitals, adult
27 protective services staff, the public guardian, private community
28 service agencies, public health agencies, and mental health agencies
29 for the purpose of providing interagency treatment strategies.

30 (g) Each county shall provide tangible support services, to the
31 extent resources are available, which may include, but not be
32 limited to, emergency food, clothing, repair or replacement of
33 essential appliances, plumbing and electrical repair, blankets,
34 linens, and other household goods, advocacy with utility
35 companies, and emergency response units.

O