

Manual of Policies and Procedures

ADULT PROTECTIVE SERVICES PROGRAM



**STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES**

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ADULT PROTECTIVE SERVICES PROGRAM

This User's Manual is issued as an operational tool. It contains the following:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries;
- b) Regulations adopted by other State Departments affecting CDSS programs;
- c) Statutes from appropriate Codes which govern CDSS programs;
- d) Court decisions; and
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as in this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that revised language in this manual letter will be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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ADULT PROTECTIVE SERVICES PROGRAM

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**ADULT PROTECTIVE SERVICES PROGRAM
GENERAL**

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CHAPTER 33-100 GENERAL**33-101 GENERAL REQUIREMENTS****33-101**

- .1 The requirements in this division are equally binding upon all agencies, public and private, engaged in the delivery of adult protective services programs, whether directly or by contract, subcontract, or other formal agreement, coming under the single supervisory purview of the California Department of Social Services, hereafter referred to as the Department.
- .2 Pursuant to the provisions of Section 10600 of the Welfare and Institutions Code, the Department is designated as the single state agency bearing responsibility for supervising or administering directly, by delegation, or through contracts, adult protective services programs in the State of California.

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- .21 Section 10600 of the Welfare and Institutions Code states:

“It is hereby declared that provision for public social services in this code is a matter of statewide concern. The department is hereby designated as the single state agency with full power to supervise every phase of the administration of public social services, except health care services and medical assistance, for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws.”

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- .3 The requirements specified in Division 33 shall be met by the county in the administration of adult protective services programs only to the extent that funds are provided in the annual Budget Act for the adult protective services program, as specified in Section 15765 of the Welfare and Institutions Code.

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- .31 Section 15765 of the Welfare and Institutions Code states:

“This chapter shall become operative on May 1, 1999. Commencing with the 1999-00 fiscal year, this chapter shall be implemented only to the extent funds are provided in the annual Budget Act.”

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- .4 In administering these regulations, the adult protective services agency must comply with all civil rights laws, and the rules, and regulations of Division 21. This provision also applies to contractors and subcontractors performing any and all adult protective services function.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 10600, 15750, 15763, 15765, and 15766, Welfare and Institutions Code and Sections 11135 through 11139.5, Government Code.

33-105 GOALS **33-105**

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- .1 The goal of the adult protective services program is to provide adult protective services to elders and dependent adults who are unable to protect their own interests or to care for themselves.
- .2 The adult protective services program is to prevent and remedy the abuse, neglect, or exploitation of elders and dependent adults who have been harmed or are at risk of harm.
- .3 Whenever possible, the adult protective services program shall seek to maintain the elder or dependent adult safely in his or her normal environment and by strengthening his or her capacity for self-maintenance.
- .4 These goals may be accomplished through the direct provision of adult protective services or by linking the elder or dependent adult with appropriate community based resources.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15600, 15610.10, 15700, and 15750, Welfare and Institutions Code.

33-110 SCOPE **33-110**

- .1 The adult protective services program is intended to provide intervention activities directed toward safeguarding the well-being of elders and dependent adults suffering from or at risk of abuse or neglect, including self-neglect.
- .2 The adult protective services program is not intended to be a long-term, on-going “case management” activity.
- .3 The adult protective services program will offer appropriate adult protective services in accordance with client’s individual needs and acceptance.
- .4 Adult protective services shall be aimed at preventing or remedying elder or dependent adult abuse or neglect.
- .5 Adult protective services shall promote self-sufficiency and reduce the need for further reliance on the adult protective services program.

ADULT PROTECTIVE SERVICES PROGRAM**Regulations****GENERAL****33-110 (Cont.)**

33-110 SCOPE (Continued)**33-110**

- .6 Adult protective services shall attempt to create a stable environment where the individual can safely function without requiring additional intervention from the adult protective services program. Adult protective services include:
- .61 Response to reports of known or suspected abuse or neglect.
 - .62 Investigations.
 - .63 Time-limited case management and arrangement for delivery of services.
 - .64 Emergency shelter/in-home protection.
 - .65 Tangible resources.
 - .66 Multidisciplinary personnel teams.
- .7 The adult protective services program is not intended to interfere with the life style choices of elders or dependent adults, nor to protect those individuals from all the consequences of such choices.
- .8 An elder or dependent adult who has been abused, as defined in Section 33-130(a)(3), may refuse or withdraw consent at any time to preventive and remedial services offered by an adult protective services agency.
- .81 If the adult protective services worker believes the elder or dependent adult is incapacitated to the extent he/she is unable to give or deny consent to adult protective services, a petition for temporary conservatorship may be initiated in accordance with Sections 2250(a) and (b) of the Probate Code.

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- .811 Section 2250(a) of the Probate Code states in part:

“On or after the filing of a petition for appointment of a guardian or conservator, any person entitled to petition for appointment of the guardian or conservator may file a petition for appointment of:

“(1) A temporary guardian of the person or estate or both.

“(2) A temporary conservator of the person or estate or both.”

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33-110 SCOPE (Continued) **33-110**

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.812 Section 2250(b) of the Probate Code states:

“The petition shall state facts which establish good cause for appointment of the temporary guardian or temporary conservator. The court, upon such petition or other showing as it may require, may appoint a temporary guardian of the person or estate or both, or a temporary conservator of the person or estate or both, to serve pending the final determination of the court upon the petition for the appointment of the guardian or conservator.”

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.9 The physical or mental incapacity, or both, of an elder or dependent adult shall not in itself result in a determination by the adult protective services agency that adult protective services are necessary.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 2250(a) and (b), Probate Code; Sections 15600, 15610.10, 15636, 15760, and 15763, Welfare and Institutions Code.

33-115 ELIGIBILITY **33-115**

.1 Any elder or dependent adult, regardless of income, is eligible for adult protective services if they:

.11 Reside in other than a long-term care facility, state hospital, or state developmental center;

.12 Are alleged to have been abused and/or neglected; and

.13 Have been determined by the adult protective services agency to be in need of services.

.2 Being an elder or dependent adult in and of itself does not result in a presumption of need for adult protective services.

.3 Adult protective services shall be provided as specified in Section 15610.10 of the Welfare and Institutions Code.

33-115 ELIGIBILITY (Continued) **33-115**

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.31 Section 15610.10 of the Welfare and Institutions Code states:

“Adult protective services’ means those preventive and remedial activities performed on behalf of elders and dependent adults who are unable to protect their own interests, harmed or threatened with harm, caused physical or mental injury due to the action or inaction of another person or their own action as a result of ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health, lacking in adequate food, shelter, or clothing, exploited of their income and resources, or deprived of entitlement due them.”

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 2250(a) and (b), Probate Code; Sections 15600, 15610.10, 15636, 15760, and 15763, Welfare and Institutions Code.

33-120 DATA COLLECTION AND STATISTICAL REPORTING REQUIREMENTS **33-120**

- .1 Each county shall maintain a system of recording and reporting adult protective services activity data for the purpose of meeting statistical, fiscal, and program reporting as required by the Department in regulation.
- .2 Each adult protective services agency shall submit data as required by Sections 15658(b)(1) and (2) of the Welfare and Institutions Code.

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.21 Sections 15658(b)(1) and (2) of the Welfare and Institutions Code state in part:

“(b)(1)...The information reported shall include, but shall not be limited to, the number of incidents of abuse, the number of persons abused, the type of abuse sustained, and the actions taken on the reports. For purposes of these reports, sexual abuse shall be reported separately from physical abuse.

“(2) The county’s report to the department shall not include reports it receives from the long-term care ombudsman program pursuant to subdivision (c).”

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- .3 Each adult protective services agency shall submit the required statistical reports in accordance with instructions and time frames on the SOC 242 provided by the Department.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 10809, 15658, and 15750, Welfare and Institutions Code.

33-130 **DEFINITIONS** **33-130**

The following definitions apply throughout this Division.

- (a) (1) “Abandonment” as defined in Section 15610.05 of the Welfare and Institutions Code.

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- (A) Section 15610.05 of the Welfare and Institutions Code states:

“‘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.”

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- (2) “Abduction” as defined in Section 15610.06 of the Welfare and Institutions Code.

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- (A) Section 15610.06 of the Welfare and Institutions Code states:

“‘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.”

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- (3) “Abuse of an elder or dependent adult” as defined in Section 15610.07 of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

- (A) Section 15610.07 of the Welfare and Institutions Code states:

“‘Abuse of an elder or a dependent adult’ means either of the following:

“(a) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.

“(b) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.”

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33-130 DEFINITIONS (Continued) **33-130**

(B) "Neglect" is defined in Section 33-130(n)(1).

(4) "Adult day health center" as defined in Section 1570.7(b) of the Health and Safety Code.

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(A) Section 1570.7(b) of the Health and Safety Code states:

"Adult day health center" or "adult day health care center" means a licensed and certified facility which provides adult day health care."

HANDBOOK ENDS HERE

(5) "Adult protective services" as defined in Section 15760 of the Welfare and Institutions Code.

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(A) Section 15760 of the Welfare and Institutions Code states:

"Notwithstanding Section 15753, adult protective services shall include investigations, needs assessments, remedial, and preventative social work activities, and the necessary tangible resources such as food, transportation, emergency shelter, and in-home protective care, the use of multidisciplinary teams, and a system in which reporting of abuse can occur on a 24-hour basis."

HANDBOOK ENDS HERE

(6) "Adult protective services agency" as defined in Section 15610.13 of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

(A) Section 15610.13 of the Welfare and Institutions Code states:

"Adult protective services agency" means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff."

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33-130 **DEFINITIONS** (Continued) **33-130**

- (7) “Adult protective services program,” for the purpose of this division, means the “adult protective services system” as described in Section 15750 of the Welfare and Institutions Code.

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- (A) Section 15750 of the Welfare and Institutions Code states:

“Each county welfare department shall establish and support a system of protective services to elderly and dependent adults who may be subjected to neglect, abuse, or exploitation or who are unable to protect their own interest.

“This system shall be known as the county adult protective services system.”

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- (8) “Adult protective services worker” means a county merit system civil service or county civil service employee who performs one or more of the following adult protective services functions:

- (A) Investigating allegations of elder and dependent adult abuse; or,

- (B) Performing case management activities, and the delivery of services, either directly or indirectly, relating to elder and dependent adult abuse cases.

- (9) “Assessment” means activity to gather and document information relevant to the client’s situation and to appraise the client’s services needs based upon that information.

- (b) Reserved

- (c) (1) “Care custodian” as defined in Section 15610.17 of the Welfare and Institutions Code.

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- (A) Section 15610.17 of the Welfare and Institutions Code states:

“‘Care custodian’ means an administrator or an employee of any of the following public or private facilities or agencies, or persons providing care or services for elders or dependent adults, including members of the support staff and maintenance staff:

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- "(a) Twenty-four-hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.
- "(b) Clinics.
- "(c) Home health agencies.
- "(d) Agencies providing publicly funded in-home supportive services, nutrition services, or other home and community-based support services.
- "(e) Adult day health care centers and adult day care.
- "(f) Secondary schools that serve 18- to 22-year-old dependent adults and postsecondary educational institutions that serve dependent adults or elders.
- "(g) Independent living centers.
- "(h) Camps.
- "(i) Alzheimer's Disease day care resource centers.
- "(j) Community care facilities, as defined in Section 1502 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code.
- "(k) Respite care facilities.
- "(l) Foster homes.
- "(m) Vocational rehabilitation facilities and work activity centers.
- "(n) Designated area agencies on aging.
- "(o) Regional centers for persons with developmental disabilities.
- "(p) State Department of Social Services and State Department of Health Services licensing divisions.
- "(q) County welfare departments.
- "(r) Offices of patients' rights advocates and clients' rights advocates, including attorneys.

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- "(s) The office of the long-term care ombudsman.
- "(t) Offices of public conservators, public guardians, and court investigators.
- "(u) Any protection or advocacy agency or entity that is designated by the Governor to fulfill the requirements and assurances of the following:
 - "(1) The federal Developmental Disability Assistance and Bill of Rights Act, as amended, contained in Chapter 75 (commencing with Section 6000) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with developmental disabilities.
 - "(2) The Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, for the protection and advocacy of the rights of persons with mental illnesses.
- "(v) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders or dependent adults."

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- (2) "Case record" means a record for each elder or dependent adult receiving adult protective services, and that contains all of the documentation and information required by the Division 33 regulations.
- (3) "Client" means an elder or dependent adult who has been determined to be in need of adult protective services, as specified in Section 15610.10 of the Welfare and Institutions Code.
- (4) "Community care facility" as defined in Sections 1502(a)(1), (2), and (7) of the Health and Safety Code means a facility licensed by the Department's Community Care Licensing Division including, but not limited to, an adult day care facility, social rehabilitation facility, or adult day support center as defined in Section 1502.2 of the Health and Safety Code, and adult residential facility as defined in Section 80001a.(7) of Division 6 of Title 22 of the California Code of Regulations.

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(A) Sections 1502(a)(1), (2), and (7) of the Health and Safety Code state in part:

"(a) 'Community care facility' means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

"(1) 'Residential facility' means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"(2) 'Adult day care facility' means any facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis....

"(7) 'Social rehabilitation facility' means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling...."

(B) Section 1502.2 of the Health and Safety Code states in part:

"...a 'community care facility' pursuant to Section 1502 includes a adult day support center. A 'adult day support center' means a community-based group program designed to meet the needs of functionally impaired adults through an individual plan of care in a structured comprehensive program that provides a variety of social and related support services in a protective setting on less than a 24-hour basis."

(C) Section 80001a.(7) of Division 6 of Title 22 of the California Code of Regulations states:

"'Adult Residential Facility' means any facility of any capacity which provides 24-hour a day nonmedical care and supervision to adults except elderly persons."

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33-130 DEFINITIONS (Continued) **33-130**

- (5) "Criminal activity" against an elder or dependent adult refers to crimes committed against elders and dependent adults as described in Section 368 of the Penal Code.
- (6) "Crisis in an 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, and action by the adult protective services agency is necessary and appropriate to address the harm.
- (7) "Cross report" means to provide copies of an abuse report received by the adult protective services agency to law enforcement and other public agencies that are authorized to receive it.

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- (A) "Public agencies" are described in Section 33-130(p)(2). Cross-reporting responsibilities are specified in Section 33-515.

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- (d) (1) "Dependent adult" as defined in Section 15610.23 of the Welfare and Institutions Code.

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- (A) Section 15610.23 of the Welfare and Institutions Code states:
 - "(a) 'Dependent adult' means any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that 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.
 - "(b) '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."

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- (e) (1) "Elder" as defined in Section 15610.27 of the Welfare and Institutions Code.

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- (A) Section 15610.27 of the Welfare and Institutions Code states:
 - "Elder' means any person residing in this state, 65 years of age or older."

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33-130 **DEFINITIONS** (Continued) **33-130**

(f) (1) “Financial abuse” as defined in Section 15610.30 of the Welfare and Institutions Code.

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(A) Section 15610.30 of the Welfare and Institutions Code states:

“ (a) ‘Financial abuse’ of an elder or dependent adult occurs when a person or entity does any of the following:

“ (1) Takes, secretes, appropriates, or retains real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both.

“ (2) Assists in taking, secreting, appropriating, or retaining real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both.

“ (b) A person or entity shall be deemed to have taken, secreted, appropriated, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates or retains possession of property in bad faith.

“ (1) A person or entity shall be deemed to have acted in bad faith if the person or entity knew or should have known that the elder or dependent adult had the right to have the property transferred or made readily available to the elder or dependent adult or to his or her representative.

“ (2) For purposes of this section, a person or entity should have known of a right specified in paragraph (1) if, on the basis of the information received by the person or entity or the person or entity’s authorized third party, or both, it is obvious to a reasonable person that the elder or dependent adult has a right specified in paragraph (1).

“ (c) For purposes of this section, “representative” means a person or entity that is either of the following:

“ (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

“ (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.”

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(g) Reserved

33-130 DEFINITIONS (Continued) **33-130**

(h) Reserved

- (i) (1) "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 as a result of the actions or inaction of another person.
- (2) "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 as a result of the actions or inaction of another person.
- (3) "In-person" means a face-to-face meeting between the adult protective services worker and the individual reported to be in need of, or who has been determined to be in need of adult protective services, as defined in Section 15610.10 of the Welfare and Institutions Code.
- (4) "Investigation" as defined in Section 15610.40 of the Welfare and Institutions Code.

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(A) Section 15610.40 of the Welfare and Institutions Code states:

"Investigation" means that activity undertaken to determine the validity of a report of elder or dependent adult abuse."

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(5) "Isolation" as defined in Section 15610.43 of the Welfare and Institutions Code.

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(A) Section 15610.43 of the Welfare and Institutions Code states:

"(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.

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33-130 DEFINITIONS (Continued)**33-130**

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“(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.”

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(j) Reserved

(k) Reserved

(l) (1) “Licensing agency” means the public agency with the authority to perform licensing, monitoring, and complaint investigation duties. Such agencies include, but may not be limited to:

(A) The licensing agency for community care facilities, residential care facilities for the chronically ill, and residential care facilities for the elderly means the California Department of Social Services, Community Care Licensing Division.

1. Residential care facility for the chronically ill means any place, building, or housing arrangement which is maintained and operated to provide care and supervision to all or any of the following: 1) Adults with HIV disease or AIDS; 2) emancipated minors with HIV disease or AIDS.

33-130 **DEFINITIONS** (Continued) **33-130**

- 2. Residential care facility for the elderly means a housing arrangement chosen voluntarily by the resident, the resident’s guardian, conservator, or other responsible person, where 75 percent of the residents are 60 years of age or older and where varying levels of care and supervision are provided.

- (B) The licensing agency for health facilities, clinics, adult day health care facilities, referral agencies, home health agencies, and hospice programs means the California Department of Health Services, Licensing and Certification Division.

- (C) The licensing agency for state developmental centers and state hospitals means the California Department of Health Services, Licensing and Certification Division.

- (D) The licensing agency for alcoholism or drug abuse recovery or treatment facilities means the California Department of Alcohol and Drug programs.

- (E) The licensing agency for psychiatric health facilities means the California Department of Mental Health.

- (2) “Local law enforcement agency” as defined in Section 15610.45 of the Welfare and Institutions Code.
 - (A) This definition of “local law enforcement agency” has a more limited scope than what is generally recognized, and applies only for the purposes of the adult protective services program under this division. This definition does not include other investigative agencies.

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- (B) Section 15610.45 of the Welfare and Institutions Code states:

“Local law enforcement agency’ means a city police or county sheriff’s department, or a county probation department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.”

HANDBOOK ENDS HERE

- (3) “Long-term care facility” as defined in Section 15610.47 of the Welfare and Institutions Code.

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(A) Section 15610.47 of the Welfare and Institutions Code states:

“Long-term care facility’ means any of the following:

“(a) Any long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.

“(b) Any community care facility, as defined in paragraphs (1) and (2) of subdivision (a) of Section 1502 of the Health and Safety Code, whether licensed or unlicensed.

“(c) Any swing bed in an acute care facility, or any extended care facility.

“(d) Any adult day health care facility as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.

“(e) Any residential care facility for the elderly as defined in Section 1569.2 of the Health and Safety Code.”

(B) Section 1569.2 of the Health and Safety Code states in part:

“(k) ‘Residential care facility for the elderly’ means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316....”

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(4) “Long-term care ombudsman” as defined in Section 15610.50 of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

(A) Section 15610.50 of the Welfare and Institutions Code states:

“‘Long-term care ombudsman’ means the State Long-Term Care Ombudsman, local ombudsman coordinators, and other persons currently certified as ombudsmen by the Department of Aging as described in Chapter 9 (commencing with Section 9700) of Division 8.5.”

HANDBOOK ENDS HERE

(5) “Long-term health care facility” as defined in Section 1418(a) of the Health and Safety Code.

HANDBOOK BEGINS HERE

(A) Section 1418(a) of the Health and Safety Code states in part:

“As used in this chapter:

“(a) ‘Long-term health care facility’ means any facility licensed pursuant to Chapter 2 (commencing with Section 1250) that is any of the following:

“(1) Skilled nursing facility.

“(2) Intermediate care facility.

“(3) Intermediate care facility/developmentally disabled.

“(4) Intermediate care facility/developmentally disabled habilitative.

“(5) Intermediate care facility/developmentally disabled--nursing.

“(6) Congregate living health facility.

“(7) Nursing facility.

HANDBOOK ENDS HERE

33-130 DEFINITIONS (Continued) **33-130**

(m) (1) “Mandated reporter” as defined in Section 15630(a) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

(A) Section 15630(a) of the Welfare and Institutions Code states:

“Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, or employee of a county adult protective services agency or a local law enforcement agency is a mandated reporter.”

HANDBOOK ENDS HERE

(2) “Mental suffering” as defined in Section 15610.53 of the Welfare and Institutions Code.

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(A) Section 15610.53 of the Welfare and Institutions Code states:

“‘Mental suffering’ means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts performed or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress of the elder or dependent adult.”

HANDBOOK ENDS HERE

(3) “Multidisciplinary personnel team” as defined in Section 15610.55 of the Welfare and Institutions Code.

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(A) Section 15610.55 of the Welfare and Institutions Code states:

“(a) ‘Multidisciplinary personnel team’ means any team of two or more persons who are trained in the prevention, identification, and treatment of abuse of elderly or dependent persons and who are qualified to provide a broad range of services related to abuse of elderly or dependent persons, as defined in Section 15753.5.

HANDBOOK CONTINUES

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“(b) A multidisciplinary personnel team may include, but is not limited to, all of the following:

“(1) Psychiatrists, psychologists, or other trained counseling personnel.

“(2) Police officers or other law enforcement agents.

“(3) Medical personnel with sufficient training to provide health services.

“(4) Social workers with experience or training in prevention of abuse of elderly or dependent persons.

“(5) Public guardians.”

HANDBOOK ENDS HERE

(n) (1) “Neglect” as defined in Section 15610.57 of the Welfare and Institutions Code.

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(A) Section 15610.57 of the Welfare and Institutions Code states:

“(a) ‘Neglect’ means either of the following:

“(1) The negligent failure of any person having the care or custody of an elder or 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 situation would exercise.

HANDBOOK CONTINUES

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- “(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.”

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(o) Reserved

(p) (1) “Physical abuse” as defined in Section 15610.63 of the Welfare and Institutions Code.

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- (A) Section 15610.63 of the Welfare and Institutions Code states:
 - “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 by Section 245 of the Penal Code.
 - “(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

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- “(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 defined 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) Sexual penetration, 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.”

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- (2) “Public agency” means the agency with the statutory authority to investigate known or suspected abuse of an elder or dependent adult.
 - (A) This definition of “public agency” has a more limited scope than what is generally recognized as a public agency, and applies only for the purposes of the adult protective services program under this division.

33-130 DEFINITIONS (Continued)**33-130**

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Examples of public agencies may include, but are not limited to: adult protective services agencies; Office of the Long-Term Care Ombudsman; California Department of Mental Health; California Department of Developmental Services; California Department of Justice, Bureau of Medi-Cal Fraud and Elder Abuse; California Department of Consumer Affairs, Division of Investigation; licensing agencies; and professional licensing agencies.

Professional licensing agency includes the various agencies, boards, bureaus, commissions, committees, departments, divisions, examining committees, or programs of the California Department of Consumer Affairs with the authority to issue a license, certificate, registration, or other means to engage in a business or profession regulated by the California Business and Professions Code. Examples include the Board of Dental Examiners, Board of Registered Nursing, Board of Behavioral Sciences, Medical Board of California, etc.

HANDBOOK ENDS HERE

(q) Reserved

(r) (1) "Reasonable suspicion" as defined in Section 15610.65 of the Welfare and Institutions Code.

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(A) Section 15610.65 of the Welfare and Institutions Code states:

"Reasonable suspicion" means an objectively reasonable suspicion that a person would entertain, based upon facts that could cause a reasonable person in a like position, drawing when appropriate upon his or her training and experience, to suspect abuse."

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(2) "Reassessment" means the activity to gather and document information relevant to the client's current circumstances, review past assessments, and re-examine the service needs of the client and his/her family. The reassessment document is used to evaluate the effectiveness of the service plan and to review the progress that has been made toward achieving the objectives identified in the service plan.

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| 33-130 | DEFINITIONS (Continued) | 33-130 |
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- (3) "Refer" means to direct a caller to law enforcement or another agency with the express authority to investigate the known or suspected abuse or neglect of an elder or dependent adult.
- (4) "Report of known or suspected abuse or neglect" means either a verbal or written account of the incident of suspected elder/dependent adult abuse.
- (s) (1) "State developmental center" means a health facility for the care and treatment of persons with developmental disabilities, under the administration of the California Department of Developmental Services.
- (2) "State hospital" means a health facility for the care, treatment, and education of persons with mental illness, under the administration of the California Department of Mental Health.
- (t) Reserved
- (u) Reserved
- (v) Reserved
- (w) Reserved
- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15610.05, 15610.06, 15610.07, 15610.13, 15610.17, 15610.23, 15610.27, 15610.30, 15610.40, 15610.43, 15610.45, 15610.47, 15610.50, 15610.53, 15610.55, 15610.57, 15610.63, 15610.65, 15630(a), 15750, 15760, and 15766, Welfare and Institutions Code; Sections 1204, 1250, 1400, 1418, 1502, 1502(a)(1), (2), and (7), 1502.2, 1568.02, 1569.2, 1570.7(b), 1575, 1726, 1747, 1760, and 11834.02, Health and Safety Code; and Section 368, Penal Code.

33-135 DEFINITIONS – FORMS **33-135**

The following forms are incorporated by reference:

(a) through (r) (Reserved)

(s) (1) SOC 242 (Rev. 1/01) Adult Protective Services and County Services Block Grant Monthly Statistical Report

(2) SOC 341 (Rev. 6/00) Report of Suspected Dependent Adult/Elder Abuse

(3) SOC 343 (Rev. 6/01) Investigation of Suspected Dependent Adult/Elder Abuse

(t) through (z) (Reserved)

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 15658, Welfare and Institutions Code.

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**ADULT PROTECTIVE SERVICES PROGRAM
JURISDICTION**

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CHAPTER 33-400 JURISDICTION

33-405 ADULT PROTECTIVE SERVICES PROGRAM JURISDICTION 33-405

- .1 An adult protective services agency shall investigate all reports of known or suspected abuse or neglect of an elder or dependent adult residing in their county, except those that occur in or under the supervision of a long-term care facility, a state hospital, state developmental center, or other county or state.

- .11 This section shall not prohibit an adult protective services agency from initiating or participating in an abuse investigation when:
 - .111 The elder or dependent adult is away from the facility and facility personnel were not responsible for direct care and supervision when the alleged abuse occurred, or

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- (a) Example: Abuse occurred when the client was away from the facility during an approved absence, and family members provided care and supervision.

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- .112 The alleged perpetrator is not affiliated with the facility, or

- .113 At the time the initial report of known or suspected abuse or neglect is received, it is unknown if the abuse occurred in a long-term care facility, state hospital, or state developmental center.
 - (a) When an adult protective services agency determines the abuse or neglect occurred in a long-term care facility, state hospital, or state developmental center, the agency shall refer the report of known or suspected abuse or neglect as specified in Section 33-405.41.

- .2 When jurisdiction to investigate reports of known or suspected abuse or neglect is shared with another public agency, county, or state, the adult protective services agencies shall investigate the specific allegations contained in the report that are within the adult protective services agency's jurisdiction, and cross report, as specified in Section 33-515.1, all other issues to the appropriate agency.

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- .21 Example: Client resides in County A and abuse occurred in County B, or scope of the investigation encompasses County B.

- .22 Example: During the course of an investigation, the adult protective services agency determines another agency also has authority to investigate certain allegations.

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33-405 ADULT PROTECTIVE SERVICES PROGRAM JURISDICTION (Continued) 33-405

- .3 When an adult protective services agency has reasonable cause to believe a service provider or facility does not possess a required license, the agency shall report the suspected unlicensed provider or facility to the appropriate licensing agency for investigation.

- .31 An adult protective services agency shall investigate reports of known or suspected abuse or neglect that occur in unlicensed facilities, except all reports related to unlicensed community care facilities shall be referred to the long-term care ombudsman as specified in Section 33-405.4.

- .4 An adult protective services agency shall refer, as specified below, all reports of known or suspected abuse or neglect which it does not have jurisdiction to investigate.
 - .41 Reports of known or suspected abuse or neglect of an elder or dependent adult that occur in:
 - .411 A long-term care facility or under the supervision of the facility's personnel shall be referred to the long-term care ombudsman.
 - .412 A state hospital or under the supervision of state hospital personnel shall be referred to the California Department of Mental Health.
 - .413 A state developmental center or under the supervision of state developmental center personnel shall be referred to the California Department of Developmental Services.
 - .414 Another county or state shall be referred to that county's or state's adult protective services authority.
 - .42 Persons making in-person or telephone reports of known or suspected abuse or neglect shall be referred directly to the appropriate agency.
 - .421 If the adult protective services agency believes that the reporting party will not follow through with the referral, the agency may accept a report of the incident and as soon as possible refer it via facsimile, or communicate the content of the report by telephone, to the appropriate agency.
 - .43 Written reports of known or suspected abuse or neglect shall be transmitted as soon as possible via facsimile, or the content of the report shall be communicated by telephone, to the appropriate agency.
 - .431 The original written report shall be sent to the appropriate agency within two working days of transmission of the telephone or facsimile report.
 - .44 When applicable, the report of known or suspected abuse or neglect shall be transmitted as soon as possible via facsimile, or the content of the report shall be communicated by telephone, to the appropriate licensing agency.

33-405 ADULT PROTECTIVE SERVICES PROGRAM JURISDICTION (Continued) 33-405

.441 A copy of the original written report of known or suspected abuse or neglect shall be sent to the appropriate licensing agency within two working days of the telephone or facsimile report.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15600(i), 15630(b)(1)(A), (B), and (C), 15630(c)(2), (3), (4), and (5), 15640(a)(1) and (2), 15640(b), (c), and (e), 15650(a), (b), and (c), and 15763(b), Welfare and Institutions Code.

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CHAPTER 33-500 ADULT PROTECTIVE SERVICES ACTIVITIES

33-501 24-HOUR SYSTEM 33-501

- .1 Each adult protective services agency shall provide free public telephone access to a 24-hour hotline system to receive reports of known or suspected abuse or neglect of elders or dependent adults. The service may be provided by either a toll-free number or by accepting collect calls.
 - .11 Public access to the 24-hour hotline shall include access for the deaf and hearing impaired via a Telecommunications Device for the Deaf (TDD/TTY).
 - .12 County adult protective services agencies may establish their 24-hour hotline system in cooperation with neighboring counties. Cooperating counties must enter into a written agreement that at a minimum provides for compliance with applicable federal and state laws, and identifies each county's financial responsibilities.
- .2 A county adult protective services agency may utilize private or non-profit telephone answering services to process adult protective services calls after normal working hours. In utilizing telephone answering services either:
 - .21 The answering service staff must immediately transfer all adult protective services related calls to an adult protective services worker except those clearly seeking only routine information; or
 - .22 Specially trained answering service staff may take reports of known or suspected abuse or neglect of an elder or dependent adult, that occurred prior to the date of the call, if the elder or dependent adult is not currently at risk. Specially trained answering service staff must have the following qualifications:
 - .221 Education and/or experience in providing mental health and/or crisis intervention. Each county shall establish minimum education and experience standards for this requirement, and
 - .222 Training on the adult protective services program. This training must be received within three months of employment.
- .3 At the start of each business day, answering service staff shall transmit by facsimile or electronically transfer to the adult protective services agency a written report of all adult protective services activity occurring since the previous business day. The adult protective services agency shall then follow up on all reports of past known or suspected abuse or neglect that were not directly referred to the adult protective services social worker pursuant to Section 33-501.22.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15658(a)(1), 15763(a), and 15766, Welfare and Institutions Code and 28 CFR 35.161 and .162.

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| 33-505 | INITIAL EVALUATION | 33-505 |
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- .1 Upon receiving a report of known or suspected abuse or neglect of an elder or dependent adult, each county adult protective services worker shall determine:
 - .11 If the incident meets the definition of abuse or neglect of an elder or dependent adult; and
 - .12 If the county adult protective services agency has jurisdiction to investigate the incident.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15610.07, 15610.57, and 15650(a), (b), and (d), Welfare and Institutions Code.

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| 33-510 | RESPONSE TO REPORTS | 33-510 |
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- .1 When a report of known or suspected abuse or neglect of an elder or dependent adult is determined to be within the jurisdiction of the adult protective services agency, documentation of an allegation of abuse or neglect shall be made on the SOC 341 provided by the Department. The adult protective services worker shall:
 - .11 If there is a report of an immediate life threat, imminent danger, or a crisis in an existing case, attempt to immediately make in-person contact with the elder or dependent adult for purposes of intake or intervention.
 - .111 Provide an immediate in-person response when the local law enforcement agency requests it.
 - .12 Respond to all other reports of danger of abuse or neglect as soon as necessary to protect the elder or dependent adult, but in no case shall the response be more than 10 calendar days from the initial report.
 - .13 Investigate all incidents of known or suspected abuse or neglect of an elder or dependent adult when a violation of the Penal Code has been alleged.
- .2 An in-person response is not required under the following circumstances:
 - .21 The adult protective services worker has made repeated attempts to locate the elder or dependent adult or their family, but has been unsuccessful.
 - .22 The elder or dependent adult has moved out-of-state or out-of-county. The adult protective services worker must report the alleged abuse or neglect to the appropriate county or out-of-state adult protective services agency.
 - .23 The elder or dependent adult is deceased and there is no indication that another elder or dependent adult is at risk.

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| 33-510 | RESPONSE TO REPORTS (Continued) | 33-510 |
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- .41 Attempt to obtain the consent of the elder or dependent adult to enter their residence to meet privately without the presence of the person's caretaker, attendant, or family or household members.

- .42 If the elder or dependent adult does not give consent for a private meeting at his/her residence, the adult protective services worker shall:
 - .421 Make attempts to meet with the elder or dependent adult privately at some other convenient place, or
 - .422 Make attempts to meet with the elder or dependent adult in the presence of a person of the elder's or dependent adult's choice.

- .5 The adult protective services worker shall request the assistance of law enforcement in attempting to enter the elder's or dependent adult's residence if:
 - .51 The adult protective services worker has been denied access to the elder's or dependent adult's residence by someone other than the elder or dependent adult, and
 - .52 If the adult protective services worker has reason to believe the elder or dependent adult is subject to abuse or neglect.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15636(a), 15650, 15750, 15755, 15762, and 15763, Welfare and Institutions Code.

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| 33-515 | CROSS REPORTING | 33-515 |
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- .1 Each adult protective services agency shall report by telephone or facsimile as soon as possible every known or suspected instance of abuse or neglect of an elder or dependent adult to:
 - .11 The law enforcement agency having jurisdiction over the case if it is suspected that any incident of criminal activity has occurred.
 - .12 Any public agency given responsibility for investigation pursuant to Section 33-405.

- .2 An adult protective services agency shall report by telephone or facsimile known or suspected abuse or neglect of elders or dependent adults to the appropriate professional licensing agency when the adult protective services agency has determined, based on its investigation, that the alleged abuser is or contends to be a health care practitioner licensed under Section 510(h) of Division 2 of the Business and Professions Code, or any related statute.

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- .21 Section 510(h) of Division 2 of the Business and Professions Code states:

“For purposes of this section, ‘health care practitioner’ means a person who is described in subdivision (f) of Section 900...”

- .22 Section 900(f) of the Business and Professions Code states:

“For the purposes of this chapter, ‘health care practitioner’ means any person who engages in acts which are the subject of licensure or regulation under this division or under any initiative act referred to in this division.”

HANDBOOK ENDS HERE

- .23 Transmittal of the report to the appropriate licensing agency shall not relieve the adult protective services agency of the responsibility to continue its own investigation.

- .3 Each adult protective services agency shall send the appropriate agency a written copy of the report of known or suspected abuse or neglect within two working days of transmission of the telephone or facsimile report.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15640(a)(1), (b), and (e), Welfare and Institutions Code.

33-520 CASE MANAGEMENT SERVICES**33-520**

- .1 Case management services shall be provided on behalf of elders and dependent adults who are determined to be in need of adult protective services.
 - .11 The purpose of case management is:
 - .111 To stabilize the client in his/her environment in order to minimize or alleviate the risk of abuse or neglect.
 - .112 To assist the clients to make changes that enhance their ability to protect themselves in the future.
 - .113 To enhance the client's problem-solving and coping capacities.
 - .114 To improve the client's protection and quality of life by linking them with resources and services.
- .2 Case management services shall be performed only by adult protective services workers.
- .3 As appropriate for individual clients, case management services shall include:
 - .31 An inquiry and examination of the protection issues, including the client's social, medical, environmental, physical, emotional, socio-economic, or developmental needs.
 - .32 An assessment, pursuant to Section 33-525.
 - .33 Development of a service plan, pursuant to Section 33-535.
 - .34 Adult protective services counseling, as part of the development of the service plan, for the client and his/her family.
 - .35 Monitoring of the service plan, pursuant to Section 33-545.
 - .36 A reassessment and modification of the service plan pursuant to Section 33-560.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15763(a)(1) and (c) and 15766, Welfare and Institutions Code.

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| 33-525 | ASSESSMENT | 33-525 |
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- .1 When it has been determined, based on the adult protective services agency's investigation of the report of known or suspected abuse or neglect, that adult protective services are to be provided, the adult protective services worker shall complete a case assessment.
- .2 The case assessment shall be completed as soon as appropriate for the elder or dependent adult, depending on the risk involved, but no later than 21 calendar days from the date of the initial in-person contact with the client.
 - .21 The purpose of the assessment is to identify:
 - .211 The client's capacity and ability to protect him/herself.
 - .212 The client's willingness to be involved in the problem-solving process.
 - .213 The client's need for protective intervention.
 - .214 Immediate and ongoing risk factors.
 - .215 Resources available to the client and/or his/her family that could alleviate the risk of abuse or neglect.
- .3 If during the assessment process it is determined that the client does not need adult protective services, the reasons why services are not needed shall be documented in the file, and the case closed.
- .4 The case assessment shall include written documentation of the following information:
 - .41 The reason for the referral.
 - .42 A summary of the investigative findings.
 - .43 Identification of the concerns and needs of the client and, when appropriate, his/her family, household members, or other significant individuals.
 - .44 Identification of resources needed by and available to the client.
 - .45 A description of the functional level of the client, analysis of his/her strengths, limitations, and problems, and the risk factors that are present.
 - .46 A description of the client's history with adult protective services or other agencies.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15763(a)(1) and (c), Welfare and Institutions Code.

33-535 SERVICE PLAN**33-535**

- .1 For each person receiving adult protective services a written service plan shall be developed based upon the assessment. The service plan shall:
 - .11 Be completed within 30 calendar days from the initial in-person contact; and
 - .12 Provide for the safety of the client in the least restrictive environment.
- .2 The purpose of the service plan is as follows:
 - .21 To identify the problems to be alleviated, based on the assessment, and to develop the desired outcomes and strategies to be used in attaining those outcomes.
 - .22 To identify resources to be used in order to attain the outcomes and stabilize the situation.
- .3 The service plan shall include:
 - .31 The identification of priorities and desired outcomes.
 - .32 Strategies and resources to be used to attain the desired outcomes.
 - .33 Identification of the services to be provided by the adult protective services agency or other service providers.
 - .34 The frequency and duration of services while the case is open.
 - .35 The planned frequency of contact between the client and the adult protective services worker.
 - .36 The length of time the case is expected to remain open.
- .4 The adult protective services worker shall ensure the client's input in the development of the service plan and shall discuss with the client the voluntary nature of the adult protective services program.
- .5 The services identified in the service plan shall be delivered only with the consent of the elder or dependent adult.
 - .51 The adult protective services worker shall document in the case record the client's agreement to the service plan or shall request the client to sign a document that indicates the client's willingness to receive the services in accordance with the service plan.
 - .52 The client may refuse or withdraw consent to the provision of any or all services at any time.

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| 33-535 | SERVICE PLAN (Continued) | 33-535 |
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.521 If a violation of the Penal Code has been alleged, the adult protective services agency shall continue with the investigation of the report of known or suspected abuse or neglect, even though the client refuses services.

.6 If the client refuses or withdraws consent for adult protective services, the adult protective services worker shall:

.61 Refer the client to other agencies for services, as appropriate.

.62 Document in the case file the client's refusal of services including, if available, the reasons for the refusal.

.7 Upon completion of the service plan, the adult protective services worker shall sign and date the plan.

.8 The adult protective services worker's supervisor shall document, in the case record, approval of the service plan within five working days of completion.

.9 A copy of the service plan shall be provided to the client if requested.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15636 and 15763(a)(1) and (c), Welfare and Institutions Code.

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| 33-545 | SERVICE PLAN MONITORING | 33-545 |
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.1 The adult protective services worker shall monitor the service plan and the progress of the client.

.11 The purpose of the service plan monitoring is:

.111 To evaluate the client's progress in meeting the desired outcomes and the strategies and resources used to attain the desired outcomes.

.112 To ensure a timely response to the client's changing needs and circumstances.

.113 To ensure that case management is being provided at an appropriate level of intensity to meet the client's needs.

.114 To ensure provider services are delivered in accordance with the service plan.

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| 33-545 | SERVICE PLAN MONITORING (Continued) | 33-545 |
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- .2 In monitoring the service plan, the adult protective services worker shall:
 - .21 Evaluate the progress towards achieving service plan outcomes.
 - .22 Respond timely and appropriately to complaints or problems regarding the delivery of services.
 - .23 Confirm that the services being provided meet the client’s needs.
 - .24 Modify the service plan, as appropriate, with the client’s consent.
 - .241 Within five working days of any modification, the adult protective services worker’s supervisor shall document in the case record approval of the modification.
- .3 The adult protective services worker shall conduct in-person monitoring visits with the client once every 30 calendar days except as specified in Section 33-545.4.
- .4 The adult protective services worker may, based on the risks and needs of the client, develop a written visitation plan calling for a visit less than once every 30 calendar days.
 - .41 The written visitation plan shall be included in the case record and include:
 - .411 A justification explaining why it is not necessary to visit the client in person once every 30 calendar days.
 - (a) If the justification is based on other professionals visiting the client, the plan shall indicate:
 - (1) The frequency of planned visits by those professionals; and
 - (2) The frequency of planned contact between the adult protective services worker and those professionals.
 - .412 How often the adult protective services worker will visit the client.
 - .42 Approval of the written visitation plan shall be documented in the case record. Until the written visitation plan is documented and approved by the appropriate supervisor, the adult protective services worker must visit the client at least once every 30 calendar days.

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| 33-545 | SERVICE PLAN MONITORING (Continued) | 33-545 |
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.421 The adult protective services worker's first-level supervisor may grant approval of the written visitation plan only under the following circumstances:

- (a) The client is temporarily hospitalized or placed in a skilled nursing facility, and another professional is monitoring the client's condition.
- (b) Permanent protective measures for the client are pending a court disposition, and temporary protective measures for the client are in place.
- (c) In addition to the two circumstances in Sections 33-545.421(a) and (b), the adult protective services worker must have continued contact with other professionals visiting the client in person as outlined in Section 33-545.411(a).

.422 In all other circumstances the written visitation plan must be approved by either, the adult protective services worker's second-level supervisor, or a case review team.

- (a) The case review team shall consist of two or more adult protective services supervisors.

.5 The adult protective services worker shall document in the case record all of the following:

.51 The results of all contacts and visits between the client and other professionals and service providers.

.511 If the adult protective services worker determines that the other professionals and service providers have not visited the client as indicated in the written visitation plan, the adult protective services worker shall reassess the situation and determine if an in-person visit is necessary by the adult protective services worker.

.52 The findings of each adult protective services monitoring visit (e.g., problems, necessary modifications, progress of client, etc.).

.6 Service plan monitoring shall continue until the case is closed.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15763(a)(1) and (c)(8), Welfare and Institutions Code.

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| 33-560 | REASSESSMENT | 33-560 |
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- .1 A written reassessment shall be completed as often as necessary based on the client’s needs and progress, but no less frequently than once every 90 calendar days.
- .2 The purpose of the reassessment is to:
 - .21 Determine the effectiveness of the service plan by reviewing the client’s progress and success in meeting the service plan’s desired outcomes.
 - .22 Determine if any new risks, impediments, or problems exist which may require services.
 - .23 Determine the need for continued services and whether there continues to be a purpose in keeping the case open in order to avoid unnecessary intervention in the life of the client.
- .3 In completing the reassessment, the adult protective services worker shall review prior assessments and examine the current circumstances of the client.
- .4 When completing the reassessment, the adult protective services worker shall address:
 - .41 The appropriateness of the existing service plan.
 - .42 Changes in the client’s situation that would alter the service plan’s desired outcomes, strategies and/or resources.
 - .43 The continued need for services.
- .5 Within five working days of completion of the reassessment, the adult protective services worker’s supervisor shall document in the case record approval of the continued need to keep the case open.
- .6 The adult protective services worker’s second level supervisor shall document in the case record, within five working days of the reassessment, approval of all cases open beyond 12 months.
 - .61 The county welfare department director may designate a supervisory level, other than the second level supervisor, to perform the review and approval of all cases open beyond 12 months.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15763(a)(1) and (c), Welfare and Institutions Code.

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| 33-570 | CASE CLOSURE | 33-570 |
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- .1 Whenever possible, the closure of a case shall be a joint decision between the adult protective services worker and the client.
- .2 Adult protective services cases shall be closed when:
 - .21 The client does not consent to services.
 - .22 The client withdraws consent for services.
 - .23 Adult protective services are no longer needed.
 - .24 The client dies.
 - .241 Closing a case in the event of a client's death does not preclude the adult protective services agency from cooperating with other agencies in the ongoing prosecution of an abuse or neglect case.
 - .25 The client is unavailable for services due to permanent long-term care placement.
 - .26 The client moves out of the adult protective services agency's jurisdiction and, if appropriate, has been referred to another adult protective services agency.
 - .27 Repeated attempts to locate the client have been unsuccessful.
 - .28 The client has been referred to another agency/resource that has accepted responsibility for the client and protection issues have been resolved.
- .3 Section 33-570.2 shall not require case closure if:
 - .31 There is any ongoing activity that requires the case to remain active.
 - .32 The case is to be closed under Section 33-570.21 or .22 and the adult protective services worker believes that the client is acting under undue influence or duress; or lacks capacity to act on his own behalf.
 - .33 The case is to be closed under Section 33-570.21 or .22; however, the report of known or suspected abuse or neglect alleges a violation of the Penal Code. The case may remain open for purposes of the investigation.
- .4 At case closure the adult protective services worker shall complete a written closure summary that includes:

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| 33-570 | CASE CLOSURE (Continued) | 33-570 |
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.41 The reason the case was closed.

.42 The services provided.

.43 Supportive resources now in place.

.44 The extent to which the desired outcomes of the service plan were accomplished.

.5 The adult protective services worker's supervisor shall document approval of all case closures.

.51 The effective date of case closure shall be the date the adult protective services worker's supervisor approves closure and documents the closure date in the service plan.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15636 and 15763(a)(1), (b), and (c), Welfare and Institutions Code.

**ADULT PROTECTIVE SERVICES PROGRAM
ADDITIONAL PROGRAM COMPONENTS**

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CHAPTER 33-600 ADDITIONAL PROGRAM COMPONENTS

33-605 MULTIDISCIPLINARY TEAMS 33-605

- .1 Each adult protective services agency shall establish multidisciplinary personnel teams, as defined in Section 33-130(m)(3) whose purpose shall be to:
 - .11 Develop interagency treatment strategies,
 - .12 Ensure maximum coordination with community resources,
 - .13 Ensure maximum access on behalf of elders and dependent adults, and
 - .14 Avoid duplication of efforts.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15760, 15761, 15763(a)(3), and 15763(e), Welfare and Institutions Code.

33-610 EMERGENCY SHELTER/IN-HOME PROTECTION 33-610

- .1 Emergency shelter and in-home protection shall be provided on a temporary basis to frail and disabled elders and dependent adults who require assistance with activities of daily living.

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- .11 Section 15763(d) of the Welfare and Institutions Code states:

“To the extent resources are available, each county shall provide emergency shelter in the form of a safe haven or in-home protection for victims. Shelter and care appropriate to the needs of the victim shall be provided for frail and disabled victims who are in need of assistance with activities of daily living.”

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- .2 The adult protective services worker shall, consistent with the health and safety needs of the client, give priority to providing in-home protection rather than removing the client from his/her home.
- .3 In considering the use of emergency shelter, the adult protective services worker shall:
 - .31 Consider the client’s needs including his/her medical needs, such as medications and dietary needs, or psychological care.
 - .32 Document in the service plan the strategy for returning the client to his/her home or other appropriate placement.

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| 33-610 | EMERGENCY SHELTER/IN-HOME PROTECTION (Continued) | 33-610 |
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- .4 Acceptable emergency shelters include, but are not limited to:
 - .41 A home of a family member or friend.
 - .42 An adult residential care facility or residential care facility for the elderly that:
 - .421 Is licensed by the State of California; and
 - .422 Has a written agreement with the adult protective services agency for the provision of emergency shelter.
 - .43 A 24-hour health facility licensed by the California Department of Health Services.
 - .44 Any other appropriate living quarters, such as hotels, motels, or apartments when the elder and dependent adult does not require care and supervision.
- .5 The adult protective services worker shall be present when a client is admitted to an adult residential facility or a residential care facility for the elderly.
 - .51 The adult protective services worker shall remain with the client until:
 - .511 He/she is oriented to his/her new surroundings; and
 - .512 The facility personnel have accepted the client for the emergency placement.
 - .52 The adult protective services worker shall provide the adult residential facility or residential care facility for the elderly all information necessary for placement, including the anticipated length of stay as indicated in the client's service plan.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15763(a)(2) and (d), Welfare and Institutions Code.

33-620 TANGIBLE AND NON-TANGIBLE SUPPORT SERVICES 33-620

- .1 To the extent resources are available, each adult protective services agency shall provide tangible and non-tangible support services.
- .11 Tangible and non-tangible support services may include, but are not limited to:
- (a) Food.
 - (b) Clothing.
 - (c) Repair or replacement of essential appliances.
 - (d) Plumbing and electrical repair.
 - (e) Blankets, linens, and other household goods.
 - (f) Advocacy with utility companies.
 - (g) Transportation.
 - (h) Emergency response units, such as LifeLine, ambulances, etc.
 - (i) Emergency medical supplies.
 - (j) One-time payment of professional evaluations necessary for the development or implementation of the service plan.
 - (k) One-time payment of utility bills under emergency circumstances, for the duration of that emergency.
- .2 To the extent possible, the adult protective services agency shall provide the services identified in Section 33-630.11 through existing public or private sources, particularly those to which the client has entitlement.

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- .21 For example: emergency medical supplies may be available through county health programs, Medi-Cal, or individual health plans and should be utilized, if available.

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| 33-620 | TANGIBLE AND NON-TANGIBLE SUPPORT SERVICES (Continued) | 33-620 |
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- .3 For the purposes of contracting out, tangible and non-tangible support services shall not include:
 - .31 Emergency response.
 - .32 Adult protective services investigations.
 - .33 Case management.
 - .34 Adult protective services counseling performed by the adult protective services worker.
 - .341 Adult protective services agencies may contract out for other counseling services necessary to implement the service plan.
 - .35 Any other activity requiring the exercise of discretion or judgement by the adult protective services worker.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 15760, 15763, and 15766, Welfare and Institutions Code.

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| 33-630 | RESOURCE DIRECTORY | 33-630 |
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- .1 Pursuant to Section 15650(e) of the Welfare and Institutions Code each adult protective services agency shall maintain an inventory of all public and private service agencies available to assist elder or dependent adult victims of abuse or neglect.

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- .11 Section 15650(e) of the Welfare and Institutions Code states:
 - “...This inventory shall be used to refer victims in the event that the county adult protective services agency cannot resolve the immediate needs of the victim, and to serve the victim on a long-term, followup basis. The intent of this section is to acknowledge that limited funds are available to resolve all suspected cases of abuse reported to a county adult protective services agency.”

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Section 15650(e), Welfare and Institutions Code.

**ADULT PROTECTIVE SERVICES PROGRAM
CASE RECORDS**

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CHAPTER 33-800 CASE RECORDS

33-805 CASE RECORD REQUIREMENTS 33-805

- .1 The adult protective services agency shall develop and maintain a case record for each adult protective services client.
- .2 Each case record shall contain:
 - .21 The SOC 341.
 - .22 All written assessments and reassessments as specified in Sections 33-525 and 33-560.
 - .23 The written service plan as specified in Section 33-535.
 - .24 Any written visitation plan prepared pursuant to Section 33-545.5.
 - .25 The chronological narrative of contacts made with, or on behalf of, the elder/dependent adult.
 - .26 Documentation of any refusal of services including, if known, the reasons for the refusal.
 - .27 Copies of all documents, relating to the client, that have been received or sent by the adult protective services agency.
 - .28 Case closure summary, as specified in Section 33-570.
 - .29 Documentation of all supervisory approvals, as specified in Sections 33-510.32, 33-535, 33-545, 33-560, and 33-570.
- .3 The case record may also contain any other information or documents that the adult protective services agency believes are necessary to maintain a proper record of the client's case.

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- .31 Example: Other information or documents may include either the SOC 343, which is voluntary, or a form that the county determines is equivalent to the SOC 343.

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- .4 Case records shall be retained a minimum of three years from the last date adult protective services were provided.
 - .41 The adult protective services agency shall retain case records longer than three years if instructed to do so by the Department because of a pending criminal or civil matter.

NOTE: Authority cited: Sections 10553, 10554, 10851, and 15763, Welfare and Institutions Code and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Sections 10851 and 15763, Welfare and Institutions Code.

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