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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (Division 9 added by Stats. 1965, Ch. 1784.)

PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15771] (Part 3 added by Stats. 1965, Ch. 1784.)

CHAPTER 13. Adult Protective Services [15750 - 15768] (Chapter 13 added by Stats. 1986, Ch. 25, Sec. 3.)

15750. (a) The definitions contained in Chapter 11 (commencing with Section 15600) shall govern the construction of this chapter.

(b) Notwithstanding subdivision (a), and for the purposes of investigating or providing services under an adult protective services program pursuant to this chapter, the following definitions apply:

(1) (A) "Dependent adult" means any person residing in this state between 18 and 59 years of age, inclusive, who resides in this state, and who has a combination of a disability and the inability to protect their own interest, or who has an inability to carry out normal activities to protect their 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 18 and 59 years of age, inclusive, who is admitted as an inpatient to a 24-hour facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(2) "Elder" means any person residing in this state 60 years of age or older.

(c) Subdivision (b) shall be operative on January 1, 2022.

(d) To the extent that this section has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any program costs that may be incurred by a local agency pursuant to this section that is above the level of funding which has been appropriated in the annual Budget Act shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

(Amended by Stats. 2021, Ch. 85, Sec. 69. (AB 135) Effective July 16, 2021.)

15751. 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.

(Added by renumbering Section 15750 by Stats. 2002, Ch. 54, Sec. 18. Effective January 1, 2003.)

15752. Each county shall establish and maintain a specialized entity within the county welfare department which shall have lead responsibility for the operation of the adult protective services program.

(Added by renumbering Section 15751 by Stats. 2002, Ch. 54, Sec. 20. Effective January 1, 2003.)

15753. The department shall, to the extent funding for this purpose remains with the department, establish one full-time position that reports to the director to assist counties with the following functions in their operation of the adult protective services system:

(a) Facilitating the review and update of state policies and procedures to promote best casework practices throughout the state, and providing technical assistance to local programs to promote consistent statewide adherence to these policies.

(b) Developing recommended program goals, performance measures, and outcomes for the adult protective services system, and a strategic plan to accomplish these recommended goals, performance measures, and outcomes.

(c) Collaborating with other state departments and local communities that provide or oversee elder justice services to address the needs of elders and adults with disabilities and improve coordination and effectiveness of adult protective services.

(d) Exploring the development of a state data collection system that builds on existing statewide data and additionally tracks outcomes that will align with national data collection efforts.

(e) Participating in national, statewide, and regional discussions on adult protective services and elder justice issues and providing information on California's adult protective services programs.

(f) Participating in the development of federal and state policy that responds to new and emergent needs and develops suggested quality assurance measures to be implemented at the local level.

(g) Facilitating the development of a regionally based, ongoing, comprehensive and consistent statewide adult protective services training program that responds to new and emerging trends.

(h) In collaboration with experts in the field, developing guidelines for local adult protective services programs that will make recommendations for local practice in following areas:

(1) Caseload levels for adult protective services workers.

(2) Availability of tangible services for local programs.

(3) Educational and professional development of adult protective services workers.

(4) Structure for 24 hour adult protective services response.

(Added by Stats. 2015, Ch. 20, Sec. 29. (SB 79) Effective June 24, 2015.)

15754. (a) Notwithstanding any provision of law governing the disclosure of information and records, persons who are trained and qualified to serve on multidisciplinary personnel teams may disclose to one another information and records which are relevant to the prevention, identification, or treatment of abuse of elderly or dependent persons.

(b) Except as provided in subdivision (a), any personnel of the multidisciplinary team that receives information pursuant to this chapter, shall be under the same obligations and subject to the same confidentiality penalties as the person disclosing or providing that information. The information obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(Added by Stats. 1987, Ch. 1166, Sec. 7. Effective September 26, 1987.)

15755. A law enforcement agency may seek a search warrant from a magistrate pursuant to the procedures set forth in Chapter 3 (commencing with Section 1523) of Title 12 of Part 2 of the Penal Code to enable a peace officer to have access to, and to inspect, premises if a county welfare worker has been denied access to the premises by the person or persons in possession of the premises and there is probable cause to believe an elder or dependent adult on those premises is subject to abuse. While executing the search warrant the peace officer may allow a county welfare worker, or any other appropriate person, to accompany him or her.

(Added by Stats. 1994, Ch. 1246, Sec. 17. Effective January 1, 1995.)

15760. Adult protective services shall include investigations, needs assessments, remedial and preventive social work activities; 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.

(Amended by Stats. 2002, Ch. 54, Sec. 25. Effective January 1, 2003.)

15762. When an allegation of abuse of an elder or dependent adult is reported to a county designated adult protective service agency and an agency social worker has reason to believe an elder or dependent adult has suffered or is at substantial risk of abuse pursuant to Section 15630, the social worker shall attempt to obtain consent to enter and meet privately with the elder or dependent adult about whom the report was made in the residence or dwelling in which the elder or dependent adult resides without the presence of the person's caretaker, attendant, or family or household member, unless the person requests the presence of the attendant, care giver, or family member, or refuses to meet with the social worker.

(Added by Stats. 1998, Ch. 946, Sec. 13. Effective January 1, 1999. Section operative May 1, 1999, pursuant to Section 15765.)

15763. (a) Each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, seven days per week, to reports of abuse of an elder or a dependent adult, for the purpose of providing immediate intake or intervention, or both, to new reports involving immediate life threats and to crises in existing cases. The program shall include policies and procedures to accomplish all of the following:

(1) Provision of case management services that include investigation of the protection issues, assessment of the person's concerns, needs, strengths, problems, and limitations, stabilization and linking with community services, and development of a service plan to alleviate identified problems utilizing counseling, monitoring, followup, and reassessment.

(2) Provisions for emergency shelter or in-home protection to guarantee a safe place for the elder or dependent adult to stay until the dangers at home can be resolved.

(3) Establishment of multidisciplinary teams to develop interagency treatment strategies, to ensure maximum coordination with existing community resources, to ensure maximum access on behalf of elders and dependent adults, and to avoid duplication of efforts. The multidisciplinary team may include community-based agencies, health plans, and other state- and county-based service providers.

(4) Provisions for homeless prevention through the Home Safe Program established in Chapter 14 (commencing with Section 15770), to the extent that funding is provided for this purpose in the annual Budget Act and the county receives those funds.

(b) (1) A county shall respond immediately to any report of imminent danger to an elder or dependent adult in other than a long-term care facility, as defined in Section 9701, or a residential facility, as defined in Section 1502 of the Health and Safety Code. For reports involving persons in a long-term care facility or a residential care facility, the county shall report to the local long-term care ombudsman program. Adult protective services staff shall consult, coordinate, and support efforts of the ombudsman program to protect vulnerable residents. Except as specified in paragraph (2), the county shall respond to all other reports of danger to an elder or dependent adult in other than a long-term care facility or residential care facility within 10 calendar days or as soon as practicably possible.

(2) An immediate or 10-day in-person response is not required when the county, based upon an evaluation of risk, determines and documents that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult.

(3) The State Department of Social Services, in consultation with the County Welfare Directors Association of California, shall develop requirements for implementation of paragraph (2), including, but not limited to, guidelines for determining appropriate application of this section and any applicable documentation requirements.

(4) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement the requirements developed pursuant to paragraph (3) by means of all-county letters or similar instructions before adopting regulations for that purpose. Thereafter, the department shall adopt regulations in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A county shall not be required to report or respond to a report pursuant to subdivision (b) that involves danger to an elder or dependent adult residing in any facility for the incarceration of prisoners that is operated by or under contract to the Federal Bureau of Prisons, the Department of Corrections and Rehabilitation, a county sheriff's department, a county probation department, a city police department, or any other law enforcement agency when the abuse reportedly has occurred in that facility.

(d) A county shall provide case management services to elders and dependent adults who are determined to be in need of adult protective services for the purpose of bringing about changes in the lives of victims and to provide a safety net to enable victims to protect themselves in the future. Case management services shall include all of the following, to the extent services are appropriate for the individual:

(1) Investigation of the protection issues, including, but not limited to, social, medical, environmental, physical, emotional, and developmental.

(2) Assessment of the person's concerns and needs on whom the report has been made and the concerns and needs of other members of the family and household.

(3) Analysis of problems and strengths.

(4) Establishment of a service plan for each person on whom the report has been made to alleviate the identified problems.

(5) Client input and acceptance of proposed service plans.

(6) Counseling for clients and significant others to alleviate the identified problems and to implement the service plan.

(7) Stabilizing and linking with community services, including, but not limited to, those provided by health plans, other county-based service providers, and community agencies.

(8) Monitoring and followup.

(9) Reassessments, as appropriate.

(e) (1) 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.

(2) To the extent a county receives grant funds under the Home Safe Program (Chapter 14 (commencing with Section 15770)), counties may provide housing assistance and support to elders and dependent adults who are homeless or at risk of becoming homeless.

(f) Each county shall designate an adult protective services agency to establish and maintain multidisciplinary teams including, but not limited to, adult protective services, law enforcement, probation departments, home health care agencies, hospitals, adult protective services staff, the public guardian, private community service agencies, public health agencies, and mental health agencies for the purpose of providing interagency treatment strategies.

(g) Each county shall provide tangible support services, to the extent resources are available, which may include, but not be limited to, emergency food, clothing, repair or replacement of essential appliances, plumbing and electrical repair, blankets, linens, and other household goods, advocacy with utility companies, and emergency response units.

(Amended by Stats. 2021, Ch. 85, Sec. 70. (AB 135) Effective July 16, 2021.)

15764. Notwithstanding Section 10101.1, a county shall have no share of any nonfederal expenditures above the required expenditures for this program in the 1996–97 fiscal year, provided that the county has maintained the level of county matching funds it provided for this program in the 1996–97 fiscal year.

(Added by Stats. 1998, Ch. 946, Sec. 13. Effective January 1, 1999. Section operative May 1, 1999, pursuant to Section 15765.)

15765. This chapter shall become operative on May 1, 1999. Commencing with the 1999–2000 fiscal year, Sections 15760 to 15764, inclusive, shall be implemented only to the extent funds are provided in the annual Budget Act.

(Amended by Stats. 2002, Ch. 54, Sec. 28. Effective January 1, 2003. Note: This section makes implementation of Sections 15760 to 15764 contingent upon Budget Act funding.)

15766. The investigation of allegations of elder and dependent adult abuse pursuant to this chapter, and the case management of elder and dependent adult abuse cases shall be performed by county merit systems civil service employees. A county adult protective service agency may utilize a contracted private or nonprofit telephone answering service after normal working hours and on weekends and holidays. Such a contracted telephone service shall immediately forward to a county merit systems civil service employee any report of abuse or neglect of an elder or dependent adult, unless the caller is: (a) requesting routine information only; (b) reporting an incident of abuse which occurred prior to the date of the call, which does not at the time of the call put the victim at risk; or (c) requesting information not related to the adult protective service program, and the person answering the telephone meets the standards established by the department.

(Added by Stats. 1999, Ch. 147, Sec. 36. Effective July 22, 1999.)

15767. (a) The department, in consultation with representatives from the County Welfare Directors Association of California, the California Elder Justice Coalition, and other relevant stakeholders, shall convene a workgroup to develop recommendations to create or establish a statewide adult protective services case management or data warehouse system. The recommendations shall include identification of potential outcome measures and other data elements that can be tracked and made publicly available for purposes of program planning.

(b) (1) The department shall submit recommendations developed pursuant to subdivision (a) to the Legislature by November 1, 2022.

(2) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(Added by Stats. 2021, Ch. 85, Sec. 71. (AB 135) Effective July 16, 2021.)

15768. (a) The department shall select and award grants to private nonprofit or public entities for the purpose of establishing a statewide multipurpose adult protective services workforce development and training program in accordance with this section.

(b) The purpose of the workforce development and training program is to develop and implement statewide coordinated training and workforce development activities designed specifically to meet the needs of county adult protective services social workers assigned to provide intake and intervention services to elderly and dependent adults who may be subjected to neglect, abuse, or exploitation, or who are unable to protect their own interest. In addition, the program shall provide training for persons defined as mandated reporters pursuant to Article 3 (commencing with Section 15630) of Chapter 11. The program shall provide the services required in this section to the extent possible within the total allocation. If allocations are insufficient, the department, in consultation with the

County Welfare Directors Association of California, shall prioritize the efforts of the program, giving primary attention to the most urgently needed services.

(c) The workforce development and training activities provided pursuant to this section shall include initial and ongoing training for social workers, supervisors, and managers related to the provision of investigation and case management services outlined in subdivision (d) of Section 15763.

(d) The workforce development and training activities provided pursuant to this section shall include content specific to nationally recognized competencies for adult protective services, and shall include, but not be limited to, all of the following:

(1) Core training for adult protective services social workers.

(2) Ongoing and advanced training for adult protective services social workers.

(3) Core, ongoing, and advanced training for adult protective services supervisors.

(4) Core, ongoing, and advanced training for adult protective services managers.

(5) Training and support for Master or Bachelor of Social Work students to receive specialized curricula aimed at increasing their competence in working with elderly and dependent adults in adult protective services settings.

(e) To the extent that funding is appropriated by the Legislature or provided through other sources, the department may enter into agreements with other public or private entities for the provision of workforce development and training activities for individuals, other than those working in the adult protective services program, who are serving victims of elder and dependent adult abuse and neglect. This includes, but is not limited to, individuals working in the offices of public administrators, public guardians, or public conservators.

(f) Implementation of this section is subject to an appropriation of sufficient funding from state or federal sources for the purpose of this section.

(Added by Stats. 2022, Ch. 50, Sec. 68. (SB 187) Effective June 30, 2022.)