

MEMORANDUM 2025-29

Terminology Relating to Persons with Disabilities (Status Report)

In 2024, the Commission¹ was directed by the Legislature² to study and recommend consistent and comprehensive nonsubstantive replacement of the terms “dependent adult” and “dependent person” throughout California codes, with new terms describing the defined persons, which include people with disabilities, “in a respectful way.”³

As part of the assigned study, the Commission was also directed to convene and obtain input from a working group composed of representatives from the state protection and advocacy agency⁴ and the State Department of Social Services, as well as persons and groups representing persons described by the current definitions of “dependent adults” and “dependent persons.”⁵

FIRST WORKING GROUP MEETING

Since the last Commission meeting, the staff convened the working group and conducted the first of what is expected to be a series of teleconferenced group meetings.⁶ The goal in conducting the meetings is to eventually identify at least a majority view on replacement terms the group believes would best comply with the legislative directive, which would then be passed on the Commission for its consideration.

The following entities participated in this first meeting of the working group:

Association of Regional Center Agencies
California Advocates for Nursing Home Reform
California Council of the Blind
California Department of Developmental Services

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. [2024 Cal. Stat. ch. 233 \(AB 1906\)](#).

3. [Gov’t Code § 8290.7\(c\)\(4\)](#).

4. Disability Rights California.

5. [Gov’t Code § 8290.7\(c\)\(1\), \(2\)](#).

6. This meeting was publicly noticed, and a video recording of the meeting is available on the [study page](#) on the Commission’s website.

California Department of Rehabilitation
California Department of Social Services
California Department on Aging
California Disability Services Organization
California Foundation for Independent Living Centers
California Long-Term Care Ombudsman Association
Californians for Disability Rights
Coelho Center for Disability Law, Policy, and Innovation
Disability Rights California
Disability Rights Education and Defense Fund
Disability Voices United
Educate Advocate
Reach San Diego
Statewide Disability Advisory Council
The Arc and United Cerebral Palsy California Collaboration (AB 1906 bill sponsor)
The Arc of California
USC Center for Elder Justice

Prior to the meeting, meeting material prepared by the staff was delivered to the group members, explaining the legislative charge to the Commission and the role of the working group, identifying seven current statutory definitions of the terms “dependent person” and “dependent adult,” and providing links to 75 code sections governed by those definitions. Thereafter, in a round table discussion at the meeting, each participant was provided two opportunities to offer preliminary suggestions for replacement terms, a rationale for any offered suggestion, and a respectful critique of other offered suggestions and rationales.

The group had a spirited and helpful discussion, but nothing approaching consensus on appropriate replacement terms was achieved at this first meeting. At the end of the meeting, the group was requested to further consider and perhaps discuss with peers or coworkers what other members had offered, and bring back any additional thoughts to the next scheduled meeting.

POSSIBLE ISSUES OF CONCERN RELATING TO STUDY

The staff’s preliminary work on this study has identified two issues of possible concern relating to selecting replacement terms that describe people defined by those terms “in a respectful way,” without substantively altering existing law.⁷ The staff will continue to work through these issues as the study progresses. The issues are mentioned at this time simply to afford the Commission an opportunity to offer guidance or direction relating to either issue, if it wishes.

7. See [Gov’t Code § 8290.7\(b\)](#).

Breadth of Definitions of Existing Terms

The two terms the Commission has been asked to replace — “dependent person” and “dependent adult” — are currently defined by varying code sections.⁸ Most of these definitions specifically refer to and include “persons who have physical or developmental disabilities,” but also include other categories of persons, including several that likely would not be understood by most persons as synonymous with the term “people with disabilities.”

Each of the definitions includes an overarching reference to a person with some type of limitation that in some way restricts their ability to carry out activities of daily living.⁹ However, most of the definitions further clarify that description, effectively broadening the scope of the defined term.

For example, six definitions clarify that the quality defining an individual as “dependent” may be solely attributable to age.¹⁰ These same definitions also include any person admitted as an inpatient to a 24-hour health facility, apparently for any reason.¹¹ Most significantly, these definitions expressly indicate that they include, but are *not* limited to, “persons who have physical or developmental disabilities.”¹²

To revise these definitions without substantively altering existing law, the replacement terms defined by these provisions will have to be nonspecific enough to indicate that the term includes multiple categories of persons. Substituting a more precise replacement term could cause readers to misunderstand the intended breadth of the term’s application, particularly in code sections in which it is not clear the term has a special definition.¹³

The staff’s concern is that many possible replacement terms — e.g., “person needing support,” “person with special needs,” “person with limitations,” “person needing assistance,” “differently abled person” — may also be seen as disrespectful of persons with disabilities.¹⁴

Ideally, the most respectful way to refer to people with disabilities may be to use a term that specifically recognizes the existence of the disability, but without any additional characterization, e.g., “person with a disability.”¹⁵ However, replacement terms with that

8. See [Evid. Code § 177](#), [Pen. Code § 288\(f\)\(3\)](#), [Pen. Code § 368\(h\)](#), [Pen. Code § 1336\(c\)](#), [Prob. Code § 21366](#), [Welf. & Inst. Code § 15610.23](#), [Welf. & Inst. Code § 15750\(b\)](#).

9. *Id.*

10. See [Evid. Code § 177](#), [Pen. Code § 288\(f\)\(3\)](#), [Pen. Code § 368\(h\)](#), [Pen. Code § 1336\(c\)](#), [Welf. & Inst. Code § 15610.23](#), [Welf. & Inst. Code § 15750\(b\)](#).

11. *Id.*

12. *Id.*

13. This issue is further discussed in the next section of this memorandum.

14. See, e.g., [U.N. Disability-Inclusive Language Guidelines \(2021\)](#), p. 3 and Annex 1.

15. This was the replacement term most often suggested by members of the working group at the first meeting.

level of specificity would exclude persons included in the definitions of “dependent person” and “dependent adult” who do not have a “disability,” at least as that term is commonly understood.

Two possible alternatives that might address this issue would be to use a compound term as a replacement, e.g., “person with a disability or with support needs,” or to use a completely nondescript term that clearly requires incorporation of a definition, e.g., “qualifying person as defined in subdivision (...).”

Again, the staff will continue to work through this issue and receive input from the working group, but any thoughts or suggestions from Commissioners are welcome.

Multiple Undefined Uses of Existing Terms

The Commission’s final recommendation in this study is likely to propose substitution of the terms selected to replace “dependent person” and “dependent adult” in each code provision that currently defines those terms, as well as in each provision in which the defined term is used. Those substitutions would ensure that each new term was defined precisely as the old term had been defined, and therefore ensure no substantive change to existing law.

However, not every use of the term “dependent person” and “dependent adult” in the existing codes is presently linked to a statutory definition. As a result, a second potentially difficult issue will be what recommendation should be made relating to *undefined* uses of these terms in the codes, of which there appear to be many.

Each of these undefined uses creates at least some uncertainty as to whether the term was intended to be understood based on its plain meaning, or according to an unreferenced statutory definition. In many of these instances, the context in which the term is used *arguably* implies an unstated cross-reference to one of the statutory definitions (although which one is not clear). But if in any instance the intention when the code section was drafted was the term *not* be specially defined, replacing the term with the Commission’s new defined term would almost certainly alter the meaning of existing provision.¹⁶

Again, the staff will continue to think through this issue as the study progresses. However, at this point it seems possible the Commission’s final recommendation may recommend statutory revision of only a subset of the uses of the terms “dependent person” and “dependent adult,” and in the narrative part of the recommendation note the undefined

16. This would be particularly true because most of the definitions corresponding to the new term would indicate, as they do now, that they are intended to apply to persons described in the definitions, “*regardless of whether the person lives independently.*” See [Evid. Code § 177](#), [Pen. Code § 288\(f\)\(3\)](#), [Pen. Code § 368\(h\)](#), [Pen. Code § 1336\(c\)](#), [Welf. & Inst. Code § 15610.23](#), [Welf. & Inst. Code § 15750\(b\)](#).

uses and invite the Legislature's further direction.

Does the Commission have any questions it wishes to ask at this time, or direction it wishes to offer the staff, relating to either of these issues?

Respectfully submitted,

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