

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



January 21, 1999

ALL COUNTY INFORMATION NOTICE I-03-99

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

**REASON FOR THIS  
TRANSMITTAL**

- ☒ [ X ] State Law Change
- ☐ [ ] Federal Law or Regulation Change
- ☐ [ ] Court Order or Settlement Agreement
- ☐ [ ] Clarification Requested by One or More Counties
- ☒ [X] Initiated by CDSS

SUBJECT: ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT

REFERENCE: All-County Information Notice No: 1-73-98  
Issued December 11, 1998

This All-County Information Notice (ACIN) provides clarifying information to county Adult Protective Services (APS) agencies and county In-Home Supportive Services (IHSS) Program Managers regarding the provisions of Senate Bill (SB) 2199, Chapter 946, Statutes of 1998, and Assembly Bill (AB) 1780, Chapter 980. These Acts amend the Elder Abuse and Dependent Adult Civil Protection Act. The reporting requirements mandated in AB 1780 are also included in SB 2199.

As of January 1, 1999, additional mandated reporters are included under the definition of "care custodian." Welfare and Institutions Code (WIC), Section 15610.17, adds any person who provides care or services for elders or dependent adults, (whether or not that person receives compensation), to the list of mandated reporters. This includes IHSS providers. The Department will be working with the County Welfare Directors Association (CWDA) and other interested parties to develop options for notifying IHSS providers of their responsibilities as mandated reporters.

Other program definitions have changed. "Fiduciary abuse" is now "financial abuse," and "abuse" has been expanded to include 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, and (b) the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering (see Welfare and Institutions Code, Sections 15610.30 and 15610.07, respectively).

There is an addition to the cross reporting law, WIC, Section 15640 (a) (1), which requires that, prior to making any cross report of financial abuse to law enforcement agencies, an adult protective services agency shall first determine whether there is suspicion of any criminal activity.

Enactment of this legislation will also require changes to the definitions and additional reporting information on the State of California (SOC) 341, Report of Suspected Dependent Adult/Elder Abuse. In Section C: "fiduciary abuse" is now "financial abuse." Until the form is modified, counties may fill in the new definition of abuse in the space called "other," also in Section C. The Department, in consultation with the CWDA and others, is in the process of modifying all reporting forms to meet the legislative mandate, and to ensure that reliable, meaningful data is collected. Counties are instructed to continue using the existing SOC reporting forms until the new forms have been developed.

As stated in ACIN 1-73-98, the Department, in consultation with the County Welfare Directors Association and others, is in the process of developing regulations establishing processes, procedures and standards to implement the provisions of SB 2199 and AB 1780. The regulations will be adopted prior to January 31, 2000. An ACL regarding regulations will be issued in the near future.

While implementation of the enhanced services in this legislation is effective May 1, 1999, the expectation is that counties will continue to respond to APS situations as appropriate. Please contact Patricia Russell, Chief, Adult Programs Management Bureau, at (916) 229-4000, if you have any questions regarding this All-County Information Notice.

Sincerely,

***Original Document Signed By  
Donna L. Mandelstam On 01/21/99***

DONNA L. MANDELSTAM  
Deputy Director  
Disability and Adult Programs Division