

AB 2038: Assemblywoman Sally Lieber.

Proposed Legislation - Disabled Adult and Elder Abuse
Persons with disabilities: victims of crime.

Existing law regulates the investigation and prosecution of crimes against dependent adults, which is defined to include persons who are between 18 and 64 years of age, inclusive, and who have a physical or mental limitation which restricts his or her ability, or substantially restricts 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, or significantly diminished, because of age. Under existing law, the phrase also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities.

This bill would state that it is the intent of the Legislature to strongly encourage law enforcement agencies and district attorneys to develop and adopt certain training, investigation, and prosecution practices relevant to victims with disabilities, as specified. This bill would require the Department of Justice to send a bulletin to law enforcement agencies and district attorneys describing that intent, as well as the laws relating to the protection of persons with disabilities, as specified.

Existing law authorizes the creation of Domestic Violence Death Review Teams, Child Death Review Teams, and Elder Death Review Teams, as specified.

This bill would state that information related to deaths of children with disabilities and people with disabilities killed as a result of domestic violence is included in procedures relating to Child Death Review Teams and Domestic Violence Death Review Teams, as specified. This bill would also include within the authority of an Elder Death Review Team, the review of deaths involving dependent adults, as specified.

Existing law regulates the procedures and practices of long-term care ombudsman programs, adult protective services agencies, as well as certain state agencies, relative to the protection, investigation, and reporting of suspected crimes involving persons with disabilities, as specified.

This bill would require the State Department of Developmental Services to either immediately report a case of suspected abuse or neglect of a person held in custody as developmentally disabled to local law enforcement, or ascertain the facts *and then report confirmed cases of abuse to the local law*

enforcement agency, as specified. This bill would provide that the Office of Emergency Services is the lead agency responsible for coordinating state agencies involved in protecting elders and dependent adults, as specified. This bill would require the Office of Emergency Services to convene a working group on crimes against elders, dependent adults, and people with disabilities, as specified.

Existing law requires certain persons to report known or suspected cases of abuse against elders and dependent adults, as specified.

This bill would reorganize certain of those reporting procedures as specified.

Welfare and Institutions Code §15630.

(a) Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she 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, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

(b) (1) Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days.