

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 04, 2003

ALL-COUNTY LETTER NO. 03-07

TO: ALL COUNTY WELFARE DIRECTORS
ADULT PROTECTIVE SERVICES PROGRAM
MANAGERS

SUBJECT: ASSEMBLY BILL 444

REASON FOR THIS TRANSMITTAL

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

REFERENCE: [ALL COUNTY LETTER \(ACL\) NO. 02-15 \(FEBRUARY 4, 2002\)](#)
[WELFARE AND INSTITUTIONS CODE SECTION 15763\(b\)\(2\)](#)

This ACL provides information on changes to Adult Protective Services (APS) Program law due to the passage of Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002). These changes became effective on September 28, 2002. As required by AB 444 this ACL provides the APS program criteria governing determinations by county APS agencies that an immediate or 10-day response to an abuse report is not necessary.

AB 444 PROVISIONS

California Welfare and Institutions Code (WIC) Section 15763(b) governs county APS response requirements to reports of abuse. Senate Bill (SB) 1003 (Chapter 670, Statutes of 1999) previously amended Section 15763(b), as did last year's Budget Trailer Bill, AB 429 (Chapter 111, Statutes of 2001). AB 444 amended Section 15763(b)(3).

WIC, Section 15763 (b)(2) provides that the legally-required immediate or ten-day in-person response by a county APS agency is not required if the elder or dependent adult is not in imminent danger and an immediate or ten day in-person response is not necessary to protect the health or safety of the elder or dependent adult. The determination that the elder or dependent adult is not in imminent danger and that an immediate or ten-day in-person response is not necessary must be based on a documented evaluation of risk by the county APS agency.

AB 444 amended Section 15763(b)(3) to strike the language that specified the factors to be included and documented by a county in evaluating risk and determining the need for an in-person response to an abuse report. AB 444 added new language at 15763(b)(3) to require that the California Department of Social Services (CDSS), in consultation with the County Welfare Directors Association (CWDA) develop requirements for implementing Section 15763 (b)(2). As amended by AB 444, Section 15763(b)(3) provided that the requirements to be developed were to include, but not be limited to, guidelines for determining the appropriate

application of Section 15763(b)(2) and any applicable documentation requirements.

AB 444 also amended Section 15763(b) to add subparagraph (b)(4) to provide that prior to adopting regulations CDSS implement by ACL or similar means the requirements developed under the provisions of 15763(b)(3).

STATE/COUNTY AB 444 WORKGROUP

To provide for consultation with CWDA, a State/county AB 444 workgroup was established. The workgroup was made up of CDSS APS Bureau staff members, CWDA representatives -- including at least one county APS staff member from all four regions, and CDSS Research and Development Division (RADD) staff.

The AB 444 workgroup met four times to:

1. Develop criteria to implement WIC Section 15763 (b)(2),
2. Modify the ADULT PROTECTIVE SERVICES AND COUNTY SERVICES BLOCK GRANT STATISTICAL REPORT (SOC 242) form, and
3. Clarify the definitions used in the SOC 242 instructions.

Counties should note that WIC Section 15763 (b)(2) authorizes counties to make a determination that an immediate or 10-day visit in response to an abuse report is not necessary. Counties are not required by the law to adopt this process if they intend to provide responses to all abuse reports under APS jurisdiction in accordance with WIC, Section 15763(b)(1).

Following consultation with CWDA the following requirements were established to implement WIC Section 15763 (b)(2):

- An APS case will be opened for all abuse reports received, including those that are determined not to need an immediate or ten-day in-person investigation. Accordingly, established new case documentation requirements will apply to cases in which no in-person or 10-day visit is made under the provisions of WIC 15763(b)(2). [Ref: MPP 33-805, 33-510.3, 33-525 and 33-535]
- The AB 15763(b)(2) cases will be referred to as “No Initial Face-to-Face Investigation” (NIFFI) cases.
- NIFFI cases require collateral contacts to ensure that the alleged victim is not in imminent danger and that the case falls into one of the categories in item 28A-E in Part I on the revised SOC 242. Established case documentation requirements relating to collateral visits will apply to WIC 15763(b)(2) cases. [Ref: MPP 33-805, 33-510.3, 33-525 and 33-535]
- NIFFI cases require supervisory approval as specified in the Manual of Policies and Procedures, Division 33, Section 33-510.3. Evidence of supervisory approval will be documented in the case. [Ref: MPP 33-510.32]

SOC 242 CHANGES

The criteria developed to implement WIC Section 15763 (b)(2) resulted in changes to the SOC 242 to Parts: C, E, F and I.

Revisions were also made to Parts A, B and G to incorporate format standards, to make the form and instructions easier to read and understand, and to provide more uniformity among CDSS data reporting forms.

No changes were made to Parts D and H and these sections remain the same as on the February 2002 version of the form.

The changes made to Parts: A, B, C, E, F, G and I are as follows:

- Part A: Two new line items were added as subsets to line 1, “Cases carried forward from last month.” These are line items 1a “Item 6 from last month” and line 1b “Adjustments to Item 1a.”
- Part B: Line Item 8 from the February 2002 report was renumbered as line item 7b. Both lines 7a and 7b are independent subsets of line Item 7. As a result of this renumbering, all subsequent line item numbers were also altered.
- Part C: A change was made in the title, deleting “in-person.” Since NIFFI cases opened under the NIFFI case criteria are not required to have an in-person response, investigation findings may or may not result from an in-person investigation.
- Part E: Will not include a count of NIFFI cases in this section. Support services will only be provided in cases in which an in-person investigation has been conducted and support services have been determined to be needed. Support services are not to be provided in cases where no in-person investigation has been conducted.
- Part F: The Information and Referral (I&R) section has been moved out from under the CSBG heading due to a change in statute brought about by last year’s Budget Trailer Bill, AB 429, which struck I&R as a service to be provided with CSBG funds. However, I&R services can still be provided to APS clients with CSBG funds as protective services to adults and should continue to be counted in Part F, regardless of the funding source used to provide such services.
- Part G: Two new line items were added as subsets to line 20, “Cases carried forward from last month.” These are line Items 20a “Item 24 from last month,” and line 20b “Adjustments to Item 20a.”
- Part I: Title changed to “Supplemental Information.”
- Item #26 is used to determine which counties implement AB 444 (since it is not mandatory).
- Item #27 is used to determine the number of reports that were evaluated and no in-person response made in the report month. This number is a repeat of Part C, Item 8, cell 33 and 34. It captures all APS reports that were evaluated and determined not to need an in-person response under the criteria in Section 33-510.2 of the APS

Regulations.

- Item #28 is used to determine the total number of reports that became cases in which NIFFI was made under WIC Section 15763 (b)(2) guidelines (Items 28a through 28e). This number represents the number of NIFFI cases opened in the report month.
- Item #29 is used to determine the number of NIFFI cases that later resulted in an in-person investigation that was conducted during the report month. A subsequent in-person investigation conducted during the report month is counted in Item 29 regardless of whether or not the abuse report was determined to be a NIFFI case in the report or a previous month.

The SOC 242 form and instructions document have been changed to reflect the new criteria, as well as to meet departmental formatting requirements. Additional definitions have also been added to the SOC 242 instructions as a result of the efforts of the workgroup.

A copy of the revised form and instructions are attached and available on the [CDSS RADD](#) web site. The SOC 242 continues to be due on the 20th calendar day after the report month. Therefore, the first revised report (February 2003 report month) is due on or before March 20, 2003.

Reports should be sent to:

California Department of Social Services
Data Systems and Survey Design Bureau, MS 9-081
P.O. Box 944243
Sacramento, CA 94244-2430
FAX (916) 657-2074

Any questions regarding completion of the SOC 242 should be directed to Tom Nguyen of the Data Systems and Survey Design Bureau at (916) 654-1230. Any questions regarding this ACL or the APS Program in general, should be directed to your assigned APS Bureau analyst at (916) 229-0323.

Sincerely,

Original Signed By
DONNA L. MANDELSTAM on 2/4/03

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division

Attachments

[Adult Protective Services and County Services Block Grant Monthly Statistical Report \(SOC 242\)](#)