

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



September 17, 1990

**ALL-COUNTY INFORMATION NOTICE NO. I-72-90**

TO: ALL-COUNTY WELFARE DIRECTORS

**SUBJECT: ELDER AND DEPENDENT ADULT ABUSE REPORTING: CHAPTER 241, STATUTES OF 1990 CHAPTER 435, STATUTES OF 1990**

Chapter 241, Statutes of 1990, (Senate Bill (SB) 1911, Mello) adds a new Section 15630(b) to the Welfare and Institutions Code (W&IC) which states that when two or more persons who are required to report have knowledge of a known or suspected physical abuse, the telephone report shall be made by a selected member of the team. This is in contrast to W&IC 15630(d) (permissive reporting) when two or more persons who are required to report are "present and jointly have knowledge or reasonably suspect" that other types of abuse have occurred, a telephone report may be made by a selected member of the team.

Chapter 241 also amends W&IC 15634(d) to make clear that a mandated reporter who fails to report abuse as required is guilty of a misdemeanor.

Chapter 435, Statutes of 1990 (SB 2571, Lockyer) amends and adds to the definition of "physical abuse," W&IC 15610(c)(6) as follows:

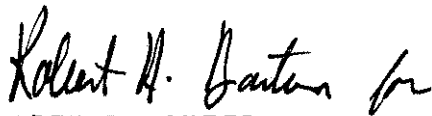
- "Isolation" is eliminated from the definition of physical abuse and will become permissive rather than required reporting.
- "Isolation" has been inserted into the definition of abuse under W&IC 15610(g), and includes any of the following as specified under W&IC 15610(g)(1)(A)(B)(C)(D) (added):
  - (A) Preventing an elder or dependent adult from receiving mail or telephone calls.
  - (B) Preventing contact with family, friends, or concerned persons.
  - (C) False imprisonment (as defined in Penal Code Section 236).
  - (D) Physical restraint to prevent meeting with visitors.

- The above actions, (A) through (D), are subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician (W&IC 15610(g)(2)).
- Also, (A) through (D) do not constitute isolation if the acts are performed in response to a reasonably perceived threat of danger to property or physical safety (W&IC 15610(g)(3)),
- "Psychotropic medication" is added to the definition of physical abuse under W&IC 15610(0)(6) with added conditions as specified under W&IC 15610(c)(6)(A)(B)(C):
  - (A) For punishment.
  - (B) For a period beyond which was authorized by a physician who is providing care to the person.
  - (C) For any purpose not consistent with that authorized by the physician.

The effective date of Chapters 241 and 435 is January 1, 1991.

Copies of the chaptered bills are attached for your reference.

If you have questions or comments, please telephone Robert Barton, Chief, Adult Services Branch at (916) 324-8776 or Lucille Toscano, Analyst, Adult Services Branch at (916) 323-6340.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services

Attachments

cc: CWDA