

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



May 28, 2003

**ERRATA**

TO: ALL COUNTY WELFARE DIRECTORS  
ALL ADULT PROTECTIVE SERVICES (APS) PROGRAM MANAGERS

**SUBJECT: CORRECTION TO ALL COUNTY LETTER (ACL) 03-07**

REFERENCE: ACL No. 03-07 (February 4, 2003)

This Errata makes corrections to ACL 03-07 which contained information on changes to Adult Protective Services (APS) Statute due to the passage of Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002). These changes became effective on September 28, 2002.

ACL 03-07 provided the APS program criteria governing determinations by county APS agencies that an immediate or 10-day response to an abuse report is not necessary under the provisions of Welfare and Institutions Code 15763.

Corrections:

- Form revision date should and now reads 01/03 instead of 02/03.
- The page break before pages one and two, on the revised SOC 242 form, has been adjusted so that it comes just before the "ADULT PROTECTIVE SERVICES (CONTINUED)" heading.
- Page two, first bullet is clarified as follows: No "new" case criteria has been established for No Initial Face-to-Face Investigation (NIFFI) cases, the second sentence should not have contained the word "new." NIFFI cases are bound by the same requirements as all APS cases as specified in Division 33 Regulations with the exception of an immediate or 10-day in-person response. However, if a NIFFI case is open 30 days or longer, an in-person visit must be made as required in Division 33-545.4.
- In addition, not all APS reports will become cases as stated in the first sentence of the first bullet on page two. Reports that are not within APS jurisdiction or that fall under the criteria in Division 33-510.21, through .24 will not become cases. In addition, reports received within the last nine days of a

report month that do not require an immediate in-person response will also not be opened as a case in the report month and would be reported in Part C, line 8.

- Part E, Item 18a. should read: “Of the cases in item 18, number of cases receiving transportation services.”
- The definition in the SOC 242 Instructions included language for out of Home Care-Adults specifying a funding source for payment of such services that is not in Division 30 Regulations. The instruction document has been changed to reflect the exact language in Division 30.

If you have any questions regarding this letter, please contact the APS Bureau at (916) 229-0323.

Attachments

# Adult Protective Services and County Services Block Grant Monthly Statistical Report

SEND ONE COPY OF THIS REPORT TO:  
California Department of Social Services  
Data Systems and Survey Design Bureau, M.S. 9-081  
P.O. Box 944243  
Sacramento, CA 94244-2430  
FAX: (916) 657-2074

COUNTY NAME	REPORT MONTH AND YEAR
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**ADULT PROTECTIVE SERVICES**

<b>PART A. CASELOAD MOVEMENT</b>	ELDER	DEPENDENT ADULT
1. Cases carried forward from last month (Item 1a plus Item 1b).....	1	2
a. Item 6 from <b>last month</b> .....	3	4
b. Adjustment to Item 1a (Positive or negative number).....	5	6
2. Cases opened during the month.....	7	8
3. Total number of active cases during the month (Item 1 plus Item 2).....	9	10
4. Cases closed during the month (Items 4a through 4e).....	11	12
Enter the number of cases closed by length of service at the time of closure		
a. Less than one month.....	13	14
b. One month or more, but less than two months.....	15	16
c. Two months or more, but less than three months.....	17	18
d. Three months or more, but less than six months.....	19	20
e. Six months or more.....	21	22
5. Of the number of cases in Item 4, cases closed as a result of client refusing services during the month.....	23	24
6. Cases carried forward to next month (Item 3 minus Item 4).....	25	26

<b>PART B. REPORTS TO APS - UNDUPLICATED</b>	ELDER	DEPENDENT ADULT
7. Reports of alleged abuse received during the month.....	27	28
a. Of the number of reports in Item 7, reports of alleged abuse received after business hours.....	29	30
b. Of the number of reports in Item 7, reports of alleged abuse within APS jurisdiction.....	31	32

<b>PART C. INVESTIGATION FINDINGS - UNDUPLICATED</b>	ELDER	DEPENDENT ADULT
8. Reports evaluated and no in-person investigation was made during the month.....	33	34
9. Investigations completed during the month (Items 9a through 9c).....	35	36
a. Investigated: Abuse confirmed.....	37	38
b. Investigated: Abuse inconclusive.....	39	40
1) Of the number in Item 9b, total reports where no services were provided.....	41	42
c. Investigated: Abuse unfounded.....	43	44
10. Immediate investigations completed during the month.....	45	46
11. Investigations conducted during the month after business hours requiring on-call worker to respond.....	47	48

<b>PART D. TYPES OF ABUSE</b>	INCONCLUSIVE		CONFIRMED	
	ELDER	DEPENDENT ADULT	ELDER	DEPENDENT ADULT
12. Unduplicated investigated reports of self-neglect during the month.....	49	50	51	52
13. Types of self-neglect during the month (Items 13a through 13e).....	53	54	55	56
a. Physical care (e.g. personal hygiene, clothing, shelter).....	57	58	59	60
b. Medical care (e.g. physical and mental health needs).....	61	62	63	64
c. Health and safety hazards (e.g. failure to protect oneself from risk, danger, or harm).....	65	66	67	68
d. Malnutrition/dehydration (e.g. inadequate nutrition or nourishment).....	69	70	71	72
e. Financial (e.g. inability to manage one's personal finances).....	73	74	75	76
14. Unduplicated investigated reports of abuse perpetrated by others during the month.....	77	78	79	80
15. Types of abuse perpetrated by others during the month (Items 15a thru 15h).....	81	82	83	84
a. Physical.....	85	86	87	88
b. Sexual.....	89	90	91	92
c. Financial.....	93	94	95	96
d. Neglect.....	97	98	99	100
e. Abandonment.....	101	102	103	104
f. Isolation.....	105	106	107	108
g. Abduction.....	109	110	111	112
h. Psychological/Mental.....	113	114	115	116

COUNTY NAME	REPORT MONTH AND YEAR
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**ADULT PROTECTIVE SERVICES (CONTINUED)**

<b>PART E. SUPPORT SERVICES (IN-PERSON)</b>	ELDER	DEPENDENT ADULT
16. Cases receiving emergency shelter during the month.....	117	118
a. Number of days emergency shelter was provided.....	119	120
17. Cases receiving temporary in-home protection during the month.....	121	122
a. Number of hours temporary in-home protection was provided.....	123	124
18. Cases receiving tangible or non-tangible support services during the month.....	125	126
a. Of the cases in Item 19, number of cases receiving transportation services.....	127	128

<b>PART F. INFORMATION AND REFERRAL</b>	RESPONSES
19. Number of responses to requests for information and referral during the month.....	129

**COUNTY SERVICES BLOCK GRANT**

<b>PART G. OUT-OF-HOME CARE ADULTS (OHC-A)</b>	CASES
20. Cases carried forward from last month (Item 20a plus Item 20b).....	130
a. Item 24 from <b>last month</b> .....	131
b. Adjustment to Item 20a (Positive or negative number).....	132
21. Cases opened during the month.....	133
22. Cases active during the month (Item 20 plus Item 21).....	134
23. Cases closed during the month.....	135
24. Cases carried forward to next month (Item 22 minus Item 23).....	136

<b>PART H. OPTIONAL SERVICES</b>	CASES
25. Cases receiving optional services during the month.....	137

**NO INITIAL FACE-TO-FACE INVESTIGATION (NIFFI) [WIC 15763(b)(2)]**

<b>PART I. SUPPLEMENTAL INFORMATION</b>	
26. Does your county implement the provisions of no initial face-to-face investigation [WIC 15763(b)(2)]? IF YES: Complete Items 27, 28 and 29.	YES <input type="checkbox"/> NO <input type="checkbox"/>
27. Number of reports evaluated and no in-person response made during the month (Item 8 [Cell 33 plus Cell 34]).....	138
28. Of the number of reports in Item 27, the number that became cases in which no initial face-to-face investigation was made under WIC 15763(b)(2) guidelines (Items 28a through 28e).....	139
a. Receiving intervention from another agency/resource.....	140
b. Protection issue resolved.....	141
c. Placed in a permanent facility.....	142
d. Report received from a non-credible source.....	143
e. Other (Explain in COMMENTS section).....	144
29. Of the cases in Item 28, the number that resulted in a face-to-face investigation during the month.....	145

COMMENTS

CONTACT PERSON (Print)	TELEPHONE	DATE COMPLETED
TITLE/CLASSIFICATION	FAX	

**ADULT PROTECTIVE SERVICES AND  
COUNTY SERVICES BLOCK GRANT  
MONTHLY STATISTICAL REPORT  
SOC 242 (01/03)**

**INSTRUCTIONS**

**CONTENT**

The monthly SOC 242 report contains statistical information on the Adult Protective Services (APS) and County Services Block Grant (CSBG) programs. Data collected relating to the CSBG includes Out-of-Home Care Adults (OHC-A) and Optional Services. Data collected relating to the APS Program includes reports of elder and dependent adult abuse that occurred in other than long-term care facilities, state mental health hospitals, or state developmental centers.

**PURPOSE**

The SOC 242 meets the mandate set for Senate Bill 160 (Peace), 1999-2000 Budget, Chapter 50, Statutes of 1999 and Senate Bill 2199 (Lockyer), Chapter 946, Statutes of 1998 (Welfare and Institutions Code section 15658). This report also provides county, state and federal entities with information needed for budgeting, staffing, program planning, and other purposes.

**DUE DATE AND CONTACT**

The County Welfare Department (CWD) is responsible for ensuring that this report is fully and accurately completed. If portions of the report are completed by more than one entity within the CWD and/or outside agencies, the contact person responsible for submitting the report to the state shall review the report for completeness and accuracy prior to submittal. Reports are to be received on or before the 20<sup>th</sup> calendar day of the month following the report month. Fax or mail reports to:

California Department of Social Services  
Data Systems and Survey Design Bureau, M.S. 9-081  
P.O. Box 944243  
Sacramento, CA 94244-2430

**FAX: (916) 657-2074**

Report data and the report's form and instructions are available on the California Department of Social Services (CDSS), Research and Development Division (RADD) web site at:  
<http://www.dss.cahwnet.gov/research/>. Copies may be printed from the web site.

If you have questions regarding this report, contact Data Systems and Survey Design Bureau (DSSDB) at (916) 651-8269.

**GENERAL INSTRUCTIONS**

Enter in the boxes provided near the top of each page of the form the county name and the report month and year.

Enter the data required for each item. If there is nothing to report for an item, enter "0". **Do not leave any items blank.**

Enter in the boxes at the end of the form the name, job title or classification, telephone and fax number of the person to contact if there are questions about the report. This person may or may not be the person who completed the report. Enter the date the report was completed.

## GENERAL INSTRUCTIONS CONTINUED

The SOC 242 collects data concerning reports of elder and dependent adult abuse that occurred in a setting other than a long-term care facility. Do not include on the SOC 242 reports of abuse which occurred in long-term care facilities, such as skilled nursing and residential care facilities for the elderly (either licensed or unlicensed), or in state mental health hospitals or state developmental centers, except when APS staff participated in the evaluation and investigation of an incident of abuse in these facilities.

## DEFINITIONS

Abuse of an Elder and Dependent Adult: As defined in Welfare and Institutions Code (WIC) 15610.07: “Abuse of an elder or a dependent adult’ means either of the following: (a) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering. (b) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.”

Active Case: A case that is open in the report month.

Case: A report that falls within the APS jurisdiction that is investigated or for which an investigation has been attempted, even if it is determined that services are not necessary. A case is equal to a person. Do not include an investigation of a new allegation on an open case. This definition does not include any reports that meet the criteria of Division 33 Regulations 33-510.21 to 33-510.24.

Allegation: An assertion made by a party which may or may not be proven.

Confirmed: Based on an investigation accompanied with credible evidence, a decision is made that abuse occurred or most likely occurred.

Dependent Adult: As defined in WIC 15610.23:

“(a) ‘Dependent adult’ means any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age.

(b) ‘Dependent adult’ includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.”

Elder: As defined in WIC 15610.27: “Elder means any person residing in this state, 65 years of age or older.”

Emergency Shelter: Temporary lodging provided to the extent resources are available, for a client of alleged abuse to reside until a safe and secure environment can be established.

Evaluation: The preliminary activities performed on a report of abuse to determine if an investigation is required.

Immediate Investigation: An immediate in-person face-to-face response that is provided in emergency situations to new reports of immediate life threatening circumstances or imminent danger to an elder or dependent adult or to a crisis in an existing case.

Crisis in existing case: A change in the circumstances/conditions where the existing protective, supportive, or remedial measures will not protect the elder or dependent adult from risk of serious harm.

## DEFINITIONS CONTINUED

Immediate life threat: The elder or dependent adult is presently at risk of serious physical harm, injury or death, through either his/her own action(s) or inaction, or at the hands of another person.

Imminent danger: A substantial probability that an elder or dependent adult is in imminent or immediate risk of death or serious physical harm, through either his/her own action(s) or inaction, or at the hands of another person.

In-Home Protection: Services provided in-home to ensure the protection and safety of an elder or dependent adult that is a victim of abuse.

Inconclusive: APS has investigated and there is insufficient evidence to determine that abuse occurred, but the report is not unfounded.

Information and Referral: As defined in Manual of Policies and Procedures (MPP), Division 30, Section 30-050: "Activities provided by social work staff and/or contracted agencies which enable persons to have accurate and current knowledge about available public and private resources established to help alleviate socio-economic and health problems; and which provide short-term help to enable persons to identify and gain access to resources appropriate to their needs."

In-person investigation: A face-to-face investigation regarding a specific incident of abuse of an elder or dependent adult.

Investigation: As defined in WIC 15610.40: "Investigation' means that activity undertaken to determine the validity of a report of elder or dependent adult abuse."

Investigated Report: A report that has been investigated and the allegation found to be confirmed, inconclusive or unfounded.

No Initial Face-to-Face Investigation (NIFFI) Case: A case in which an initial in-person investigation was not done under the guidelines of WIC 15763(b)(2).

On-Call Worker: An APS worker who is on-call after the county's regular established business hours and who is available and qualified to respond by telephone or in-person to allegations of abuse received after business hours.

Optional Services: A variety of social service programs which are not mandated by Federal or State law.

Examples of Optional Services Programs include but are not limited to the following:

- Special Care for Children in Their Own Homes
- Home Management and other Functional Educational Services
- Employment/Education Training
- Services for Children with Special Problems
- Services to Alleviate or Prevent Family Problems
- Sustenance; Housing Referral Services
- Legal Referral Services
- Diagnostic Treatment Services for Children
- Special Services for Blind
- Special Services for Adults
- Services for Disabled Individuals

## DEFINITIONS CONTINUED

Out-Of-Home Care-Adults: As defined in MPP 30-602.1, 30-602.2 - activities and purchases by social services staff on behalf of adults who cannot remain in their own homes or other independent living arrangements, and are in or are being considered for placement in out-of-home-care facilities. Such activities include providing necessary assistance with placement, care, adjustment, discharge or transfer into and from foster family settings, halfway houses, non-medical out-of-home care facilities, and medical facilities.

Report: A verbal or written account of an incident of suspected elder or dependent adult abuse that is received by the county.

Self-Neglect: Failure of an individual to provide or receive needed services due to ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health. The separate types are as follows:

- Physical Care: Failure to provide personal hygiene, clothing, or shelter for oneself.
- Medical Care: Failure to obtain medical care for physical, mental, or health needs. No APS client shall be deemed neglected or abused for the sole reason that he/she voluntarily relies on treatment by spiritual means through prayer in lieu of medical treatment.
- Health and Safety Hazards: Failure to protect oneself from risk, danger, or harm thus causing a threat to one's health or safety, including risk of suicide and unsafe environment.
- Malnutrition/Dehydration: Depriving oneself of adequate nutrition or nourishment.
- Financial: Failure to protect one's money or property.

Tangible and Non-tangible Support Services: Services that can be provided but are not limited to:

- Emergency food
- Clothing
- Repair or replacement of essential appliances
- Plumbing and electrical repair
- Blankets, linens, and other household goods
- Advocacy with utility companies
- Transportation
- Emergency response units, such as LifeLine, ambulances, etc.

Unduplicated: If more than one report of the same incident of abuse is received concerning a specific elder or dependent adult, the report would be considered as one report. If a second report for the same victim is received with a different allegation(s) of abuse, the report is not considered a duplicate report. Additionally, if a subsequent report for the same victim is received with the same allegation(s) of abuse, but the time or place where the alleged abuse took place is different, this report is not considered as a duplicate report.

Unfounded: APS has investigated and concluded abuse did not occur.

Perpetrated by Others: Abuse of an elder or dependent adult. The types of abuse perpetrated by others are as follows:

- Physical Abuse: As defined in WIC 15610.63: "(a) Assault, as defined in Section 240 of the Penal Code. (b) Battery, as defined in Section 242 of the Penal Code. (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code. (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water. (e) Sexual assault, that means any of the following: (1) Sexual battery, as defined in Section 243.4 of the Penal Code. (2) Rape, as defined in Section 261 of the Penal Code. (3) Rape in concert, as described in



**DEFINITIONS CONTINUED**

Section 264.1 of the Penal Code. (4) Spousal rape, as defined in Section 262 of the Penal Code. (5) Incest, as defined in Section 285 of the Penal Code. (6) Sodomy, as defined in Section 286 of the Penal Code. (7) Oral copulation, as defined in Section 288a of the Penal Code. (8) Sexual penetration, as defined in Section 289 of the Penal Code. (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions: (1) For punishment. (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given. (3) For any purpose not authorized by the physician and surgeon.”

- **Sexual Abuse:** As defined in California Penal Code (PC) Sections 243.4, 261, 262, 264.1, 286, 288a, and 289: “PC 243.4: (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000). (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000). (c) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000). (d) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full. (2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (e) As used in subdivisions (a), (b), and (c), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense. (f) As used in this section, the following terms have the following meanings: (1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female. (2) "Sexual battery" does not include the crimes defined in Section 261 or 289. (3) "Seriously disabled" means a person with severe physical or sensory disabilities. (4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication. (5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital. (6) "Minor" means

**DEFINITIONS CONTINUED**

a person under 18 years of age. (g) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section. (h) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing. (i) A person who commits a violation of subdivision (a), (b), or (c) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

“PC 261: (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused. (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (A) Was unconscious or asleep. (B) Was not aware, knowing, perceiving, or cognizant that the act occurred. (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (5) Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. (b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress. (c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

“PC 262: (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances: (1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused. (3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (A) Was unconscious or asleep. (B) Was not aware, knowing, perceiving, or cognizant that the act occurred. (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Where the act is accomplished against the victim's will by threatening

**DEFINITIONS CONTINUED**

to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. (5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. (b) Section 800 shall apply to this section. However, no prosecution shall be commenced under this section unless the violation was reported to medical personnel, a member of the clergy, an attorney, a shelter representative, a counselor, a judicial officer, a rape crisis agency, a prosecuting agency, a law enforcement officer, or a firefighter within one year after the date of the violation. This reporting requirement shall not apply if the victim's allegation of the offense is corroborated by independent evidence that would otherwise be admissible during trial. (c) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress. (d) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another. (e) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements: (1) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000). (2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

"PC 264.1: The provisions of Section 264 notwithstanding, in any case in which the defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim, committed an act described in Section 261, 262, or 289, either personally or by aiding and abetting the other person, that fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, the defendant shall suffer confinement in the state prison for five, seven, or nine years.

"PC 285: Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

**DEFINITIONS CONTINUED**

“PC 286: (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy. (b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. (2) Except as provided in Section 288, any person over the age of 21 years who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony. (c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (2) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (3) Any person whom commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate *in the future against the victim or any other person*, and there is a reasonable possibility that the perpetrator will execute the threat shall be punished by imprisonment in the state prison for three, six, or eight years. (d) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat shall be punished by imprisonment in the state prison for five, seven, or nine years. (e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. (f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. (h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent. (i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years. (j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years. (k) Any person who commits an act of sodomy, where the

**DEFINITIONS CONTINUED**

act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. (l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death. (m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

"PC 288a: Any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

"PC 289: a) (1) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years. (b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent. (c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent. (d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been

**DEFINITIONS CONTINUED**

known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. (f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. (g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. (h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in the county jail for a period of not more than one year. (i) Except as provided in Section 288, any person over the age of 21 years who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony. (j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (k) As used in this section: (1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal openings of any person or causing another person to so penetrate the defendant's or another person's genital or anal openings for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object. (2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ. (3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body. (l) As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death. (m) As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal openings of the defendant or another person or whose genital or anal openings are caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section."

- **Financial Abuse:** As defined in WIC 15610.3: "(a) 'Financial abuse' of an elder or dependent adult occurs when a person or entity does any of the following: (1) Takes, secretes, appropriates, or retains real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both. (2) Assists in taking, secreting, appropriating, or retaining real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both. (b) A person or entity shall be deemed to have taken, secreted, appropriated, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates or retains possession of property in bad faith. (1) A person or entity shall be deemed to have acted in bad faith if the person or entity knew or should have known that the elder or dependent adult had the right to have the property transferred or made readily available to the elder or dependent adult or to his or her representative. (2) For purposes of this section, a person or entity should have known of a right specified in paragraph (1) if, on the basis of the information received by the person or entity or the person or entity's authorized third party, or both, it is obvious to a reasonable person that the elder or dependent adult has a right specified in paragraph (1). (c) For purposes of this section, "representative" means a person or entity that is either of the following: (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult. (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney."

**DEFINITIONS CONTINUED**

- **Neglect:** As defined in WIC 15610.57: “(a) ‘Neglect’ means either of the following: (1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise. (2) The negligent failure of an elder or dependent adult to exercise that degree of self-care that a reasonable person in a like position would exercise. (b) Neglect includes, but is not limited to, all of the following: (1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter. (2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment. (3) Failure to protect from health and safety hazards. (4) Failure to prevent malnutrition or dehydration. (5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.”
- **Abandonment:** As defined in WIC 15610: “‘Abandonment’ means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.”
- **Isolation:** As defined in WIC 15610.43: “(a) ‘Isolation’ means any of the following: (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls. (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons. (3) False imprisonment, as defined in Section 236 of the Penal Code. (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors. (b) The acts set forth in subdivision (a) shall be subject to a reputable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care. (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safety.”
- **Abduction:** As defined in WIC 15610.06: “‘Abduction’ means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.”
- **Psychological/Mental:** As defined in WIC 15610.53: “‘Mental suffering’ means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts performed or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress of the elder or dependent adult.”

**Welfare and Institutions Code 15763:** “(a) Each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, seven days per week, to reports of abuse of an elder or a dependent adult, for the purpose of providing immediate intake or intervention, or both, to new reports involving immediate life threats and to crises in existing cases. The program shall include policies and procedures to accomplish all of the following: (1) Provision of case management services that include investigation of the protection issues, assessment of the person’s concerns, needs, strengths, and

## DEFINITIONS CONTINUED

limitations, problems, stabilization and linking with community services, and development of a service plan to alleviate identified problems utilizing counseling, monitoring, follow-up, and reassessment. (2) Provisions for emergency shelter or in-home protection to guarantee a safe place for the elder or dependent adult to stay until the dangers at home can be resolved. (3) Establishment of multidisciplinary teams to develop interagency treatment strategies, to ensure maximum coordination with existing community resources, to ensure maximum access on behalf of elders and dependent adults, and to avoid duplication of efforts. (b) (1) A county shall respond immediately to any report of imminent danger to an elder or dependent adult residing in other than a long-term care facility, as defined in Section 9701 of the Welfare and Institutions Code, or a residential facility, as defined in Section 1502 of the Health and Safety Code. For reports involving persons residing in a long-term care facility or a residential care facility, the county shall report to the local long-term care ombudsman program. Adult protective services staff shall consult, coordinate, and support efforts of the ombudsman program to protect vulnerable residents. Except as specified in paragraph (2) the county shall respond to all other reports of danger to an elder or dependent adult in other than a long term care facility or residential care facility within 10 calendar days or as soon as practicably possible. (2) An immediate or 10-day in-person response is not required when the county, based upon an evaluation of risk, determines and documents that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult. (3) The State Department of Social Services, in consultation with the County Welfare Directors Association, shall develop requirements for implementation of paragraph (2), including, but not limited to, guidelines for determining appropriate application of this section and any applicable documentation requirements. (4) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement the requirements developed pursuant to paragraph (3) by means of all-county letters or similar instructions prior to adopting regulations for that purpose. Thereafter, the department shall adopt regulations in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. (c) A county shall provide case management services to elders and dependent adults who are determined to be in need of adult protective services for the purpose of bringing about changes in the lives of victims and to provide a safety net to enable victims to protect themselves in the future. Case management services shall include the following, to the extent services are appropriate for the individual: (1) Investigation of the protection issues, including, but not limited to, social, medical, environmental, physical, emotional, and developmental. (2) Assessment of the person's concerns and needs on whom the report has been made and the concerns and needs of other members of the family and household. (3) Analysis of problems and strengths. (4) Establishment of a service plan for each person on whom the report has been made to alleviate the identified problems. (5) Client input and acceptance of proposed service plans. (6) Counseling for clients and significant others to alleviate the identified problems and to implement the service plan. (7) Stabilizing and linking with community services. (8) Monitoring and follow-up. (9) Reassessments, as appropriate. (d) To the extent resources are available, each county shall provide emergency shelter in the form of a safe haven or in-home protection for victims. Shelter and care appropriate to the needs of the victim shall be provided for frail and disabled victims who are in need of assistance with activities of daily living. (e) Each county shall designate an adult protective services agency to establish and maintain multidisciplinary teams including, but not limited to, adult protective services, law enforcement, home health care agencies, hospitals, adult protective services staff, the public guardian, private community service agencies, public health agencies, and mental health agencies for the purpose of providing interagency treatment strategies. (f) Each county shall provide tangible support services, to the extent resources are available, which may include, but not be limited to, emergency food, clothing, repair or replacement of essential appliances, plumbing and electrical repair, blankets, linens, and other household goods, advocacy with utility companies, and emergency response units.”

## ITEM INSTRUCTIONS

For all parts of this report, data should be reported as it occurs, except for Part C, Items 9, 9a, 9b, and 9c, and Part D, Items 12 through 15h, which should be reported once the investigation has been completed.



**ITEM INSTRUCTIONS CONTINUED****ADULT PROTECTIVE SERVICES****PART A. CASELOAD MOVEMENT**

1. Cases carried forward from last month (Item 1a plus Item 1b): Enter the number of cases that were carried forward to the first day of the current report month. The total number must equal the total number listed in Item 6 in the previous report month. If the total number entered is different from Item 6 from the previous report month, you must make a written notation in the COMMENTS section to provide an explanation for the adjustment. *[Cells 1-2]*
  - a. Item 6 from last month: Enter Item 6, Cases carried forward to next month, **from last month's report.** *[Cells 3-4]*
  - b. Adjustment to Item 1a (Positive or negative number): If Item 6, Cases carried forward to next month, from last month's report is equal to Item 1, Cases carried forward from last month, enter zero (0) to indicate no adjustment was needed. If Item 6 from last month is not equal to Item 1 this month, enter a positive or negative adjustment. If an adjustment was necessary, indicate the reason in the COMMENTS Section. *[Cells 5-6]*
2. Cases opened during the month: Enter the number of APS cases that were opened during the report month. Each victim is equal to a case. This excludes any additional new allegation(s) to an open case, and it excludes all reports that have been evaluated and no in-person investigation is conducted under the provisions of MPP Division 33-510.21-24. *[Cells 7-8]*
3. Total number of active cases during the month (Item 1 plus Item 2): Enter the total number of open cases in the report month. Total number must equal the combined total of Item 1 and Item 2. *[Cells 9-10]*
4. Cases closed during the month (Items 4a through 4e): Enter the number of cases that were closed during the report month. The total number must equal the sum of Item 4a through 4e. *[Cells 11-12]*

For Items 4a through 4e, enter the number of cases closed by the length of service at the time of closure.

  - a. Less than one month: Enter the number of cases that were opened for less than one month. *[Cells 13-14]*
  - b. One month or more, but less than two months: Enter the number of cases that were opened for more than one month but closed in less than two months. *[Cells 15-16]*
  - c. Two months or more, but less than three months: Enter the number of cases that were opened for more than more than two months but closed in less than three months. *[Cells 17-18]*
  - d. Three months or more, but less than six months: Enter the number of cases that were opened for more than three months but less than six months. *[Cells 19-20]*
  - e. Six months or more: Enter the number of cases that were opened for six months or more. *[Cells 21-22]*
5. Of the number of cases in Item 4, cases closed as a result of client refusing services during the month: Enter the number of cases closed because a client was offered but refused services to remedy abuse or risk of abuse. *[Cells 23-24]*

**ITEM INSTRUCTIONS CONTINUED**

6. Cases carried forward to next month (Item 3 minus Item 4): Enter the number of open cases on the last day of the current report month that will be carried forward to the first day of the following report month. *[Cells 25-26]*

**PART B. REPORTS TO APS - UNDUPLICATED**

7. Reports of alleged abuse received during the month: Enter the total number of unduplicated new reports of alleged abuse received during the report month. Total number includes all new unduplicated abuse reports received during the report month. This number includes reports that are under the jurisdiction of another agency, such as law enforcement, the long-term care ombudsman, the State Department of Mental Health, or Developmental Services that are erroneously reported to APS. *[Cells 27-28]*
- a. Of the number of reports in Item 7, reports of alleged abuse received after business hours: Enter the total number of unduplicated reports received after regular business hours, including reports received during weekends and holidays. The number in this item must be equal to or less than the number listed in Item 7. *[Cells 29-30]*
- b. Of the number of reports in Item 7, reports of alleged abuse within APS jurisdiction: Enter the total number of unduplicated alleged abuse reports received that are within APS jurisdiction. The total number in this item must be equal to or less than the number listed in Item 7. *[Cells 31-32]*

**PART C. INVESTIGATION FINDINGS – UNDUPLICATED**

8. Reports evaluated and no in-person investigation was made during the month: Enter the number of unduplicated reports evaluated during the report month where no in-person investigation was made. APS only counts an in-person investigation regarding a specific incident of abuse of an elder or dependent adult once, even if the report being investigated contains allegations of multiple types of abuse. Do not include investigations conducted as part of ongoing case management. *[Cells 33-34]*
9. Investigations completed during the month (Items 9a through 9c): Enter the total number of unduplicated investigations that were completed during the report month. The total number must equal the sum of Items 9a through 9c. *[Cells 35-36]*
- a. Investigated: Abuse confirmed: Enter the total number of unduplicated reports that APS investigated and concluded as “confirmed.” In the event a case contains multiple types of abuse allegations, there must be at least one allegation concluded as “confirmed” to be included in this total number. The total number must either be equal to or less than the sum of Items 12 and 14. *[Cells 37-38]*
- b. Investigated: Abuse inconclusive: Enter the total number of unduplicated abuse reports investigated and concluded as “inconclusive.” In the event a case contains multiple types of abuse allegations, there must be at least one allegation concluded as “Inconclusive” to be included in this total number, with no allegations concluded as “confirmed.” The total number of inconclusive reports must be equal to or less than the sum of inconclusive reports in Item 12 and Item 14. *[Cells 39-40]*
- 1) Of the number in Item 9b, total reports where no services were provided: Enter the total number of reports that were investigated where no additional services were provided beyond the investigation. The total number must be equal to or less than the number in Item 9b. *[Cells 41-42]*

**ITEM INSTRUCTIONS CONTINUED**

- c. Investigated: Abuse unfounded: Enter the total number of unduplicated abuse reports that were investigated and concluded as “unfounded.” In the event a case contains multiple types of abuse allegations, all allegations must be concluded as “unfounded” to be included in this total number. [Cells 43-44]
10. Immediate investigations completed during the month: Enter the number of immediate investigations of alleged abuse completed during the report month. [Cells 45-46]
11. Investigations conducted during the report month after business hours requiring on-call worker to respond: Enter the total number of unduplicated face-to-face investigations conducted during the report month as a result of reports being received after regular business hours. [Cells 47-48]

**PART D. TYPES OF ABUSE**

12. Unduplicated investigated reports of self-neglect during the month: Enter the total number of investigated reports of self-neglect during the report month. The total number includes reports that were concluded as confirmed or inconclusive and excludes any duplicated report. [Cells 49-52]

If more than one report of the same incident of abuse is received concerning a specific elder or dependent adult, then enter only one count to ensure an unduplicated count of reports.

If another report of an incident of abuse is received on the same individual but is a separate incident that occurred at a different time, or the report is of another type of abuse received on the same individual during the reporting period, then count each as a separate, additional report.

Additionally if a subsequent report for the same victim is received with the same allegation(s) of abuse, but the time or place where the alleged abuse took place is different, the report is not a duplicate report.

The total number of confirmed reports in this item added with the total number of confirmed reports in Item 14 must be equal to or greater than the total number in Item 9a, Part C.

The total number of inconclusive reports in this Item added with the total number inconclusive reports in Item 14 must be equal to or greater than the total number in Item 9b, Part C.

13. Types of self-neglect during the month (Items 13a through 13e): Enter the total types of self-neglect abuse reports, inconclusive and confirmed, during the report month. The total number must be equal to the sum of Item 13a through 13e. The total number must be equal to or greater than the total number in item 12. Enter the number of confirmed or inconclusive self-neglect reports that APS investigated. If there is more than one type of self-neglect per case, include one count for each type of self-neglect that was confirmed or found to be inconclusive. This is not an unduplicated count of self-neglect reports. In addition, include neglect types found during the investigation that were not alleged in the original report. [Cells 53-56]
- a. Physical care (e.g. personal hygiene, clothing, shelter): Enter the total number of inconclusive and/or confirmed reports where the abuse involved an act relating physical care. [Cells 57-60]
- b. Medical care (e.g. physical and mental health needs): Enter the total number of inconclusive and/or confirmed investigated reports where the abuse involved an act relating to medical care. [Cells 61-64]
- c. Health and safety hazards (e.g. failure to protect oneself from risk, danger, or harm): Enter the total number of inconclusive and/or confirmed investigated reports where the abuse involved an act relating to health and safety hazards. [Cells 65-68]

**ITEM INSTRUCTIONS CONTINUED**

- d. Malnutrition/dehydration (e.g. inadequate nutrition or nourishment): Enter the total number of inconclusive and/or confirmed investigated reports where the abuse involved malnutrition/dehydration. [Cells 69-72]
- e. Financial (e.g. inability to manage one's personal finances): Enter the total number of inconclusive and/or confirmed investigated reports where there was financial abuse. [Cells 73-76]

14. Unduplicated investigated reports of abuse perpetrated by others during the month: Enter the total number of confirmed or inconclusive unduplicated investigated reports of abuse that were perpetrated by others. [Cells 77-80]

If more than one report of the same incident of abuse is received concerning a specific elder or dependent adult, then enter only one count to ensure an unduplicated number of reports.

If another report of an incident of abuse is received on the same individual but is a separate incident that occurred at a different time, or the report is of another type of abuse received on the same individual during the reporting period, then count each as a separate, additional report.

Additionally if a subsequent report for the same victim is received with the same allegation(s) of abuse, but the time or place where the alleged abuse took place is different, the report is not a duplicate report.

The total number of confirmed reports in this item added with the number of total number of confirmed reports in Item 12 must either be equal to or greater than to the number listed in Item 9a, Part C.

The total number of Inconclusive reports in this item added with the total number of Inconclusive reports in Item 12 must either be equal to or greater than to the total number in Item 9b, Part C.

15. Types of abuse perpetrated by others during the month (Items 15a thru 15h): Enter the total types of abuse perpetrated by others, Inconclusive and confirmed, during the report month. The total number must be equal to the sum of Items 15a through 15h. The total number must be equal to or greater than the total number in Item 14. [Cells 81-84]

Enter the types of confirmed or inconclusive abuse reports that APS investigated from the list below. If there is more than one type of abuse per case, include one count for each type of abuse that was confirmed or inconclusive. This does not represent an unduplicated count of abuse. In addition, include types of abuse found during the investigation that were not alleged in the original report.

- a. Physical: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was physical. [Cells 85-88]
- b. Sexual: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was sexual. [Cells 89-92]
- c. Financial: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was financial. [Cells 93-96]
- d. Neglect: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was neglect. [Cells 97-100]
- e. Abandonment: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was abandonment. [Cells 73-76]

**ITEM INSTRUCTIONS CONTINUED**

- f. Isolation: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was isolation. [Cells 105-108]
- g. Abduction: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was abduction. [Cells 109-112]
- h. Psychological/Mental: Enter the number of inconclusive and/or confirmed investigated allegations where the type of abuse was psychological or mental. [Cells 113-116]

**PART E. SUPPORT SERVICES (IN-PERSON)**

16. Cases receiving emergency shelter during the month: Enter the number of cases where clients were provided emergency shelter during the report month. The total number requires that each case be counted once, even if the client was provided emergency shelter more than once during the report month. In the event the victim receives emergency shelter services that extend into more than one report month, the case is counted once in each of the applicable report months. If an individual received emergency shelter care more than once during the report month, count each emergency placement once. [Cells 117-118]
- a. Number of days emergency shelter was provided: Enter the total number of days that emergency shelter was provided during the report month. The maximum number of days that can be counted for each case is equal to the amount of days in the report month. [Cells 119-120]
- For example:* If there is a total of 31 days in a report month, 31 days is the maximum amount of days that can be applied to each case. The maximum number of days that can be counted for more than one case must be equal to or less than the total sum of days in a report month. *For example:* If there were 4 cases that received emergency shelter in a report month that has a total of 31 days, the maximum amount of days that can be entered is 124 days.
17. Cases receiving temporary in-home protection during the month: Enter the number of cases where a client was provided temporary in-home protection during the report month. The total number requires that each case be counted once, even if the client received temporary in-home protection more than once during report the month. In the event a client receives temporary in-home protection that extends into more than one report month, the case is counted once in each of the applicable report months. [Cells 121-122]
- a. Total number of hours temporary in-home protection was provided: Enter the total number of hours temporary in-home protection was provided during the report month. [Cells 123-124]
- The maximum number of hours that can be counted for each case is equal to the number of hours in the report month. *For example:* If there is a total of 31 days in a report month with 24 hours in a day, 744 hours is maximum amount of hours can be applied to each case.
- The maximum number of hours that can be counted for more than one case must be equal to or less than the total number of hours in a report month. *For example:* If there were 4 cases that received temporary in-home protection in a report month that has a total of 31 days, the maximum amount of hours that can be entered is 2,976 hours.
18. Cases receiving tangible or non-tangible support services during the month: Enter the number of cases that received tangible or non-tangible support services during the report month. The total number requires that each case be counted once, even if the client received more than one service or more than one type of service during the report month. [Cells 125-126]

**ITEM INSTRUCTIONS CONTINUED**

- a. Of the cases in Item 18, number of cases receiving transportation services: Enter the number of cases that received transportation services during the month. The total number must be equal to or less than the number in Item 18. *[Cells 127-128]*

**PART F. INFORMATION AND REFERRAL**

19. Number of responses to requests for information and referral during the month: Enter the total number of times Information and Referral was provided during the report month. *[Cells 129]*

**COUNTY SERVICES BLOCK GRANT****PART G. OUT-OF-HOME CARE ADULTS (OHC-A)**

20. Cases carried forward from last month (Item 20a plus Item 20b): Enter the total number of open OHC-A cases that were receiving OHC-A services on the last day of the previous report month that were carried forward to the first day of the current report month. If the total number entered is different from Item 24 on from the previous report month, you must make a written notation in the COMMENTS section to provide an explanation for the adjustment. *[Cell 130]*
- a. Item 24 from last month: Enter Item 24, Cases carried forward to next month, **from last month's report**. *[Cell 131]*
- b. Adjustment to Item 20a (Positive or negative number): If Item 24, Cases carried forward to next month, from last month's report is equal to Item 20, Cases carried forward from last month, enter zero (0) to indicate no adjustment was needed. If Item 24 from last month is not equal to Item 20 this month, enter a positive or negative adjustment. If an adjustment was necessary, indicate the reason in the COMMENTS Section. *[Cell 132]*
21. Cases opened during the month: Enter the number of OHC-A cases that were opened during the report month. *[Cell 133]*
22. Cases active during the month (Item 20 plus Item 21): Enter the total number of open OHC-A cases in the report month. The total number must equal to the sum of Item 20 and Item 21. *[Cell 134]*
23. Cases closed during the month: Enter the number of OHC-A cases that were closed during the report month. *[Cell 135]*
24. Cases carried forward to next month (Item 22 minus Item 23): Enter the number of OHC-A cases carried forward to the first day of the following report month. The total number must equal the total of Item 22 minus Item 23. *[Cell 136]*

**PART H. OPTIONAL SERVICES**

25. Cases receiving optional services during the month: Enter the number of cases that received optional services during the report month. *[Cell 137]*

**NO INITIAL FACE-TO-FACE INVESTIGATION (NIFFI) [WIC 15763(b)(2)]****PART I. SUPPLEMENTAL INFORMATION**

26. Does your county implement the provisions of no face-to-face investigations [WIC 15763 (b)(2)]?  
YES  NO

**ITEM INSTRUCTIONS CONTINUED**

If your county implements the provisions of WIC 15763 (b)(2), enter a check mark in the “**YES**” box and complete Items 27, 28, and 29. If your county does not implement the provisions of WIC 15763 (b)(2), enter a check mark in the “**NO**” box and **DO NOT** complete Items 27, 28 and 29.

27. Number of reports evaluated and no in-person response made during the month (Item 8 [Cell 33 plus Cell 34]): Enter the total number of reports, received during the report month, that were evaluated and it was determined that an in-person response was not needed. The total value must equal Item 8, Cell 33 plus Cell 34, from Part C. [Cell 138]
28. Of the number of reports in Item 27, the number that became cases in which no initial face-to-face investigation was made under WIC 15763(b)(2) guidelines (Items 28a through 28e): Enter the number of reports that became cases during the report month in which no initial face-to-face investigation (NIFFI) was made under WIC 15763 (b) (2) guidelines, regardless of what month the initial report was received. The total number must be equal to the sum of Items 28a through 28e. [Cell 139]
- a. Receiving intervention from another agency/resource: At the time of the report, enter the total number where the client was receiving intervention from another agency or resource that is addressing the allegations of abuse. [Cell 140]
- b. Protection issue resolved: Enter the total number where the client has an adequate level of protection and the allegation of abuse has been resolved. [Cell 141]
- c. Placed in a permanent facility: Enter the number where the client was placed in a permanent facility and the allegations of abuse have been resolved. [Cell 142]
- d. Report received from a non-credible source: Enter the number where the source was determined not to be credible. [Cell 143]
- e. Other (Explain in COMMENTS section): Enter the number that does not fit within the criterion listed in Items 28a through 28d. If a number has been entered, a written summary in the COMMENTS section is required to define the number represented in Item 28e. [Cell 144]
29. Of the cases in Item 28, the number that resulted in a face-to-face investigation during the month: Enter the total number of cases where no initial face-to-face investigation was made and a subsequent face-to-face investigation was made at a later time, regardless of what month the initial report was received. [Cell 145]

**COMMENTS**

Use the Comments section to:

- Explain any major fluctuations in data.
- Explain any adjustment entries.
- Provide information as directed in the report instructions.
- Provide any other comments the county determines necessary.