

November 4, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 21-138**

The purpose of this All County Letter (ACL) is to outline the recent changes made to the Welfare and Institutions Code as it pertains to Adult Protective Services as a result of Assembly Bill 135 (Chapter 85, Statutes of 2021). The bill makes significant changes to the definitions of elder and dependent adult and makes other programmatic changes.



**KIM JOHNSON**  
DIRECTOR

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**GAVIN NEWSOM**  
GOVERNOR

November 4, 2021

ALL COUNTY LETTER NO. 21-138

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY ADULT PROTECTIVE SERVICE MANAGERS

SUBJECT: **GUIDANCE AND CLARIFICATION OF THE CHANGES TO  
ADULT PROTECTIVE SERVICES OPERATIONS AS DEFINED  
BY THE WELFARE AND INSTITUTIONS CODE AND NEWLY  
INSTRUCTED BY THE PASSAGE AND SIGNING INTO LAW  
ASSEMBLY BILL 135, THE HUMAN SERVICES OMNIBUS, APS  
EXPANSION**

REFERENCE: [ASSEMBLY BILL 135 \(CHAPTER 85, STATUTES OF 2021\)](#)

The purpose of this All County Letter (ACL) is to outline the recent changes made to the Welfare and Institutions Code (WIC) as it pertains to Adult Protective Services (APS) as a result of Assembly Bill (AB) 135, which was signed into law on July 16, 2021, as part of the Budget Act of 2021. This bill expands the definition of who APS serves to include individuals age 60 and older under the definition of “elder” and changes other statutory definitions.

### **Background**

The AB 135 provides APS with additional tools and structure to address the state’s growing aging population. By 2030, the number of Californians age 65 and older will have increased by more than 30 percent since the APS program was realigned in 2011. The number of seniors becoming homeless or facing homelessness is also reaching disproportionate numbers. This bill states that it is the intent of the Legislature to enable the program to provide longer term case management for those with more complex cases; it also expands APS Multidisciplinary Teams (MDTs) to include housing representatives, and it explicitly includes county In-Home Supportive Services (IHSS)

agency employees as mandated reporters. The AB 135 lowers the eligible age to meet the statutory definition of “elder” for purposes of APS services from 65 to 60, allowing counties to investigate and provide services to vulnerable adults five years earlier than previously permissible. It also calls for the development of a stakeholder workgroup to explore the feasibility of a statewide automated APS case management or data warehouse system.

### **Definition of APS**

The AB 135 amends WIC Section 15610.10 to define Adult Protective Services “as those activities performed on behalf of elders and dependent adults who have come to the attention of the APS agency due to potential abuse or neglect.”

### **Referrals**

The law adds Section 15651 to WIC, which allows county APS agencies and the Home Safe Program to refer individuals with complex or intensive needs to the appropriate state or local agencies, as determined by the APS agency or the Home Safe Program case workers, and based on a determination that the individual may be eligible for services and that those services may support the individual’s safety goals. A referral may be made before or after an individual begins to receive APS, and a referral does not preclude the individual from receiving APS or Home Safe program services.

### **Multidisciplinary Teams**

The law amends WIC Section 15610.55 by broadening the definition of who may comprise an MDT to include district attorneys; health practitioners (as defined in WIC Section 15610.37); public administrators or conservators; representatives of a health plan; housing representatives; county counsel; and persons with expertise in finance or accounting.

The WIC Section 15763 adds a provision to the requirement for counties to establish MDTs that an MDT may include community-based agencies, representatives from health plans and other state- and county-based service providers.

The WIC Section 15763(d)(7) amends a provision that allows counties to stabilize a case by linking with community services to add that such services may include, but not be limited to, those provided by health plans, other county-based service providers, and community agencies.

### **Mandated Reporters**

The WIC Section 15630 is amended to explicitly include county IHSS agency employees and county public authority employees as mandated reporters of suspected or known incidents of elder or dependent adult abuse.

### **Definitions**

The definition of “neglect” under WIC Section 15610.57 has been broadened to include specific types of self-neglect, including substantial inability or failure of an elder or dependent adult to manage their own finances. Neglect also includes failure of an elder or dependent adult to satisfy their own needs, as specified in WIC Section 15610.57(b)(1)-(5), as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health. This also includes being homeless if any of the needs specified in WIC Section 15610.57(b)(1)-(5) are not met.

Under WIC Section 15750, the definition of “dependent adult” for purposes of APS eligibility is amended to mean any person between 18 and 59 years of age, inclusive, who resides in this state, and who has a combination of a disability and the inability to protect their own interest, or who has an inability to carry out normal activities to protect their rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age (WIC Section 15750(b)(1)(A)).

For purposes of eligibility for services under the APS program, an elder is now defined under WIC Section 15750(b)(2) as anyone 60 years of age or older living in California. This definitional change allows county APS agencies to investigate and provide services to any Californian over the age of 60, effective January 1, 2022.

The definition of “appropriate temporary residence” for purposes of protective placements and custody of endangered adults has been broadened to include “any other home, dwelling, or congregate care unit that meets the needs of the adult” under WIC Section 15701.05(d).

### **Statewide APS Data Collection**

The WIC Section 15767 was added to require the California Department of Social Services (CDSS) to convene a workgroup of relevant stakeholders to develop recommendations on how best to create or establish a statewide APS case management or data warehouse system. The recommendations must be submitted to the California Legislature by November 1, 2022. The recommendations shall include identification of potential outcome measures and other data elements that can be

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tracked and made publicly available for purposes of program planning. The CDSS will convene the stakeholder workgroup in January 2022.

If you have questions regarding this ACL, please contact CDSS APS at [aps@dss.ca.gov](mailto:aps@dss.ca.gov) or 916-651-5111.

Sincerely,

***Original document signed by***

DEBBI THOMSON  
Deputy Director  
Adult Programs Division