

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

November 28, 1989



ALL-COUNTY INFORMATION NOTICE NO. I-79-89

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: LEGISLATIVE REVISIONS TO: ELDER AND DEPENDENT ADULT
MULTIDISCIPLINARY TEAM RECORDS, ELDER AND DEPENDENT
ADULT ABUSE REPORTING, AND THE SCOPE OF PUBLIC
GUARDIANSHIP ACTIVITIES

The purpose of this letter is to inform Counties of significant legislation related to adult services that will become law as a result of the 1989 legislative session.

SB 219

Senate Bill (SB) 219 (Chapter 86, Statutes of 1989) was signed into law by the Governor on July 5, 1989 and will become effective January 1, 1990.

This legislation revises Welfare and Institutions Code (W&IC) Sections 830 and 10850.1 regarding confidentiality among multidisciplinary personnel teams engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or dependent persons. It provides for sharing information and writings with one another that may also be a part of specified records if the member of the team having knowledge of that information or writing reasonably believes it is generally relevant to the abuse of a child or elder or dependent person. Specifically, the legislation accomplishes the following:

SB 219 will authorize multidisciplinary personnel team members to exchange certain case record information designated as confidential under state law if believed to be generally relevant to the prevention, identification, or treatment of child abuse or the abuse of elder or dependent persons, as specified. It will provide that discussions relative to the disclosure or exchange of the information or writings during team meetings are confidential and testimony concerning a discussion is not admissible in any criminal, civil, or juvenile court proceeding.

"Multidisciplinary personnel team" means any team of three or more persons, as specified in Welfare and Institution Code (W&IC) Section 15715, who are trained in the prevention, identification, and treatment of child abuse or the abuse of an elder or

dependent person and are qualified to provide a broad range of services related to abused persons.

SB 223

Senate Bill (SB) 223 (Chapter 681, Statutes of 1989) will amend existing law (W&IC 15630) which mandates health care practitioners, elder or dependent adult care custodians, employees of County Adult Protective Services Agencies, or local law enforcement agencies who in a professional capacity have knowledge of an alleged incident of physical abuse to an elder or dependent adult to report that incident. These mandated reporters are required to report the known or suspected instance of physical abuse either to the long-term care ombudsman coordinator or to the local law enforcement agency when the physical abuse is alleged to have occurred in long-term care facility, or to either the County Adult Protective Services Agency or to a local law enforcement agency when the physical abuse is alleged to have occurred anywhere else, immediately or as soon as possible by telephone. The agency accepting the report is mandated to prepare and send a written incident report within two working days to each agency to which it is required to make a telephone report.

SB 223 specifies that written reports of abuse by mandated reporters should contain certain information which should be included in the report submitted to the receiving agency concerning the alleged incident of abuse unless that information is unavailable to the person reporting. Under the new law the reports should contain the following information: The name, address, telephone number, and occupation of the person reporting; the name and address of the victim; the date, time, and place of the incident; other details of the reporter's observations and beliefs concerning the incident; any statement relating to the incident from the victim; the name of any individuals believed to have knowledge of the incident; and the name of the individuals believed to be responsible for the incident and their connection to the victim.

The Department has anticipated this legislation and is currently revising the SOC 341 Elder/Dependent Adult Reporting Form for reporting suspected elder and dependent adult abuse and will implement the revised reporting form in accord with the mandate of SB 223. SB 223 will become operative July 1, 1990.

SB 643

Senate Bill (SB) 643 (Chapter 1080, Statutes of 1989) amends sections of the Probate Code relating to conservatorships and guardianships and mandates the Judicial Council to develop supplemental forms and procedures to provide for a more thorough documentation for court review of conservator and public guardianship petitions. It further expands the role and duties of the court investigator to include an assessment in order to determine the appropriateness and extent of a conservatorship, to determine the proposed conservatee's position in the matter, to insure the proposed conservatee is fully informed of the proceedings and the right to oppose the proceedings, to have a trial by jury, and to be represented by legal counsel. SB 643 further requires the investigator to report upon the results of his assessment and investigation as it pertains

to the proceedings and to have the discretion to release this confidential report to the public conservator, interested public agencies, and the long-term care ombudsman. The report shall be made available to attorneys and other parties named in the petition. SB 643 will become effective July 1, 1990.

If you have any questions regarding the implementation of this legislation, please contact your Adult and Family Services Operations Consultant at (916) 445-0623.

A handwritten signature in black ink, appearing to read "Loren D. Suter". The signature is fluid and cursive, with the first name "Loren" being more prominent than the last name "Suter".

LOREN D. SUTER

Deputy Director

Adult and Family Services

cc: CWDA