

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 12, 2001

ALL COUNTY LETTER NO. 01-40

TO: ALL COUNTY WELFARE DIRECTORS
ADULT PROTECTIVE SERVICES PROGRAM
MANAGERS

SUBJECT: INTERCOUNTY TRANSFER

REFERENCE: All County Letter No. 99-16
All County Letter No. 99-53
All County Letter No. 99-95
All County Letter No. 00-16

**REASON FOR THIS
TRANSMITTAL**

- State Law Change
- Federal Law or Regulation
Change
- Court Order
- Clarification Requested by
One or More Counties
- Initiated by CDSS

The purpose of this All County Letter (ACL) is to provide additional information and procedures for county adult protective services (APS) agencies regarding the intercounty transfer of APS program cases. This ACL also addresses the intercounty referral of closed cases. You will note the instructions refer to proposed Manual of Policies and Procedures Sections (e.g. Section 33-570). Until the regulations are adopted, you may find the necessary information in previous APS program ACLs referenced above.

For the purpose of the APS program, "Intercounty Transfer" refers to conveying the responsibility for an open APS case from one county to another. These instructions do not address joint investigation or cross reporting responsibilities, as those issues were previously discussed in ACL No. 00-16 (February 28, 2000) and are addressed in the Jurisdiction Chapter of the proposed regulations. Intercounty referral of a closed case refers to reporting known or suspected potential abuse to another APS agency. This situation occurs when a client moves after an APS case has been closed and the APS agency has reason to believe the abuse will occur or persist when the client moves.

INTERCOUNTY TRANSFER

Intercounty transfer is the process whereby the responsibility for an open APS case is transferred from one APS agency to another. An intercounty transfer occurs when a client moves from his or her permanent or temporary home in one county to make his or her permanent or temporary home in another county.

Example 1: Client makes his permanent home in County A. The abuse occurred in County A. Client is planning to move, or has moved his permanent home to County B, and will require continued adult protective services in County B.

Example 2: Client makes her permanent home in County A, but, the abuse occurred in County B while visiting relatives. The APS agency in County B investigated the report of known or suspected abuse or neglect and is currently providing case management services. Client will return to her permanent home in County A in two weeks, and will require continued case management services.

The intercounty transfer of an APS case is unlike the transfer of other public social services cases. An elder or dependent adult is eligible for the APS program when it is alleged that he/she has been abused, or it has been determined that he/she needs adult protective services. When an APS client moves from County A to County B, the client's eligibility for adult protective services does not automatically transfer with him/her. For example, the client's move from County A to County B may be a desired outcome in the client's service plan; hence, the client may not require services and therefore not be eligible for the APS program in County B.

A report of known or suspected abuse or neglect is the event that causes an elder's or dependent adult's entry into the APS program, and the point of origin for APS cases. For the purpose of data collection and eligibility determination, an intercounty transfer is initiated by the transferring county, and received and evaluated by the receiving county as a new report of known or suspected abuse or neglect. The report of known or suspected abuse or neglect investigated by the transferring county, which prompted the county to open the APS case, may serve as the foundation for the intercounty transfer abuse report. However, the intercounty transfer abuse report is considered a new report of known or suspected abuse or neglect, and must address the client's current situation and, if known, the consequences of the client's move to the receiving county.

DEFINITIONS

For the purpose of this ACL the following terms apply:

- "Transferring county" means the APS agency in the county the client is currently residing in and is leaving. This may be a permanent or temporary residence.
- "Receiving county" means the APS agency in the county the client is moving to. This may be a permanent or temporary move.

- "Open case" means an APS case record that is open and maintained for the purpose of investigating a report of known or suspected abuse or neglect, and/or providing case management services.
- "Report of known or suspected abuse or neglect" means either a verbal or written account of the incident of suspected elder/dependent adult abuse" that is recorded on the SOC 341.

TRANSFERRING AN OPEN CASE

The intercounty transfer of an open APS case must be made in the form of a report of known or suspected abuse or neglect. Please note, all applicable statutes governing processing and timelines for new reports of known or suspected abuse or neglect apply.

A. Transferring County Responsibilities

1. The transferring county shall initiate the case transfer by transmitting, by telephone or facsimile, a report of known or suspected abuse or neglect to the receiving county [SOC 341]. The report shall be made within five calendar days of notification of a client's move, with the following exceptions:
 - a. The case transfer shall be initiated immediately when the elder or dependent adult has already moved to another county and the transferring county reasonably suspects the client is in immediate or imminent danger, or
 - b. The case transfer shall be initiated immediately when the transferring county reasonably suspects the elder or dependent adult will be in immediate or imminent danger when he/she moves to another county.
2. The transferring county shall send the written report of known or suspected abuse or neglect, completed as specified in number 1 above, by mail to the receiving county within two working days of the telephone or facsimile report. The transferring county may request notification of receipt of the report of known or suspected abuse or neglect from the receiving county.
3. Within five working days of the initiation of the case transfer, the transferring county shall provide the receiving county with copies of essential information from the transferring county's APS case record, including but not limited to:
 - a. The report of known or suspected abuse or neglect that was received and investigated by the transferring county, and information contained therein. This is the report that formed the basis for the transferring county's investigation and the provision of adult protective services.

- b. Findings of the investigation conducted in response to the report of known or suspected abuse or neglect, received and investigated as specified in number 3a above.
 - c. Assessment and reassessments.
 - d. Service plan.
 - e. Case notes.
 - f. Other pertinent information, as determined by the transferring county.
4. The transferring county shall provide a complete copy of the case record to the receiving county APS agency upon request within seven calendar days, unless otherwise specified by the receiving county.
 5. The transferring county shall close the case in accordance with ACL No. 99-95 (December 17, 1999). Case closure is not dependent upon the receiving county's receipt or evaluation of the report of known or suspected abuse or neglect. Closing a case does not preclude the transferring county from cooperating with other agencies in the ongoing prosecution of a criminal case.

B. Receiving County Responsibilities

1. The receiving county shall receive and evaluate the case transfer as a new report of known or suspected abuse or neglect [SOC 341], and shall determine if the elder or dependent adult is eligible for the APS program. The receiving county is not obligated to open an APS case for every intercounty transfer abuse report.
2. When requested by the transferring county, the receiving county shall notify the transferring county of receipt of the report of known or suspected abuse or neglect.
3. The receiving county may request a copy of the transferring county's case record. Unless otherwise specified by the receiving county, the copy of the case record will be sent within seven calendar days.

REFERRING A CLOSED CASE

The process for the intercounty referral of a closed case is similar to the process for an intercounty transfer of an open case, and is therefore included in this ACL. The intercounty referral of a closed case is intended to address situations when an APS case was closed in accordance with ACL No. 99-95 (December 17, 1999); however, protective issues persisted at the time of closure. Such circumstances may arise when the elder or dependent adult who is the subject of a report of known or suspected abuse or neglect refuses or withdraws consent to adult protective services. Given the elder's or dependent adult's right to refusal [Welfare and Institutions Code Section 15636(a)],

an APS agency may appropriately close a case even though it appears the client may be in need of continued case management services.

The intercounty referral is not required for all closed cases, but is based on the premise that county APS workers are mandated reporters. When an APS worker has knowledge of or reasonably suspects that abuse of an elder or dependent adult will occur when he/she moves to the receiving county, the APS worker has a duty to initiate a report of known or suspected abuse or neglect. The APS worker's reasonable suspicion may be based on information available at the time of case closure. The APS worker in the transferring county is not required to re-open the case or conduct an assessment prior to making the referral.

A. Transferring County Responsibilities

1. When the transferring county initiates a closed case referral, it must be made in the form of a report of known or suspected abuse or neglect [SOC 341], initiated by telephone or facsimile, within five calendar days of notification of a client's move.
2. The transferring county shall send the written report, specified in A1 above, by mail within two working days of the telephone or facsimile report.
3. The transferring county shall make the closed case record available to the receiving county upon request.

B. Receiving County Responsibilities

1. The receiving county shall receive and evaluate the case transfer as a new report of known or suspected abuse or neglect [SOC 341].
2. The receiving county may request a copy of the transferring county's case record.

Should you have any questions regarding this ACL, you may contact your Adult Protective Services Bureau analyst at (916) 229-0323.

Sincerely,

***Original Document Signed By
Donna L. Mandelstam on 7/12/01***

DONNA L. MANDELSTAM
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Disability and Adult Programs Division