

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



June 6, 2000

ALL-COUNTY LETTER NO: 00-37

TO: ALL COUNTY WELFARE DIRECTORS
ADULT PROTECTIVE SERVICES
PROGRAM MANAGERS**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: CLARIFICATION ON COMPLETING THE ADULT PROTECTIVE SERVICES AND COUNTY SERVICES BLOCK GRANT MONTHLY STATISTICAL REPORT (SOC 242)

REFERENCE: All-County Letter No. 99-51
All-County Letter No. 99-98

This question and answer All-County Letter (ACL) provides counties with clarification on completing the Adult Protective Services and County Services Block Grant Monthly Statistical Report, Form SOC 242 (9/99), that was transmitted in ACL No. 99-51. The questions addressed in this ACL were developed from policy inquiries obtained from county staff after the original form and instructions were transmitted, and on issues raised during the training sessions that were held at all four regions.

For simplicity, the questions and responses are broken out to correspond to the various sections of the form. We have also included a general section for questions that relate to the whole form.

The SOC 242 (attached) has been revised to clarify the wording in Parts B, C, and D. This ACL also transmits revised instructions for completing the SOC 242. Please note that the instructions for Part C, Items 10a through 10c have been clarified to convey that data for these items can be reported after the investigation is completed and a finding of "confirmed," "inconclusive," or "unfounded" can be determined. The form has also been amended to make this clear.

Part I of the SOC 242 relates to Senate Bill 1003 (Vasconcellos). The question and answer portion of this ACL does not address information relating to Part I. However, the revised instructions also add clarification to Part I. Counties are instructed to refer to ACL 99-98, which transmitted instructions for implementing that bill.

If you have any questions regarding this letter, you may contact your Adult Protective Services Bureau analyst at (916) 229-0323. If you have questions regarding the SOC 242 form or instructions, you may contact Traci Waters, Data Systems and Survey Design Bureau at (916) 445-2168.

Sincerely,

***Original Document Signed By
Donna L. Mandelstam on 6/6/00***

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division

Attachment

QUESTIONS AND ANSWERS REGARDING THE ADULT PROTECTIVE SERVICES
AND COUNTY SERVICES BLOCK GRANT MONTHLY STATISTICAL REPORT
FORM SOC 242 (9/99)

Part A Caseload Movement

1. Should the Public Guardian's Office report cases they close in Part A, APS Caseload Movement?

No. The Public Guardian's Office should not report cases they close in Part A. Parts A through E of the SOC 242 pertain to APS cases only, not to Public Guardian cases. Even in counties where an APS case may also be a Public Guardian case, only data pertaining to the APS case should be reported in Sections A through E of the form.

Part B Reports To APS

2. What constitutes APS jurisdiction in Item 8?

Pursuant to sections 15630(b)(1)(A) and (B) of the Welfare and Institutions Code (WIC), APS investigates alleged abuse that occurs in other than Long-Term Care (LTC) facilities, as defined in section 15610.47 of the WIC, state mental health hospitals, or state developmental centers.

Please refer to ACL No. 00-16 for further clarification on APS jurisdiction.

3a. APS receives reports of abuse that they refer to the Ombudsman. Do we include these on Item 8, *Total number of reports of alleged abuse within APS jurisdiction*?

No. When APS receives a report of abuse that they refer to the Ombudsman when the alleged victim is residing in a LTC Facility, the report should not be counted in Item 8. However, the report should be counted in Item 7 or, if appropriate, Item 7a since those lines capture all of the abuse reports received by APS. If APS has joint investigative responsibility with the Ombudsman for abuse that has occurred in a LTC Facility, the report can be counted in Item 8, as well as Item 7 and, if appropriate, Item 7a.

3b. What report is outside APS jurisdiction? Does this include police, ombudsman or licensed facilities?

Alleged abuse that occurs in LTC facilities, state mental health hospitals, or state developmental centers are not under the jurisdiction of APS, as discussed in question 2. Also, reports of abuse of adults who are not elderly or dependent are outside of APS jurisdiction. Many reports that are under APS jurisdiction are also investigated by law enforcement or licensing agencies. However, the SOC 242 is only collecting data on activity performed by APS agencies. There are some abuse

reports that are the jurisdiction of law enforcement and not of APS. For example, APS reviews a report of physical abuse on a 50-year-old non-dependent adult. In this situation, counties should count the report in Item 7, or if appropriate, Item 7a, but should not count it in Part A or Item 8.

- 4. ACL 99-51 instructions for Part B, states that if a report of another type of abuse is reported for the same individual, we should count this as a separate additional report for Items 7, 7a, and 8. In our county, when abuse reports are received, we often get a report for more than one type of abuse. Do we understand this correctly to mean that if a call is received and more than one type of abuse is recorded, we should count this as two or more reports? For example a report is received of financial abuse, physical abuse and psychological/mental abuse pertaining to one individual. Would this count as three separate incidents of alleged abuse or just one?**

In your example, you received one report that alleged multiple types of abuse. You would count this as one report for Part B, even though there were multiple allegations, because they were included in one report. However, for Part D, Items 14a through 14e and 16a through 16h, you can count each allegation that was investigated. This clarification is being added to the definition of "Reports to APS-unduplicated."

- 5. If a new investigation is necessary for a client that already has an existing case, should a new (additional) report be counted in Part B, Item 7?**

If a new report of abuse is received on an individual with an existing case and the new report concerns either a new incident of the same type of abuse or a different type of abuse not previously reported, a new report of abuse can be counted in Part B, Items 7 and 7a, and 8. However, if more than one report is received on the same new incident of abuse, the secondary report should be considered a duplicate report and would not be counted in Items 7 and 8.

- 6. If a social worker is conducting an in-person investigation of physical abuse or is conducting a visit on an active physical abuse case and discovers neglect, should the neglect be counted as a new report?**

If a social worker discovers a new type of abuse while conducting an in-person investigation in response to a report, or while visiting a client with an existing case, the new type of abuse, in this case neglect, should not be counted as a new report in Item 7, 7a, or 8. The new type of abuse, neglect, should be captured in Part D, 14a through 14e or 16a through 16h.

Part C Investigation Findings

7. What type of data should be reported in Part C, Item 9, *Reports evaluated-no in person investigation*?

Part C, Item 9 captures reports that are within APS jurisdiction to respond, but an in-person investigation was not conducted because the APS worker evaluated the report and determined that a face-to-face investigation was not possible or was not required. The circumstances under which an in-person investigation is not possible or required are stated in ACL No. 99-16 and ACL No. 99-98.

8. For Item 10, *Total number of reports investigated, (a. Abuse Confirmed, b. Abuse Inconclusive, c. Abuse Unfounded)*, if an APS worker goes out on an emergency investigation on the last day of the month, but has not reached a conclusion as to whether it was confirmed, inconclusive, or unfounded until the first day of the following month, which month should the data be reported in Item 10?

The data should be reported in Item 10 during the month that the investigative finding is determined, which in your example would be the second month. Clarification that the investigation findings reported in Part C are to be captured when the investigation has been completed is being included in our SOC 242 form instructions and is a result of the feedback received at the county regional training sessions.

9. In Part C, Item 10b(i), *Of the total number of reports that were investigated: Abuse Inconclusive, record the total number of reports that were closed and no services provided, What kind of service is not provided? Isn't investigation a service?*

Yes. While investigations are a service performed by an APS worker, this line captures investigations that had inconclusive findings and no services by the APS agency are provided beyond the investigation. If the case was closed after the in-person investigation because the social worker determined that further APS intervention was not needed or accepted, the case would be considered to have no services provided for this item.

10. In Part C, Item 12, What is an “*on-call worker*?” Does this mean any worker taking a call?

No. An on-call worker is an APS worker who is on-call to work after the county's regular established business hours and who is available to respond by telephone or in-person to allegations of elder and dependent adult abuse after business hours. A county should not include in this Item, in-person investigations that were begun during normal business hours, but concluded after normal business hours.

- 11. In the instructions for Item 12, which refers to reports investigated that required an on-call worker to respond, we are told to *count only investigations on new APS cases or new allegations on open cases that have to be investigated separately from ongoing case management*. If a crisis occurs on an existing case, which requires an on-call worker to respond should that response also be counted under Item 12?**

Yes. If a crisis occurs on an existing case and an on-call worker is required to respond that response should be counted in Item 12 of the data report. We have clarified this in the instructions to read, *“Include investigations on new APS cases, new allegations on open cases that have to be investigated separately from ongoing case management, and/or crisis situations that occur on an existing case that require an on-call worker to respond.”*

- 12. In Items 10a through 10c, we are asked to record the total number of reports that were investigated and the abuse was confirmed, inconclusive, or unfounded. What if a case has two different allegations and one is confirmed and one is inconclusive or unfounded? How should we count this?**

The figures in Part C, Items 10a through 10c should be unduplicated numbers and capture the “report” findings and not the finding of every allegation in the report. If the county can confirm at least one of the investigative findings, the report should be counted as confirmed even if some of the allegations cannot be confirmed. Reports should only be considered inconclusive if there are no investigative findings that are confirmed, but there is at least one investigative finding that is inconclusive. Reports should only be considered unfounded if there are no investigative findings that are confirmed or inconclusive. While Part C captures an unduplicated count of reports and not each allegation in the report, counties may capture data on each allegation in the report in Part D, Items 14a through 14e and Items 16a through 16h.

- 13. If physical and financial abuse were both alleged in the report and findings for those two types of abuse were inconclusive, but neglect was clearly confirmed even though not included in the original report, would the finding in Item 10 for this investigation be inconclusive or confirmed based on the unreported neglect that was found?**

The finding of the investigation for Part C would be “confirmed” because of the neglect that was found. The physical and financial abuse findings could be counted as “inconclusive” in Part D, Items 14a through 14e and Items 16a through 16h.

Part D Types of Abuse

14. **Should Part D, Item 13, Total number of unduplicated investigated reports of self-neglect and Part D Item 15, Total number of unduplicated investigated reports of abuse perpetrated by others equal Part C, Item 10, Total number of investigations completed?**

No. The sum of Items 13 and 15 in Part D do not equal Item 10 in Part C. A report that has both allegations of self-neglect and abuse by others would be counted only once in Part C, because Part C captures one count for the report even if it contains multiple incidents of abuse. However, since the report contains both self-neglect and abuse perpetrated by others, it can be counted once in Item 13 and once in Item 15 in Part D.

The sum of the following cells in Part D, Items 13 and 15 must be equal to or greater than certain cells in Part C, Items 10a and 10b, as follows:

Cell 45 (*Total number of unduplicated investigated reports of self-neglect for elders-inconclusive*) + **cell 73** (*Total number of unduplicated investigated reports of abuse perpetrated by others for elders-inconclusive*) must be equal to or greater than **cell 35** (*Total number investigated: for elders-Abuse Inconclusive*).

Cell 46 (*Total number of unduplicated investigated reports of self-neglect for Dependent Adults-Inconclusive*) + **cell 74** (*Total number of unduplicated investigated reports of abuse perpetrated by others for Dependent Adults-Inconclusive*) must be equal to or greater than **cell 36** (*Total number investigated for Dependent Adults-Abuse Inconclusive*).

Cell 47 (*Total number of unduplicated investigated reports of self-neglect for Elders-Confirmed*) + **cell 75** (*Total number of unduplicated investigated reports of abuse perpetrated by others for Elders-Confirmed*) must be equal to or greater than **cell 33** (*Total number investigated: for Elders-Confirmed*).

Cell 48 (*Total number of unduplicated investigated reports of self-neglect for Dependent Adults-Confirmed*) + **cell 76** (*Total number of unduplicated investigated reports of abuse perpetrated by others for Dependent Adults-Confirmed*) must be equal to or greater than **cell 34** (*Total number investigated for Dependent Adults-Confirmed*).

- 15. In Part D, Items 13 and 15 are both referred to as unduplicated counts. However, what if a report has two allegations, one of alleged self-neglect and one of alleged abuse perpetrated by another. Should the report be counted in Item 13 or Item 15?**

If a case has one finding of self-neglect and one finding of abuse perpetrated by others, it can be counted once under Item 13 and once under Item 15. However, the numbers being reported within each Item (13 and 15) are still considered "unduplicated" counts for each of those Items. For example if there are findings of two different types of self-neglect and three different types of abuse perpetrated by others, count both types of self-neglect in Item 14, but only count the report once in Item 13. Likewise, count all three types of alleged abuse perpetrated by others in Item 16, but only count the report once in Item 15.

For clarification, on the face of the form, we have changed the wording of 13 to read "Total number of unduplicated investigated reports of self-neglect." Item 15 is worded "Total number of unduplicated investigated reports of abuse perpetrated by others." Please note that this does not change the data that is being collected, but merely clarifies it.

Part E Support Services

- 16. Are you to count in Part E of the report, *Support Services*, cases where APS arranged for the client to receive each of the identified services regardless of how the services were funded, or should you count only those cases where APS funds were used to pay for those services?**

In Part E of the report, count only cases where APS funds were used to pay for emergency shelter, in-home protection, and/or tangible or non-tangible support services. However, if counted here, the services must meet the description of the categories that are listed on the data form, such as emergency shelter, temporary in-home protection, tangible and non-tangible services, or transportation. Other programs' services, such as IHSS or MSSP should not be included in the above categories.

Part F Information and Referral

- 17. Does the I & R on the SOC 242 only pertain to APS or does it cover all adult programs and all children programs?**

The Information and Referral (I & R) section of the SOC 242 and the information that is collected here are not changed from the prior SOC 242. The purpose of this section is to capture I & R calls for all service programs funded under the CSBG. The I & R section on the SOC 242 is not limited to capturing calls related to APS. For example, if the children's programs claims to CSBG for I & R then their I & R counts should be captured on the SOC 242.

18. If the I & R is just for adult programs, is the count related to just open cases or does it include active cases and referrals that are evaluated out?

The I & R section of the form is not intended to only record calls relating to APS. Data should be recorded in Part F, Item 20 any time information and referral services are provided to persons during the month for which the data is being collected. The calls or inquiries that come in for I & R may or may not refer to existing APS cases. However, alleged elder and dependent abuse calls that are received by APS, but are within the jurisdiction of other agencies should be captured in Part B, Item 7, as "Total number of reports of alleged abuse received," but will not be included in Part B, Item 8, "Total number of reports of alleged abuse within APS jurisdiction."

Part G Out-Of-Home Care-Adults (OHC-A)

19. What is the definition of out-of-home care for adults?

According to the Manual of Policies and Procedures, section 30-602.1 "Out of home care" means a living arrangement in which a recipient is provided with room and board in a protective setting. Section 30-602.2 defines out-of-home care for adults as "those activities and purchases by social services staff on behalf of adults who cannot remain in their own homes.... Such activities include providing necessary assistance with placement, care, adjustment, discharge, or transfer into and from foster family settings, halfway houses, nonmedical out-of-home care facilities, and medical facilities."

Part G on the new form SOC 242 is identical to Part B of the former form 242 and the information being collected is the same. Counties should report the same type of information on Part G of the new form that they reported on Part B of the old form.

20. Does Item 24 Cases closed during the month pertain to APS cases?

No. Item 24 is referring to out-of-home care for adults cases under the County Services Block Grant portion of the form. APS closed cases are captured on the APS portion of this form in Part A, Item 4. Part G on the new SOC 242 is identical to Part B of the former SOC 242 and the information being collected is the same. Counties should report the same type of information on Part G of the new form that they reported on Part B of the old form.

21. Can the Public Guardian report cases that they work on and provide In-Home Supportive Services in Part G?

No. Only services provided under the Out-of-Home Care for Adults program as defined in the Manual of Policies and Procedures, section 30-602 should be reported in Part G.

Part H Optional Services

22. How is I & R separate from Optional Services, since some of the tasks defined as optional include referrals to legal services, housing, etc.

I & R is where the county is referring the caller/requestor to available public and private resources. Optional Services are where the county is actually providing or arranging a service. Each county may provide optional services either directly or through arrangements with public or private community-based agencies or individuals. Optional Services include, but are not limited to the following: home management and other functional educational services, employment/education training services to alleviate or prevent family problems, and housing referral services.

General Questions

23. Is the definition of “case” the same for each part of the form that collects APS data?

Yes. The definition of “case” as used in Parts A and E, means a report that has been investigated or for which an investigation has been attempted, even if it is determined that services are not necessary. Do not include an investigation of a new allegation on an open case or reports that have been evaluated and no in-person investigations are necessary. Case is equal to a person.

In the SOC 242 (9/99 version) and instructions, “case” was used in Parts A, D, and E. We have since changed the word “cases” in Part D to “investigated reports” for clarification, although the data we are collecting in this part remains unchanged. Additionally, in the original instructions, the definition of a “case” was also included in Parts B and C, which was a mistake because the term does not apply to any items in those sections. We have revised the instructions to clarify this.

24. When should the data be reported? Does the state care if we report this data after the case is closed, or as it occurs?

In no case should the county wait until the case is closed to report data. For all parts of this report, data should be reported as it occurs, except for Part C, Items 10, 10a, 10b, and 10c, and Part D, Items 13 through 16h, which should be reported once the investigation has been completed.

**ADULT PROTECTIVE SERVICES
AND COUNTY SERVICES BLOCK GRANT
MONTHLY STATISTICAL REPORT**

Send one copy of this form to:
 California Department of Social Services
 Data Systems and Survey Design Bureau, M.S. 19-81
 P.O. Box 944243
 Sacramento, CA 94244-2430
 Fax # (916) 322-9254

County	County Code	Report Month/Year
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ADULT PROTECTIVE SERVICES

PART A. CASELOAD MOVEMENT	ELDER	DEPENDENT ADULT		
1. Cases brought forward from last month (same as Part A, item 6 on previous month's report).....	1	2		
2. Cases opened during the month.....	3	4		
3. Total number of active cases during the month (Item 3 = Items 1 + 2).....	5	6		
4. Total number of cases closed during the month (Item 4 = Items 4a thru 4e).....	7	8		
Enter the number of cases closed by length of service at the time of closure				
a. Less than one month.....	9	10		
b. One month or more, but less than two months.....	11	12		
c. Two months or more, but less than three months.....	13	14		
d. Three months or more, but less than six months.....	15	16		
e. Six months or more.....	17	18		
5. Total number of cases closed as a result of client refusing service (subset of Item 4).....	19	20		
6. Cases carried forward to next month (Item 6 = Item 3 minus Item 4).....	21	22		
PART B. REPORTS TO APS - UNDUPLICATED	ELDER	DEPENDENT ADULT		
7. Total number of reports of alleged abuse received.....	23	24		
a. Total number of reports of alleged abuse received after business hours.....	25	26		
8. Total number of reports of alleged abuse within APS jurisdiction	27	28		
PART C. IN-PERSON INVESTIGATION FINDINGS - UNDUPLICATED	ELDER	DEPENDENT ADULT		
9. Total number of reports evaluated and no in-person investigation was made.....	29	30		
10. Total number of investigations completed (Item 10 = Items 10a thru 10c).....	31	32		
a. Total number investigated: Abuse Confirmed.....	33	34		
b. Total number investigated: Abuse Inconclusive.....	35	36		
(i) Of the number in line 10b, the total that were closed and no services provided.....	37	38		
c. Total number investigated: Abuse Unfounded.....	39	40		
11. Enter the number of immediate investigations completed.....	41	42		
12. Enter the total number of investigations conducted after business hours requiring on-call worker to respond.....	43	44		
PART D. INCONCLUSIVE/CONFIRMED FINDINGS	INCONCLUSIVE		CONFIRMED	
	ELDER	DEPENDENT ADULT	ELDER	DEPENDENT ADULT
13. Total no. of unduplicated investigated reports of self-neglect	45	46	47	48
14. Total types of self-neglect	49	50	51	52
(Item 14 = Items 14a thru 14e)				
a. Physical Care (e.g. personal hygiene, clothing, shelter)	53	54	55	56
b. Medical Care (e.g. physical and mental health needs)	57	58	59	60
c. Health and Safety Hazards	61	62	63	64
(e.g. failure to protect oneself from risk, danger, or harm)				
d. Malnutrition/Dehydration	65	66	67	68
(e.g. inadequate nutrition or nourishment)				
e. Financial (e.g. inability to manage one's personal finances) ..	69	70	71	72
15. Total no. of unduplicated investigated reports of abuse perpetrated by others.....	73	74	75	76
16. Total types of abuse perpetrated by others	77	78	79	80
(Item 16 = Items 16a thru 16h)				
a. Physical.....	81	82	83	84
b. Sexual.....	85	86	87	88
c. Financial.....	89	90	91	92
d. Neglect.....	93	94	95	96
e. Abandonment.....	97	98	99	100
f. Isolation.....	101	102	103	104
g. Abduction.....	105	106	107	108
h. Psychological/Mental.....	109	110	111	112

ADULT PROTECTIVE SERVICES (CONTINUED)

PART E. SUPPORT SERVICES	ELDER	DEPENDENT ADULT
17. Cases receiving emergency shelter.....	113	114
a. Total number of days emergency shelter provided.....	115	116
18. Cases receiving temporary in-home protection.....	117	118
a. Total number of hours temporary in-home protection provided.....	119	120
19. Cases receiving tangible or non-tangible support services.....	121	122
a. Cases receiving transportation services (subset of Item 19).....	123	124

COUNTY SERVICES BLOCK GRANT

PART F. INFORMATION AND REFERRAL	RESPONSES
20. Number of responses to requests for information and referral.....	125
PART G. OUT-OF-HOME CARE ADULTS (OHC-A)	CASES
21. Cases brought forward from last month (same as Item 25 on last month's report).....	126
22. Cases opened during the month.....	127
23. Total number of active cases during the month (Item 23 = Items 21 +22).....	128
24. Cases closed during the month.....	129
25. Cases carried forward to next month (Item 25 = Item 23 minus Item 24).....	130
PART H. OPTIONAL SERVICES	CASES
26. Number of cases receiving optional services during the month.....	131

SENATE BILL 1003 SUPPLEMENTAL INFORMATION

PART I. SB 1003 SUPPLEMENTAL INFORMATION	YES	NO
27. Does your county implement the provisions of Senate Bill 1003?.....	<input type="checkbox"/>	<input type="checkbox"/>
IF YES: Complete items 28 and 29 below		
28. Total number of reports evaluated and no in-person response was made.....	132	
(transfer the sum of cells 29 + 30 in Part C, Item 9)		
29. Of those in item 28, the total number in which no in-person response was made under the provisions of SB 1003.....	133	
(Item 29 = the sum of Items 29a thru 29e)		
a. Receiving intervention from another agency.....	134	
b. Protection issue resolved.....	135	
c. Placed in a permanent facility.....	136	
d. Report received from a non-credible source.....	137	
e. Other (explain reasons in comment section).....	138	

COMMENTS:

REPORT PREPARED BY:	TELEPHONE NUMBER: ()	DATE:
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**REPORTING INSTRUCTIONS
ADULT PROTECTIVE SERVICES AND
COUNTY SERVICES BLOCK GRANT
MONTHLY STATISTICAL REPORT, FORM SOC 242**

CONTENT

Form SOC 242 collects summary statistical information on the Adult Protective Services (APS) and County Services Block Grant (CSBG) programs. Data collected relating the CSBG includes the following areas: Information and Referral (I&R), 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 purpose of Form SOC 242 is to meet 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).

IMPLEMENTATION DATE

The implementation date for the revised form SOC 242 is May 1, 2000. The May 2000 report will be the first report due on the revised form.

DISTRIBUTION

The information is distributed monthly within the State Department of Social Services for program administration. The information collected will be made available to other interested persons upon request.

DUE DATE

The SOC 242 is due 20 calendar days after the report month. For example, the May 2000 report is due no later than June 20, 2000.

Send one copy of the completed report to:

California Department of Social Services
Data Operations Branch, M.S. 19-81
Reports Unit
P. O. Box 944243
Sacramento, CA 94244-2430

Fax # (916) 322-9254

GENERAL INSTRUCTIONS

Types of Information to Report

Form SOC 242 collects data concerning reports of elder or 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.

ITEM DEFINITIONS

“Abuse of an Elder or Dependent Adult” means (a) physical abuse, neglect, financial abuse, abandonment, isolation, abduction or other treatment with resulting physical harm, pain or mental suffering, or (b) the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

“Case” means a report that has been investigated or for which an investigation has been attempted, even if it is determined that services are not necessary. Do not include an investigation of a new allegation on an open case. Case is equal to a person. Do not include reports that have been evaluated and no in-person investigation is necessary.

“Confirmed” means that APS has investigated and based upon some credible evidence can conclude that abuse occurred or most likely occurred.

“Dependent Adult” means any person residing in California, between the ages of 18 and 64, who has physical or mental limitations which 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. A “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” Any person residing in California who is 65 years of age or older.

“Emergency shelter” and **“In-home Protection”** shall be provided, under the following two circumstances:

1. Pursuant to WIC Section 15763 (a)(2) in response to new reports involving immediate life threats and to crises in existing cases, a place for the elder or dependent adult to stay until the dangers at home can be resolved.
2. Pursuant to WIC Section 15763 (d), to the extent resources are available, for the purposes of providing emergency shelter in the form of a safe haven or in-home protection to frail and disabled victims who are in need of assistance with activities of daily living.

“Evaluation” means the preliminary investigation activity performed on a report of abuse to determine if an in-person investigation is required.

“Immediate Investigation” means an 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” means a change in the circumstances where the existing protective, supportive or remedial measures will not protect the elder or dependent adult from risk of serious harm.

“Immediate life threat” means 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” means 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.

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

“Information and Referral” are activities provided by social service 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. (Manual of Policies and Procedures, Division 30, section 30-050).

“In-person Investigation Findings-Unduplicated” means that 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.

“Investigated Report” means a report that has had an in-person investigation.

“Investigation” means that the APS worker conducted or attempted to conduct an in-person, face-to-face response with the client to determine the validity of a report of elder or dependent adult abuse.

“Month” means 30 days..

“On-call worker” means 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 elder and dependent adult abuse after business hours.

“Optional services” are social service programs that are not mandated by Federal or State law.

Examples of Optional Services Programs include: 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; and Services to County Jail Inmates.

“Out-of-Home Care-Adults” means a living arrangement in which a recipient is provided with room and board in a protective setting. It consists of 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 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, nonmedical out-of-home care facilities, and medical facilities (MPP 30-602.1, 30-602.2).

“Report” means either a verbal or written account of the incident of suspected elder and dependent adult abuse that is received by the county.

“Reports to APS-Unduplicated” means:

- If more than one report of the same incident is received concerning a specific elder or dependent adult, then enter only one count to unduplicate the 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, then count each as separate, additional reports.

- If the report is of another type of abuse received on the same individual during the reporting period, then count each as separate, additional reports.

“Self-Neglect” is the failure of an elder or dependent adult to provide the needs listed in item 14 for him or herself due to ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health.

Types of Self Neglect:

- a. **Physical Care** means failure to conduct or provide personal hygiene, or to provide clothing, or shelter for oneself.
- b. **Medical Care** means failure to obtain medical care for oneself 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.
- c. **Health and Safety Hazards** means failure to protect oneself from risk, danger or harm, thus causing a threat to one’s health or safety, including at risk of suicide unsafe environment.
- d. **Malnutrition/Dehydration** means depriving oneself of adequate nutrition or nourishment.
- e. **Financial** means failure to protect one’s money or property.

“Tangible and Non-tangible Support Services” include but are not limited to:

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

“Unduplicated” means if more than one report of the same incident is received concerning a specific elder or dependent adult, then enter only one count to unduplicate the 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 separate, additional reports.

“Unfounded” means that APS has investigated and concluded abuse did not occur.

INSTRUCTIONS

ADULT PROTECTIVE SERVICES

For all parts of this report, data should be reported as it occurs, except for Part C, Items 10, 10a, 10b, and 10c, and Part D, Items 13 through 16h, which should be reported once the investigation has been completed.

PART A

CASELOAD MOVEMENT

1. Cases brought forward from last month
(Same as Part A, Item 6 on last month's report)

Enter the number of cases that were receiving APS services on the first day of the report month. **This must be the same number stated in Part A, Item 6 on last month's report.**

2. Cases opened during the month

Enter the number of APS cases that were opened this month.

3. Total number of active cases during the month
(Item 3 = Items 1 + 2)

Enter the total number of cases that are currently open.

4. Total number of cases closed during the month
(Item 4 = the sum of items 4a through 4e)

Enter the number of APS cases that were closed during the month.

Of the number of cases in item 4, enter the number of cases closed during the month by length of service at time of closure.

- a. Enter the number of cases served for less than one month.
- b. Enter the number of cases served for one month or more but for less than two months.
- c. Enter the number of cases served for two months or more but for less than three months.
- d. Enter the number of cases served for three months or more but for less than six months.
- e. Enter the number of cases served for six months or more.

5. Total number of cases closed as a result of client refusing service
(Item 5 is a subset of Item 4 and must be equal to or less than Item 4)

Of the number of cases in item 4, enter the number of cases closed because a client was offered and refused services to remedy abuse or risk of abuse.

6. Cases carried forward to next month
(Item 6 = item 3 minus item 4)

Enter the number of APS open cases carried forward to the next month.

PART B
REPORTS TO APS - UNDUPLICATED

7. Total number of reports of alleged abuse received

Enter the total number of unduplicated new reports of alleged abuse received.

This item refers to all new abuse reports received by a county APS agency during the month, on elders or dependent adults, including those that are under their jurisdiction or the jurisdiction of another agency, such as law enforcement, the long-term care ombudsman, the State Department of Mental Health, or Developmental Services.

- a. Total number of reports of alleged abuse received after business hours
(Item 7a is a subset of Item 7 and must be equal to or less than to Item 7)

Enter the total number of unduplicated new alleged abuse reports received after county established regular business hours, including reports received during weekends and holidays.

This item represents the total number of new abuse reports received after the county's regular established business hours during the month.

8. Total number of reports of alleged abuse within APS jurisdiction
(Item 8 is a subset of Item 7 and must be equal to or less than Item 7)

Enter the total number of unduplicated alleged abuse reports received that are within APS jurisdiction to investigate pursuant to WIC 15763(b).

Count only reports that were within the jurisdiction of APS to respond. This item represents the total number of new APS reports received during the month including new reports on open cases.

PART C

IN-PERSON INVESTIGATION FINDINGS - UNDUPLICATED

9. Total number of reports evaluated and no in-person investigation was made

Enter the number of unduplicated reports within APS jurisdiction that were evaluated during the month and no in-person investigation was made.

10. Total number of investigations completed
(Item 10= Items 10a through 10c)

Enter the total number of unduplicated in-person investigations completed by APS.

Count only investigations on new APS cases or new allegations on open cases where there are new allegations not previously investigated that have to be investigated separately from ongoing case management.

The figures in Part C, Items 10a through 10c should be unduplicated numbers and capture the “report” findings and not the finding of every allegation in the report. If the county can confirm at least one of the investigative findings, the report should be counted as confirmed even if some of the allegations cannot be confirmed. Reports should only be considered inconclusive if there are no investigative findings that are confirmed, but there is at least one investigative finding that is inconclusive. Reports should only be considered unfounded if there are no investigative findings that are confirmed or inconclusive.

- a. Total number investigated: Abuse Confirmed

Enter the total number of unduplicated abuse reports that APS investigated and found the report to be confirmed.

b. Total number investigated: Abuse Inconclusive

Enter the total number of unduplicated abuse reports that APS investigated and found the report to be inconclusive.

(i) Of the number in line 10b, the total that were closed and no services provided

Of the total number that were investigated and the abuse was determined to be inconclusive, enter the total number of reports that were closed and no additional services were provided beyond the investigation.

Count reports that were closed after the in-person investigation because the social worker did not conduct an assessment or develop a service plan and no APS protective services were provided. Do not count APS preventive services that were provided, such as information and referral to other resources or counseling services should not be considered as a service for this item.

c. Total number investigated: Abuse Unfounded

Enter the total number of unduplicated abuse reports that APS investigated and found the report to be unfounded.

11. Enter the number of immediate investigations completed

Enter the number of immediate investigations of alleged abuse completed.

12. Enter the total number of investigations conducted after business hours requiring an on-call worker to respond

Enter the total number of unduplicated face-to-face investigations conducted by APS as a result of calls coming in after county regular business hours, including investigations conducted during weekends and holidays, which required an on-call worker to respond. Do not include investigations that did not require an on-call worker to make an in-person response.

Include investigations on new APS cases, new allegations on open cases that have to be investigated separately from ongoing case management, and/or crisis situations that occur on an existing case that require an on-call worker to respond.

PART D

TYPES OF CONFIRMED OR INCONCLUSIVE FINDINGS

13. Total number of unduplicated investigated reports of self-neglect

Enter the total number of unduplicated cases of self-neglect of an elder or dependent adult that APS investigated as either a confirmed or inconclusive report.

14. Total types of self-neglect abuse
(Item 14=the sum of Items 14a through 14e)
(Item 14 is equal to or greater than Item 13)

Enter the total types of self-neglect abuse cases.

Enter the number of confirmed or inconclusive self-neglect reports of an elder or dependent adult that APS investigated from the list below. If there is more than one type of neglect per case, include one count for each type of neglect that was confirmed or inconclusive. This is not an unduplicated count. Also, include neglect types found during the investigation, which were not alleged in the original report.

Types of Self Neglect:

- a. Physical Care** means failure to conduct or provide personal hygiene, or to provide clothing, or shelter for oneself.
- b. Medical Care** means failure to obtain medical care for oneself 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.
- c. Health and Safety Hazards** means failure to protect oneself from risk, danger or harm, thus causing a threat to one's health or safety, including at risk of suicide unsafe environment.
- d. Malnutrition/Dehydration** means depriving oneself of adequate nutrition or nourishment.
- e. Financial** means failure to protect one's money or property.

15. Total number of unduplicated investigated reports of abuse perpetrated by others.

Enter the total number of unduplicated cases of abuse that were perpetrated by others to an elder or dependent adult that APS investigated as either a confirmed or inconclusive report.

16. Total types of abuse perpetrated by others
(Item 16=the sum of Items 16a through 16h)
(Item 16 is equal to or greater than Item 15)

Enter the total types of abuse perpetrated by others.

Enter the types of confirmed or inconclusive abuse reports that APS investigated that were perpetrated by others to an elder or dependent adult 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 is not an unduplicated count. Also, include types of abuse found during the investigation, which were not alleged in the original report.

Types of Abuse:

- a. **Physical** as defined in Welfare and Institutions Code (WIC) 15610.63 (see code section attached).
- b. **Sexual** as defined in the California Penal Code, sections 243.4, 261, 264.1, 262, 285, 286, 288a, and 289 (see code sections attached).
- c. **Financial** as defined in WIC 15610.3 (see code section attached).
- d. **Neglect** as defined in WIC 15610.57 (see code section attached).
- e. **Abandonment** as defined in WIC 15610 (see code section attached).
- f. **Isolation** as defined in WIC 5610.43 (see code section attached).
- g. **Abduction** as defined in WIC 15610.06 (see code section attached).
- h. **Psychological/Mental** means deliberately subjecting a person to fear, agitation, confusion, severe depression, or other forms of serious emotional distress, through threats, harassment, or other forms of intimidating behavior.

PART E

SUPPORT SERVICES

In Part E, count only cases where APS funds were used to pay for cases receiving emergency shelter, in-home protection, and/or tangible or non-tangible support services.

17. Cases receiving emergency shelter

Enter the number of cases receiving emergency shelter care during the reporting month.

Count each case once, even if the individual received emergency shelter more than one time during the month. If an individual is receiving emergency services that extends to two different months, count the case once in both months.

a. Total number of days emergency shelter provided

Enter the total number of days that emergency shelter was provided during the month.

18. Cases receiving temporary in-home protection

Enter the number of cases receiving temporary in-home protection during the month.

Count each case once even if the individual received temporary in-home protection on more than one occasion during the month. If an individual is receiving temporary in-home protection that extends to two different months, count the case once in both months.

a. Total number of hours temporary in-home protection provided

Enter the total number of hours temporary in-home protection care was provided during the month.

19. Cases receiving tangible or non-tangible support services

Enter the number of cases receiving tangible or non-tangible support services during the month.

Count each case only once even if the individual received more than one service during the month. This number should include cases receiving transportation services.

a. Cases receiving transportation services
(Item 19a is a subset of Item 19 and must be equal to or less than Item 19)

Enter the number of cases receiving transportation services during the month.

COUNTY SERVICES BLOCK GRANT

PART F INFORMATION AND REFERRAL

20. Number of responses to requests for information and referral

Enter the total number of times Information and Referral was provided during the month.

PART G OUT-OF-HOME CARE-ADULTS (OHC-A)

21. Cases brought forward from last month
(Same as Item 25 on last month's report)

Enter the number of OHC-A cases that were receiving OHC-A services on the last day of the previous month.

22. Cases opened during the month

Enter the number of OHC-A cases that were opened this month.

23. Total number of active cases during the month
(Item 23 = Items 21+22)

Enter the total number of active OHC-A cases during the month.

24. Cases closed during the month

Enter the number of OHC-A cases that were closed during the month.

25. Cases carried forward to next month
(Item 25 = item 23 minus item 24)

Enter the number of OHC-A cases carried forward to the next month.

PART H OPTIONAL SERVICES

26. Number of cases receiving optional services during the month

Enter the number of cases receiving optional services during the month.

PART I

SB 1003 SUPPLEMENTAL INFORMATION

27. Does your county implement the provisions of Senate Bill 1003 as detailed in ACL 99-98?

If your county implements the provisions of Senate Bill 1003, enter a check mark in the Yes box and complete questions 28 and 29.

If your county does not implement the provisions of Senate Bill 1003, enter a check mark in the No box and **do not** complete questions 28 and 29.

28. Total number of reports evaluated and no in-person response was made. (transfer the sum of cell 29 + 30 in Part C, Line #9)

Add cells #29 and #30 from the SOC 242 (5/2000), Part C, Line #9. Transfer this number to Line 28.

29. Of those in #28, the total number in which no in-person response was made under the provisions of SB 1003. (Item 29 = the sum of Items a thru e)

29 a-e: Enter the number of reports in which no in-person response was made based on one of the primary reasons listed below.

- a. Receiving intervention from another agency
At the time of the report, the client is receiving intervention from another agency that is addressing the allegations of abuse.
- b. Protection issue resolved
Protection issue has been resolved. Do not include those persons placed in a permanent facility.
- c. Placed in a permanent facility
Client was placed in a permanent facility and allegations of abuse have been addressed.
- d. Report received from a non-credible source
Report was received from a non-credible source and/or a non-mandated reporter.
- e. Other
An in-person response was not required for reasons other than the ones listed above. Provide explanation in comment section.

DEFINITIONS FOR TYPES OF ABUSE

Physical Abuse

15610.63. "Physical abuse" means any of the following: (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 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) Penetration of a genital or anal opening by a foreign object, 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

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 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).

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.

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.

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 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 apprising 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.

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.

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 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.

288. (a) 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.

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 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

15610.30. (a) "Financial abuse" means a situation in which one or both of the following apply: (1) A person, including, but not limited to, one who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property, to any wrongful use, or with the intent to defraud. (2) A situation in which all of the following conditions are satisfied: (A) An elder (who would be a dependent adult if he or she were between the ages of 18 and 64) or dependent adult or his or her representative requests that a third party transfer to the elder or dependent adult or to his or her representative, or to a court appointed receiver, property that meets all of the following criteria: (i) The third party holds or has control of the property. (ii) The property belongs to, or is held in express trust, constructive trust or resulting trust for, the elder or dependent adult. (iii) The ownership or control of the property was acquired in whole or in part by the third party or someone acting in concert with the third party from the elder or dependent adult at a time when the elder or dependent adult was a dependent adult or was a person who would have been a dependent adult if he or she had then been between the ages of 18 and 64. (B) Despite the request for the transfer of property, the third party without good cause either continues to hold the property or fails to take reasonable steps to make the property readily available to the elder or dependent adult, to his or

her representative or to a court appointed receiver. (C) The third party committed acts described in this paragraph in bad faith. A third party shall be deemed to have acted in bad faith if the third party either knew or should have known that the elder or dependent adult had the right to have the property transferred or made readily available. For purposes of this subdivision, a third party should have known of this right if, on the basis of the information received by the elder or dependent adult, or the elder or dependent adult's representative, it is obvious to a reasonable person that the elder or dependent adult had this right. (b) For the purpose of this section, the term "third party" means a person who holds or has control of property that belongs to or is held in express trust, constructive trust or resulting trust for an elder or dependent adult. (c) For the purposes of this section, the term "representative" means an elder or dependent adult's conservator of the estate, or attorney-in-fact acting within the authority of the power of attorney.

Neglect

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 the person themselves to exercise that degree of 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 a person to provide the needs specified in paragraphs (1) to (4), inclusive, for themselves due to ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health.

Abandonment

15610.05. "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

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 rebuttable 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

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.