

MEMORANDUM 2026-30

Terminology Relating to Persons with Disabilities: Public Comment Analysis and Proposed Next Steps

The Legislature directed the Commission¹ to recommend replacement terms for “dependent adult” and “dependent person” throughout the California codes with new terms describing these persons in a more respectful way.² The directive further requires the changes be made “in a consistent and comprehensive manner that does not substantively alter existing law.”³

The rationale for the directive is based on three legislative findings and declarations:

(1) The existing terms are misleading because many people with disabilities, which are among the persons defined by those terms, live independently, which in turn can cause law enforcement officers, social workers, crime victims and their families to think those people with disabilities are excluded from protections of the law available to “dependent adults” and “dependent persons.”

(2) The term “dependent” demeans and insults people with disabilities who may need special support and services, but may also have the desire and ability to live independently.

(3) It is a priority of this state to ensure that the language of California laws appropriately recognizes and represents people with disabilities.⁴

Lastly, the Legislature directed that the replacement terms comprehensively and consistently preserve the legal rights and protections of both the persons defined by these terms and those described in conjunction with the persons defined, including individuals protected by laws governing elder and dependent adult abuse.

This memorandum presents analysis of public comments received on the proposed replacement terms “adult/person with a disability” and recommended next steps.

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, Gipson); Gov. Code § [8290.7\(b\), \(c\)\(4\)](#).

³ Gov. Code § [8290.7\(b\)](#).

⁴ Gov. Code § [8290.7\(a\)](#).

PUBLIC COMMENTS

The staff received comments from the following organizations:

<i>Exhibits</i>	<i>Exhibit pages</i>
California Lawyers Association, Trusts and Estates Section Executive Committee (5/8/26).....	1
California Association of Health Facilities (6/24/26)	5
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In addition to these comments, the County Behavioral Health Directors Association and the California State Association of Counties indicated they had no feedback.

The California Lawyers Association, Trusts and Estates Section Executive Committee

The California Lawyers Association, Trusts and Estates Section Executive Committee (TEXCOM) expressed concern about the proposed replacement terms for certain code sections as presented in Memorandum [2026-9](#).⁵

TEXCOM acknowledges the tension in the Legislature’s dual directives to both replace and maintain the meanings of existing terms and believes that “dependent adult” should remain in both the Probate Code and the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA).⁶

TEXCOM first addresses Probate Code Section 21366’s definition of “dependent adult” and how it differs from other codes’ definitions of “dependent adult”:

The focus of [Probate Code] section 21366 is on the adult’s vulnerability and susceptibility to undue influence, or inability to otherwise protect oneself. The degree of impairment described in section 21366 is substantially greater than the degree described in those other California Code sections. For example, Penal Code section 368(h) and Evidence Code section 177 define “dependent adult” to include persons who have physical or developmental disabilities that fall short of the definition in section 21366.⁷

⁵ TEXCOM’s comment was originally presented in Memorandum [2026-20](#), EX 1.

⁶ Prob. Code §§ [859](#), [4231.5\(c\)](#), [21366](#), [21362](#), [21380\(a\)\(3\)](#), (4); [21611\(d\)\(1\)\(A\)](#); EADACPA: Welf. & Inst. Code §§ [1500-15675](#); letter from TEXCOM, May 8, 2026, EX 1.

⁷ Letter from TEXCOM, May 8, 2026, EX 2.

Existing Probate Code section 21366 reads:

Probate Code Section 21366

“Dependent adult” means a person who, at the time of executing the instrument at issue under this part, was a person described in either of the following:

(a) The person was 65 years of age or older and satisfied one or both of the following criteria:

(1) The person was unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter.

(2) Due to one or more deficits in the mental functions listed in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 811, the person had difficulty managing his or her own financial resources or resisting fraud or undue influence.

(b) The person was 18 years of age or older and satisfied one or both of the following criteria:

(1) The person was unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter.

(2) Due to one or more deficits in the mental functions listed in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 811, the person had substantial difficulty managing his or her own financial resources or resisting fraud or undue influence.

Conversely, TEXCOM concedes that the EADACPA’s definition of “dependent adult”⁸ closely resembles Penal Code Section 368(h) and Evidence Code Section 177, but argues that “dependent adult” should be preserved in EADACPA because in practice the individual’s characteristics are more similar to Probate Code section 21366.⁹

While the staff recognizes there are some differences between these definitions of “dependent adult,” the staff believes the Probate and other codes’ definitions share more similarities than differences. For example, both the Penal Code and Evidence Code sections referenced above also define a “dependent adult” as a person who is unable to protect their rights. Those code sections currently read:

Penal Code Section 368(h)

(h) As used in this section, “dependent adult” means a person, regardless of whether the person lives independently, who is between the ages of 18 and 64, who has physical or mental limitations which restrict their ability to carry out normal activities or to protect their rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have

⁸ Welf. & Inst. Code § [15610.23](#).

⁹ Letter from TEXCOM, May 8, 2026, EX 3. TEXCOM also notes that Welf. & Inst. Code § [15610](#) provides that definitions in that article apply across EADACPA “unless the context requires otherwise.” TEXCOM argues this phrase creates ambiguity regarding which definition of “dependent adult” applies. Although TEXCOM expresses concern that replacing “dependent adult” with a different term could increase this ambiguity, the staff believes the source of any existing uncertainty is the relationship among the statutory provisions themselves, not the terms used. Because the proposed revisions would not alter the substantive criteria in any definition, the staff does not believe changing the terms would necessarily increase that uncertainty. Email from TEXCOM, July 31, 2026, EX 13.

diminished because of age. “Dependent adult” includes a 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. (Emphasis added.)

Evidence Code Section 177

“Dependent person” means a person, regardless of whether the person lives independently, who has a physical or mental impairment that 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 significantly diminished because of age. “Dependent person” includes any person 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. (Emphasis added.)

Welfare & Institutions Code Section 15610.23 (EADACPA)

(a) “Dependent adult” means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and 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 years 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. (Emphasis added)

Similarly, Welfare and Institutions Code section 15750 defines a dependent adult as someone who must have 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....”¹⁰

TEXCOM also notes that the Legislature did not include the phrase “regardless of whether the person lives independently” in Probate Code section 21366’s definition of “dependent adult,” thus implying that the persons defined by that section do not live independently and thus fall outside the Legislature’s directive to clarify that some individuals presently defined as “dependent” may live independently.¹¹ The staff notes the absence of this phrase does not exclude individuals who live independently, and Probate Code section 21366 is not alone in this exclusion; Welfare and Institutions Code section 15750 also defines “dependent person” without this phrase.¹² Further, other sections of the Probate Code include, by reference, definitions that permit independence: Probate Code sections 859 and 4231.5(c) refer to “dependent adult” in Welfare and

¹⁰ Welf. & Inst. Code § [15750\(b\)\(1\)\(A\)](#). This is not part of EADACPA.

¹¹ Letter from TEXCOM, May 8, 2026, EX 2.

¹² Welf. & Inst. Code § [15750](#).

Institutions Code section 15610.23,¹³ which includes the phrase “regardless of whether the person lives independently.”

TEXCOM next argues that replacing “dependent adult” with “an adult [or person] with a disability” in the Probate Code

...would invite a reinterpretation of section 21366 that such adults without an identifiable disability are not vulnerable which may embolden abusers. It is foreseeable that protections for dependent adults, including presumed invalidity of donative transfers procured by care custodians, restraining orders, and enhanced penalties against abusers, could be undermined. Conversely, there is the potential that a person with an identifiable disability who lives independently would be deemed to fall under and in need of the greater protections provided by section 21366, contrary to the stated basis of promoting a perception that an adult with a disability can live independently.¹⁴

The staff appreciates TEXCOM’s concern that changing “dependent adult” in EADACPA could be construed as a restriction of the Act’s protections.¹⁵ As proposed,¹⁶ however, the replaced terms would not change the statutes’ definitions, only the terms themselves. Therefore, if Probate Code section 21366 was to refer to an “adult with a disability” rather than a “dependent adult,” the underlying definition of “dependent adult” would remain unchanged. To address the possibility that the change could be interpreted as a restriction of the Act’s protections, the staff has proposed including in codified or uncoded language or a Commission Comment that any change “is not intended to and does not increase or decrease the legal rights or protections of persons currently or formerly defined in statute, regulation, or case law as a ‘dependent adult’ or ‘dependent person.’”¹⁷

TEXCOM believes further confusion would result from changing “dependent adult” in Probate Code 21366 to “adult with a disability” because there is an existing definition of “person with a disability” in Probate Code section 3603.¹⁸ The staff notes that the proposed replacement terms would preserve the original descriptor, either “adult” or “person.” Therefore, proposed Probate Code section 21366 would be “adult with a disability” and section 3603 would remain “person with a disability.” Further, each phrase would retain its meaning within its jurisdiction. For example, Probate Code section 21366 defines “dependent adult” for the limited purposes of Part 3.7 of Division 11 of the Probate Code,

¹³ Prob. Code §§ [859](#) and [4231.5\(c\)](#) refer to Welf. & Inst. Code § [15610.30](#), which in turn relies on the definition of “dependent adult” in Welf. & Inst. Code § [15610.23](#).

¹⁴ Letter from TEXCOM, May 8, 2026, EX 2.

¹⁵ Letter from TEXCOM, May 8, 2026, EX 1-2.

¹⁶ Draft statutes with “dependent person/adult” replaced with “person/adult with a disability,” EX 15.

¹⁷ Memorandum [2026-9](#), p. 7.

¹⁸ Prob. Code § [3603](#).

and “person with a disability” in section 3603 applies for the limited purposes of Chapter 4, Part 8, of Division 4 of the Probate Code. This would continue with substituted terms.

TEXCOM argues that multiple definitions of “person/adult with a disability” would cause inconsistency within the Probate Code, violating the Legislature’s directive to replace “dependent person” and “dependent adult” “in a consistent and comprehensive manner that does not substantively alter existing law.”¹⁹ The staff, however, does not share this interpretation. Because there are already multiple definitions of “dependent person,” “dependent adult,” and “person with a disability” throughout the codes (and within individual codes),²⁰ the staff interprets the directive as replacing all the troublesome terms completely and identically. It would be inconsistent to leave “dependent adult” in the Probate Code and in EADACPA while changing it in others, particularly as many other codes beyond Probate reference EADACPA.²¹

TEXCOM rightly notes that “dependent adult” is used in Judicial Council and other legal forms, and that any term changes would require commensurate form changes. CLRC was not directed to consider this in its study, though any change in terms, regardless of the change, would require editing the related forms.

County Welfare Directors Association of California

County Welfare Directors Association of California (CWDA), which represents the human service directors from each of California’s 58 counties,²² submitted feedback that did not explicitly support or reject replacing “dependent adult/person” with “adult/person with a disability”; the staff requested further clarification²³ but none was received.

California Association of Health Facilities

California Association of Health Facilities, which represents skilled-nursing facilities and intermediate-care facilities for people with intellectual disabilities,²⁴ echoed many of TEXCOM’s arguments, preferring that “dependent adult” remain in the Probate Code and EADACPA.²⁵

Legal Assistance for Seniors

Legal Assistance for Seniors, which provides free legal representation and advice,

¹⁹ Gov. Code § [8290.7\(b\)](#).

²⁰ Memorandum [2026-9](#), EX 1.

²¹ Memorandum [2026-9](#), EX 1.

²² CDWA, “[About CWDA](#).”

²³ Email from CWDA, June 12, 2026, EX 7.

²⁴ California Association of Health Facilities, “[About California Association of Health Facilities](#).”

²⁵ Letter from California Association of Health Facilities, June 24, 2026, EX 5.

health insurance counseling, and community education to qualified Alameda County residents,²⁶ also stated their agreement with TEXCOM’s analysis.²⁷

California Commission on Aging

California Commission on Aging (CCoA) is “the principal advocate in the state on behalf of older individuals, including, but not limited to, advisory participation in the consideration of all legislation and regulations made by state and federal departments and agencies relating to programs and services that affect older individuals.”²⁸ CCoA supports replacing “dependent adult/person” with “adult/person with a disability” because they support using person first language, “dependent adult” is not accurate or respectful to active and independent community members, and they affirm that “person with a disability” is a common term in the field of aging.²⁹

California Department of Justice, Division of Medi-Cal Fraud and Elder Abuse

The Division of Medi-Cal Fraud and Elder Abuse (DMFEA) within the California Department of Justice provided technical assistance. DMFEA relies on “dependent adult” as defined in Penal Code section [368\(h\)](#) and referenced in the Judicial Council of California Jury Instruction [831](#).

DFEA echoes TEXCOM’s concerns, and they are particularly worried about the impact of a terminology change to their work protecting individuals in healthcare facilities.

...“adult with disability” is both overly broad and too limiting. It is too broad because it would include individuals who may have disability but are not necessarily vulnerable or limited in their abilities to carry out normal activities. It is limiting because it could exclude people in facilities or at home who are dependent for care but don’t necessarily have a disability.³⁰

As noted in the response to TEXCOM and in compliance with the Legislature’s directive, any replacement terms would retain the existing underlying definition, and any Commission recommendation would include language clarifying that the terminology change is not intended to impact any existing rights and responsibilities.

²⁶ Legal Assistance for Seniors, “[About](#).”

²⁷ Email from Legal Assistance for Seniors, July 2, 2026, EX 8.

²⁸ California Commission on Aging, “[About CCoA](#).”

²⁹ Email from California Commission on Aging, July 3, 2026, EX 9.

³⁰ Email from DMFEA, July 8, 2026, EX 10.

California State Association of Public Administrators, Public Guardians, and Public Conservators

The California State Association of Public Administrators, Public Guardians, and Public Conservators (PAPGPC):

...is a non-profit association representing government officials and employees who provide services to the citizens of California through the Public Administrator, Public Guardian and Public Conservator offices in each of California's 58 counties. These agencies act as the legal guardian or conservator of older and dependent adult Californians who are no longer able to act in their own best interest, resist undue influence, or are gravely disabled as a result of a psychiatric or cognitive disorder. The agencies also act as the personal representative for decedent estates for whom there is no other person willing or able to act.³¹

PAPGPC membership identified the potential for confusion among the public if the terms were switched to "person/adult with a disability" because this phrase already exists throughout California codes.³² A PAPGPC member expressed concern that changing the terminology may result in widespread mistaken assumptions that every adult with a disability is an Adult Protective Services (APS) client, where eligibility instead depends on specific statutory definitions. They further stated that if the terminology changes but the eligibility does not (which would be the case), there are still concerns that APS programs could see higher referral volumes and more client inquiries.³³

Despite these concerns, some PAPGPC members report being in support of replacing the terms with person-first language, particularly because California's regional centers have already been using person-first language for 10-15 years.³⁴

NEXT STEPS

The arguments presented by stakeholders against the terminology changes are largely inherent in any terminology change. Notably, no feedback suggested alternate replacement terms, but rather the groups preferred the status quo for certain code sections. A certain degree of risk is inherent in the comprehensive changes sought by the Legislature, and there is no guarantee that some misinterpretation may occur.³⁵

Attached for the Commission's consideration are all the California code sections with

³¹ California State Association of PA | PG | PC, "[About PAPGPC](#)."

³² Email from California State Association of PA | PG | PC, July 9, 2026, EX 11.

³³ *Id.*

³⁴ *Id.* at 12.

³⁵ As the staff indicated earlier, the potential for misinterpretation can be mitigated by language indicating that any changes to terminology are not intended to be substantive.

the terms “dependent adult” and “dependent person” replaced by “adult with a disability” and “person with a disability.”³⁶ While many were simple replacements, some sections posed particular challenges due to the interplay with sections already including the phrase “person with a disability.”³⁷ The staff also struck references to “regardless of whether a person lives independently” because the clarification would no longer be necessary with the new terms.³⁸

Would the Commission like to proceed with a comprehensive replacement of the terms “dependent adult” and “dependent person,” or would the Commission prefer to retain those terms in certain code sections?

Would the Commission like the staff to prepare a Draft Recommendation and include draft statutory language and a Commission Comment that these amendments are not intended to change the meaning of the replaced terms?

Respectfully submitted,

Sarah Huchel
Chief Deputy Director

³⁶ Draft statutes with “dependent person/adult” replaced with “person/adult with a disability,” EX 15.

³⁷ See, e.g., Pen. Code § [13823.93](#), which uses both “dependent adult” and “person with disabilities” but defines neither. EX 280; Pen. Code § [368.6](#) uses the terms “dependent adult,” “dependent person” and “disability.” EX 28-37.

³⁸ Penal Code §§ [288](#), [368\(h\)](#), [368.6\(c\)\(3\)](#), [1336\(c\)](#), [11174.5](#), [13515\(b\)\(2\)](#); Welf. & Inst. Code § [15654](#).

TO: Sharon Reilly, Executive Director, California Law Revision Commission
Sarah Huchel, Chief Deputy Director, California Law Revision Commission
Steve Cohen, Attorney, California Law Revision Commission

FROM: The California Lawyers Association, Trusts and Estates Section Executive Committee

DATE: May 8, 2026

RE: CLRC Study I-200 - Terminology Relating to Persons with Disabilities

The California Lawyers Association, Trusts and Estates Section Executive Committee (TEXCOM) provides this response to the two questions you asked following our meeting on April 29, 2026.

The term “dependent adult” is defined by Probate Code Section 21366 and Welfare & Institutions Code Section 15610.23.

1. Is there a single replacement term you would prefer for both definitions?

TEXCOM understands the Legislature has two directives for Study I-200: (1) identify terms that can replace the terms “dependent adult” and “dependent person” that exist in the California Code so as to describe the persons defined by those terms in a respectful way, and (2) effectuate that replacement only if the replacement terms preserve the legal rights and protections of the persons defined by those terms in a comprehensive and consistent manner.

TEXCOM believes the term “dependent adult” as it is defined and appears in the Probate Code should not be replaced. As well, the term “dependent adult” as it appears in the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) set forth in the Welfare & Institutions Code sections 15600 et seq. should not be replaced. In each case, replacing “dependent adult” would contravene the Legislature’s directive to preserve the legal rights and protections of the persons defined by that term and to advance a consistent statutory framework without substantively altering existing law.¹

A tension exists between preserving the legal rights and protections of the persons defined by “dependent adult” and ensuring consistency in the use of replacement terms

¹ TEXCOM understands the term “dependent person” is not used in the Probate Code or the EADACPA.

across the California Codes. The reason for that tension is that the Legislature decided to provide a meaningfully different definition of “dependent adult” in the Probate Code, at Division 11, Part 3.7 (titled “Presumption of Fraud or Undue Influence”), section 21366, as compared to the definitions that appear in the other California Code sections. Section 21366 defines a “dependent adult” as a person who is “unable to provide properly for his or her personal needs for physical health, food, clothing, and shelter,” or has “difficulty [and if under 65, substantial difficulty] managing his or her own financial resources or resisting fraud or undue influence.” The focus of section 21366 is on the adult’s vulnerability and susceptibility to undue influence, or inability to otherwise protect oneself. The degree of impairment described in section 21366 is substantially greater than the degree described in those other California Code sections. For example, Penal Code section 368(h) and Evidence Code section 177 define “dependent adult” to include persons who have physical or developmental disabilities that fall short of the definition in section 21366.

The rationale for the Legislature’s directive to the California Law Revision Commission (CLRC) is that replacing “dependent adult” may be necessary because many people with disabilities live independently. That rationale, however, may not apply to the Probate Code, given it defines “dependent adult” as lacking the independence or capability to protect oneself. The Legislature in fact omitted from section 21366 the phrase “regardless of whether the person lives independently” that appears in other California Code sections, thereby indicating that a person who falls within the section 21366 definition may be unable to live independently.

The different definition in section 21366 warrants not replacing “dependent adult” with “an adult [or person] with a disability.” Otherwise, against the backdrop of the Legislature’s directive that the catalyst for that change was to reflect that such adults can live independently, there is a significant risk of adverse consequences. It would invite a reinterpretation of section 21366 that such adults without an identifiable disability are not vulnerable which may embolden abusers. It is foreseeable that protections for dependent adults, including presumed invalidity of donative transfers procured by care custodians, restraining orders, and enhanced penalties against abusers, could be undermined. Conversely, there is the potential that a person with an identifiable disability who lives independently would be deemed to fall under and in need of the greater protections provided by section 21366, contrary to the stated basis of promoting a perception that an adult with a disability can live independently.

Sowing further confusion is that Probate Code section 3603 has a separate definition for the term “person with a disability,” which includes persons who meet the definition of disability under Title II of the federal Social Security Act. The Legislature rejected using the section 3603 term “person with a disability” when it enacted section 21366 in 2010, instead opting for “dependent adult.” Probate Code section 3603 defines “person with a disability” to include persons that may have a degree of impairment substantially less than the degree of impairment described in section 21366 (for example, a “person with a disability” includes one who cannot engage in substantial gainful work under the federal Social Security Act). Adopting the term “person with a disability” in section 21366 after having rejected it in 2010 would result in two materially different definitions

and purposes of the term “person with a disability” (in sections 3603 and 21366), which would violate the Legislature’s directive that any change to existing terminology not result in inconsistency in the use of replacement terms across the various California Codes.

The term “dependent adult” is embedded in the Judicial Council and other legal forms that trust and estate practitioners regularly use in trust and estate administration and court matters. Its usage is so well-established that it appears in provisions of the Probate Code without an associated definition (e.g., section 812) where rules of statutory construction presumably would require application of section 21366.

The definition of “dependent adult” as used in the EADACPA (Welfare & Institutions Code section 15610.23) resembles the definition used in other areas of the law (e.g., Penal Code section 368(h), Evidence Code section 177), including the phrase that a “dependent adult” may include someone “regardless of whether the person lives independently.” In actual practice, the persons intended to be protected under EADACPA more closely resemble those that fall under the term as defined by Probate Code section 21366, i.e., adults who are unable to care for oneself or may be vulnerable or susceptible to abuse, fraud, or undue influence. A change to the term “dependent adult” under the EADACPA could be viewed as an unintended restriction of the protections offered by that Act.

Although the term “dependent adult” under the EADACPA is applied and implemented in a manner consistent with Probate Code section 21366, TEXCOM is not aware of any Welfare & Institutions Code sections that explicitly refer to the definition of “dependent adult” under Probate Code section 21366, nor is TEXCOM aware of any Probate Code sections that explicitly refer to the definition of “dependent adult” under Welfare & Institutions Code section 15610.23 or any other non-Probate Code sections.

For the foregoing reasons, the term “dependent adult” should not be replaced in the Probate Code or the EADACPA to avoid substantively altering existing law.

2. Are there characteristics of a new term you think are necessary to preserve the existing meaning?

The term “dependent adult” as defined in Probate Code section 21366 succinctly conveys the existing meaning and intent of the term as used and implemented in the practice of trusts and estates.

Specifically, the applicable Probate Code sections that refer to “dependent adults” provide protection to or legal recourse for “at-risk” individuals who are either unable to properly care for themselves, or who are vulnerable or susceptible to bad acts by others. The at-risk individuals are dependent on the protections or the legal recourse provided by the applicable codes to safeguard themselves or their property interests.

If “dependent adult” were replaced with the term “adult with a disability,” there is a concern that the interpretation and application of existing law will be fundamentally

changed. For example, a person without an identifiable disability but who is unable to care for themselves or their finances could be viewed as falling outside the scope of the protective statutes. Alternatively, a person with an identifiable disability who is otherwise a fully functioning and capable adult could be viewed as falling within the scope of the protective statutes in a manner or under circumstances that are not available under existing law.

As the above suggests, the term “person with a disability” could fundamentally change existing law in a way that directly contradicts the Legislature’s first directive for seeking a substitute term for “dependent adult,” namely, to describe persons in a respectful way, because not all “persons with a disability” are dependent on the protections provided by the laws that refer to “dependent adults.” By changing the term “dependent adult” to “person with a disability” as used in the Probate Code and the EADACPA, but keeping the underlying definition of the term unchanged, such laws could be interpreted as defining any person with a disability as now being in need of the extra protection provided to those who currently fit the definition of “dependent adult.”

As the above suggests, some characteristics of the target group may include individuals who are at-risk, unable to care for themselves or manage their finances, or vulnerable or susceptible to fraud or undue influence. These characteristics vary, but the one commonality is that the persons defined by the term are dependent on the applicable statutes for protection. Any term other than “dependent adult” runs the risk of changing the underlying meaning and inherent purpose of the statutes at issue, i.e., to provide protection and legal recourse to all such individuals who are dependent on such laws because they are unable to adequately protect themselves.



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June 24, 2026

Sent via Email to shuchel@clrc.ca.gov

Sarah Huchel
Deputy Director
California Law Revision Commission
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Dear Ms. Huchel:

On behalf of the California Association of Health Facilities (CAHF), thank you for the opportunity to provide comments on Terminology Relating to Persons with Disabilities - Study I-200. CAHF represents 870 skilled nursing facilities (SNFs) and 380 intermediate care facilities for the developmentally disabled (ICF/DDs). The resident population served our members includes individuals who meet the existing definition of "dependent adult" as defined by Probate Code Section 21366 and Welfare & Institutions Code Section 15610.23.

CAHF believes the term "dependent adult" as it is defined and appears in the Probate Code should not be replaced. As well, the term "dependent adult" as it appears in the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) set forth in the Welfare & Institutions Code sections 15600 et seq. should not be replaced. In each case, replacing "dependent adult" would contravene the Legislature's directive to preserve the legal rights and protections of the persons defined by that term and to advance a consistent statutory framework without substantively altering existing law.

If "dependent adult" were replaced with the term "adult with a disability," there is a concern that the interpretation and application of existing law will be fundamentally changed. For example, a person without an identifiable disability but who is unable to care for themselves or their finances could be viewed as falling outside the scope of the protective statutes. Alternatively, a person with an identifiable disability who is otherwise a fully functioning and capable adult could be viewed as falling within the scope of the protective statutes in a manner or under circumstances that are not available under existing law. If the term "adult with a disability" is used under EADACPA, it would potentially increase the difficulty of determining which claims are appropriately made under EADACPA as originally intended.

The term "person with a disability" could fundamentally change existing law in a way that directly contradicts the Legislature's first directive for seeking a substitute term for "dependent adult," namely, to describe persons in a respectful way, because not all "persons with a disability" are dependent on the protections provided by the laws that refer to "dependent adults." By changing the term "dependent adult" to "person with a disability" as used in the Probate Code and the EADACPA, but keeping the underlying definition of the term unchanged, such laws could be interpreted as defining any person with a disability as now being in need of the extra protection provided to those who currently fit the definition of "dependent adult."

Some characteristics of the target group may include individuals who are at-risk, unable to care for themselves or manage their finances, or vulnerable or susceptible to fraud or undue influence. These characteristics vary, but the one commonality is that the persons defined by the term are dependent on the applicable statutes for protection. Any term other than “dependent adult” runs the risk of changing the underlying meaning and inherent purpose of the statutes at issue, i.e., to provide protection and legal recourse to all such individuals who are dependent on such laws because they are unable to adequately protect themselves.

For the foregoing reasons, the term “dependent adult” should not be replaced in the Probate Code or the EADACPA to avoid substantively altering existing law.

CAHF welcomes further discussion on these matters with the Commission as this study is developed. For additional questions, please contact Yvonne Choong at ychoong@cahf.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "Yvonne Choong", with a stylized, flowing script.

Yvonne Choong
Vice President, Policy
California Association of Health Facilities

County Welfare Directors Association of California:

From: Sarah Huchel <shuchel@clrc.ca.gov>

Date: Monday, June 15, 2026 at 9:45 AM

To: Amanda Kirchner

Subject: RE: Request for comment: California Law Revision Commission study
"Dependent adults"

Hi Amanda,

To clarify:

- We didn't plan to use the term "individual" where it does not already appear in code; any replacement term would be focused on "dependent," so if it was "dependent individual," it would remain "individual with a disability," but where it was "dependent person" it would become "person with a disability."
- Where "dependent person" and/or "dependent adult" is already defined, we would keep the existing definition, but swap out the defined term, so the definition for "adult with a disability" would be the same as "dependent adult." In some cases the original term is undefined, and we would not define it. We would add a provision in any bill stating that the replacement terms are not intended to change the preexisting meaning, as well.
- I'm not sure I understand the distinction regarding a person's capacity, but disability is currently defined in multiple ways, including in Welfare & Institutions Code [21001](#), which includes "an intellectual or developmental disability, cognitive disability, communication disability, psychiatric disability, physical disability, sensory disability, learning disability, dementia, cognitive impairment, Alzheimer's disease, major neurocognitive disorder, or chronic illness or condition."

Please let me know if this changes any feedback. Again, thank you!

Sarah

From: Amanda Kirchner

Date: Friday, June 12, 2026 at 3:13 PM

To: Sarah Huchel <shuchel@clrc.ca.gov>

Subject: RE: Request for comment: California Law Revision Commission study
"Dependent adults"

Hi Sarah,

We ended up with very good timing as our Adults committee was meeting yesterday morning and they were able to make time in the committee to discuss this issue. Here is the feedback I have received.

- There are concerns with the reference to “individual” – APS does not serve children, so “individual” would be too broad for us in that context.
- Concerns were raised about replacing “dependent adult” with “adult with a disability”. Directors noted that having a disability does not necessarily mean a person is unable to protect or advocate for themselves. As a result, this change could create confusion regarding APS eligibility and may unintentionally broaden APS responsibility.
- There was also a common question about whether the Commission intends to propose a definition for “disability” in light of these concerns.
- Our Directors emphasized an important distinction: dependency is tied to an individual’s capacity whereas disability, in itself, is not.

I hope this is helpful feedback. Please let me know if you need more information or if it is helpful to connect further with our folks and county staff.

Amanda

Legal Assistance for Seniors:

From: Kirsten Voyles

Date: Thursday, July 2, 2026 at 4:44 PM

To: Sarah Huchel <shuchel@clrc.ca.gov>

Subject: RE: California Law Revision Commission study "Dependent adults"

Hi Sarah,

I’m so sorry that this slipped through the cracks. I’m in agreement with Texcom’s analysis. I’m happy to have a more in depth discussion but wanted to get back to you since I missed the deadline.

Hope you have a happy holiday weekend.

Kirsten

Kirsten Voyles, Esq. (She/Her)
Legal Director
Legal Assistance for Seniors
333 Hegenberger Road, Suite 850
Oakland, CA 94621

California Commission on Aging:

From: Melman, Marijke@CCoA

Sent: Friday, July 3, 2026 3:11 PM

To: Sarah Huchel <shuchel@clrc.ca.gov>

Subject: Re: Feedback request from the California Law Revision Commission

Hi Sarah,

Excuse the delay. There appears to be an IT block on loading your website and I had to use another machine to review the memo.

The Commission uses the terms “person with a disability,” “people with disabilities,” or “adults with disabilities”. We support using person first language. Many adults with disabilities are active, independent, contributing members of the community, so use of “dependent adult” would not be accurate or respectful. “Person with a disability”, “people with disabilities” and “adults with disabilities” are all commonly used in the field of aging.

In addition, Adult Protective Services/CDSS, has a definition of the “dependent adult” that qualifies for their services as “age 18-59 with a physical or mental disability that puts them at risk” with this addition in parenthesis: “a disabled adult is not necessarily a “dependent adult” (2022).

I think the conclusion your study came to sounds reasonable and respectful.

Thank you for the opportunity to provide feedback.

Best,



Marijke Melman

Outreach and Engagement

California Commission on Aging (CCoA)

w: 916.419.7595

<https://ccoa.ca.gov/>



AgeWatch

CCoA is a state entity operating under the Bagley Keene Open Meeting Act (Government Code Sec. 11120 – 11132). For messages pertaining to the business of the California Commission on Aging, please do not hit “reply all” in order to avoid an unauthorized “serial meeting.”

California Department of Justice, Division of Medi-Cal Fraud and Elder Abuse

From: Tiffany Brokaw

Sent: Wednesday, July 8, 2026 at 4:50 PM

To: Sarah Huchel <shuchel@clrc.ca.gov>

Subject: Re: Hi! And feedback request from the California Law Revision Commission

Hi, Sarah – Our Division of Medi-Cal Fraud and Elder Abuse (DMFEA), which relies on the CalCrim 831 definition of “dependent adult” in their criminal cases, believes “adult with disability” is both overly broad and too limiting. It is too broad because it would include individuals who may have disability but are not necessarily vulnerable or limited in their abilities to carry out normal activities. It is limiting because it could exclude people in facilities or at home who are dependent for care but don’t necessarily have a disability.

CalCrim 831 defines “dependent adult” as someone who is “between 18 and 64 years old and has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights.” It goes on to state, “This definition includes an adult who has physical or developmental disabilities or whose physical or mental abilities have decreased because of age.”

A very important consideration for DMFEA is the effect any change in terminology could have on their facility work. Under the CalCrim, a person also qualifies as a dependent adult if they are between 18 and 64 years old who is an inpatient in a health facility/psychiatric health facility/chemical dependency recover hospital. As we know, not every person who is a patient in a facility or hospital has a disability. For example, they could be there for a rehab on a broken hip. However, they are dependent on others and as such, are particularly vulnerable—which is why they are included under 368. If the definition changes, would those patients still qualify? We’re not sure how that would play out.

The terms “dependent adult” and “adult with a disability” are not interchangeable terms and have different meanings. There are many “adults with a disability” who are able to live and carry on normal activities without restriction and can protect their rights. There are countless examples of adults with both physical and developmental disabilities who would not qualify as a “dependent adult” under the CalCrim definition. Such as; individuals who are amputees, or who have conditions that qualify as a disability, such as bipolar disorder, autism, dyslexia, or ADHD. Not every “adult with a disability” has the physical or mental limitations that currently define a “dependent adult.”

DMFEA agrees with the points made by the CLA Trusts and Estates Section Executive Committee in EX 1-4 objecting to the change.

Let me know if you have any questions. Thank you for asking for our feedback.

California State Association of Public Administrators, Public Guardians, and Public Conservators

From: Monica Wagoner

Date: Thursday, July 9, 2026 at 3:01PM

To: Sarah Huchel <shuchel@clrc.ca.gov>

Subject: RE: Feedback request from the California Law Revision Commission

Hi Sarah,

I'm not sure that any of this feedback is particularly helpful. It appears there may be some concern regarding the use of the term "person," as it could be interpreted to include a minor.

If you'd like to follow up on any of these comments, please let me know, and I'd be happy to connect you with the appropriate individuals.

Thank you for the opportunity to review this.

-
- **Potential public confusion:** One issue the Commission openly discusses is that "adult with a disability" already appears in hundreds of California statutes with varying definitions. That creates the risk that people might incorrectly assume every disabled adult is automatically an APS client when, legally, APS eligibility depends on much more specific statutory definitions. Under WIC § 15750(b)(1), for purposes of Adult Protective Services (APS) investigations and services, "dependent adult" means a person 18–59 years of age, who has a combination of a disability and an inability to protect their own interests or carry out normal activities to protect their rights. It also includes individuals ages 18–59 admitted as inpatients to a 24-hour facility. The concern is less about who APS serves and more about how changing terminology could unintentionally change how people interpret the law.
 - **Operational concerns:** If the terminology changes but eligibility does not, county APS programs could see several practical challenges:
 - **Higher referral volume.** Community partners, including hospitals, banks, law enforcement, social workers, and mandatory reporters, might submit more referrals based on the new terminology, believing that any adult with a disability falls within APS jurisdiction. This could increase screening workload even if many referrals ultimately do not meet statutory criteria.
 - **More client inquiries.** Individuals with disabilities, family members, and advocates may expect APS to investigate situations that remain outside its

legal authority. Intake staff would need to spend additional time explaining eligibility and making referrals to other resources.

It would also open up the question if its "Dependent Person" one would majority inquire if a minor. Dependent Adult is both appropriate and respectful of an individual being an adult.

Thanks

I searched Welfare and Institutions Codes for "dependent adult" in sections that PGPC uses 5358 could be effected: Above states "all CA Code." I looked at the Penal Code and Dependent Adult appears many times, but not sure that this will effect PAPGPC.

It looks like "dependent" is no longer the PC term.

I know that we don't use the word "disability" usually to describe Major Neurocognitive Disorders, Schizophrenia, Bipolar Disorder, etc., but legally speaking I do think that these are disabilities.

I think Dependent Adult remains appropriate.

Dependent person includes children.

I would be in support of replacing the terms "dependent adult" and "dependent person" with person-first language. California's regional centers have used person-first language for at least the past 10 to 15 years. It helps to reinforces the principle that a person's condition is only one part of who they are, while promoting dignity, respect, and inclusion.

From:

Date: Wed, Jul 15, 2026 at 3:06 PM

Subject: RE: CA Law Revision Commission Request

To: Monica Wagoner <mwagoner@capapgps.org>,

Hello all,

After speaking with APS partners and our Office of Disability and Access, San Francisco is generally in support of the proposed terminology.

California Lawyers Association, Trusts and Estates Section Executive Committee

Date: Friday, July 31, 2026 at 12:48 PM

To: Sarah Huchel <shuchel@clrc.ca.gov>

Subject: RE: Question on CLRC feedback

Hi Sarah. Thanks again for reaching out.

The reason TEXCOM included in its May 8, 2026 response the language you cite was to answer the following question raised during our video meeting on April 29, 2026 – does the Probate Code explicitly refer to the definition of “dependent adult” in the EADACPA? There are no Probate Code sections that explicitly refer to the definition of “dependent adult” in the EADACPA, which is at Welfare & Institutions Code section 15610.23. Nor are there any Welfare & Institution Code sections that explicitly refer to the definition of “dependent adult” in Probate Code section 21366.

The term “dependent adult” appears twice in Probate Code section 859 and once in Probate Code section 4231.5(c). However, those sections provide neither a definition of that term nor a reference to another statutory provision containing a definition of that term. Those sections therefore are unclear on their face over whether the definition of “dependent adult” in Probate Code section 21366 or Welfare & Institutions Code section 15610.23 controls.

Further, although the language “dependent adult financial abuse, as defined in Section 15610.30 of the Welfare & Institutions Code” appears in Probate Code sections 859 and 4231.5(c), section 15610.30, itself, does not provide a definition of “dependent adult.” Instead, section 15610.30 provides a definition of “financial abuse” and, within that definition, uses the term “dependent adult,” without referring to any other statutory provision defining “dependent adult.” Welfare & Institutions Code section 15610.23 provides a definition of “dependent adult,” and Welfare & Institutions Code section 15610 states “[t]he definitions contained in this article shall govern the construction of this chapter.” The remaining language of section 15610, however, states “unless the context requires otherwise,” thereby creating additional ambiguity over whether Probate Code section 21366 or Welfare & Institutions Code section 15610.23 provides the definition of “dependent adult” that appears in Probate Code sections 859 and 4231.5(c).

Replacing “dependent adult” in the Probate Code and EADACPA with “an adult [or person] with a disability,” or another term that does not adequately reflect the group to which the term applies, would add to this ambiguity. As explained in TEXCOM’s May 8, 2026 response, in actual practice, the person intended to be protected under the EADACPA more closely resembles the person that falls under “dependent adult” as defined by Probate Code section 21366.

In addition, as explained in TEXCOM’s May 8, 2026 response, replacing “dependent adult” with “an adult with a disability” would contravene the Legislative’s directive to preserve the legal rights and protections of at-risk persons who are either unable to properly care for themselves,

or who are vulnerable or susceptible to bad acts by others. It would risk inconsistency in the statutory framework by substantively altering existing law.

Therefore, as compared to “adult with a disability” or the alternatives identified in the Minutes of the AB 1906 Working Group’s November 17, 2025 meeting, and not solely due to the lack of cross references, TEXCOM believes leaving “dependent adult” would be the cleanest approach.

Just let me know if you would like me to arrange for a further discussion with the members of TEXCOM who have been most directly involved with the details.

Saul

From: Sarah Huchel <shuchel@clrc.ca.gov>

Sent: Wednesday, July 22, 2026 4:16 PM

Subject: Question on CLRC feedback

Hi Saul,

Again, thank you so much for your feedback. I’m having a bit of trouble understanding this part of TEXCOM’s letter:

Although the term “dependent adult” under the EADACPA is applied and implemented in a manner consistent with Probate Code section 21366, TEXCOM is not aware of any Welfare & Institutions Code sections that explicitly refer to the definition of “dependent adult” under Probate Code section 21366, nor is TEXCOM aware of any Probate Code sections that explicitly refer to the definition of “dependent adult” under Welfare & Institutions Code section 15610.23 or any other non-Probate Code sections.

Was this to suggest that leaving “dependent adult” in the Probate Code and EADACPA would be clean because of the lack of cross references?

I did find that Probate Code sections 859 and 4231.5(c) both refer to “dependent adult financial abuse” as defined in Welfare and Institutions Code section 15610.30, which relies on the definition of “dependent adult” from 15610.23. And a bunch of other code sections use this definition, too.

Happy to discuss if that’s easier.

Many thanks,

Sarah

Pen. 368(h)

Bus. and Prof. 7099.9(g)(4)

7099.9.

(a) If, upon investigation, the registrar has probable cause to believe that a licensee, registrant, or applicant has committed acts or omissions that are grounds for denial, suspension, or revocation of a license or registration, the registrar, or their designee, may issue a letter of admonishment to an applicant, licensee, or registrant in lieu of issuing a citation. Nothing in this article shall in any way limit the registrar's discretionary authority or ability to issue a letter of admonishment as prescribed by this subdivision.

(b) The letter of admonishment shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the statutes or regulations violated. The letter of admonishment shall inform the licensee, registrant, or applicant that within 30 days of service of the letter of admonishment the licensee, registrant, or applicant may do either of the following:

(1) Submit a written request for an office conference to the registrar to contest the letter of admonishment. Upon a timely request, the registrar, or their designee, shall hold an office conference with the licensee, registrant, or applicant and, if applicable, their legal counsel or authorized representative.

(A) No individual other than the legal counsel or authorized representative of the licensee, registrant, or applicant may accompany the licensee, registrant, or applicant to the office conference.

(B) Prior to or at the office conference, the licensee, registrant, or applicant may submit to the registrar declarations and documents pertinent to the subject matter of the letter of admonishment.

(C) The office conference is intended to be informal and shall not be subject to the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) or Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(D) After the office conference, the registrar, or their designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the registrar, or their designee, shall personally serve or send the written decision by certified mail to the licensee's, registrant's, or applicant's address of record. This decision shall be deemed the final administrative decision concerning the letter of admonishment.

(E) Judicial review of the decision may be had by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 30 days after the date the decision was personally served or sent by certified mail. The judicial review shall extend to the question of whether or not there was a prejudicial abuse of discretion in the issuance of the letter of admonishment or in the decision after the office conference.

(2) Comply with the letter of admonishment and, if required, submit a written corrective action plan to the registrar documenting compliance. If an office conference is not requested pursuant to this section, compliance with the letter of admonishment shall not constitute an admission of the violation noted in the letter of admonishment.

(c) The letter of admonishment shall be served upon the licensee, registrant, or applicant personally or by certified mail at their address of record with the board. If the licensee, registrant, or applicant is served by certified mail, service shall be effective upon deposit in the United States mail.

(d) The licensee, registrant, or applicant shall maintain and have readily available a copy of the letter of admonishment and corrective action plan, if any, for at least one year from the date of issuance of the letter of admonishment.

(e) Nothing in this subdivision shall in any way limit the board's authority or ability to do either of the following:

(1) Issue a citation pursuant to Section 125.9, 148, or 7099.

(2) Institute disciplinary proceedings pursuant to this article.

(f) The issuance of a letter of admonishment shall not be construed as a disciplinary action or discipline for purposes of licensure or the reporting of discipline for licensure.

(g) The board shall not issue a letter of admonishment when any one of the following factors is present:

(1) The licensee, registrant, or applicant was unlicensed at the time of the violation.

(2) The licensee, registrant, or applicant has a history of the same or similar violations.

(3) The violation resulted in financial harm to another.

(4) The victim is an ~~elder or dependent adult~~ **adult with a disability or elder** as defined in Section 368 of the Penal Code.

(5) The violation is related to the repair of damage caused by a natural disaster.

(h) The board may adopt regulations to further define the circumstances under which a letter of admonishment may be issued.

Evid. Code 1380(a)(6)(A)

1380.

(a) In a criminal proceeding charging a violation, or attempted violation, of Section 368 of the Penal Code, evidence of a statement made by a declarant is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness, as defined in subdivisions (a) and (b) of Section 240, and all of the following are true:

(1) The party offering the statement has made a showing of particularized guarantees of trustworthiness regarding the statement, the statement was made under circumstances which

indicate its trustworthiness, and the statement was not the result of promise, inducement, threat, or coercion. In making its determination, the court may consider only the circumstances that surround the making of the statement and that render the declarant particularly worthy of belief.

(2) There is no evidence that the unavailability of the declarant was caused by, aided by, solicited by, or procured on behalf of, the party who is offering the statement.

(3) The entire statement has been memorialized in a videotape recording made by a law enforcement official, prior to the death or disabling of the declarant.

(4) The statement was made by the victim of the alleged violation.

(5) The statement is supported by corroborative evidence.

(6) The victim of the alleged violation is an individual who meets both of the following requirements:

(A) Was **an adult with a disability or** 65 years of age or older ~~or was a dependent adult~~ when the alleged violation or attempted violation occurred.

(B) At the time of any criminal proceeding, including, but not limited to, a preliminary hearing or trial, regarding the alleged violation or attempted violation, is either deceased or suffers from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunction, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired.

(b) If the prosecution intends to offer a statement pursuant to this section, the prosecution shall serve a written notice upon the defendant at least 10 days prior to the hearing or trial at which the prosecution intends to offer the statement, unless the prosecution shows good cause for the failure to provide that notice. In the event that good cause is shown, the defendant shall be entitled to a reasonable continuance of the hearing or trial.

(c) If the statement is offered during trial, the court's determination as to the availability of the victim as a witness shall be made out of the presence of the jury. If the defendant elects to testify at the hearing on a motion brought pursuant to this section, the court shall exclude from the examination every person except the clerk, the court reporter, the bailiff, the prosecutor, the investigating officer, the defendant and his or her counsel, an investigator for the defendant, and the officer having custody of the defendant. Notwithstanding any other provision of law, the defendant's testimony at the hearing shall not be admissible in any other proceeding except the hearing brought on the motion pursuant to this section. If a transcript is made of the defendant's testimony, it shall be sealed and transmitted to the clerk of the court in which the action is pending.

Gov't Code 7282.5(a)(3)(X)

7282.5.

(a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) **Adult with a disability and elder** ~~Elder and dependent adult~~ abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 287 or of former Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

Labor Code 230.5(a)(2)(E)

230.5.

(a) (1) An employer shall not discharge or in any manner discriminate or retaliate against an employee who is a victim of an offense listed in paragraph (2) for taking time off from work, upon the victim's request, to appear in court to be heard at any proceeding, including any delinquency proceeding, involving a postarrest release decision, plea, sentencing, postconviction release decision, or any proceeding in which a right of the victim is at issue.

(2) The offenses include all of the following:

(A) Vehicular manslaughter while intoxicated, as defined in subdivision (b) of Section 191.5 of the Penal Code.

(B) Felony child abuse likely to produce great bodily harm or a death, as defined in Section 273a of the Penal Code.

(C) Assault resulting in the death of a child under eight years of age, as defined in Section 273ab of the Penal Code.

(D) Felony domestic violence, as defined in Section 273.5 of the Penal Code.

(E) Felony physical abuse of an **adult with a disability or** elder ~~or dependent adult~~, as defined in subdivision (b) of Section 368 of the Penal Code.

(F) Felony stalking, as defined in Section 646.9 of the Penal Code.

(G) Solicitation for murder, as defined in subdivision (b) of Section 653f of the Penal Code.

(H) A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code.

(I) Hit-and-run causing death or injury, as defined in Section 20001 of the Vehicle Code.

(J) Felony driving under the influence causing injury, as defined in Section 23153 of the Vehicle Code.

(K) Sexual assault as set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former Section 288a of, the Penal Code.

(b) (1) As a condition of taking time off for a purpose set forth in subdivision (a), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible.

(2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer. Certification shall be sufficient in the form of any of the following:

(A) A police report indicating that the employee was a victim of an offense specified in subdivision (a).

(B) A court order protecting or separating the employee from the perpetrator of an offense specified in subdivision (a), or other evidence from the court or prosecuting attorney that the employee has appeared in court.

(C) Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an offense specified in subdivision (a).

(3) To the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave under subdivision (a).

(c) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by their employer because the employee has taken time off for a purpose set forth in subdivision (a) shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor.

(d) (1) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by their employer because the employee has exercised their rights as set forth in subdivision (a) may file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations pursuant to Section 98.7.

(2) Notwithstanding any time limitation in Section 98.7, an employee may file a complaint with the division based upon a violation of subdivision (a) within one year from the date of occurrence of the violation.

(e) An employee may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement, for time taken off for a purpose specified in this section. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(f) For purposes of this section, “victim” means any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term “victim” also includes the person’s spouse, parent, child, sibling, or guardian.

(g) This section shall apply only to alleged actions or inactions occurring on or before December 31, 2025.

(h) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

Pen. Code 166(c)(1)(C)

166.

(a) Except as provided in subdivisions (b), (c), and (d), a person guilty of any of the following contempts of court is guilty of a misdemeanor:

(1) Disorderly, contemptuous, or insolent behavior committed during the sitting of a court of justice, in the immediate view and presence of the court, and directly tending to interrupt its proceedings or to impair the respect due to its authority.

(2) Behavior specified in paragraph (1) that is committed in the presence of a referee, while actually engaged in a trial or hearing, pursuant to the order of a court, or in the presence of a

jury while actually sitting for the trial of a cause, or upon an inquest or other proceeding authorized by law.

(3) A breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of the court.

(4) Willful disobedience of the terms, as written, of a process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial.

(5) Resistance willfully offered by a person to the lawful order or process of a court.

(6) The contumacious and unlawful refusal of a person to be sworn as a witness or, when so sworn, the like refusal to answer a material question.

(7) The publication of a false or grossly inaccurate report of the proceedings of a court.

(8) Presenting to a court having power to pass sentence upon a prisoner under conviction, or to a member of the court, an affidavit, testimony, or representation of any kind, verbal or written, in aggravation or mitigation of the punishment to be imposed upon the prisoner, except as provided in this code.

(9) Willful disobedience of the terms of an injunction that restrains the activities of a criminal street gang or any of its members, lawfully issued by a court, including an order pending trial.

(b) (1) A person who is guilty of contempt of court under paragraph (4) of subdivision (a) by willfully contacting a victim by telephone or mail, social media, electronic communication, or electronic communication device, or directly, and who has been previously convicted of a violation of Section 646.9 shall be punished by imprisonment in a county jail for not more than one year, by a fine of no more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(2) For the purposes of sentencing under this subdivision, each contact shall constitute a separate violation of this subdivision.

(3) The present incarceration of a person who makes contact with a victim in violation of paragraph (1) is not a defense to a violation of this subdivision.

(4) For purposes of this subdivision, the following definitions shall apply:

(A) "Social media" has the same definition as in Section 632.01.

(B) "Electronic communication" has the same definition as in Section 646.9.

(C) "Electronic communication device" has the same definition as in Section 646.9.

(c) (1) Notwithstanding paragraph (4) of subdivision (a), a willful and knowing violation of a protective order or stay-away court order described as follows shall constitute contempt of court, a misdemeanor, punishable by imprisonment in a county jail for not more than one year, by a fine of not more than one thousand dollars (\$1,000), or by both that imprisonment and fine:

- (A) An order issued pursuant to Section 136.2.
 - (B) An order issued pursuant to paragraph (2) of subdivision (a) of Section 1203.097.
 - (C) An order issued after a conviction in a criminal proceeding involving **an adult with a disability or** ~~elder or dependent adult~~ abuse, as defined in Section 368.
 - (D) An order issued pursuant to Section 1201.3.
 - (E) An order described in paragraph (3).
 - (F) An order issued pursuant to subdivision (j) of Section 273.5.
- (2) If a violation of paragraph (1) results in a physical injury, the person shall be imprisoned in a county jail for at least 48 hours, whether a fine or imprisonment is imposed, or the sentence is suspended.
- (3) Paragraphs (1) and (2) apply to the following court orders:
- (A) An order issued pursuant to Section 6320 or 6389 of the Family Code.
 - (B) An order excluding one party from the family dwelling or from the dwelling of the other.
 - (C) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the orders described in paragraph (1).
- (4) A second or subsequent conviction for a violation of an order described in paragraph (1) occurring within seven years of a prior conviction for a violation of any of those orders and involving an act of violence or “a credible threat” of violence, as provided in subdivision (c) of Section 139, is punishable by imprisonment in a county jail not to exceed one year, or in the state prison for 16 months or two or three years.
- (5) The prosecuting agency of each county shall have the primary responsibility for the enforcement of the orders described in paragraph (1).
- (d) (1) A person who owns, possesses, purchases, or receives a firearm knowing that person is prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6 or 527.8 of the Code of Civil Procedure, shall be punished under Section 29825.
- (2) A person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (h) of Section 6389 of the Family Code.
- (e) (1) If probation is granted upon conviction of a violation of subdivision (c), the court shall impose probation consistent with Section 1203.097.

(2) If probation is granted upon conviction of a violation of subdivision (c), the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a domestic violence shelter-based program up to a maximum of one thousand dollars (\$1,000).

(B) That the defendant provide restitution to reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

(3) For an order to pay a fine, make payments to a domestic violence shelter-based program, or pay restitution as a condition of probation under this subdivision or subdivision (c), the court shall make a determination of the defendant's ability to pay. An order to make payments to a domestic violence shelter-based program, shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support.

(4) If the injury to a married person is caused, in whole or in part, by the criminal acts of the person's spouse in violation of subdivision (c), the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents required by this subdivision, until all separate property of the offending spouse is exhausted.

(5) A person violating an order described in subdivision (c) may be punished for any substantive offenses described under Section 136.1 or 646.9. A finding of contempt shall not be a bar to prosecution for a violation of Section 136.1 or 646.9. However, a person held in contempt for a violation of subdivision (c) shall be entitled to credit for any punishment imposed as a result of that violation against a sentence imposed upon conviction of an offense described in Section 136.1 or 646.9. A conviction or acquittal for a substantive offense under Section 136.1 or 646.9 shall be a bar to a subsequent punishment for contempt arising out of the same act.

Penal Code 237(b)

237.

(a) False imprisonment is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. If the false imprisonment be effected by violence, menace, fraud, or deceit, it shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(b) False imprisonment of an **adult with a disability or** elder ~~or dependent adult~~ by use of violence, menace, fraud, or deceit shall be punishable as described in subdivision (f) of Section 368.

Pen. Code 243.25

243.25.

When a battery is committed against the person of an adult with a disability or elder ~~or a dependent adult~~ as defined in Section 368, with knowledge that he or she is an adult with a disability or elder ~~or a dependent adult~~, the offense shall be punishable by a fine not to exceed two thousand dollars (\$2,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

Pen. Code 368(b), (c), (d), (e), (f), (i)

368.

(a) The Legislature finds and declares that elders, adults whose physical or mental disabilities or other limitations restrict their ability to carry out normal activities or to protect their rights, and adults admitted as inpatients to a 24-hour health facility deserve special consideration and protection.

(b) (1) A person who knows or reasonably should know that a person is an adult with a disability or elder ~~or dependent adult~~ and who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any adult with a disability or elder ~~or dependent adult~~ to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any adult with a disability or elder ~~or dependent adult~~, willfully causes or permits the person or health of the adult with a disability or elder ~~or dependent adult~~ to be injured, or willfully causes or permits the adult with a disability or elder ~~or dependent adult~~ to be placed in a situation in which their person or health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed six thousand dollars (\$6,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years.

(2) If, in the commission of an offense described in paragraph (1), the victim suffers great bodily injury, as defined in Section 12022.7, the defendant shall receive an additional term in the state prison as follows:

(A) Three years if the victim is under 70 years of age.

(B) Five years if the victim is 70 years of age or older.

(3) If, in the commission of an offense described in paragraph (1), the defendant proximately causes the death of the victim, the defendant shall receive an additional term in the state prison as follows:

(A) Five years if the victim is under 70 years of age.

(B) Seven years if the victim is 70 years of age or older.

(c) A person who knows or reasonably should know that a person is an adult with a disability or elder ~~or dependent adult~~ and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any adult with a disability or

elder ~~or dependent adult~~ to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any adult with a disability or elder ~~or dependent adult~~, willfully causes or permits the person or health of the adult with a disability or elder ~~or dependent adult~~ to be injured or willfully causes or permits the adult with a disability or elder ~~or dependent adult~~ to be placed in a situation in which their person or health may be endangered, is guilty of a misdemeanor. A second or subsequent violation of this subdivision is punishable by a fine not to exceed two thousand dollars (\$2,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

(d) A person who is not a caretaker who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section 530.5 proscribing identity theft, with respect to the property or personal identifying information of an adult with a disability or elder ~~or a dependent adult~~, and who knows or reasonably should know that the victim is an adult with a disability or elder ~~or a dependent adult~~, is punishable as follows:

(1) By a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding nine hundred fifty dollars (\$950).

(2) By a fine not exceeding one thousand dollars (\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding nine hundred fifty dollars (\$950).

(e) A caretaker of an adult with a disability or elder ~~or a dependent adult~~ who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section 530.5 proscribing identity theft, with respect to the property or personal identifying information of that adult with a disability or elder ~~or dependent adult~~, is punishable as follows:

(1) By a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding nine hundred fifty dollars (\$950).

(2) By a fine not exceeding one thousand dollars (\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding nine hundred fifty dollars (\$950).

(f) A person who commits the false imprisonment of an adult with a disability or elder ~~or a dependent adult~~ by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(g) As used in this section, "elder" means a person who is 65 years of age or older.

(h) As used in this section, “~~dependent adult~~ **adult with a disability**” means a person, ~~regardless of whether the person lives independently,~~ who is between the ages of 18 and 64, who has physical or mental limitations ~~which that~~ restrict their ability to carry out normal activities or 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. “~~Dependent adult~~ **Adult with a disability**” includes a 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.

(i) As used in this section, “caretaker” means a person who has the care, custody, or control of, or who stands in a position of trust with, an **adult with a disability or** ~~elder or a dependent adult.~~

(j) Nothing in this section shall preclude prosecution under both this section and Section 187 or 12022.7 or any other provision of law. However, a person shall not receive an additional term of imprisonment under both paragraphs (2) and (3) of subdivision (b) for a single offense, nor shall a person receive an additional term of imprisonment under both Section 12022.7 and paragraph (2) or (3) of subdivision (b) for a single offense.

(k) In any case in which a person is convicted of violating these provisions, the court may require them to receive appropriate counseling as a condition of probation. A defendant ordered to be placed in a counseling program shall be responsible for paying the expense of participation in the counseling program as determined by the court. The court shall take into consideration the ability of the defendant to pay, and no defendant shall be denied probation because of the inability to pay.

(l) Upon conviction for a violation of subdivision (b), (c), (d), (e), or (f), the sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, the safety of the victim and their immediate family, and the information provided to the court pursuant to Section 273.75. This protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

Pen. Code 368.6(b)(3), (b)(8), (b)(12)(B), (b)(13)(A), (b)(13)(C), (b)(13)(D), (b)(13)(H), (b)(14), (b)(15), (c), (c)(1), (c)(4), (c)(18), (c)(22), (e), (h)

368.6.

(a) This section shall be known, and may be cited, as the Senior and Disability Justice Act.

(b) As used in this section, the following definitions apply:

(1) “Adult with a disability” means a person between the ages of 18 and 64 who has physical or mental limitations which restrict their ability to carry out normal activities or 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. “Adult with a disability” includes a person between the ages of 18 and 64 who is

admitted as an inpatient to a health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(2) “Adult with a disability and elder Elder and dependent adult abuse” means a violation of Section 368 and includes physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm, pain, or mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

(1) (3) “Agency protocol” means a procedure adopted by a local law enforcement agency consistent with the agency’s organizational structure, and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

(2) (4) “Caretaker” has the same meaning as defined in Section 368 and includes caretakers whether or not they are paid.

(3) “Dependent adult” has the same meaning as defined in Section 368.

(4) “Dependent person” has the same meaning as defined in Section 288.

(5) “Disability” includes mental disability and physical disability as defined in Sections 12926 and 12926.1 of the Government Code, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, illness, or advanced age.

(6) “Domestic violence” has the same meaning as defined in Section 13700 and includes a violation of Section 273.5.

(7) “Elder” has the same meaning as defined in Section 368.

(8) “Adult with a disability and elder Elder and dependent adult abuse” means a violation of Section 368 and includes physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm, pain, or mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

(9)(8) “Hate crime” has the same meaning as set forth in Sections 422.55 and 422.56.

(10)(9) “Human trafficking” means a violation of Section 236.1.

(11)(10) “Local law enforcement agency” means every municipal police department and county sheriffs’ department.

(12)(11) “Mandated reporting requirements” means any of the following:

(A) The requirements of Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4.

(B) The requirements of Sections 15630 and 15630.1 and subdivision (d) of Section 15640 of the Welfare and Institutions Code concerning reporting of elder and dependent adult abuse.

(C) The prohibitions on inhibiting or impeding reporting pursuant to the requirements in subparagraph (A) or (B).

~~(13)~~**(12)** “Senior and disability victimization” means any of the following:

(A) **Adult with a disability and elder** ~~Elder and dependent adult~~ abuse.

(B) Unlawful interference with a mandated report.

(C) Homicide of an elder, ~~dependent adult~~, **child with a disability**, or ~~other adult or child~~ with a disability.

(D) Sex crimes against an elder, ~~dependent adult~~, **child with a disability**, or ~~other adult or child~~ with a disability.

(E) Child abuse of children with disabilities.

(F) Violation of relevant protective orders.

(G) Hate crimes against persons with actual or perceived disabilities, including, but not limited to, disabilities caused by advanced age, or those associated with them.

(H) Domestic violence against an elder, ~~dependent adult~~, **child with a disability**, or ~~other adult or child~~ with a disability, including any disability caused by advanced age.

~~(14)~~**(13)** “Relevant protective order” means an order by a California or out-of-state court, including, but not limited to, a tribal, federal, United States territorial, or United States military court, protecting an elder, ~~dependent adult~~, ~~dependent person~~, **child with a disability**, or ~~other adult or child~~ with a disability.

~~(15)~~**(14)** “Responsible agency” means a local, state, or federal agency with responsibilities concerning senior and disability victimization. This includes, but is not limited to, law enforcement agencies, adult protective services agencies, child protective services agencies, the Office of the State Long-Term Care Ombudsman and its designated local agencies, fire and emergency medical services, regional centers pursuant to the Lanterman Developmental Disabilities Services Act, elder and disability service agencies, sexual assault and domestic violence agencies, ~~elder and dependent adult~~ **with a disability and elder** death review teams, local government human relations commissions, coroners, probate court investigators, public administrators, public guardians, public conservators, district attorney’s offices, city attorney’s offices or other prosecutors with jurisdiction, the Division of Medi-Cal Fraud and Elder Abuse, state licensing agencies, the United States Attorney’s offices, and the Federal Bureau of Investigation.

~~(16)~~**(15)** “Sex crime” means either of the following:

(A) An offense requiring registration pursuant to the Sex Offender Registration Act.

(B) A violation of Section 729 of the Business and Professions Code.

~~(17)~~**(16)** “State protection and advocacy agency” means the agency designated pursuant to Division 4.7 (commencing with Section 4900) of the Welfare and Institutions Code.

~~(18)~~**(17)** “Unlawful interference in a mandated report” includes, but is not limited to, inhibiting or impeding reporting in violation of the mandated reporting requirements or a violation of Section 136.1 that concerns the mandated reporting requirements.

(c) Each local law enforcement agency may adopt a policy regarding senior and disability victimization. A municipal police department or county sheriffs’ department that adopts or revises a policy regarding **adults with a disability and** elder ~~and dependent adult~~ abuse or senior and disability victimization on or after April 13, 2021, shall include, but not be limited to, all of the following items:

(1) Information on the wide prevalence of **adult with a disability and** elder ~~and dependent adult~~ abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers.

(2) A statement of the agency’s commitment to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties.

(3) The definitions and elements of the offenses specified in paragraph (2) of subdivision (b) of Section 288 and in subdivisions (c) and (f) of Section 368, noting that they protect many persons with disabilities ~~regardless of the fact they live independently~~.

(4) (A) The fact that **adult with a disability and** elder ~~and dependent adult~~ abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim’s actual or perceived disability, including disability caused by advanced age, is also a hate crime.

(B) In recognizing suspected disability-bias hate crimes, the policy shall instruct officers to consider whether there is any indication that the perpetrator committed the criminal act because of bias, including, but not limited to, the bias motivations described in subparagraphs (B) and (C) of paragraph (3) of subdivision (a) of Section 422.87.

(5) An agency protocol and schedule for training officers with both of the following:

(A) The training materials made available by the Commission on Peace Officer Standards and Training pursuant to Sections 13515, 13515.25, 13515.27, 13515.28, 13515.29, 13515.295, 13515.30, 13515.35, and 13519.2. In the case of the training materials identified in each of these sections, the agency protocol shall require the training for, at a minimum, the category of officers for whom that section states that the training is intended

or required or, if the section does not state for whom the training material is required or intended, those officers identified pursuant to paragraph (16).

(B) The agency's policy pursuant to this section.

(6) A requirement that when an officer intends to interview a victim or witness to an alleged crime and the victim or witness reports or demonstrates deafness or hearing loss, the officer first secure the services of an interpreter as defined in Section 754 of the Evidence Code. The agency shall have a protocol for securing the services of the interpreter to ensure accurate interpretation.

(7) An agency protocol for providing appropriate training concerning the agency's policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public.

(8) (A) The fact that the agency requires officers to investigate every report of senior and disability victimization, and does not dismiss any reports as merely civil matters or for any other reason without an investigation.

(B) An appendix to the policy describing the requirements for these investigations, including, but not limited to, all of the following:

(i) An agency protocol or protocols for cooperating and collaborating whenever possible with the Division of Medi-Cal Fraud and Elder Abuse, other state law enforcement agencies with jurisdiction, adult and child protective services, local long-term care ombudsman programs, and, when appropriate, other responsible agencies.

(ii) Appropriate techniques for interviewing potential victims and witnesses with cognitive or communication disabilities, including, but not limited to, avoiding repeated interviews when possible.

(iii) The elements of the investigation, including, but not limited to, all of the following:

(I) Checking prior reports received by adult or child protective services agencies, local long-term care ombudsman programs, except as provided in Section 9725 of the Welfare and Institutions Code, and any other responsible agencies.

(II) Interviewing each alleged victim, each witness, and each suspect who is available.

(III) Viewing all body-worn camera videos and all other films.

(IV) Listening to all calls from mandated reports or other callers.

(V) Making reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

(iv) An agency protocol for transmitting the crime report to the appropriate prosecution office if the law enforcement agency recommends prosecution.

(v) If the agency deems it appropriate, the Investigation Response section and Addendum B of the San Diego County Elder and Dependent Adult Abuse Blueprint or the Elder Abuse Guide for Law Enforcement of the National Center on Elder Abuse at the University of Southern California.

(9) (A) A statement that it is the agency's policy to make arrests or to seek arrest warrants, in accordance with Section 836, and, in the case of domestic violence, as allowed by Section 13701. The policy shall also state the agency protocol for seeking those arrest warrants.

(B) The agency protocol for arrests for senior and disability victimization other than domestic violence, which shall include, but not be limited to, the following requirements:

(i) In the case of a senior and disability victimization committed in an officer's presence, including, but not limited to, a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

(ii) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

(iii) In the case of a misdemeanor not committed in the officer's presence, including, but not limited to, misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.

(iv) The policy shall state the agency protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

(10) The fact that senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Section 836 if they meet the elements described in Section 273.5, including, but not limited to, a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim.

(11) (A) The fact that many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including, but not limited to, shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others.

(B) An instruction pursuant to Sections 264.2 and 679.04 to notify potential victims of sex crimes that they have a right to have a support person of their choice present at all times.

(12) The agency's cross-reporting requirements, including, but not limited to, those pursuant to Section 15640 of the Welfare and Institutions Code, and an agency protocol for carrying out these cross-reporting requirements.

(13) Mandated reporting requirements, including, but not limited to, officers' mandated reporting responsibilities and an agency protocol for carrying out the officers' mandated reporting responsibilities.

(14) The fact that victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons.

(15) A procedure for first-responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies, with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(16) The unit or office, or multiple units or offices of the agency, or the title or titles of an officer or officers, tasked with the following responsibilities:

(A) Receiving advanced officer training on senior and disability victimization, available from the Commission on Peace Officer Standards and Training, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources.

(B) Acting as a liaison to other responsible agencies to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations.

(C) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

(17) An agency protocol for seeking emergency protective orders by phone from a court at any time of the day or night pursuant to subdivision (d) of Section 6250 of the Family Code, including the court system telephone number for an officer to call, and a requirement that an officer utilize the agency protocol whenever necessary or advisable to protect a victim's safety.

(18) A requirement that all officers treat an unexplained or suspicious death of an elder, **dependent adult, child with a disability, or other adult or child** with a disability as a potential homicide until a complete investigation, including an autopsy, is completed, and not to assume that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased.

(19) A requirement that, whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the possession of firearms or requires the relinquishment of firearms, and if the order does so, a requirement that the officer shall make reasonable efforts to do each of the following:

- (A) Inquire whether the restrained person possesses firearms. The officer may make this effort by asking the restrained person and the protected person.
 - (B) Query through the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
 - (C) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search, in compliance with Division 4 (commencing with Section 18250) of Title 2 of Part 6.
- (20) Civil remedies and resources available to victims, including, but not limited to, the program administered by the California Victim Compensation Board.
- (21) The complete contents of any model policy on senior and disability victimization that the Commission on Peace Officer Standards and Training may develop based on this section, regardless of whether that model policy includes items in addition to those listed in this section.
- (22) Use of the full term “**adult with a disability and** elder ~~and dependent adult~~ abuse” in every reference to that crime, with no shorthand terms, including, but not limited to, “elder abuse” or “adult abuse.”
- (23) A detailed checklist of first-responding officers’ responsibilities, including, but not limited to, all of the following:
- (A) Taking responsibility for the safety and well-being of the potential victims and witnesses and treating all potential victims, witnesses, and suspects with dignity and respect.
 - (B) Complying with the provisions of the agency’s policy requirements for arrests and mandatory seeking of arrest warrants pursuant to paragraph (9) and the requirements for seeking emergency protective orders pursuant to paragraph (17).
 - (C) Following the policy’s guidelines for interviewing persons with cognitive or communication disabilities pursuant to paragraph (15).
 - (D) Recognizing that some elders and adults and children with cognitive or communication disabilities may have difficulty narrating events, appear to be poor historians, or lack short-term memory, which adds to their vulnerability and therefore requires officers to make special efforts to provide them with equal protection.
 - (E) Documenting the scene.
 - (F) Obtaining a signed medical release from potential victims.
 - (G) Interviewing caretakers separately, recognizing that in some cases, the caretaker is the perpetrator.

(H) Recognizing that victim cooperation is sometimes unnecessary for prosecution, and that in some cases allowing victims the option of preventing prosecution creates an opportunity for the perpetrators to obstruct justice by pressuring or threatening the victims. Each dispatch call or case should be investigated on its own evidential merits.

(I) Taking other actions necessary to comply with the provisions of the law enforcement agency's policy pursuant to this section.

(24) The relevant content of any memoranda of understanding or similar agreements or procedures for cooperating with other responsible agencies, consistent with Section 368.5.

(25) A statement of the agency chief executive's responsibilities, including, but not limited to, all of the following:

(A) Taking leadership within the agency and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of the agency's support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.

(B) Carrying out specific responsibilities pursuant to this subdivision, including, but not limited to, developing and including agency protocols in this policy.

(C) Ensuring that all officers and staff carry out their responsibilities under the policy.

(26) An agency protocol for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

(27) (A) A requirement that all officers be familiar with the policy and carry out the policy at all times except in the case of unusual compelling circumstances as determined by the agency's chief executive or by another supervisory or command-level officer designated by the chief executive.

(B) A responsible officer who makes a determination allowing a deviation from the policy shall produce a report to the agency's chief executive stating the unusual compelling circumstances. The policy shall include an agency protocol for providing copies of those reports to the alleged victims and reporting parties. The chief executive shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request.

(28) For each agency protocol, either a specific title-by-title list of officers' responsibilities, or a specific office or unit in the law enforcement agency responsible for implementing the protocol.

(d) If a law enforcement agency adopts or revises a policy regarding senior and disability victimization on or after April 13, 2021, the chief executive shall make it available to the state protection and advocacy agency upon request.

(e) A law enforcement agency that adopts, revises, or has adopted or revised a policy regarding **adult with a disability and** elder ~~**and dependent adult**~~ abuse in compliance with the requirements of Section 368.5 on or after April 13, 2021, shall also comply with the requirements of subdivision (c) and (d) of this section.

Pen. Code 653c(a)

653c.

(a) No person required to register as a sex offender pursuant to Section 290 for an offense committed against an **adult with a disability or** elder ~~**or dependent adult**~~, as defined in Section 368, other than a resident of the facility, shall enter or remain on the grounds of a day care or residential facility where **adults with a disability or** elders ~~**or dependent adults**~~ are regularly present or living, without having registered with the facility administrator or his or her designees, except to proceed expeditiously to the office of the facility administrator or designee for the purpose of registering.

(b) In order to register pursuant to subdivision (a), a sex offender shall advise the facility administrator or designee that he or she is a sex offender; provide his or her name, address, and purpose for entering the facility; and provide proof of identity.

(c) The facility administrator may refuse to register, impose restrictions on registration, or revoke the registration of a sex offender if he or she has a reasonable basis for concluding that the offender's presence or acts would disrupt, or have disrupted, the facility, any resident, employee, volunteer, or visitor; would result, or has resulted, in damage to property; the offender's presence at the facility would interfere, or has interfered, with the peaceful conduct of the activities of the facility; or would otherwise place at risk the facility, or any employee, volunteer or visitor.

(d) Punishment for any violation of this section shall be as follows:

(1) Upon a first conviction by a fine of not exceeding two thousand dollars (\$2,000), by imprisonment in a county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of this section, by imprisonment in a county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine of not exceeding two thousand dollars (\$2,000), and shall not be released on probation, parole, or any other basis until he or she has served at least 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of this section, by imprisonment in a county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine of not exceeding two thousand dollars (\$2,000), and shall not be released on probation, parole, or any other basis until he or she has served at least 90 days.

(e) Nothing in this section shall preclude or prohibit prosecution under any other provision of law.

Pen. Code 666.1

666.1.

(a) (1) Notwithstanding any other law, a person who has two or more prior convictions for any of the offenses listed in paragraph (2), and who is convicted of petty theft or shoplifting, is punishable by imprisonment in the county jail not exceeding one year or pursuant to subdivision (h) of Section 1170. A second or subsequent conviction of this section is punishable by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

(2) This section applies to the following offenses, including a conviction that occurred before the effective date of this section:

(A) Petty theft, as described in Section 488 or 490.2.

(B) Grand theft, as described in Sections 487, 487h, and in Chapter 5 (commencing with Section 484) of Title 13 of Part 1.

(C) Theft from an **adult with a disability or** elder ~~or dependent adult~~, as described in Section 368.

(D) The theft or unauthorized use of a vehicle, as described in Section 10851 of the Vehicle Code.

(E) Burglary, as described in Section 459.

(F) Carjacking, as described in Section 215.

(G) Robbery, as described in Section 211.

(H) Receiving stolen property, as described in Section 496.

(I) Shoplifting, as described in Section 459.5.

(J) Identity theft and mail theft, as described in Section 530.5.

(b) A person subject to charging under this section or actually charged with this section may be referred by a prosecuting attorney's office or by a county probation department to a theft diversion or deferred entry of judgment program pursuant to Section 1001.81. If appropriate, a person admitted to such a program may also be referred to a substance abuse treatment program.

(c) Upon an arrest for a violation of this section, the court shall require judicial review prior to release to make an individualized determination of risk to public safety and likelihood to return to court.

(d) This section shall not be construed to preclude prosecution or punishment pursuant to any other law.

Pen. Code 868.5

868.5.

(a) Notwithstanding any other law, a prosecuting witness in a case involving a violation or attempted violation of Section 187, 203, 205, or 207, subdivision (b) of Section 209, Section 211, 215, 220, 236.1, 240, 242, 243.4, 245, 261, 266, 266a, 266b, 266c, 266d, 266e, 266f, 266g, 266h, 266i, 266j, 266k, 267, 269, 273a, 273d, 273.5, 273.6, 278, 278.5, 285, 286, 287, 288, 288.5, 288.7, 289, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.10, 311.11, 422, 646.9, or 647.6, former Section 262, 277, 288a, or 647a, subdivision (1) of Section 314, or subdivision (b), (d), or (e) of Section 368 when the prosecuting witness is the **adult with a disability or** elder

~~or dependent adult~~, shall be entitled, for support, to the attendance of up to two persons of the prosecuting witness' own choosing, one of whom may be a witness, at the preliminary hearing and at the trial, or at a juvenile court proceeding, during the testimony of the prosecuting witness. Only one of those support persons may accompany the witness to the witness stand, although the other may remain in the courtroom during the witness' testimony. The person or persons so chosen shall not be a person described in Section 1070 of the Evidence Code unless the person or persons are related to the prosecuting witness as a parent, guardian, or sibling and do not make notes during the hearing or proceeding.

(b) If the person or persons so chosen are also witnesses, the prosecution shall present evidence that the person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness. Upon that showing, the court shall grant the request unless information presented by the defendant or noticed by the court establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony. In the case of a juvenile court proceeding, the judge shall inform the support person or persons that juvenile court proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings. In all cases, the judge shall admonish the support person or persons to not prompt, sway, or influence the witness in any way. This section does not preclude a court from exercising its discretion to remove a person from the courtroom whom it believes is prompting, swaying, or influencing the witness.

(c) The testimony of the person or persons so chosen who are also witnesses shall be presented before the testimony of the prosecuting witness. The prosecuting witness shall be excluded from the courtroom during that testimony. Whenever the evidence given by that person or those persons would be subject to exclusion because it has been given before the corpus delicti has been established, the evidence shall be admitted subject to the court's or the defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

Pen. Code 1048(b)

1048.

(a) The issues on the calendar shall be disposed of in the following order, unless for good cause the court directs an action to be tried out of its order:

(1) Prosecutions for felony, when the defendant is in custody.

(2) Prosecutions for misdemeanor, when the defendant is in custody.

(3) Prosecutions for felony, when the defendant is on bail.

(4) Prosecutions for misdemeanor, when the defendant is on bail.

(b) Notwithstanding subdivision (a), all criminal actions in which (1) a minor is detained as a material witness or is the victim of the alleged offense, (2) a person who **is an adult with a disability as defined in subdivision (h) of Section 368 or** was 70 years of age or older at the time of the alleged offense ~~or is a dependent adult, as defined in subdivision (h) of Section 368~~, was a witness to, or is the victim of, the alleged offense or (3) any person is a victim of an alleged violation of Section 261, 264.1, 273a, 273d, 285, 286, 287, 288, or 289 or former Section 262 or 288a, committed by the use of force, violence, or the threat thereof, shall be given precedence over all other criminal actions in the order of trial. In those actions, continuations shall be granted by the court only after a hearing and determination of the necessity thereof, and in any event, the trial shall be commenced within 30 days after arraignment, unless for good cause the court shall direct the action to be continued, after a hearing and determination of the necessity of the continuance, and states the findings for a determination of good cause on the record.

(c) This section does not provide a statutory right to a trial within 30 days.

Pen. Code 11174.5(c)

11174.5.

(a) Each county may establish an interagency **adult with a disability and** elder ~~and dependent adult~~ death review team to assist local agencies in identifying and reviewing suspicious **adult with a disability and** elder ~~and dependent adult~~ deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in **adult with a disability and** elder ~~and dependent adult~~ abuse or neglect cases.

(b) Each county may develop a protocol that may be used as a guideline by persons performing autopsies on **adults with a disability and** elders ~~and dependent adults~~ to assist coroners and other persons who perform autopsies in the identification of **adult with a disability and** elder ~~and dependent adult~~ abuse or neglect, in the determination of whether **abuse or neglect of adults with a disability or** elders ~~or dependent adult abuse or neglect~~ contributed to death or whether ~~elder or dependent adult~~ **that** abuse or neglect had occurred prior to, but was not the actual cause of, death, and in the proper written reporting procedures for ~~elder and dependent adult that~~ abuse or neglect, including the designation of the cause and mode of death.

(c) As used in this section, the term ~~“dependent adult”~~ **“adult with a disability”** has the same meaning as in Section 368, ~~and applies regardless of whether the person lived independently.~~

Pen. Code 13515(b)(2)

13515.

(a) Every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties shall complete an adult with a disability and ~~elder and dependent adult~~ abuse training course certified by the Commission on Peace Officer Standards and Training within 18 months of assignment to field duties. Completion of the course may be satisfied by telecourse, video training tape, or other instruction. The training, at a minimum, shall include all of the following subjects:

- (1) Relevant laws.
- (2) Recognition of elder and dependent adult abuse.
- (3) Reporting requirements and procedures.
- (4) Neglect of elders and dependent adults.
- (5) Fraud of adults with a disability and ~~elders and dependent adults~~.
- (6) Physical abuse of adults with a disability and ~~elders and dependent adults~~.
- (7) Psychological abuse of adults with a disability and ~~elders and dependent adults~~.
- (8) The role of the local adult protective services and public guardian offices.
- (9) The legal rights of, and remedies available to, ~~victims of~~ adult with a disability or ~~elder or dependent adult~~ abuse victims pursuant to Section 15657.03 of the Welfare and Institutions Code, including emergency protective orders and the option to request a simultaneous move-out order, and temporary restraining orders.

(b) When producing new or updated training materials pursuant to this section, the commission shall consult with the Division of Medi-Cal Fraud and Elder Abuse, local adult protective services offices, the Office of the State Long-Term Care Ombudsman, and other subject matter experts. Any new or updated training materials shall address ~~all of the following~~:

~~(1) The~~ (1) The jurisdiction and responsibility of law enforcement agencies pursuant to Section 368.5-~~and~~

~~(2) The fact that the protected classes of "dependent person with a disability" as defined in Section 288 and "dependent adult with a disability" as defined in Section 368 include many persons with disabilities, regardless of the fact that most of those persons live independently.~~

~~(3) Other~~ (3) Other relevant information and laws.

(c) The commission also may inform the law enforcement agencies of other relevant training materials.

Pen. Code 13750(b)(4)

13750.

(a) A city, county, city and county, or community-based nonprofit organization may each establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, adult with a disability or elder ~~or dependent adult~~ abuse, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety, increase offender accountability, and improve access to services for victims of domestic violence, sexual assault, adult with a disability or elder ~~or dependent adult~~ abuse, and human trafficking.

(b) For purposes of this title, the following terms have the following meanings:

(1) “Abuse” has the same meaning as set forth in Section 6203 of the Family Code.

(2) “Domestic violence” has the same meaning as set forth in Section 6211 of the Family Code.

(3) “Sexual assault” means an act or attempt made punishable by Section 220, 261, 261.5, 264.1, 266c, 269, 285, 286, 287, 288, 288.5, 289, or 647.6, or former Section 262 or 288a.

(4) “~~Elder or dependent adult~~ Adult with a disability or elder abuse” means an act made punishable by Section 368.

(5) “Human trafficking” has the same meaning as set forth in Section 236.1.

(c) For purposes of this title, family justice centers shall be defined as multiagency, multidisciplinary service centers where public and private agencies assign staff members on a full-time or part-time basis in order to provide services to victims of domestic violence, sexual assault, adult with a disability or elder ~~or dependent adult~~ abuse, or human trafficking from one location in order to reduce the number of times victims must tell their story, reduce the number of places victims must go for help, and increase access to services and support for victims and their children. Staff members at a family justice center may be comprised of, but are not limited to, the following:

(1) Law enforcement personnel.

(2) Medical personnel.

(3) District attorneys and city attorneys.

(4) Victim-witness program personnel.

(5) Domestic violence shelter service staff.

(6) Community-based rape crisis, domestic violence, and human trafficking advocates.

(7) Social service agency staff members.

(8) Child welfare agency social workers.

(9) County health department staff.

(10) City or county welfare and public assistance workers.

(11) Nonprofit agency counseling professionals.

(12) Civil legal service providers.

(13) Supervised volunteers from partner agencies.

(14) Other professionals providing services.

(d) This section does not abrogate existing laws regarding privacy or information sharing. Family justice center staff members shall comply with the laws governing their respective professions.

(e) Victims of crime shall not be denied services on the grounds of criminal history. A criminal history search shall not be conducted of a victim at a family justice center without the victim's written consent unless the criminal history search is pursuant to a criminal investigation.

(f) Victims of crime shall not be required to participate in the criminal justice system or cooperate with law enforcement in order to receive counseling, medical care, or other services at a family justice center.

(g) (1) Each family justice center shall consult with community-based domestic violence, sexual assault, adult with a disability or ~~elder or dependent adult~~ abuse, and human trafficking agencies in partnership with survivors of violence and abuse and their advocates in the operations process of the family justice center, and shall establish procedures for the ongoing input, feedback, and evaluation of the family justice center by survivors of violence and abuse and community-based crime victim service providers and advocates.

(2) Each family justice center shall develop policies and procedures, in collaboration with local community-based crime victim service providers and local survivors of violence and abuse, to ensure coordinated services are provided to victims and to enhance the safety of victims and professionals at the family justice center who participate in affiliated survivor-centered support or advocacy groups. Each family justice center shall maintain a formal client feedback, complaint, and input process to address client concerns about services provided or the conduct of any family justice center professionals, agency partners, or volunteers providing services in the family justice center.

(3) Each family justice center shall provide clients with educational materials relating to gun violence restraining orders, domestic violence restraining orders, and other legal avenues of protection for victims and their families, if appropriate.

(h) (1) Each family justice center shall maintain a client consent policy and shall be in compliance with all state and federal laws protecting the confidentiality of the types of information and documents that may be in a victim's file, including, but not limited to, medical, legal, and victim counselor records. Each family justice center shall have a designated privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws and the Fair Information Practice Principles promulgated by the United States Department of Homeland Security. At no time shall a victim be required to sign a client consent form to share information in order to access services.

(2) Each family justice center is required to obtain informed, written, reasonably time limited, consent from the victim before sharing information obtained from the victim with any staff member or agency partner, except as provided in paragraphs (3) and (4).

(3) A family justice center is not required to obtain consent from the victim before sharing information obtained from the victim with any staff member or agency partner if the person is a mandated reporter, a peace officer, or a member of the prosecution team and is required to report or disclose specific information or incidents. These persons shall inform the victim that they may share information obtained from the victim without the victim's consent.

(4) Each family justice center is required to inform the victim that information shared with staff members or partner agencies at a family justice center may be shared with law enforcement professionals without the victim's consent if there is a mandatory duty to report, or the client is a danger to themselves or others. Each family justice center shall obtain written acknowledgment that the victim has been informed of this policy.

(5) Consent by a victim for sharing information within a family justice center pursuant to this section shall not be construed as a universal waiver of any existing evidentiary privilege that makes confidential any communications or documents between the victim and any service provider, including, but not limited to, any lawyer, advocate, sexual assault or domestic violence counselor as defined in Section 1035.2 or 1037.1 of the Evidence Code, human trafficking caseworker as defined in Section 1038.2 of the Evidence Code, therapist, doctor, or nurse. Any oral or written communication or any document authorized by the victim to be shared for the purposes of enhancing safety and providing more effective and efficient services to the victim of domestic violence, sexual assault, adult with a disability or ~~or dependent adult~~ abuse, or human trafficking shall not be disclosed to any third party, unless that third-party disclosure is authorized by the victim, or required by other state or federal law or by court order.

(i) An individual staff member, volunteer, or agency that has victim information governed by this section shall not be required to disclose that information unless the victim has consented to the disclosure or it is otherwise required by other state or federal law or by court order.

(j) A disclosure of information consented to by the victim in a family justice center, made for the purposes of clinical assessment, risk assessment, safety planning, or service delivery, shall not be deemed a waiver of any privilege or confidentiality provision contained in Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code, the lawyer-client privilege protected by Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the physician-patient privilege protected by Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, the psychotherapist-patient privilege protected by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, the sexual assault counselor-victim privilege protected by Article 8.5 (commencing with Section 1035) of Chapter 4 of Division 8 of the Evidence Code, or the domestic violence counselor-victim privilege protected by Article 8.7 (commencing with Section 1037) of Chapter 4 of Division 8 of the Evidence Code.

Welf. & Inst. Code 15654(b)(2)

15654.

(a) As described in subdivision (h) of Section 12528 of the Government Code, the division shall offer training programs to local law enforcement and prosecutorial personnel in investigating and prosecuting crimes against adults with a disability and elders ~~and dependent adults~~, and to the State Department of Health Care Services, the State Department of Social Services, the county adult protective services agencies and to the long-term care ombudsman program in evaluating and documenting criminal abuse against adults with a disability and elders ~~and dependent adults~~.

(b) When producing new or updated training materials pursuant to this section, the division shall consult with the Commission on Peace Officer Standards and Training and other subject matter experts. Any new or updated training materials shall address ~~all of the following~~:

~~(1) The~~ the jurisdiction and responsibility of law enforcement agencies pursuant to Section 368.5 of the Penal Code and other relevant information and laws.

~~(2) The fact that the protected classes of “dependent person” as defined in Section 288 of the Penal Code and “dependent adult” as defined in Section 368 of the Penal Code include many persons with disabilities, regardless of the fact that most of those persons live independently.~~

~~(3) Other relevant information and laws.~~

(c) When the division offers or provides new or updated training materials pursuant to this section, the division also may inform the agencies of other relevant training materials.

Pen. 1336(c)

Pen. Code 1336(a)

1336.

(a) When a material witness for the defendant, or for the people, is about to leave the state, or is so sick or infirm as to afford reasonable grounds for apprehension that he or she will be unable to attend the trial, or is an adult with a disability or a person 65 years of age or older, ~~or a dependent adult~~, the defendant or the people may apply for an order that the witness be examined conditionally.

(b) When there is evidence that the life of a witness is in jeopardy, the defendant or the people may apply for an order that the witness be examined conditionally.

(c) As used in this section, “~~dependent adult~~ with a disability” means a person, ~~regardless of whether the person lives independently~~, who is between the ages of 18 and 65, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. “~~Dependent adult~~ Adult with a disability” includes any person between the ages of 18 and 65, 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.

Pen. Code 1337

The application shall be made upon affidavit stating all of the following:

- (a) The nature of the offense charged.
- (b) The state of the proceedings in the action.
- (c) The name and residence of the witness, and that his or her testimony is material to the defense or the prosecution of the action.
- (d) That any of the following are true:
 - (1) The witness is about to leave the state, or is so sick or infirm as to afford reasonable grounds for apprehending that he or she will not be able to attend the trial, or is a person 65 years of age or older, or ~~a dependent adult~~ an adult with a disability, or that the life of the witness is in jeopardy.
 - (2) That the witness is a victim or a material witness in a human trafficking case who has been or is being intimidated or threatened, as described in paragraph (1) of subdivision (c) of Section 1335, from cooperating with the prosecutor or testifying at trial.
 - (3) That the witness is a victim or material witness in a domestic violence case who has been or is being intimidated or threatened, as described in subdivision (d) of Section 1335 from cooperating with the prosecutor or testifying at trial.

Prob. 21366

Prob. Code 21362(a), (b)

21362.

(a) “Care custodian” means a person who provides health or social services to ~~a dependent~~ an adult with a disability except that “care custodian” does not include a person who provided services without remuneration if the person had a personal relationship with the ~~dependent~~ adult with a disability (1) at least 90 days before providing those services, (2) at least six months before the ~~dependent adult’s~~ adult with a disability’s death, and (3) before the ~~dependant~~ adult with a disability was admitted to hospice care, if the ~~dependent~~ adult with a disability was admitted to hospice care. As used in this subdivision, “remuneration” does not include the donative transfer at issue under this chapter or the reimbursement of expenses.

(b) For the purposes of this section, “health and social services” means services provided to a ~~dependent~~ an adult with a disability because of the person’s ~~dependent~~ condition, including, but not limited to, the administration of medicine, medical testing, wound care, assistance with hygiene, companionship, housekeeping, shopping, cooking, and assistance with finances.

Prob. Code 21380(a)(3), (4)

21380.

(a) A provision of an instrument making a donative transfer to any of the following persons is presumed to be the product of fraud or undue influence:

(1) The person who drafted the instrument.

(2) A person who transcribed the instrument or caused it to be transcribed and who was in a fiduciary relationship with the transferor when the instrument was transcribed.

(3) A care custodian of a transferor who is ~~a dependent~~ an adult with a disability, but only if the instrument was executed during the period in which the care custodian provided services to the transferor, or within 90 days before or after that period.

(4) A care custodian who commenced a marriage, cohabitation, or domestic partnership with a transferor who is ~~a dependent~~ an adult with a disability while providing services to that ~~dependent~~ adult with a disability, or within 90 days after those services were last provided to the ~~dependent~~ adult with a disability, if the donative transfer occurred, or the instrument was executed, less than six months after the marriage, cohabitation, or domestic partnership commenced.

(5) A person who is related by blood or affinity, within the third degree, to any person described in paragraphs (1) to (3), inclusive.

(6) A cohabitant or employee of any person described in paragraphs (1) to (3), inclusive.

(7) A partner, shareholder, or employee of a law firm in which a person described in paragraph (1) or (2) has an ownership interest.

(b) The presumption created by this section is a presumption affecting the burden of proof. The presumption may be rebutted by proving, by clear and convincing evidence, that the donative transfer was not the product of fraud or undue influence.

(c) Notwithstanding subdivision (b), with respect to a donative transfer to the person who drafted the donative instrument, or to a person who is related to, or associated with, the drafter as described in paragraph (5), (6), or (7) of subdivision (a), the presumption created by this section is conclusive.

(d) If a beneficiary is unsuccessful in rebutting the presumption, the beneficiary shall bear all costs of the proceeding, including reasonable attorney's fees.

Prob. Code 21611(d)(1)(A)

21611.

The spouse shall not receive a share of the estate under Section 21610 if any of the following is established:

(a) The decedent's failure to provide for the spouse in the decedent's testamentary instruments was intentional and that intention appears from the testamentary instruments.

(b) The decedent provided for the spouse by transfer outside of the estate passing by the decedent's testamentary instruments and the intention that the transfer be in lieu of a provision in said instruments is shown by statements of the decedent or from the amount of the transfer or by other evidence.

- (c) The spouse made a valid agreement waiving the right to share in the decedent's estate.
- (d) (1) If both of the following apply:
- (A) The spouse was a care custodian, as that term is defined in Section 21362, of the decedent who was ~~a dependent~~ an adult with a disability, as that term is defined in Section 21366, and the marriage commenced while the care custodian provided services to the decedent, or within 90 days after those services were last provided to the decedent.
 - (B) The decedent died less than six months after the marriage commenced.
- (2) Notwithstanding paragraph (1), a spouse described by this subdivision shall be entitled to receive a share of the estate pursuant to Section 21610 if the spouse proves by clear and convincing evidence that the marriage between the spouse and the decedent was not the product of fraud or undue influence.

Welf & Inst. 15610.23

Business & Professions Code Section 4982(x)

4982.

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

- (a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A conviction has the same meaning as defined in Section 7.5. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence. All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).
- (b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.
- (c) Administering to themselves any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any

person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

(d) Gross negligence or incompetence in the performance of marriage and family therapy.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the licensee or registrant or otherwise misrepresenting or permitting misrepresentation of the licensee's or registrant's education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use the licensee's or registrant's license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee, registered associate, or applicant for licensure under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. This subdivision does not prevent collaboration among two or more licensees in a case or cases. However, a fee shall not be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, or deceptive, as defined in Section 651.

- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of any registered associate, trainee, or applicant for licensure by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a trainee, registered associate, or applicant for licensure under one's supervision or control to perform, or permitting the trainee, registered associate, or applicant for licensure to hold themselves out as competent to perform, mental health services beyond the trainee's, registered associate's, or applicant for licensure's level of education, training, or experience.
- (u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.
- (v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (x) Failure to comply with the adult with a disability and elder ~~and dependent adult~~ abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (y) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.
- (z) Failure to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.
- (aa) (1) Engaging in an act described in Section 261, 286, 287, or 289 of, or former Section 288a of, the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.
 - (2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.
- (ab) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

Business & Professions Code Section 4992.3(y)

4992.3.

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

- (a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A conviction has the same meaning as defined in Section 7.5. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence. All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).
- (b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.
- (c) Administering to themselves any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under the person's care.
- (d) Incompetence in the performance of clinical social work.
- (e) An act or omission that falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence.
- (f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.
- (g) Misrepresentation as to the type or status of a license or registration held by the licensee or registrant or otherwise misrepresenting or permitting misrepresentation of the licensee's or registrant's education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.

- (h) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use the licensee's or registrant's license or registration.
- (i) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (j) Intentionally or recklessly causing physical or emotional harm to any client.
- (k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.
- (m) Performing, or holding oneself out as being able to perform, or offering to perform or permitting, any registered associate, trainee, or applicant for licensure under supervision to perform any professional services beyond the scope of the license authorized by this chapter.
- (n) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (o) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. This subdivision does not prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (o).
- (q) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.
- (r) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device. A licensee shall limit access to that test or device to persons with professional interest who are expected to safeguard its use.
- (s) Any conduct in the supervision of any registered associate, trainee, or applicant for licensure by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (t) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

- (u) Permitting an applicant for licensure, trainee, or registrant under one's supervision or control to perform, or permitting the supervisee to hold themselves out as competent to perform, mental health services beyond the supervisee's level of education, training, or experience.
- (v) The violation of any law governing the gaining or supervision of experience required by this chapter.
- (w) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (x) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (y) Failure to comply with the **adult with a disability and** elder ~~and dependent adult~~ abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (z) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.
- (aa) Failure to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.
- (ab) (1) Engaging in an act described in Section 261, 286, 287, or 289 of, or former Section 288a of, the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.
- (2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.
- (ac) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

Business & Professions Code Section 4999.90(x)

4999.90.

The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any associate or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

- (a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine

if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A conviction has the same meaning as defined in Section 7.5. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence. All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to themselves any controlled substance or using any of the dangerous drugs specified in Section 4022, or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing licensed professional clinical counseling services.

(d) Gross negligence or incompetence in the performance of licensed professional clinical counseling services.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of the licensee's or registrant's education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use the licensee's or registrant's license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed professional clinical counselor.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee, applicant, or registrant under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional clinical counseling services actually provided by the licensee. This subdivision does not prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of a registered associate, trainee, or applicant by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a trainee, associate, or applicant under one's supervision or control to perform, or permitting the trainee, associate, or applicant to hold themselves out as competent to perform, mental health services beyond the trainee's, associate's, or applicant's level of education, training, or experience.
- (u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.
- (v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (x) Failing to comply with the adult with a disability and elder ~~and dependent adult~~ abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (y) Repeated acts of negligence.
- (z) (1) Engaging in an act described in Section 261, 286, 287, or 289 of, or former Section 288a of, the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(aa) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

(ab) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a professional clinical counselor, clinical social worker, educational psychologist, or marriage and family therapist.

(ac) Failure to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.

(ad) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

Business & Professions Code Section 6580(a)(2)(B)

6580.

(a) (1) The bureau may upon its own, and shall, upon the receipt of a complaint from any person, investigate the actions of a professional fiduciary, including a person with a license that either restricts or prohibits the practice of that person as a professional fiduciary, including, but not limited to, a license that is retired, inactive, canceled, or suspended.

(2) The bureau shall investigate a professional fiduciary's alleged violation of statute, regulation, or the Professional Fiduciaries Code of Ethics and any other complaint referred to it by the public, a public agency, or the department, and shall impose sanctions upon a finding that the professional fiduciary did any of the following:

(A) Breached a legal or fiduciary duty to a client and thereby caused financial or physical harm or mental suffering to the client.

(B) Abused an **a client who is an adult with a disability or** ~~elder or a dependent adult client~~, as defined in Section 15610.07 of the Welfare and Institutions Code.

(C) Violated a statute or regulation related to this chapter.

(3) Paragraph (2) applies, but is not limited to, all of the following referrals:

(A) (i) A report from a court that the court has taken any of the following actions:

(I) Imposed a penalty on the professional fiduciary, as provided in subdivision (d) of Section 1051 of the Probate Code.

(II) Removed the professional fiduciary as a conservator or guardian for cause, as provided in paragraph (3) of subdivision (c) of Section 2653 of the Probate Code.

(III) Determined that the professional fiduciary has abused a conservatee, as provided in subdivision (a) of Section 2112 of the Probate Code.

(ii) The report from the court pursuant to this subparagraph shall include a copy of the court's finding and order and may include other supporting documentation. However, failure of the court to provide supporting documentation does not relieve the bureau of its duty to take action.

(B) A certified copy of a judicial or administrative finding that a professional fiduciary's violation of law, breach of fiduciary duty, or abuse, as defined in Section 15610.07 of the Welfare and Institutions Code, caused harm to a conservatee or ward in their care.

(4) If a court makes a referral described in paragraph (2), the court shall provide the bureau, at no charge, with access to the information, including confidential information, regarding its investigation of the professional fiduciary that is contained in court records. The bureau shall not disclose any confidential information contained in court records and shall use that information only for purposes of investigating allegations against the professional fiduciary or in a criminal, civil, or administrative proceeding brought by the bureau against the professional fiduciary. Confidential information derived from a court record and filed in a criminal, civil, or administrative proceeding shall be kept in the confidential portion of the court case file. If the bureau does not bring a criminal, civil, or administrative proceeding against the professional fiduciary as a result of the allegation, the bureau shall destroy the records in its possession that contain confidential information as soon as it determined that no further action will be taken regarding the allegations. This paragraph does not affect the admissibility of confidential information as evidence in a criminal proceeding.

(b) Sanctions shall include any of the following:

(1) Administrative citations and fines as provided in Section 125.9 for a violation of this chapter, the Professional Fiduciaries Code of Ethics, or any regulation adopted under this chapter.

(2) License suspension, probation, or revocation.

(c) The bureau shall provide on its internet website information regarding sanctions imposed by the bureau on licensees, including, but not limited to, information regarding citations, fines, suspensions, and revocations of licenses or other related enforcement action taken by the bureau relative to the licensee.

(d) The bureau shall revoke the professional fiduciary's license if it finds that the professional fiduciary did either of the following:

(1) Knowingly, intentionally, or willfully breached a legal or fiduciary duty to an adult with a disability or ~~elder or dependent adult~~ client that constitutes abuse of the client, as defined in Section 15610.07 of the Welfare and Institutions Code.

(2) Caused serious physical or financial harm or mental suffering to a client through gross negligence or gross incompetence.

Civil Code Section 1798.97.1

1798.97.1.

For purposes of this title, the following definitions apply:

(a) “Adequate documentation” means documentation that identifies a particular debt, or portion thereof, as coerced debt, describes the circumstances under which the coerced debt was incurred, and takes the form of any of the following:

(1) A police report.

(2) A Federal Trade Commission identity theft report identifying a particular debt, or portion thereof, as coerced, but not as identity theft.

(3) A court order issued pursuant to Section 6340 of the Family Code relating to domestic violence, Section 213.5 of the Welfare and Institutions Code relating to a dependent or ward of the juvenile court, or Section 15657.03 of the Welfare and Institutions Code relating to an **adult with a disability or** ~~elder-or-dependent adult~~ abuse.

(4) (A) A sworn written certification from a qualified third-party professional based on information they received while acting in a professional capacity.

(B) The documentation described by subparagraph (A) shall be signed by a qualified third-party professional and display the letterhead, address, and telephone number of the office, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, the qualified third-party professional, or, if the qualified third-party professional is self-employed, the documentation shall display the letterhead, address, and telephone number of the qualified third-party professional.

(b) “Claim” means a right to payment, whether or not that right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, or equitable.

(c) (1) “Claimant” means a person or an entity who has or purports to have a claim against a debtor arising from coerced debt, or that person’s or entity’s successor or assignee. “Claimant” includes, but is not limited to, a debt collector or a debt buyer.

(2) Notwithstanding paragraph (1), “claimant” shall not include a person who caused the claim described in paragraph (1) to arise through duress, intimidation, threat of force, force, fraud, or undue influence perpetrated against the debtor.

(d) “Coerced debt” means a particular debt, or portion thereof, for personal, family, or household use in the name of a debtor who is a victim of domestic violence, or a victim of **adult with a disability or** ~~elder-or-dependent adult~~ abuse, or a person who is a foster youth, incurred as a result of duress, intimidation, threat of force, force, fraud, or undue influence.

- (1) For purposes of this subdivision, “domestic violence” has the same meaning as in Section 6211 of the Family Code.
- (2) For the purposes of this subdivision, “foster youth” has the same meaning as in Section 42238.01 of the Education Code.
- (3) For the purposes of this subdivision, “~~dependent adult~~ adult with a disability” has the same meaning as in Section 15610.23 of the Welfare and Institutions Code.
- (4) For the purposes of this subdivision, “elder” has the same meaning as in Section 15610.27 of the Welfare and Institutions Code.
- (e) “Debtor” means a person who owes or is otherwise liable for coerced debt.
- (f) “Fraud” means an initial fraudulent act that is perpetrated against the debtor.
- (g) “Immediate family member” has the same meaning as defined in paragraph (3) of subdivision (h) of Section 1946.7.
- (h) “Person” means a natural person.
- (i) “Qualified third-party professional” means any of the following:
- (1) A domestic violence counselor, as defined in Section 1037.1 of the Evidence Code.
 - (2) A sexual assault counselor, as defined in Section 1035.2 of the Evidence Code.
 - (3) A Court-Appointed Special Advocate, as defined in Section 101 of the Welfare and Institutions Code.
 - (4) A court-appointed attorney, as defined in subdivision (e) of Section 317 of the Welfare and Institutions Code.
 - (5) A board certified psychiatrist or psychologist.
 - (6) A licensed marriage and family therapist.
 - (7) A licensed professional clinical counselor.
 - (8) A licensed clinical social worker.
 - (9) A social worker or caseworker employed by an adult protective service agency for the purposes described in Chapter 13 (commencing with Section 15750) of Part 3 of Division 9 of the Welfare and Institutions Code.
 - (10) A social worker who has completed the child welfare training program described in Article 2 (commencing with Section 16205) of Chapter 3 of Part 4 of Division 9 of the Welfare and Institutions Code.

(j) (1) “Sworn written certification” means a document in which the author declares under penalty of perjury as true any material fact, and which is accompanied by the following, to the extent that an item listed below is relevant to the debtor’s allegation that the debt is coerced debt:

(A) A copy of the debtor’s driver’s license or identification card, as issued by the state.

(B) Any other identification document that supports the statement that the particular debt, or portion thereof, is coerced debt.

(C) An express statement that the debtor did not willingly authorize the use of the debtor’s name or personal information for incurring the coerced debt, and specific facts supporting the claim of coerced debt, if available, and, if not all of the debt was coerced, a statement identifying the portion thereof that was coerced.

(D) Any available correspondence disputing the coerced debt after transaction information has been provided to the debtor.

(E) Information, if known by the debtor, including, but not limited to, a credit card number or loan number, that can be used by the claimant to identify the account associated with the coerced debt and the person or persons in whose name the debt was incurred.

(F) The identity of the person or persons who coerced the debtor into incurring the debt and contact information for that person or persons, if known by the debtor, unless the debtor signs a sworn statement that disclosing this information is likely to result in abuse, as defined in Section 6203 of the Family Code, to the debtor or an immediate family member of the debtor.

(G) A telephone number for contacting the person signing the certification concerning any additional information or questions, or direction that further communications to the debtor be in writing only, with the mailing address specified in the statement.

(2) The certification required by this subdivision shall be sufficient if it is in substantially the following form:

“I declare under penalty of perjury that the representations made herein are true, correct, and contain no material omissions of fact.

_____ (Date and Place) _____ (Signature) _____”

Civil Code Section 1946.7(a)(5), (b)(1)

1946.7.

(a) A tenant may notify the landlord that the tenant intends to terminate the tenancy if the tenant, a household member, or an immediate family member was the victim of an act that constitutes any of the following:

(1) Domestic violence as defined in Section 6211 of the Family Code.

- (2) Sexual assault as defined in Section 261, 261.5, 286, 287, or 289 of the Penal Code.
- (3) Stalking as defined in Section 1708.7.
- (4) Human trafficking as defined in Section 236.1 of the Penal Code.
- (5) Abuse of an **adult with a disability** or elder ~~or a dependent adult~~ as defined in Section 15610.07 of the Welfare and Institutions Code.
- (6) A crime that caused bodily injury or death.
- (7) A crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument.
- (8) A crime that included the use of force against the victim or a threat of force against the victim.

(b) A notice to terminate a tenancy under this section shall be in writing, with one of the following attached to the notice:

- (1) A copy of a temporary restraining order, emergency protective order, or protective order lawfully issued pursuant to Part 3 (commencing with Section 6240) or Part 4 (commencing with Section 6300) of Division 10 of the Family Code, Section 136.2 of the Penal Code, Section 527.6 of the Code of Civil Procedure, or Section 213.5 or 15657.03 of the Welfare and Institutions Code that protects the tenant, household member, or immediate family member from further domestic violence, sexual assault, stalking, human trafficking, abuse of an **adult with a disability** or ~~a dependent adult~~ **an elder**, or any act or crime listed in subdivision (a).
- (2) A copy of a written report by a peace officer employed by a state or local law enforcement agency acting in the peace officer's official capacity stating that the tenant, household member, or immediate family member has filed a report alleging that the tenant, the household member, or the immediate family member is a victim of an act or crime listed in subdivision (a).
- (3) (A) Documentation from a qualified third party based on information received by that third party while acting in the third party's professional capacity to indicate that the tenant, household member, or immediate family member is seeking assistance for physical or mental injuries or abuse resulting from an act or crime listed in subdivision (a).

(B) The documentation shall contain, in substantially the same form, the following:

Tenant Statement and Qualified Third Party Statement under Civil Code Section 1946.7
Part I. Statement By Tenant

I, [insert name of tenant], state as follows:
I, or a member of my household or immediate family, have been a victim of:
[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult adult with a disability abuse, or a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use of force against the victim or a threat of force against the victim.]
The most recent incident(s) happened on or about:
[insert date or dates.]
The incident(s) was/were committed by the following person(s), with these physical description(s), if known and safe to provide:
[if known and safe to provide, insert name(s) and physical description(s).]
(signature of tenant)(date)
Part II. Qualified Third Party Statement
I, [insert name of qualified third party], state as follows:
My business address and phone number are:
[insert business address and phone number.]
Check and complete one of the following:

_____ I meet the requirements for a sexual assault counselor provided in Section 1035.2 of the Evidence Code and I am either engaged in an office, hospital, institution, or center commonly known as a rape crisis center described in that section or employed by an organization providing the programs specified in Section 13835.2 of the Penal Code.
_____ I meet the requirements for a domestic violence counselor provided in Section 1037.1 of the Evidence Code and I am employed, whether financially compensated or not, by a domestic violence victim service organization, as defined in that section.
_____ I meet the requirements for a human trafficking caseworker provided in Section 1038.2 of the Evidence Code and I am employed, whether financially compensated or not, by an organization that provides programs specified in Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of the Penal Code.
_____ I meet the definition of “victim of violent crime advocate” provided in Section 1947.6 of the Civil Code and I am employed, whether financially compensated or not, by an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.
_____ I am licensed by the State of California as a:
[insert one of the following: physician and surgeon, osteopathic physician and surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.] and I am licensed by, and my license number is:
[insert name of state licensing entity and license number.]
The person who signed the Statement By Tenant above stated to me that the person, or a member of the person’s household or immediate family, is a victim of:
[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult adult with a disability abuse, or a crime that caused physical injury, emotional injury and the threat of physical injury, or death.]
The person further stated to me the incident(s) occurred on or about the date(s) stated above.
I understand that the person who made the Statement By Tenant may use this document as a basis for terminating a lease with the person’s landlord.

(signature of qualified third party)(date)	

(C) The documentation may be signed by a **person** who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate only if the documentation displays the letterhead of the office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.

(4) Any other form of documentation that reasonably verifies that the crime or act listed in subdivision (a) occurred.

(c) If the tenant is terminating tenancy pursuant to subdivision (a) because an immediate family member is a victim of an eligible act or crime listed in subdivision (a) and that tenant did not live in the same household as the immediate family member at the time of the act or crime, and no part of the act or crime occurred within the dwelling unit or within 1,000 feet of the dwelling unit of the tenant, the tenant shall attach to the notice and other documentation required by subdivision (b) a written statement stating all of the following:

(1) The tenant's immediate family member was a victim of an act or crime listed in subdivision (a).

(2) The tenant intends to relocate as a result of the tenant's immediate family member being a victim of an act or crime listed in subdivision (a).

(3) The tenant is relocating to increase the safety, physical well-being, emotional well-being, psychological well-being, or financial security of the tenant or of the tenant's immediate family member as a result of the act or crime.

(d) The notice to terminate the tenancy shall be given within 180 days of the date that any order described in paragraph (1) of subdivision (b) was issued, within 180 days of the date that any written report described in paragraph (2) of subdivision (b) was made, within 180 days of the date that an act or a crime described in subdivision (a) occurred, or within the time period described in Section 1946.

(e) If notice to terminate the tenancy is provided to the landlord under this section, the tenant shall be responsible for payment of rent for no more than 14 calendar days following the giving of the notice, or for any shorter appropriate period as described in Section 1946 or the lease or rental agreement. The tenant shall be released without penalty from any further rent or other payment obligation to the landlord under the lease or rental agreement. If the premises are relet to another party prior to the end of the obligation to pay rent, the rent owed under this subdivision shall be prorated.

(f) Notwithstanding any law, a landlord shall not, due to the termination, require a tenant who terminates a lease or rental agreement pursuant to this section to forfeit any security deposit money or advance rent paid. A tenant who terminates a rental agreement pursuant to this section shall not be considered for any purpose, by reason of the termination, to have breached the lease or rental agreement. In all other respects, the law governing the security deposit shall apply.

(g) This section does not relieve a tenant, other than the tenant who is, or who has a household member or immediate family member who is, a victim of an act or crime listed in subdivision (a) and members of that tenant's household, from their obligations under the lease or rental agreement.

(h) For purposes of this section, the following definitions apply:

(1) "Household member" means a member of the tenant's family who lives in the same residential unit as the tenant.

(2) "Health practitioner" means a physician and surgeon, osteopathic physician and surgeon, psychiatrist, psychologist, registered nurse, licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, or a victim of violent crime advocate.

(3) "Immediate family member" means the parent, stepparent, spouse, child, child-in-law, stepchild, or sibling of the tenant, or any person living in the tenant's household at the time the crime or act listed in subdivision (a) occurred who has a relationship with the tenant that is substantially similar to that of a family member.

(4) "Qualified third party" means a health practitioner, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, or a human trafficking caseworker, as defined in Section 1038.2 of the Evidence Code.

(5) "Victim of violent crime advocate" means a person who is employed, whether financially compensated or not, for the purpose of rendering advice or assistance to victims of violent crimes for an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.

(i) (1) A landlord shall not disclose any information provided by a tenant under this section to a third party unless the disclosure satisfies one or more of the following:

(A) The tenant consents in writing to the disclosure.

(B) The disclosure is required by law or order of the court.

(2) A landlord's communication to a qualified third party who provides documentation under paragraph (3) of subdivision (b) to verify the contents of that documentation is not disclosure for purposes of this subdivision.

(j) An owner or an owner's agent shall not refuse to rent a dwelling unit to an otherwise qualified prospective tenant or refuse to continue to rent to an existing tenant solely on the basis that the tenant has previously exercised the tenant's rights under this section or has previously terminated a tenancy because of the circumstances described in subdivision (a).

(k) A landlord or agent of a landlord who violates this section shall be liable to the tenant in a civil action for both of the following:

(1) The actual damages sustained by the tenant.

(2) (A) Statutory damages of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000).

(B) Notwithstanding subparagraph (A), a landlord or agent of a landlord who violates this section shall not be liable for statutory damages if the tenant provided documentation of the crime or act to the landlord or the agent of the landlord pursuant to paragraph (4) of subdivision (b) only.

(l) The remedies provided by this section shall be in addition to any other remedy provided by law.

Civil Code Section 1946.8(a)(5)(B)

1946.8.

(a) For purposes of this section:

(1) “Individual in an emergency” means a person who believes that immediate action is required to prevent or mitigate the loss or impairment of life, health, or property.

(2) “Occupant” means a person residing in a dwelling unit with the tenant. “Occupant” includes lodgers as defined in Section 1946.5.

(3) “Penalties” means the following:

(A) The actual or threatened assessment of fees, fines, or penalties.

(B) The actual or threatened termination of a tenancy or the actual or threatened failure to renew a tenancy.

(C) Subjecting a tenant to inferior terms, privileges, and conditions of tenancy in comparison to tenants who have not sought law enforcement assistance or emergency assistance.

(4) “Resident” means a member of the tenant’s household or any other occupant living in the dwelling unit with the consent of the tenant.

(5) “Victim of abuse” includes:

(A) A victim of domestic violence as defined in Section 6211 of the Family Code.

(B) A victim of **adult with a disability or** elder ~~or dependent adult~~ abuse as defined in Section 15610.07 of the Welfare and Institutions Code.

(C) A victim of human trafficking as described in Section 236.1 of the Penal Code.

(D) A victim of sexual assault, meaning a victim of any act made punishable by Section 261, 264.1, 285, 286, 288, 288a, or 289 of the Penal Code.

(E) A victim of stalking as described in Section 1708.7 of this code or Section 646.9 of the Penal Code.

(6) “Victim of crime” means any victim of a misdemeanor or felony.

(b) Any provision in a rental or lease agreement for a dwelling unit that prohibits or limits, or threatens to prohibit or limit, a tenant’s, resident’s, or other person’s right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency, if the tenant, resident, or other person believes that the law enforcement assistance or emergency assistance is necessary to prevent or address the perpetration, escalation, or exacerbation of the abuse, crime, or emergency, shall be void as contrary to public policy.

(c) A landlord shall not impose, or threaten to impose, penalties on a tenant or resident who exercises the tenant’s or resident’s right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency, based on the person’s belief that the assistance is necessary, as described in subdivision (b). A landlord shall not impose, or threaten to impose, penalties on a tenant or resident as a consequence of a person who is not a resident or tenant summoning law enforcement assistance or emergency assistance on the tenant’s, resident’s, or other person’s behalf, based on the person’s belief that the assistance is necessary.

(d) Documentation is not required to establish belief for purposes of subdivision (b) or (c), but belief may be established by documents such as those described in Section 1161.3 of the Code of Civil Procedure.

(e) Any waiver of the provisions of this section is contrary to public policy and is void and unenforceable.

(f) (1) In an action for unlawful detainer, a tenant, resident, or occupant may raise, as an affirmative defense, that the landlord or owner violated this section.

(2) There is a rebuttable presumption that a tenant, resident, or occupant has established an affirmative defense under this subdivision if the landlord or owner files a complaint for unlawful detainer within 30 days of a resident, tenant, or other person summoning law enforcement assistance or emergency assistance and the complaint is based upon a notice that alleges that the act of summoning law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency constitutes a rental agreement violation, lease violation, or a nuisance. A reference to a person summoning law enforcement in a notice that is the basis for a complaint for unlawful detainer that is necessary to describe conduct that is alleged to constitute a violation of a rental agreement or lease is not, in itself, an allegation for purposes of this paragraph.

(3) A landlord or owner may rebut the presumption described in paragraph (2) by demonstrating that a reason other than the summoning of law enforcement or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency was a substantial motivating factor for filing the complaint.

(g) In addition to other remedies provided by law, a violation of this section entitles a tenant, a resident, or other aggrieved person to seek injunctive relief prohibiting the landlord from creating or enforcing policies in violation of this section, or from imposing or threatening to impose penalties against the tenant, resident, or other aggrieved person based on summoning law enforcement or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency.

(h) This section does not permit an injunction to be entered that would prohibit the filing of an unlawful detainer action.

(i) This section does not limit a landlord's exercise of the landlord's other rights under a lease or rental agreement, or under other law pertaining to the hiring of property, with regard to matters that are not addressed by this section.

Civil Code Section 1798.97.1

1798.97.1.

For purposes of this title, the following definitions apply:

(a) "Adequate documentation" means documentation that identifies a particular debt, or portion thereof, as coerced debt, describes the circumstances under which the coerced debt was incurred, and takes the form of any of the following:

(1) A police report.

(2) A Federal Trade Commission identity theft report identifying a particular debt, or portion thereof, as coerced, but not as identity theft.

(3) A court order issued pursuant to Section 6340 of the Family Code relating to domestic violence, Section 213.5 of the Welfare and Institutions Code relating to a dependent or ward of the juvenile court, or Section 15657.03 of the Welfare and Institutions Code relating to **adult with a disability or** ~~elder or dependent adult~~ abuse.

(4) (A) A sworn written certification from a qualified third-party professional based on information they received while acting in a professional capacity.

(B) The documentation described by subparagraph (A) shall be signed by a qualified third-party professional and display the letterhead, address, and telephone number of the office, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, the qualified third-party professional, or, if the qualified third-party professional is self-employed, the documentation shall display the letterhead, address, and telephone number of the qualified third-party professional.

(b) "Claim" means a right to payment, whether or not that right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, or equitable.

(c) (1) “Claimant” means a person or an entity who has or purports to have a claim against a debtor arising from coerced debt, or that person’s or entity’s successor or assignee. “Claimant” includes, but is not limited to, a debt collector or a debt buyer.

(2) Notwithstanding paragraph (1), “claimant” shall not include a person who caused the claim described in paragraph (1) to arise through duress, intimidation, threat of force, force, fraud, or undue influence perpetrated against the debtor.

(d) “Coerced debt” means a particular debt, or portion thereof, for personal, family, or household use in the name of a debtor who is a victim of domestic violence, or a victim of **adult with a disability or** ~~elder or dependent adult~~ abuse, or a person who is a foster youth, incurred as a result of duress, intimidation, threat of force, force, fraud, or undue influence.

(1) For purposes of this subdivision, “domestic violence” has the same meaning as in Section 6211 of the Family Code.

(2) For the purposes of this subdivision, “foster youth” has the same meaning as in Section 42238.01 of the Education Code.

(3) For the purposes of this subdivision, “~~dependent adult~~ **adult with a disability**” has the same meaning as in Section 15610.23 of the Welfare and Institutions Code.

(4) For the purposes of this subdivision, “elder” has the same meaning as in Section 15610.27 of the Welfare and Institutions Code.

(e) “Debtor” means a person who owes or is otherwise liable for coerced debt.

(f) “Fraud” means an initial fraudulent act that is perpetrated against the debtor.

(g) “Immediate family member” has the same meaning as defined in paragraph (3) of subdivision (h) of Section 1946.7.

(h) “Person” means a natural person.

(i) “Qualified third-party professional” means any of the following:

(1) A domestic violence counselor, as defined in Section 1037.1 of the Evidence Code.

(2) A sexual assault counselor, as defined in Section 1035.2 of the Evidence Code.

(3) A Court-Appointed Special Advocate, as defined in Section 101 of the Welfare and Institutions Code.

(4) A court-appointed attorney, as defined in subdivision (e) of Section 317 of the Welfare and Institutions Code.

(5) A board certified psychiatrist or psychologist.

(6) A licensed marriage and family therapist.

(7) A licensed professional clinical counselor.

(8) A licensed clinical social worker.

(9) A social worker or caseworker employed by an adult protective service agency for the purposes described in Chapter 13 (commencing with Section 15750) of Part 3 of Division 9 of the Welfare and Institutions Code.

(10) A social worker who has completed the child welfare training program described in Article 2 (commencing with Section 16205) of Chapter 3 of Part 4 of Division 9 of the Welfare and Institutions Code.

(j) (1) “Sworn written certification” means a document in which the author declares under penalty of perjury as true any material fact, and which is accompanied by the following, to the extent that an item listed below is relevant to the debtor’s allegation that the debt is coerced debt:

(A) A copy of the debtor’s driver’s license or identification card, as issued by the state.

(B) Any other identification document that supports the statement that the particular debt, or portion thereof, is coerced debt.

(C) An express statement that the debtor did not willingly authorize the use of the debtor’s name or personal information for incurring the coerced debt, and specific facts supporting the claim of coerced debt, if available, and, if not all of the debt was coerced, a statement identifying the portion thereof that was coerced.

(D) Any available correspondence disputing the coerced debt after transaction information has been provided to the debtor.

(E) Information, if known by the debtor, including, but not limited to, a credit card number or loan number, that can be used by the claimant to identify the account associated with the coerced debt and the person or persons in whose name the debt was incurred.

(F) The identity of the person or persons who coerced the debtor into incurring the debt and contact information for that person or persons, if known by the debtor, unless the debtor signs a sworn statement that disclosing this information is likely to result in abuse, as defined in Section 6203 of the Family Code, to the debtor or an immediate family member of the debtor.

(G) A telephone number for contacting the person signing the certification concerning any additional information or questions, or direction that further communications to the debtor be in writing only, with the mailing address specified in the statement.

(2) The certification required by this subdivision shall be sufficient if it is in substantially the following form:

“I declare under penalty of perjury that the representations made herein are true, correct, and contain no material omissions of fact.

_____(Date and Place)_____(Signature)_____”

Civil Code Section 1946.8(a)(5)(B)

1946.8.

(a) For purposes of this section:

(1) “Individual in an emergency” means a person who believes that immediate action is required to prevent or mitigate the loss or impairment of life, health, or property.

(2) “Occupant” means a person residing in a dwelling unit with the tenant. “Occupant” includes lodgers as defined in Section 1946.5.

(3) “Penalties” means the following:

(A) The actual or threatened assessment of fees, fines, or penalties.

(B) The actual or threatened termination of a tenancy or the actual or threatened failure to renew a tenancy.

(C) Subjecting a tenant to inferior terms, privileges, and conditions of tenancy in comparison to tenants who have not sought law enforcement assistance or emergency assistance.

(4) “Resident” means a member of the tenant’s household or any other occupant living in the dwelling unit with the consent of the tenant.

(5) “Victim of abuse” includes:

(A) A victim of domestic violence as defined in Section 6211 of the Family Code.

(B) A victim of **adult with a disability or** elder ~~or dependent adult~~ abuse as defined in Section 15610.07 of the Welfare and Institutions Code.

(C) A victim of human trafficking as described in Section 236.1 of the Penal Code.

(D) A victim of sexual assault, meaning a victim of any act made punishable by Section 261, 264.1, 285, 286, 288, 288a, or 289 of the Penal Code.

(E) A victim of stalking as described in Section 1708.7 of this code or Section 646.9 of the Penal Code.

(6) “Victim of crime” means any victim of a misdemeanor or felony.

(b) Any provision in a rental or lease agreement for a dwelling unit that prohibits or limits, or threatens to prohibit or limit, a tenant’s, resident’s, or other person’s right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency, if the tenant, resident, or other person believes that the

law enforcement assistance or emergency assistance is necessary to prevent or address the perpetration, escalation, or exacerbation of the abuse, crime, or emergency, shall be void as contrary to public policy.

(c) A landlord shall not impose, or threaten to impose, penalties on a tenant or resident who exercises the tenant's or resident's right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency, based on the person's belief that the assistance is necessary, as described in subdivision (b). A landlord shall not impose, or threaten to impose, penalties on a tenant or resident as a consequence of a person who is not a resident or tenant summoning law enforcement assistance or emergency assistance on the tenant's, resident's, or other person's behalf, based on the person's belief that the assistance is necessary.

(d) Documentation is not required to establish belief for purposes of subdivision (b) or (c), but belief may be established by documents such as those described in Section 1161.3 of the Code of Civil Procedure.

(e) Any waiver of the provisions of this section is contrary to public policy and is void and unenforceable.

(f) (1) In an action for unlawful detainer, a tenant, resident, or occupant may raise, as an affirmative defense, that the landlord or owner violated this section.

(2) There is a rebuttable presumption that a tenant, resident, or occupant has established an affirmative defense under this subdivision if the landlord or owner files a complaint for unlawful detainer within 30 days of a resident, tenant, or other person summoning law enforcement assistance or emergency assistance and the complaint is based upon a notice that alleges that the act of summoning law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency constitutes a rental agreement violation, lease violation, or a nuisance. A reference to a person summoning law enforcement in a notice that is the basis for a complaint for unlawful detainer that is necessary to describe conduct that is alleged to constitute a violation of a rental agreement or lease is not, in itself, an allegation for purposes of this paragraph.

(3) A landlord or owner may rebut the presumption described in paragraph (2) by demonstrating that a reason other than the summoning of law enforcement or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency was a substantial motivating factor for filing the complaint.

(g) In addition to other remedies provided by law, a violation of this section entitles a tenant, a resident, or other aggrieved person to seek injunctive relief prohibiting the landlord from creating or enforcing policies in violation of this section, or from imposing or threatening to impose penalties against the tenant, resident, or other aggrieved person based on summoning law enforcement or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency.

(h) This section does not permit an injunction to be entered that would prohibit the filing of an unlawful detainer action.

(i) This section does not limit a landlord's exercise of the landlord's other rights under a lease or rental agreement, or under other law pertaining to the hiring of property, with regard to matters that are not addressed by this section.

Code of Civil Procedure Section 706.011(c)

706.011.

As used in this chapter:

- (a) "Disposable earnings" means the portion of an individual's earnings that remains after deducting all amounts required to be withheld by law.
- (b) "Earnings" means compensation payable by an employer to an employee for personal services performed by such employee, whether denominated as wages, salary, commission, bonus, or otherwise.
- (c) "Earnings withholding order for **adult with a disability or** ~~elder or dependent adult~~ financial abuse" means an earnings withholding order, made pursuant to Article 5 (commencing with Section 706.100) and based on a money judgment in an action for **adult with a disability or** ~~elder or adult dependent~~ financial abuse under Section 15657.5 of the Welfare and Institutions Code.
- (d) "Earnings assignment order for support" means an order, made pursuant to Chapter 8 (commencing with Section 5200) of Part 5 of Division 9 of the Family Code or Section 3088 of the Probate Code, which requires an employer to withhold earnings for support.
- (e) "Employee" means a public officer and any individual who performs services subject to the right of the employer to control both what shall be done and how it shall be done.
- (f) "Employer" means a person for whom an individual performs services as an employee.
- (g) "Judgment creditor," as applied to the state, means the specific state agency seeking to collect a judgment or tax liability.
- (h) "Judgment debtor" includes a person from whom the state is seeking to collect a tax liability under Article 4 (commencing with Section 706.070), whether or not a judgment has been obtained on such tax liability.
- (i) "Person" includes an individual, a corporation, a partnership or other unincorporated association, a limited liability company, and a public entity.

Code of Civil Procedure Section 1002(a)(4)

1002.

(a) Notwithstanding any other law, a provision within a settlement agreement that prevents the disclosure of factual information related to the action is prohibited in any civil action the factual foundation for which establishes a cause of action for civil damages for any of the following:

- (1) An act that may be prosecuted as a felony sex offense.
- (2) An act of childhood sexual assault, as defined in Section 340.1.

(3) An act of sexual exploitation of a minor, as defined in Section 11165.1 of the Penal Code, or conduct prohibited with respect to a minor pursuant to Section 311.1, 311.5, or 311.6 of the Penal Code.

(4) An act of sexual assault, as defined in paragraphs (1) to (8), inclusive, of subdivision (e) of Section 15610.63 of the Welfare and Institutions Code, against an **adult with a disability or** elder ~~or dependent adult~~, as defined in Sections 15610.23 and 15610.27 of the Welfare and Institutions Code.

(b) Notwithstanding any other law, in a civil action described in paragraphs (1) to (4), inclusive, of subdivision (a), a court shall not enter, by stipulation or otherwise, an order that restricts the disclosure of information in a manner that conflicts with subdivision (a).

(c) Subdivisions (a) and (b) do not preclude an agreement preventing the disclosure of any medical information or personal identifying information, as defined in subdivision (b) of Section 530.55 of the Penal Code, regarding the victim of the offense listed in subdivision (a) or of any information revealing the nature of the relationship between the victim and the defendant. This subdivision shall not be construed to limit the right of a crime victim to disclose this information.

(d) Except as authorized by subdivision (c), a provision within a settlement agreement that prevents the disclosure of factual information related to the action described in subdivision (a) that is entered into on or after January 1, 2017, is void as a matter of law and against public policy.

(e) An attorney's failure to comply with the requirements of this section by demanding that a provision be included in a settlement agreement that prevents the disclosure of factual information related to the action described in subdivision (a) that is not otherwise authorized by subdivision (c) as a condition of settlement, or advising a client to sign an agreement that includes such a provision, may be grounds for professional discipline and the State Bar of California shall investigate and take appropriate action in any such case brought to its attention.

Code of Civil Procedure Section 1161.3(a)(1)

1161.3.

(a) For purposes of this section:

(1) "Abuse or violence" means domestic violence as defined in Section 6211 of the Family Code, sexual assault as defined in Section 1219, stalking as defined in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code, human trafficking as defined in Section 236.1 of the Penal Code, abuse of an **adult with a disability or** elder ~~or a dependent adult~~ as defined in Section 15610.07 of the Welfare and Institutions Code, or any act described in paragraphs (6) to (8), inclusive, of subdivision (a) of Section 1946.7 of the Civil Code.

(2) "Documentation evidencing abuse or violence against the tenant, the tenant's immediate family member, or the tenant's household member" means any of the following:

(A) A temporary restraining order, emergency protective order, or protective order lawfully issued within the last 180 days pursuant to Section 527.6, Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with

Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, or Section 213.5 or 15657.03 of the Welfare and Institutions Code that protects the tenant, the tenant's immediate family member, or the tenant's household member from abuse or violence.

(B) A copy of a written report, written within the last 180 days, by a peace officer employed by a state or local law enforcement agency acting in the officer's official capacity, stating that the tenant, the tenant's immediate family member, or the tenant's household member has filed a report alleging that they are a victim of abuse or violence.

(C) (i) Documentation from a qualified third party based on information received by that third party while acting in their professional capacity to indicate that the tenant, the tenant's immediate family member, or the tenant's household member is seeking assistance for physical or mental injuries or abuse resulting from an act of abuse or violence, which shall contain, in substantially the same form, the following:

Tenant Statement and Qualified Third Party Statement under Code of Civil Procedure Section 1161.3
Part I.Statement By Tenant
I, [insert name of tenant], state as follows:
I, my immediate family member, or a member of my household, have been a victim of:
[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, <u>adult with a disability abuse</u> , elder abuse, dependent adult abuse , a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use or threat of force against the victim.]
The most recent incident(s) happened on or about:
[insert date or dates.]

The incident(s) was/were committed by the following person(s), with these physical description(s), if known and safe to provide:
[if known and safe to provide, insert name(s) and physical description(s).]
(signature of tenant)(date)
Part II. Qualified Third Party Statement
I, [insert name of qualified third party], state as follows:
My business address and phone number are:
[insert business address and phone number.]
Check and complete one of the following:
☐ I meet the requirements for a sexual assault counselor provided in Section 1035.2 of the Evidence Code and I am either engaged in an office, hospital, institution, or center commonly known as a rape crisis center described in that section or employed by an organization providing the programs specified in Section 13835.2 of the Penal Code.
☐ I meet the requirements for a domestic violence counselor provided in Section 1037.1 of the Evidence Code and I am employed, whether financially compensated or not, by a domestic violence victim service organization, as defined in that section.
☐ I meet the requirements for a human trafficking caseworker provided in Section 1038.2 of the Evidence Code and I am employed, whether financially compensated or not, by an organization that provides programs specified in Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of the Penal Code.
☐ I meet the definition of “victim of violent crime advocate” provided in Section 1946.7 of the Civil Code and I am employed, whether financially compensated or not, by an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.
☐ I am licensed by the State of California as a:

[insert one of the following: physician and surgeon, osteopathic physician and surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.] and I am licensed by, and my license number is:	
[insert name of state licensing entity and license number.]	
The person who signed the Statement By Tenant above stated to me that they, a member of their immediate family, or a member of their household is a victim of:	
[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult with a disability abuse, a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use or threat of force against the victim.]	
The person further stated to me the incident(s) occurred on or about the date(s) stated above.	
(signature of qualified third party)(date)	

(ii) The documentation may be signed by a person who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate only if the documentation displays the letterhead of the office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.

(D) Any other form of documentation or evidence that reasonably verifies that the abuse or violence occurred.

(3) “Health practitioner” means a physician and surgeon, osteopathic physician and surgeon, psychiatrist, psychologist, registered nurse, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.

(4) “Immediate family member” has the same meaning as defined in Section 1946.7 of the Civil Code.

(5) “Perpetrator of abuse or violence” means any of the following:

(A) The person against whom an order described in subparagraph (A) of paragraph (2) of subdivision (a) has been issued.

(B) The person who was named or referred to as causing the abuse or violence in the report described in subparagraph (B) of paragraph (2) of subdivision (a).

(C) The person who was named or referred to as causing the abuse or violence in the documentation described in subparagraph (C) of paragraph (2) of subdivision (a).

(D) The person who was named or referred to as causing the abuse or violence in the documentation described in subparagraph (D) of paragraph (2) of subdivision (a).

(6) “Qualified third party” means a health practitioner, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, a human trafficking caseworker, as defined in Section 1038.2 of the Evidence Code, or a victim of violent crime advocate.

(7) “Tenant” means tenant, subtenant, lessee, or sublessee.

(8) “Tenant in residence” means a tenant who is currently residing in the unit and has full physical and legal access to the unit.

(9) “Victim of violent crime advocate” has the same meaning as defined in Section 1946.7 of the Civil Code.

(b) (1) A landlord shall not terminate a tenancy or fail to renew a tenancy based on an act of abuse or violence against a tenant, a tenant’s immediate family member, or a tenant’s household member if the landlord has received documentation evidencing abuse or violence against the tenant, the tenant’s immediate family member, or the tenant’s household member.

(2) Notwithstanding paragraph (1), a landlord may terminate a tenancy or fail to renew a tenancy based on an act of abuse or violence against a tenant, a tenant’s immediate family member, or a tenant’s household member even after receiving documentation of abuse or violence against the tenant, the tenant’s immediate family member, or the tenant’s household member if either of the following apply:

(A) The perpetrator of abuse or violence is a tenant in residence of the same dwelling unit as the tenant, the tenant’s immediate family member, or household member.

(B) Both of the following apply:

(i) The perpetrator of abuse or violence’s words or actions have threatened the physical safety of other tenants, guests, invitees, or licensees.

(ii) After expiration of a three-day notice requiring the tenant not to voluntarily permit or consent to the presence of the perpetrator of abuse or violence on the premises, the tenant continues to do so.

(c) Notwithstanding any provision in a lease to the contrary, a landlord shall not be liable to any other tenants for any action that arises due to the landlord’s compliance with this section.

(d) A defendant in an unlawful detainer action arising from a landlord's termination of a tenancy or failure to renew a tenancy that is based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member may raise an affirmative defense as follows:

(1) If the perpetrator of the abuse or violence is not a tenant in residence of the same dwelling unit as the tenant, the tenant's immediate family member, or household member, then the defendant shall have a complete defense as to that cause of action, unless each clause of subparagraph (B) of paragraph (2) of subdivision (b) applies.

(2) If the perpetrator of the abuse or violence is a tenant in residence of the same dwelling unit as the tenant, the tenant's immediate family member, or household member, the court shall proceed in accordance with Section 1174.27.

(e) (1) A landlord shall not disclose any information provided by a tenant under this section to a third party unless either of the following is true:

(A) The tenant has consented in writing to the disclosure.

(B) The disclosure is required by law or court order.

(2) A landlord's communication with the qualified third party who provides documentation in order to verify the contents of that documentation is not a disclosure for purposes of this subdivision.

(f) The Judicial Council shall review its forms that may be used by a party to assert in the responsive pleading the grounds set forth in this section as an affirmative defense to an unlawful detainer action and, by January 1, 2025, make any changes to those forms that the Judicial Council deems necessary to conform them to this section.

Code of Civil Procedure Section 2017.310(a), (b)(2)

2017.310.

(a) Notwithstanding any other provision of law, it is the policy of the State of California that confidential settlement agreements are disfavored in any civil action the factual foundation for which establishes a cause of action for a violation of the Elder Abuse and ~~Dependent Adult~~ **Adult with a Disability** Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code).

(b) Provisions of a confidential settlement agreement described in subdivision (a) may not be recognized or enforced by the court absent a showing of any of the following:

(1) The information is privileged under existing law.

(2) The information is not evidence of abuse of an **adult with a disability or** elder ~~or dependent adult~~, as described in Sections 15610.30, 15610.57, and 15610.63 of the Welfare and Institutions Code.

(3) The party seeking to uphold the confidentiality of the information has demonstrated that there is a substantial probability that prejudice will result from the disclosure and that the party's interest in the information cannot be adequately protected through redaction.

(c) Nothing in paragraph (1), (2), or (3) of subdivision (b) permits the sealing or redacting of a defendant's name in any information made available to the public.

(d) Except as expressly provided in this section, nothing in this section is intended to alter, modify, or amend existing law.

(e) Nothing in this section may be deemed to prohibit the entry or enforcement of that part of a confidentiality agreement, settlement agreement, or stipulated agreement between the parties that requires the nondisclosure of the amount of any money paid in a settlement of a claim.

(f) Nothing in this section applies to or affects an action for professional negligence against a health care provider.

Code of Civil Procedure Section 2017.320(a),(b)(f)(2), (g)

2017.320.

(a) In any civil action the factual foundation for which establishes a cause of action for a violation of the Elder Abuse and **Adult with a Disability** ~~Dependent Adult~~ Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code), any information that is acquired through discovery and is protected from disclosure by a stipulated protective order shall remain subject to the protective order, except for information that is evidence of abuse of an **adult with a disability or** elder ~~or dependent adult~~ as described in Sections 15610.30, 15610.57, and 15610.63 of the Welfare and Institutions Code.

(b) In that instance, after redacting information in the document that is not evidence of abuse of an **adult with a disability or** elder ~~or dependent adult~~ as described in Sections 15610.30, 15610.57, and 15610.63 of the Welfare and Institutions Code, a party may file that particularized information with the court. The party proposing to file the information shall offer to meet and confer with the party from whom the information was obtained at least one week prior to filing that information with the court.

(c) The filing party shall give concurrent notice of the filing with the court and its basis to the party from whom the information was obtained.

(d) Any filed information submitted to the court shall remain confidential under any protective order for 30 days after the filing and shall be part of the public court record thereafter, unless an affected party petitions the court and shows good cause for a court protective order.

(e) The burden of showing good cause shall be on the party seeking the court protective order.

(f) A stipulated protective order may not be recognized or enforced by the court to prevent disclosure of information filed with the court pursuant to subdivision (b), absent a showing of any of the following:

(1) The information is privileged under existing law.

(2) The information is not evidence of abuse of an **adult with a disability or** elder ~~or dependent adult~~ as described in Sections 15610.30, 15610.57, and 15610.63 of the Welfare and Institutions Code.

(3) The party seeking to uphold the confidentiality of the information has demonstrated that there is a substantial probability that prejudice will result from the disclosure and that the party's interest in the information cannot be adequately protected through redaction.

(g) If the court denies the petition for a court protective order, it shall redact any part of the filed information it finds is not evidence of abuse of an **adult with a disability or** elder ~~or dependent adult~~, as described in Sections 15610.30, 15610.57, and 15610.63 of the Welfare and Institutions Code. Nothing in this subdivision or in paragraph (1), (2), or (3) of subdivision (f) permits the sealing or redacting of a defendant's name in any information made available to the public.

(h) Nothing in this section applies to or affects an action for professional negligence against a health care provider.

Family Code Section 6228(a)(5), (d)

6228.

(a) State and local law enforcement agencies shall provide, upon request and without charging a fee, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of a victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 911 recordings, if any, to a victim, or the victim's representative as defined in subdivision (g), of a crime that constitutes an act of any of the following:

(1) Domestic violence, as defined in Section 6211.

(2) Sexual assault, as defined in Sections 261, 261.5, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former Section 262 or 288a of, the Penal Code.

(3) Stalking, as defined in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code.

(4) Human trafficking, as defined in Section 236.1 of the Penal Code.

(5) Abuse of an **adult with a disability or** elder ~~or a dependent adult~~, as defined in Section 15610.07 of the Welfare and Institutions Code.

(b) (1) A copy of an incident report face sheet shall be made available during regular business hours to a victim or the victim's representative no later than 48 hours after being requested, unless the state or local law enforcement agency informs the victim or the victim's representative of the reasons why, for good cause, the incident report face sheet is not available, in which case

the incident report face sheet shall be made available no later than five working days after the request is made.

(2) A copy of the incident report, any accompanying or related photographs of a victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 911 recordings, if any, shall be made available during regular business hours to a victim or the victim's representative no later than five working days after being requested, unless the state or local law enforcement agency informs the victim or the victim's representative of the reasons why, for good cause, the items are not available, in which case the items shall be made available no later than 10 working days after the request is made.

(c) A person requesting copies under this section shall present state or local law enforcement with the person's identification, including a current, valid driver's license, a state-issued identification card, or a passport. If the person is a representative of the victim and the victim is deceased, the representative shall also present a certified copy of the death certificate or other satisfactory evidence of the death of the victim at the time a request is made. If the person is a representative of the victim and the victim is alive and not the subject of a conservatorship, the representative shall also present a written authorization, signed by the victim, making the person the victim's personal representative.

(d) This section shall apply to requests for domestic violence, sexual assault, stalking, human trafficking, or abuse of an **adult with a disability or an** elder ~~or a dependent adult~~ face sheets or incident reports, photographs, 911 recordings, and evidence made within five years from the date of completion of the incident report.

(e) This section shall be known and may be cited as the Access to Domestic Violence Reports Act of 1999.

(f) For purposes of this section, "victim" includes a minor who is 12 years of age or older.

(g) (1) For purposes of this section, if the victim is deceased, a "representative of the victim" means any of the following:

(A) The surviving spouse.

(B) A surviving child of the decedent who has attained 18 years of age.

(C) A domestic partner, as defined in subdivision (a) of Section 297.

(D) A surviving parent of the decedent.

(E) A surviving adult relative.

(F) The personal representative of the victim, as defined in Section 58 of the Probate Code, if one is appointed.

(G) The public administrator if one has been appointed.

(2) For purposes of this section, if the victim is not deceased, a "representative of the victim" means any of the following:

(A) A parent, guardian, or adult child of the victim, or an adult sibling of a victim 12 years of age or older, who shall present to law enforcement identification pursuant to subdivision (c). A guardian shall also present to law enforcement a copy of the letters of guardianship demonstrating that the person is the appointed guardian of the victim.

(B) An attorney for the victim, who shall present to law enforcement identification pursuant to subdivision (c) and written proof that the person is the attorney for the victim.

(C) A conservator of the victim who shall present to law enforcement identification pursuant to subdivision (c) and a copy of the letters of conservatorship demonstrating that the person is the appointed conservator of the victim.

(3) A representative of the victim does not include any person who has been convicted of murder in the first degree, as defined in Section 189 of the Penal Code, of the victim, or any person identified in the incident report face sheet as a suspect.

Family Code Section 6250(d)

6250.

A judicial officer may issue an ex parte emergency protective order where a law enforcement officer asserts reasonable grounds to believe any of the following:

(a) That a person is in immediate and present danger of domestic violence, based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.

(b) That a child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.

(c) That a child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has an intent to abduct the child or flee with the child from the jurisdiction or based on an allegation of a recent threat to abduct the child or flee with the child from the jurisdiction.

(d) That an **adult with a disability or** ~~elder or dependent adult~~ is in immediate and present danger of abuse as defined in Section 15610.07 of the Welfare and Institutions Code, based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

Family Code Section 6251(a), (b)

6251.

An emergency protective order may be issued only if the judicial officer finds both of the following:

(a) That reasonable grounds have been asserted to believe that an immediate and present danger of domestic violence exists, that a child is in immediate and present danger of abuse or

abduction, or that an **adult with a disability or** elder ~~or dependent adult~~ is in immediate and present danger of abuse as defined in Section 15610.07 of the Welfare and Institutions Code.

(b) That an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, or abuse of an **adult with a disability or** elder ~~or dependent adult~~.

Financial Code Section 4056(b)(8)

4056.

(a) This division shall not apply to information that is not personally identifiable to a particular person.

(b) Notwithstanding Sections 4052.5, 4053, 4054, and 4054.6, a financial institution may release nonpublic personal information under the following circumstances:

(1) The nonpublic personal information is necessary to effect, administer, or enforce a transaction requested or authorized by the consumer, or in connection with servicing or processing a financial product or service requested or authorized by the consumer, or in connection with maintaining or servicing the consumer's account with the financial institution, or with another entity as part of a private label credit card program or other extension of credit on behalf of that entity, or in connection with a proposed or actual securitization or secondary market sale, including sales of servicing rights, or similar transactions related to a transaction of the consumer.

(2) The nonpublic personal information is released with the consent of or at the direction of the consumer.

(3) The nonpublic personal information is:

(A) Released to protect the confidentiality or security of the financial institution's records pertaining to the consumer, the service or product, or the transaction therein.

(B) Released to protect against or prevent actual or potential fraud, identity theft, unauthorized transactions, claims, or other liability.

(C) Released for required institutional risk control, or for resolving customer disputes or inquiries.

(D) Released to persons holding a legal or beneficial interest relating to the consumer, including for purposes of debt collection.

(E) Released to persons acting in a fiduciary or representative capacity on behalf of the consumer.

(4) The nonpublic personal information is released to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the financial institution, persons assessing the institution's compliance with industry standards, and the institution's attorneys, accountants, and auditors.

(5) The nonpublic personal information is released to the extent specifically required or specifically permitted under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978 (12 U.S.C. Sec. 3401 et seq.), to law enforcement agencies, including a federal functional regulator, the Secretary of the Treasury with respect to subchapter II of Chapter 53 of Title 31, and Chapter 2 of Title I of Public Law 91-508 (12 U.S.C. Secs. 1951-1959), the California Department of Insurance or other state insurance regulators, the State Bar of California, or the Federal Trade Commission, and self-regulatory organizations, or for an investigation on a matter related to public safety.

(6) The nonpublic personal information is released in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal information concerns solely consumers of the business or unit.

(7) The nonpublic personal information is released to comply with federal, state, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, administrative, or regulatory investigation or subpoena or summons by federal, state, or local authorities; or to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes as authorized by law.

(8) When a financial institution is reporting a known or suspected instance of **adult with a disability or** elder ~~or dependent adult~~ financial abuse or is cooperating with a local adult protective services agency investigation of known or suspected **adult with a disability or** elder ~~or dependent adult~~ financial abuse pursuant to Article 3 (commencing with Section 15630) of Chapter 11 of Part 3 of Division 9 of the Welfare and Institutions Code.

(9) The nonpublic personal information is released to an affiliate or a nonaffiliated third party in order for the affiliate or nonaffiliated third party to perform business or professional services, such as printing, mailing services, data processing or analysis, or customer surveys, on behalf of the financial institution, provided that all of the following requirements are met:

(A) The services to be performed by the affiliate or nonaffiliated third party could lawfully be performed by the financial institution.

(B) There is a written contract between the affiliate or nonaffiliated third party and the financial institution that prohibits the affiliate or nonaffiliated third party, as the case may be, from disclosing or using the nonpublic personal information other than to carry out the purpose for which the financial institution disclosed the information, as set forth in the written contract.

(C) The nonpublic personal information provided to the affiliate or nonaffiliated third party is limited to that which is necessary for the affiliate or nonaffiliated third party to perform the services contracted for on behalf of the financial institution.

(D) The financial institution does not receive any payment from or through the affiliate or nonaffiliated third party in connection with, or as a result of, the release of the nonpublic personal information.

(10) The nonpublic personal information is released to identify or locate missing and abducted children, witnesses, criminals and fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs.

(11) The nonpublic personal information is released to a real estate appraiser licensed or certified by the state for submission to central data repositories such as the California Market Data Cooperative, and the nonpublic personal information is compiled strictly to complete other real estate appraisals and is not used for any other purpose.

(12) The nonpublic personal information is released as required by Title III of the federal United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act; P.L. 107-56).

(13) The nonpublic personal information is released either to a consumer reporting agency pursuant to the Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.) or from a consumer report reported by a consumer reporting agency.

(14) The nonpublic personal information is released in connection with a written agreement between a consumer and a broker-dealer registered under the Securities Exchange Act of 1934 or an investment adviser registered under the Investment Advisers Act of 1940 to provide investment management services, portfolio advisory services, or financial planning, and the nonpublic personal information is released for the sole purpose of providing the products and services covered by that agreement.

(c) Nothing in this division is intended to change existing law relating to access by law enforcement agencies to information held by financial institutions.

Government Code Section 6205(a)

6205.

~~(a)~~ The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability** ~~or elder or dependent adult~~ abuse frequently establish new names or addresses to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the changed name or location of a victim of domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability** ~~or elder or dependent adult~~ abuse to enable interagency cooperation with the Secretary of State in providing name and address confidentiality for victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability** ~~or elder or dependent adult~~ abuse and to enable state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

~~(b) This section shall become operative on July 1, 2024.~~

Government Code Section 6205.5(a)(6)

6205.5.

~~(a)~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1)~~ (a) “Address” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant under this chapter.

~~(2)~~ (b) “Child abduction” means an act or attempted act made punishable pursuant to Section 278 or 278.5 of the Penal Code.

~~(3)~~ (c) “Cohabitant” has the same meaning as in subdivision (b) of Section 18291 of the Welfare and Institutions Code.

~~(4)~~ (d) “Domestic violence” means an act as defined in Section 6211 of the Family Code.

~~(5)~~ (e) “Domicile” means a place of habitation as defined in Section 349 of the Elections Code.

~~(6)~~ (f) “~~Elder or dependent adult~~ Adult with a disability or elder abuse” means an act described in Section 15610.07 of the Welfare and Institutions Code or an offense described in Section 368 of the Penal Code.

~~(7)~~ (g) “Household member” means an adult person who resides at the same residential address as the applicant or participant and is related to the applicant or participant by blood, marriage, registered domestic partnership, adoption, or is a cohabitant of an applicant or participant.

~~(8)~~ (h) “Human trafficking” means any act punishable pursuant to Section 236.1 of the Penal Code.

~~(9)~~ (i) “Program participant” means a person certified as a program participant under Section 6206.

~~(10)~~ (j) “Sexual assault” means an act or attempted act made punishable by Section 220, 261, 261.5, 264.1, 266c, 269, 285, 286, 287, 288, 288.5, 289, or 647.6 of, or former Section 262 or 288a of, the Penal Code.

~~(11)~~ (k) “Stalking” means an act as defined in Section 646.9 of the Penal Code.

~~(b) This section shall become operative on July 1, 2024.~~

Government Code Section 6206(a), (a)(1)(A), (a)(2), (a)(2)(C), (a)(2)(D), (a)(7)

6206.

(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of

State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims' assistance program or a community-based assistance program that serves victims of **adult with a disability or** elder ~~or dependent adult~~ abuse pursuant to the Elder Abuse and ~~Dependent-Adult~~ **with a Disability** Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code). The application process shall include a requirement that the applicant meet with a victims' assistance counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe both of the following:

(A) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability or** elder ~~or dependent adult~~ abuse, or is a household member of a victim who is making or has made an application pursuant to this section, unless the applicant is the perpetrator of the crime that provided the basis for that victim's application.

(B) That the applicant fears for their safety, the safety of their children or household members, or the safety of the minor or incapacitated person on whose behalf the application is made.

(2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability or** elder ~~or dependent adult~~ abuse, the application may be accompanied by evidence, including, but not limited to, any of the following:

(A) Police, court, or other government agency records or files.

(B) Documentation from a domestic violence or sexual assault program, if the person is alleged to be a victim of domestic violence, sexual assault, stalking, or human trafficking.

(C) Documentation from a legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability or** elder ~~or dependent adult~~ abuse.

(D) Any other evidence that supports the sworn statement, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability or** elder ~~or dependent adult~~ abuse.

(3) If the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a household member of a person described in paragraph (2), the application shall include the name of that person and evidence that the applicant is a household member.

(4) The name and last known address of the applicant's minor child or children, and the name and last known address of all other parents or guardians of the minor child or children of the applicant, as legally established by voluntary declaration of paternity, court order, placement on the child's birth certificate, or other legal method pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code). If no other parent or guardian has been established for the applicant's minor child or children, this section may be left blank.

(5) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State a copy of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from liability in any action brought by a person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(6) The mailing address and the telephone number or numbers where the applicant can be called by the Secretary of State, and if available, the email address where the applicant can be contacted by the Secretary of State.

(7) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability or** elder ~~or dependent adult~~ abuse.

(8) The signature of the applicant and of any individual or representative of any office designated in writing under Section 6208.5 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Commencing January 1, 2023, the Secretary of State shall make the application form for participation in the program and any explanatory materials available in English and in at least the

other languages described in Section 1632 of the Civil Code. The Secretary of State may make the application available in additional languages.

(c) Applications shall be filed with the office of the Secretary of State.

(d) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing, unless the certification is withdrawn or invalidated before that date. The Secretary of State shall, by rule, establish a renewal procedure. A minor program participant who reaches 18 years of age during their enrollment may renew as an adult following the renewal procedures established by the Secretary of State.

(e) If a minor child has any other legally established parent or parents, upon certification, the Secretary of State shall, within 10 days, notify all other parents or guardians identified pursuant to paragraph (4) of subdivision (a) of the designation of the Secretary of State as agent for purposes of service of process and, unless there is a court order prohibiting contact between the other parent or parents or guardian and the minor child or children of the participant, the address designated by the Secretary of State for the program participant. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent or parents or guardian to be notified. A copy shall also be sent to that parent's or guardian's counsel of record, if provided to the Secretary of State by the applicant.

(f) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or household members, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision. Commencing January 1, 2023, the Secretary of State shall make the notice required by this subdivision available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

~~(g) This section shall become operative on July 1, 2024.~~

Government Code Section 6208.5(a)

6208.5.

~~(a)~~ The Secretary of State shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault, stalking, child abduction, or human trafficking as well as agencies that serve victims of **adult with a disability or** elder ~~or dependent adult~~ abuse pursuant to the Elder Abuse and ~~Dependent Adult~~ with a disability Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code) to assist victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, or **adult with a disability or** elder ~~or dependent adult~~ abuse applying to be program participants. The Secretary of State shall conduct outreach activities to identify and recruit the agencies. Any assistance and counseling rendered by the office of the Secretary of State or its designees to applicants shall in no way be construed as legal advice.

~~(b) This section shall become operative on July 1, 2024.~~

Government Code Section 53165(a)(7)(B)

53165.

(a) For purposes of this section:

(1) “Individual in an emergency” means a person who believes that immediate action is required to prevent or mitigate the loss or impairment of life, health, or property.

(2) “Local agency” means a county, city, whether general law or chartered, city and county, town, housing authority, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(3) “Occupant” means a person residing in a dwelling unit with the tenant. “Occupant” includes a lodger as defined in Section 1946.5 of the Civil Code.

(4) “Penalty” means the following:

(A) The actual or threatened assessment of fees, fines, or penalties.

(B) The actual or threatened termination of a tenancy or the actual or threatened failure to renew a tenancy.

(C) The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.

(D) The designation or threatened designation as a nuisance property or as a perpetrator of criminal activity under local law, or imposition or threatened imposition of a similar designation.

(E) Subjecting a tenant to inferior terms, privileges, and conditions of tenancy in comparison to tenants who have not sought law enforcement assistance or emergency assistance.

(5) “Resident” means a member of the tenant’s household or any other occupant living in the dwelling unit with the consent of the tenant.

(6) “Tenant” means tenant, subtenant, lessee, or sublessee.

(7) “Victim of abuse” includes:

(A) A victim of domestic violence as defined in Section 6211 of the Family Code.

(B) A victim of adult with a disability or elder ~~or dependent adult~~ abuse as defined in Section 15610.07 of the Welfare and Institutions Code.

(C) A victim of human trafficking as described in Section 236.1 of the Penal Code.

(D) A victim of sexual assault means a victim of any act made punishable by Section 261, 264.1, 285, 286, 288, 288a, or 289 of the Penal Code.

(E) A victim of stalking as described in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code.

(8) “Victim of crime” means a victim of a misdemeanor or felony.

(b) A local agency shall not promulgate, enforce, or implement any ordinance, rule, policy, or regulation, that authorizes, or requires the imposition, or threatened imposition, of a penalty against a resident, owner, tenant, landlord, or other person as a consequence of law enforcement assistance or emergency assistance being summoned by, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency.

(c) If a local agency violates this section, a resident, tenant, owner, landlord, or other person may obtain the following:

(1) A court order requiring the local agency to cease and desist the unlawful practice.

(2) A court order rendering null and void any ordinance, rule, policy, or regulation that violates this section.

(3) Other equitable relief as the court may deem appropriate.

(d) This section preempts any local ordinance, rule, policy, or regulation insofar as it is inconsistent with this section, irrespective of the effective date of the ordinance, rule, policy, or regulation.

Health & Safety Code 1796.42(e)

1796.42.

A home care organization licensee shall do all of the following:

(a) Post its license, business hours, and any other information required by the department in its place of business in a conspicuous location, visible both to clients and affiliated home care aides.

(b) Maintain and abide by a valid workers’ compensation policy covering its affiliated home care aides.

(c) Maintain and abide by an employee dishonesty bond, including third-party coverage, with a minimum limit of ten thousand dollars (\$10,000).

(d) Maintain proof of general and professional liability insurance in the amount of at least one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) in the aggregate.

(e) Report any suspected or known adult with a disability ~~dependent adult~~ or elder abuse as required by Section 15630 of the Welfare and Institutions Code and suspected or known child abuse as required by Sections 11164 to 11174.3, inclusive, of the Penal Code. A copy of each

suspected abuse report shall be maintained and available for review by the department during normal business hours.

Probate Code Section 4231.5(c)

4231.5.

(a) If the attorney-in-fact breaches a duty pursuant to this division, the attorney-in-fact is chargeable with any of the following, as appropriate under the circumstances:

(1) Any loss or depreciation in value of the principal's property resulting from the breach of duty, with interest.

(2) Any profit made by the attorney-in-fact through the breach of duty, with interest.

(3) Any profit that would have accrued to the principal if the loss of profit is the result of the breach of duty.

(b) If the attorney-in-fact has acted reasonably and in good faith under the circumstances as known to the attorney-in-fact, the court, in its discretion, may excuse the attorney-in-fact in whole or in part from liability under subdivision (a) if it would be equitable to do so.

(c) If a court finds that a person has in bad faith wrongfully taken, concealed, or disposed of property that belongs to a principal under a power of attorney, or has taken, concealed, or disposed of property that belongs to a principal under a power of attorney by the use of undue influence in bad faith or through the commission of **adult with a disability or** ~~elder-or dependent-adult~~ financial abuse, as defined in Section 15610.30 of the Welfare and Institutions Code, the person shall be liable for twice the value of the property recovered by an action to recover the property or for surcharge. In addition, except as otherwise required by law, including Section 15657.5 of the Welfare and Institutions Code, the person may, in the court's discretion, be liable for reasonable attorney's fees and costs to the prevailing party. The remedies provided in this section shall be in addition to any other remedies available in law to the principal or any successor in interest of the principal.

Public Utilities Code Section 779.1(c)

779.1.

(a) Every electrical, gas, heat, or water corporation shall allow every residential customer at least 19 days from the date of mailing its bill for services, postage prepaid, for payment of the charges demanded. A corporation subject to this section shall not terminate residential service for nonpayment of a delinquent account unless the corporation first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed, not earlier than 19 days from the date of mailing the corporation's bill for services, and the 10-day period shall not commence until five days after the mailing of the notice.

(b) Every corporation shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact at least 24 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be

accomplished, the corporation shall give, either by mail or in person, a notice of termination of service at least 48 hours prior to termination.

(c) Every corporation shall make available to its residential customers who are 65 years of age or older, or who are ~~dependent~~ adults with a disability as defined in Section 15610.23 of the Welfare and Institutions Code, a third-party notification service, whereby the corporation will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third-party notification on a form provided by the corporation, and shall include the written consent of the designated third party. The third-party notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

(d) Every notice of termination of service pursuant to subdivision (a) or (b) shall include all of the following information:

- (1) The name and address of the customer whose account is delinquent.
- (2) The amount of the delinquency.
- (3) The date by which payment or arrangements for payment is required in order to avoid termination.
- (4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges.
- (5) The procedure by which the customer may request amortization of the unpaid charges.
- (6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.
- (7) The telephone number of a representative of the corporation who can provide additional information or institute arrangements for payment.
- (8) The telephone number of the commission to which inquiries by the customer may be directed.

All written notices shall be in a clear and legible format.

(e) Any residential customer whose complaint or request for an investigation has resulted in an adverse determination by the corporation may appeal the determination to the commission. Any subsequent appeal of the dispute or complaint to the commission is not subject to this section.

(f) If a residential customer fails to comply with an amortization agreement, the corporation shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but this notice does not entitle the customer to further investigation by the corporation.

(g) A termination of service shall not be effected without compliance with this section. Any service wrongfully terminated shall be restored without charge for the restoration of service, and a notation thereof shall be mailed to the customer at the customer's billing address.

Public Utilities Code Section 10010.1(c)

10010.1.

(a) A public utility furnishing light, heat, water, or power shall not terminate residential service on account of nonpayment of a delinquent account unless the public utility first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed, not earlier than 19 days from the date of mailing the public utility's bill for services, and the 10-day period shall not commence until five days after the mailing of the notice.

(b) Every public utility shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact, at least 24 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the public utility shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(c) Every public utility shall make available to its residential customers who are 65 years of age or older, or who are ~~dependent~~ adults with a disability as defined in Section 15610.23 of the Welfare and Institutions Code, a third-party notification service, whereby the public utility will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third-party notification on a form provided by the public utility, and shall include the written consent of the designated third party. The third-party notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

(d) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information:

- (1) The name and address of the customer whose account is delinquent.
- (2) The amount of the delinquency.
- (3) The date by which payment or arrangements for payment is required in order to avoid termination.
- (4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that, if the bill for service contains a description of that procedure, the notice pursuant to subdivision (a) is not required to contain that information.
- (5) The procedure by which the customer may request amortization of the unpaid charges.
- (6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.
- (7) The telephone number of a representative of the public utility who can provide additional information or institute arrangements for payment.

Every notice of termination of service pursuant to subdivision (b) shall include the items of information in paragraphs (1), (2), (3), (6), and (7).

All written notices shall be in a clear and legible format.

(e) If a residential customer fails to comply with an amortization agreement, the public utility shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the public utility.

(f) A termination of service shall not be effected without compliance with this section. Any service wrongfully terminated shall be restored without charge for the restoration of service, and a notation thereof shall be mailed to the customer at the customer's billing address.

Public Utilities Code Section 12823.1(c)

12823.1.

(a) A district furnishing light, heat, water, or power shall not terminate residential service on account of nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed not earlier than 19 days from the date of mailing the district's bill for services, and the 10-day period shall not commence until five days after the mailing of the notice.

(b) Every district shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact, at least 24 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the district shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(c) Every district shall make available to its residential customers who are 65 years of age or older, or who are ~~dependent~~ adults with a disability as defined in Section 15610.23 of the Welfare and Institutions Code, a third-party notification service, whereby the district will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third-party notification on a form provided by the district, and shall include the written consent of the designated third party. The third-party notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

(d) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information:

(1) The name and address of the customer whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment is required in order to avoid termination.

(4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that, if the bill for service contains a description of that procedure, the notice pursuant to subdivision (a) is not required to contain that information.

(5) The procedure by which the customer may request amortization of the unpaid charges.

(6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

(7) The telephone number of a representative of the district who can provide additional information or institute arrangements for payment.

Every notice of termination of service pursuant to subdivision (b) shall include the items of information in paragraphs (1), (2), (3), (6), and (7).

All written notices shall be in a clear and legible format.

(e) If a residential customer fails to comply with an amortization agreement, the district shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the district.

(f) A termination of service shall not be effected without compliance with this section. Any service wrongfully terminated shall be restored without charge for the restoration of service, and a notation thereof shall be mailed to the customer at the customer's billing address.

Public Utilities Code Section 16482.1(c)

16482.1.

(a) A district furnishing light, heat, water, or power, or means for the disposition of garbage, sewage, or refuse matter, shall not terminate residential service on account of nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed, not earlier than 19 days from the date of mailing the district's bill for services, and the 10-day period shall not commence until five days after the mailing of the notice.

(b) Every district shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or personal contact, at least 48 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the district shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(c) Every district shall make available to its residential customers who are 65 years of age or older, or who are ~~dependent~~ adults with a disability as defined in Section 15610.23 of the Welfare and Institutions Code, a third-party notification service, whereby the district will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for

third-party notification on a form provided by the district, and shall include the written consent of the designated third party. The third-party notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

(d) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information:

- (1) The name and address of the customer whose account is delinquent.
- (2) The amount of the delinquency.
- (3) The date by which payment or arrangements for payment is required in order to avoid termination.
- (4) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that, if the bill for service contains a description of that procedure, the notice pursuant to subdivision (a) is not required to contain that information.
- (5) The procedure by which the customer may request amortization of the unpaid charges.
- (6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.
- (7) The telephone number of a representative of the district who can provide additional information or institute arrangements for payment.

Every notice of termination of service pursuant to subdivision (b) shall include the items of information in paragraphs (1), (2), (3), (6), and (7).

All written notices shall be in a clear and legible format.

(e) If a residential customer fails to comply with an amortization agreement, the district shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but this notice does not entitle the customer to further investigation by the district.

(f) A termination of service shall not be effected without compliance with this section. Any service wrongfully terminated shall be restored without charge for the restoration of the service, and a notation thereof shall be mailed to the customer the customer's billing address.

Welfare and Institutions Code 5328(a)(21)

5328.

(a) All information and records obtained in the course of providing services under Division 4 (commencing with Section 4000), Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100), to either voluntary or involuntary recipients of services are confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients before

1969 are also confidential. Information and records shall be disclosed only in any of the following cases:

(1) (A) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or the patient's guardian or conservator, shall be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical or psychological responsibility for the patient's care.

(B) Notwithstanding subparagraph (A), if the patient is a dependent or ward of the juvenile court who has been removed from the physical custody of their parents, legal guardian, or Indian custodian, and who is not under a conservatorship, the consent of the patient or their guardian or conservator is not required before information or records may be disclosed to the dependent's or ward's social worker or probation officer for the purposes of ensuring the dependent or ward receives all necessary services or referrals for transition out of a facility to a lower level of care as allowed under 45 C.F.R. Sections 164.502(a)(1)(ii) and 164.512 or any successor regulations. Information obtained pursuant to this paragraph shall not be used in any criminal or juvenile justice proceeding without complying with Section 827. This paragraph does not prohibit evidence identical to that contained within the records from being admissible in a criminal or juvenile justice proceeding, if the evidence is derived solely from means other than this paragraph, as permitted by law. This section does not permit the disclosure of records from a juvenile case file absent compliance with the provisions of Section 827.

(2) If the patient, with the approval of the physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, or licensed professional clinical counselor, who is in charge of the patient, designates persons to whom information or records may be released, except that this article does not compel a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, attorney, or other professional person to reveal information that has been given to the person in confidence by members of a patient's family. This paragraph does not authorize a licensed marriage and family therapist or licensed professional clinical counselor to provide services or to be in charge of a patient's care beyond the therapist's or counselor's lawful scope of practice.

(3) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which the recipient may be entitled.

(4) (A) If the recipient of services is a conservatee or a minor who has been admitted with the consent of their parent or legal guardian, and their conservator, parent, or legal guardian, or a guardian ad litem designates, in writing, persons to whom records or information may be disclosed, except that this article does not compel a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, attorney, or other professional person to reveal information that has been given to the person in confidence by members of a patient's family.

(B) If the recipient of services is a minor dependent or ward of the juvenile court and has been removed from the physical custody of their parents, legal guardian, or Indian custodian, and their attorney or guardian ad litem, in consultation with the dependent or ward, designates in writing persons to whom records or information may be disclosed. This provision shall not be construed to require written designation for the disclosures permitted by subparagraph (B) of paragraph (1) or paragraph (12).

(5) For research, provided that the Director of Health Care Services, the Director of State Hospitals, the Director of Social Services, or the Director of Developmental Services designates by regulation, rules for the conduct of research and requires the research to be first reviewed by the appropriate institutional review board or boards. The rules shall include, but need not be limited to, the requirement that all researchers shall sign an oath of confidentiality as follows: [N/A]

As a condition of doing research concerning persons who have received services from ____ (fill in the facility, agency, or person), I, ____, agree to obtain the prior informed consent of those persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, and I further agree not to divulge any information obtained in the course of that research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

(6) To the courts, as necessary to the administration of justice.

(7) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(8) To the Senate Committee on Rules or the Assembly Committee on Rules for the purposes of legislative investigation authorized by the committee.

(9) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

(10) To the attorney for the patient in any and all proceedings upon presentation of a release of information signed by the patient, except that when the patient is unable to sign the release, the staff of the facility, upon satisfying itself of the identity of the attorney, and of the fact that the attorney does represent the interests of the patient, may release all information and records relating to the patient, except that this article does not compel a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, attorney, or other professional person to reveal information that has been given to the person in confidence by members of a patient's family.

(11) Upon written agreement by a person previously confined in or otherwise treated by a facility, the professional person in charge of the facility or the professional person's designee may release any information, except information that has been given in confidence by members of the person's family, requested by a probation officer charged with the evaluation of the person after the person's conviction of a crime if the professional person in charge of the facility determines that the information is relevant to the evaluation. The agreement shall only be operative until sentence is passed on the crime of which the person was convicted. The confidential information released pursuant to this paragraph shall be transmitted to the court separately from the probation report and shall not be placed in the probation report. The confidential information shall remain confidential except for purposes of sentencing. After sentencing, the confidential information shall be sealed.

(12) (A) Between persons who are trained and qualified to serve on multidisciplinary personnel teams pursuant to subdivision (d) of Section 18951. The information and records sought to be disclosed shall be relevant to the provision of child welfare services or the investigation, prevention, identification, management, or treatment of child abuse or neglect pursuant to Chapter 11 (commencing with Section 18950) of Part 6 of Division 9. Information obtained pursuant to this paragraph shall not be used in any criminal or juvenile justice proceeding. This paragraph does not prohibit evidence identical to that contained within the records from being admissible in a criminal or juvenile justice proceeding, if the evidence is derived solely from means other than this paragraph, as permitted by law.

(B) As used in this paragraph, "child welfare services" means those services that are directed at preventing child abuse or neglect.

(13) To county patients' rights advocates who have been given knowing voluntary authorization by a client or a guardian ad litem. The client or guardian ad litem, whoever entered into the agreement, may revoke the authorization at any time, either in writing or by oral declaration to an approved advocate.

(14) To a committee established in compliance with Section 14725.

(15) In providing information as described in Section 7325.5. This paragraph does not permit the release of any information other than that described in Section 7325.5.

(16) To the county behavioral health director or the director's designee, or to a law enforcement officer, or to the person designated by a law enforcement agency, pursuant to Sections 5152.1 and 5250.1.

(17) If the patient gives consent, information specifically pertaining to the existence of genetically handicapping conditions, as defined in Section 125135 of the Health and Safety Code, may be released to qualified professional persons for purposes of genetic counseling for blood relatives upon request of the blood relative. For purposes of this paragraph, "qualified professional persons" means those persons with the qualifications necessary to carry out the genetic counseling duties under this paragraph as determined by the genetic disease unit established in the State Department of Health Care Services under Section 125000 of the Health and Safety Code. If the patient does not respond or cannot respond to a request for

permission to release information pursuant to this paragraph after reasonable attempts have been made over a two-week period to get a response, the information may be released upon request of the blood relative.

(18) If the patient, in the opinion of the patient's psychotherapist, presents a serious danger of violence to a reasonably foreseeable victim or victims, then any of the information or records specified in this section may be released to that person or persons and to law enforcement agencies and county child welfare agencies as the psychotherapist determines is needed for the protection of that person or persons. For purposes of this paragraph, "psychotherapist" has the same meaning as provided in Section 1010 of the Evidence Code.

(19) (A) To the designated officer of an emergency response employee, and from that designated officer to an emergency response employee regarding possible exposure to HIV or AIDS, but only to the extent necessary to comply with the federal Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Public Law 101-381; 42 U.S.C. Sec. 201).

(B) For purposes of this paragraph, "designated officer" and "emergency response employee" have the same meaning as these terms are used in the federal Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Public Law 101-381; 42 U.S.C. Sec. 201).

(C) The designated officer shall be subject to the confidentiality requirements specified in Section 120980 of the Health and Safety Code, and may be personally liable for unauthorized release of any identifying information about the HIV results. Further, the designated officer shall inform the exposed emergency response employee that the employee is also subject to the confidentiality requirements specified in Section 120980 of the Health and Safety Code, and may be personally liable for unauthorized release of any identifying information about the HIV test results.

(20) (A) To a law enforcement officer who personally lodges with a facility, as defined in subparagraph (B), a warrant of arrest or an abstract of a warrant showing that the person sought is wanted for a serious felony, as defined in Section 1192.7 of the Penal Code, or a violent felony, as defined in Section 667.5 of the Penal Code. The information sought and released shall be limited to whether or not the person named in the arrest warrant is presently confined in the facility. This subparagraph shall be implemented with minimum disruption to health facility operations and patients, in accordance with Section 5212. If the law enforcement officer is informed that the person named in the warrant is confined in the facility, the officer may not enter the facility to arrest the person without obtaining a valid search warrant or the permission of staff of the facility.

(B) For purposes of subparagraph (A), a facility means all of the following:

(i) A state hospital, as defined in Section 4001.

(ii) A general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, solely with regard to information pertaining to a person with mental illness subject to this section.

(iii) An acute psychiatric hospital, as defined in subdivision (b) of Section 1250 of the Health and Safety Code.

(iv) A psychiatric health facility, as described in Section 1250.2 of the Health and Safety Code.

(v) A mental health rehabilitation center, as described in Section 5675.

(vi) A skilled nursing facility with a special treatment program for individuals with mental illness, as described in Sections 51335 and 72445 to 72475, inclusive, of Title 22 of the California Code of Regulations.

(vii) A psychiatric residential treatment facility, as defined in Section 1250.10 of the Health and Safety Code.

(21) Between persons who are trained and qualified to serve on multidisciplinary personnel teams pursuant to Section 15610.55. The information and records sought to be disclosed shall be relevant to the prevention, identification, management, or treatment of an abused **adult with a disability or** ~~elder or dependent adult~~ pursuant to Chapter 13 (commencing with Section 15750) of Part 3 of Division 9.

(22) (A) When an employee is served with a notice of adverse action, as defined in Section 19570 of the Government Code, all of the following information and records may be released:

(i) All information and records that the appointing authority relied upon in issuing the notice of adverse action.

(ii) All other information and records that are relevant to the adverse action, or that would constitute relevant evidence as defined in Section 210 of the Evidence Code.

(iii) The information described in clauses (i) and (ii) may be released only if both of the following conditions are met:

(I) The appointing authority has provided written notice to the consumer and the consumer's legal representative or, if the consumer has no legal representative or if the legal representative is a state agency, to the clients' rights advocate, and the consumer, the consumer's legal representative, or the clients' rights advocate has not objected in writing to the appointing authority within five business days of receipt of the notice, or the appointing authority, upon review of the objection, has determined that the circumstances on which the adverse action is based are egregious or threaten the health, safety, or life of the consumer or other consumers and without the information the adverse action could not be taken.

(II) The appointing authority, the person against whom the adverse action has been taken, and the person's representative, if any, have entered into a stipulation that does all of the following:

(ia) Prohibits the parties from disclosing or using the information or records for any purpose other than the proceedings for which the information or records were requested or provided.

(ib) Requires the employee and the employee's legal representative to return to the appointing authority all records provided to them under this paragraph, including, but not limited to, all records and documents from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents or copies thereof that are no longer in the possession of the employee or the employee's legal representative because they were submitted to the administrative tribunal as a component of an appeal from the adverse action.

(ic) Requires the parties to submit the stipulation to the administrative tribunal with jurisdiction over the adverse action at the earliest possible opportunity.

(B) For purposes of this paragraph, the State Personnel Board may, before any appeal from adverse action being filed with it, issue a protective order, upon application by the appointing authority, for the limited purpose of prohibiting the parties from disclosing or using information or records for any purpose other than the proceeding for which the information or records were requested or provided, and to require the employee or the employee's legal representative to return to the appointing authority all records provided to them under this paragraph, including, but not limited to, all records and documents from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents or copies thereof that are no longer in the possession of the employee or the employee's legal representatives because they were submitted to the administrative tribunal as a component of an appeal from the adverse action.

(C) Individual identifiers, including, but not limited to, names, social security numbers, and hospital numbers, that are not necessary for the prosecution or defense of the adverse action, shall not be disclosed.

(D) All records, documents, or other materials containing confidential information protected by this section that have been submitted or otherwise disclosed to the administrative agency or other person as a component of an appeal from an adverse action shall, upon proper motion by the appointing authority to the administrative tribunal, be placed under administrative seal and shall not, thereafter, be subject to disclosure to any person or entity except upon the issuance of an order of a court of competent jurisdiction.

(E) For purposes of this paragraph, an adverse action becomes final when the employee fails to answer within the time specified in Section 19575 of the Government Code, or, after filing an answer, withdraws the appeal, or, upon exhaustion of the administrative appeal or of the judicial review remedies as otherwise provided by law.

(23) To the person appointed as the developmental services decisionmaker for a minor, dependent, or ward pursuant to Section 319, 361, or 726.

(24) During the provision of emergency services and care, as defined in Section 1317.1 of the Health and Safety Code, the communication of patient information between a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, emergency medical personnel at the scene of an emergency or in an emergency medical transport vehicle, or other professional person or emergency medical personnel at a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

(25) To a business associate or for health care operations purposes, in accordance with Part 160 (commencing with Section 160.101) and Part 164 (commencing with Section 164.102) of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations.

(26) To authorized personnel who are employed by the California Victim Compensation Board for the purposes of verifying the identity and eligibility of individuals claiming compensation pursuant to the Forced or Involuntary Sterilization Compensation Program described in Chapter 1.6 (commencing with Section 24210) of Division 20 of the Health and Safety Code. The California Victim Compensation Board shall maintain the confidentiality of any information or records received from the department in accordance with Part 160 (commencing with Section 160.101) and Part 164 (commencing with Section 164.102) of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations and this section. Public disclosure of aggregated claimant information or the annual report required under subdivision (b) of Section 24211 of the Health and Safety Code is not a violation of this section.

(27) To parties to a judicial or administrative proceeding as permitted by law, and who satisfy the requirements under Part 164 (commencing with Section 164.512(e)) of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations, except that this paragraph shall not be construed to affect any rights or privileges provided under law of any party or nonparty.

(28) To the State Department of Health Care Services for the purposes of Section 4081.

(b) Notwithstanding subdivision (a), patient information and records shall, as necessary, be provided to and discussed with district attorneys for purposes of commitment, recommitment, or petitions for release proceedings for patients committed under Sections 1026, 1370, 1600, 2962, and 2972 of the Penal Code and Section 6600 of this code, unless otherwise prohibited by law.

(c) The amendment of paragraph (4) of subdivision (a) enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

(d) This section is not limited by Section 5150.05 or 5332.

Welf. & Inst. Code Section 5328.5

5328.5.

Information and records described in Section 5328 may be disclosed in communications relating to the prevention, investigation, or treatment of abuse of an adult with a disability or elder ~~abuse or dependent adult abuse~~ pursuant to Chapter 11 (commencing with Section 15600) and Chapter 13 (commencing with Section 15750), of Part 3 of Division 9.

Welf. & Inst. Code Section 15600(a), (d), (e), (g), (h), (i), (j)

15600.

(a) The Legislature recognizes that adults with a disability and elders ~~and dependent adults~~ may be subjected to abuse, neglect, or abandonment and that this state has a responsibility to protect these persons.

(b) The Legislature further recognizes that a significant number of these persons are elderly. The Legislature desires to direct special attention to the needs and problems of elderly persons, recognizing that these persons constitute a significant and identifiable segment of the population and that they are more subject to risks of abuse, neglect, and abandonment.

(c) The Legislature further recognizes that a significant number of these persons have developmental disabilities and that mental and verbal limitations often leave them vulnerable to abuse and incapable of asking for help and protection.

(d) The Legislature recognizes that most adults with a disability and elders ~~and dependent adults~~ who are at the greatest risk of abuse, neglect, or abandonment by their families or caretakers suffer physical impairments and other poor health that place them in a dependent and vulnerable position.

(e) The Legislature further recognizes that factors which contribute to abuse, neglect, or abandonment of adults with a disability and elders ~~and dependent adults~~ are economic instability of the family, resentment of caretaker responsibilities, stress on the caretaker, and abuse by the caretaker of drugs or alcohol.

(f) The Legislature declares that this state shall foster and promote community services for the economic, social, and personal well-being of its citizens in order to protect those persons described in this section.

(g) The Legislature further declares that uniform state guidelines, which specify when county adult protective service agencies are to investigate allegations of abuse of adults with a disability and elders ~~and dependent adults~~ and the appropriate role of local law enforcement is necessary in order to ensure that a minimum level of protection is provided to elders and dependent adults in each county.

(h) The Legislature further finds and declares that infirm adults with a disability and elderly persons ~~and dependent adults~~ are a disadvantaged class, that cases of abuse of these persons are seldom prosecuted as criminal matters, and few civil cases are brought in connection with this abuse due to problems of proof, court delays, and the lack of incentives to prosecute these suits.

(i) Therefore, it is the intent of the Legislature in enacting this chapter to provide that adult protective services agencies, local long-term care ombudsman programs, and local law enforcement agencies shall receive referrals or complaints from public or private agencies, from any mandated reporter submitting reports pursuant to Section 15630, or from any other source having reasonable cause to know that the welfare of an adult with a disability or elder ~~or~~

~~dependent adult~~ is endangered, and shall take any actions considered necessary to protect the adult with a disability or elder ~~or dependent adult~~ and correct the situation and ensure the individual's safety.

(j) It is the further intent of the Legislature in adding Article 8.5 (commencing with Section 15657) to this chapter to enable interested persons to engage attorneys to take up the cause of abused adults with a disability and elderly persons ~~and dependent adults~~.

Welf. & Inst. Code Section 15601(a)

15601.

The purposes of this act are to:

(a) Require health practitioners, care custodians, clergy members, and employees of county adult protective services agencies and local law enforcement agencies to report known or suspected cases of abuse of adults with a disability and elders ~~and dependent adults~~ and to encourage community members in general to do so.

(b) Collect information on the numbers of abuse victims, circumstances surrounding the act of abuse, and other data which will aid the state in establishing adequate services to aid all victims of abuse in a timely, compassionate manner.

(c) Provide for protection under the law for all those persons who report suspected cases of abuse, provided that the report is not made with malicious intent.

Welf. & Inst. Code Section 15610.05

15610.05.

“Abandonment” means the desertion or willful forsaking of an adult with a disability or 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.

Welf. & Inst. Code Section 15610.06

15610.06.

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any adult with a disability or 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.

Welf. & Inst. Code Section 15610.07

15610.07.

(a) “Abuse of an adult with a disability or elder ~~or a dependent adult~~” means any of the following:

(1a) Physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.

(2b) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

(3c) Financial abuse, as defined in Section 15610.30.

~~(b) This section shall become operative on July 1, 2016.~~

Welf. & Inst. Code Section 15610.10

15610.10.

“Adult protective services” means those activities performed on behalf of **adults with a disability and** elders ~~and dependent adults~~ who have come to the attention of the adult protective services agency due to potential abuse or neglect.

Welf. & Inst. Code Section 15610.13

15610.13.

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

Welf. & Inst. Code Section 15610.17

15610.17.

“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 **adults with a disability or** elders ~~or dependent adults~~, including members of the support staff and maintenance staff:

(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 **with a disability** and postsecondary educational institutions that serve ~~dependent~~ adults **with a disability** 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.
- (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 Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) 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 illness.
- (v) Humane societies and animal control agencies.
- (w) Fire departments.
- (x) Offices of environmental health and building code enforcement.
- (y) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to **adults with a disability or elders** ~~or dependent adults~~.

Welf. & Inst. Code Section 15610.19

15610.19.

"Clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, synagogue, temple, mosque, or recognized religious denomination or organization. "Clergy member" does not include unpaid volunteers whose principal occupation or vocation does not involve active or ordained ministry in a church, synagogue, temple, mosque, or

recognized religious denomination or organization, and who periodically visit **adults with a disability or elders** ~~elder or dependent adult~~ on behalf of that church, synagogue, temple, mosque, or recognized religious denomination or organization.

Welf. & Inst. Code Section 15610.30(a), (a)(1), (a)(2), (a)(3), (b), (c), (d)(1), (d)(2)

15610.30.

(a) “Financial abuse” of an **adult with a disability or** ~~elder or dependent adult~~ occurs when a person or entity does any of the following:

- (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an **adult with a disability or** ~~elder or dependent adult~~ for a wrongful use or with intent to defraud, or both.
- (2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an **adult with a disability or** ~~elder or dependent adult~~ for a wrongful use or with intent to defraud, or both.
- (3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an **adult with a disability or** ~~elder or dependent adult~~ by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the **adult with a disability or** ~~elder or dependent adult~~.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an **adult with a disability or** ~~elder or dependent adult~~ is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) 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 **adult with a disability or** ~~elder or dependent adult~~.
- (2) An attorney-in-fact of an **adult with a disability or** ~~elder or dependent adult~~ who acts within the authority of the power of attorney.

Welf. & Inst. Code Section 15610.37

15610.37.

“Health practitioner” means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, registered nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage and family therapist, licensed professional clinical

counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, an unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code, a clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code, a clinical counselor intern registered under Section 4999.42 of the Business and Professions Code, a state or county public health or social service employee who treats an **adult with a disability or** elder ~~or a dependent adult~~ for any condition, a coroner, or a substance use disorder counselor. As used in this section, a “substance use disorder counselor” is a person providing counseling services in an alcoholism or drug abuse recovery and treatment program licensed, certified, or funded under Part 2 (commencing with Section 11760) of Division 10.5 of the Health and Safety Code.

Welf. & Inst. Code Section 15610.39

15610.39.

“Imminent danger” means a substantial probability that an **adult with a disability or** elder ~~or dependent adult~~ is in imminent or immediate risk of death or serious physical harm, through either his or her own action or inaction, or as a result of the action or inaction of another person.

Welf. & Inst. Code Section 15610.40

15610.40.

“Investigation” means that activity undertaken to determine the validity of a report of **adult with a disability or** elder ~~or dependent adult~~ abuse.

Welf. & Inst. Code Section 15610.43(a)(1), (a)(2), (a)(4), (b)

15610.43.

(a) “Isolation” means any of the following:

- (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an **adult with a disability or** elder ~~or adult~~ from receiving his or her mail or telephone calls.
- (2) Telling a caller or prospective visitor that an **adult with a disability or** 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 **adult with a disability or** elder ~~or the dependent adult~~, whether he or she is competent or not, and is made for the purpose of preventing the **adult with a disability or** 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 adult with a disability or ~~elder or dependent adult~~, for the purpose of preventing the adult with a disability or ~~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 adult with a disability or ~~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.

Welf. & Inst. Code Section 15610.45

15610.45.

“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 adults with a disability or ~~elders or dependent adults~~ as part of their official duties, including members of support staff and maintenance staff.

Welf. & Inst. Code Section 15610.53

15610.53.

“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 adult with a disability or ~~elder or dependent adult~~.

Welf. & Inst. Code Section 15610.55

15610.55.

(a) “Multidisciplinary personnel team” means any team of two or more persons who are trained in the prevention, identification, management, or treatment of abuse of adults with a disability or ~~elderly elders or dependent adults~~ and who are qualified to provide a broad range of services related to abuse of adults with a disability or ~~elderly elders or dependent adults~~.

(b) A multidisciplinary personnel team may include, but need not be limited to, any of the following:

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

(2) Police officers or other law enforcement agents, including district attorneys.

(3) Health practitioners, as defined in Section 15610.37.

(4) Social workers with experience or training in prevention of abuse of adults with a disability or ~~elderly elders or dependent adults~~.

- (5) Public guardians, public conservators, or public administrators.
- (6) The local long-term care ombudsman.
- (7) Child welfare services personnel.
- (8) Representatives of a health plan.
- (9) Housing representatives.
- (10) County counsel.
- (11) A person with expertise in finance or accounting.

Welf. & Inst. Code Section 15610.57(a)(1), (a)(2), (b)(5), (b)(6), (c)

15610.57.

(a) "Neglect" means either of the following:

- (1) The negligent failure of any person having the care or custody of an **adult with a disability or** elder ~~or a dependent adult~~ to exercise that degree of care that a reasonable person in a like position would exercise.
- (2) The negligent failure of an **adult with a disability or** elder ~~or dependent adult~~ to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

- (1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (2) Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person 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) Substantial inability or failure of an **adult with a disability or** elder ~~or dependent adult~~ to manage their own finances.
- (6) Failure of an **adult with a disability or** elder ~~or dependent adult~~ to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the **adult with a disability or** elder ~~or dependent adult~~ is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welf. & Inst. Code Section 15610.63

15610.63.

“Physical abuse” means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - (1) Sexual battery, as defined in Section 243.4 of the Penal Code.
 - (2) Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 - (3) Rape in concert, as described in Section 264.1 of the Penal Code.
 - (4) Incest, as defined in Section 285 of the Penal Code.
 - (5) Sodomy, as defined in Section 286 of the Penal Code.
 - (6) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - (7) Sexual penetration, as defined in Section 289 of the Penal Code.
 - (8) Lewd or lascivious acts, as defined in paragraph (2) of subdivision (b) of Section 288 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 **adult with a disability or** elder ~~or dependent adult~~ at the time the instructions are given.
 - (3) For any purpose not authorized by the physician and surgeon.

Welf. & Inst. Code Section 15630(a), (b)(1), (b)(2), (b)(2)(A), (b)(2)(B), (b)(2)(C), (b)(3)(A)(i), (b)(3)(A)(iii), (c)(1), (d), (e), (h), (i)

15630.

(a) A person who has assumed full or intermittent responsibility for the care or custody of an **adult with a disability or** ~~elder or dependent adult~~, whether or not they receive compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for **adults with a disability or** ~~elders or dependent adults~~, or any **adult with a disability or** ~~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) A mandated reporter who, in their professional capacity, or within the scope of their employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an **adult with a disability or** ~~elder or dependent adult~~ that they have experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known, suspected, or alleged instance of abuse by telephone or through a confidential internet reporting tool, as authorized by Section 15658, immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made through the confidential internet reporting tool established in Section 15658, within two working days.

(A) If the known, suspected, or alleged abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, the following shall occur:

(i) If the abuse was allegedly caused by another resident of the facility with dementia diagnosed by a licensed physician and there was no serious bodily injury, the reporter shall submit a written report of the known, suspected, or alleged instance of abuse to both of the following agencies within 24 hours:

(I) The long-term care ombudsman.

(II) The local law enforcement agency.

(ii) In all other instances, immediately or as soon as practically possible, but no longer than two hours, the reporter shall submit a verbal report of the known, suspected, or alleged instance of abuse to the local law enforcement agency, and shall submit a written report to all of the following agencies within 24 hours:

(I) The long-term care ombudsman.

(II) The local law enforcement agency.

(III) The corresponding state licensing agency.

(iii) For purposes of this subparagraph, the time limit for reporting begins when the mandated reporter observes, obtains knowledge of, or suspects the abuse or neglect.

(B) When applicable, reports made pursuant to clauses (i) and (ii) of subparagraph (A) shall be deemed to satisfy the reporting requirements of the federal Elder Justice Act of 2009, as set out in Subtitle H of the federal Patient Protection and Affordable Care Act

(Public Law 111-148), Section 1418.91 of the Health and Safety Code, and Section 72541 of Title 22 of the California Code of Regulations. When a local law enforcement agency receives an initial report of suspected abuse in a long-term care facility pursuant to subparagraph (A), the local law enforcement agency may coordinate efforts with the local ombudsman to provide the most immediate and appropriate response warranted to investigate the mandated report. The local ombudsman and local law enforcement agencies may collaborate to develop protocols to implement subparagraph (A).

(C) Notwithstanding the rulemaking provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, or any other law, the department may implement subparagraphs (A) and (B), in whole or in part, by means of all-county letters, provider bulletins, or other similar instructions without taking regulatory action.

(D) With regard to abuse reported pursuant to subparagraphs (A) and (B), the local ombudsman and the local law enforcement agency shall, as soon as practicable, except in the case of an emergency or pursuant to a report required to be made pursuant to clause (v), in which case these actions shall be taken immediately, do all of the following:

(i) Report to the State Department of Public Health any case of known or suspected abuse occurring in a long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.

(ii) Report to the State Department of Social Services any case of known or suspected abuse occurring in a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or in an adult day program, as defined in paragraph (2) of subdivision (a) of Section 1502 of the Health and Safety Code.

(iii) Report to the State Department of Public Health and the California Department of Aging any case of known or suspected abuse occurring in an adult day health care center, as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.

(iv) Report to the Division of Medi-Cal Fraud and Elder Abuse any case of known or suspected criminal activity.

(v) Report all cases of known or suspected physical abuse and financial abuse to the local district attorney's office in the county where the abuse occurred.

(E) (i) If the suspected or alleged abuse or neglect occurred in a state mental hospital or a state developmental center, and the suspected or alleged abuse or neglect resulted in any of the following incidents, a report shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, and to the local law enforcement agency:

(I) A death.

(II) A sexual assault, as defined in Section 15610.63.

(III) An assault with a deadly weapon, as described in Section 245 of the Penal Code, by a nonresident of the state mental hospital or state developmental center.

(IV) An assault with force likely to produce great bodily injury, as described in Section 245 of the Penal Code.

(V) An injury to the genitals when the cause of the injury is undetermined.

(VI) A broken bone when the cause of the break is undetermined.

(ii) All other reports of suspected or alleged abuse or neglect that occurred in a state mental hospital or a state developmental center shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, or to the local law enforcement agency.

(iii) When a local law enforcement agency receives an initial report of suspected or alleged abuse or neglect in a state mental hospital or a state developmental center pursuant to clause (i), the local law enforcement agency shall coordinate efforts with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services to provide the most immediate and appropriate response warranted to investigate the mandated report. The designated investigators of the State Department of State Hospitals or the State Department of Developmental Services and local law enforcement agencies may collaborate to develop protocols to implement this clause.

(iv) Except in an emergency, the local law enforcement agency shall, as soon as practicable, report any case of known or suspected criminal activity to the Division of Medi-Cal Fraud and Elder Abuse.

(v) Notwithstanding any other law, a mandated reporter who is required to report pursuant to Section 4427.5 shall not be required to report under clause (i).

(F) If the abuse has occurred in any place other than a long-term care facility, a state mental hospital, or a state developmental center, the report shall be made to the adult protective services agency or the local law enforcement agency.

(2) (A) A mandated reporter who is a clergy member who acquires knowledge or reasonable suspicion of **adult with a disability or** ~~elder or dependent adult~~ abuse during a penitential communication is not subject to paragraph (1). For purposes of this subdivision, “penitential communication” means a communication that is intended to be in confidence, including, but not limited to, a sacramental confession made to a clergy member who, in the course of the discipline or practice of their church, denomination, or organization is authorized or accustomed to hear those communications and under the discipline tenets, customs, or practices of their church, denomination, or organization, has a duty to keep those communications secret.

(B) This subdivision shall not modify or limit a clergy member's duty to report known or suspected adult with a disability and ~~elder and dependent adult~~ abuse if they are acting in the capacity of a care custodian, health practitioner, or employee of an adult protective services agency.

(C) Notwithstanding this section, a clergy member who is not regularly employed on either a full-time or part-time basis in a long-term care facility or does not have care or custody of an adult with a disability or ~~elder or dependent adult~~ shall not be responsible for reporting abuse or neglect that is not reasonably observable or discernible to a reasonably prudent person having no specialized training or experience in adult with a disability or ~~elder or dependent~~ care.

(3) (A) A mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report, pursuant to paragraph (1), an incident if all of the following conditions exist:

(i) The mandated reporter has been told by an adult with a disability or ~~elder or dependent adult~~ that they have experienced behavior constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect.

(ii) The mandated reporter is unaware of any independent evidence that corroborates the statement that the abuse has occurred.

(iii) The adult with a disability or ~~elder or dependent adult~~ has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.

(iv) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

(B) This paragraph shall not impose upon mandated reporters a duty to investigate a known or suspected incident of abuse and shall not lessen or restrict any existing duty of mandated reporters.

(4) (A) In a long-term care facility, a mandated reporter shall not be required to report as a suspected incident of abuse, as defined in Section 15610.07, an incident if all of the following conditions exist:

(i) The mandated reporter is aware that there is a proper plan of care.

(ii) The mandated reporter is aware that the plan of care was properly provided or executed.

(iii) A physical, mental, or medical injury occurred as a result of care provided pursuant to clause (i) or (ii).

(iv) The mandated reporter reasonably believes that the injury was not the result of abuse.

(B) This paragraph shall neither require a mandated reporter to seek, nor preclude a mandated reporter from seeking, information regarding a known or suspected incident of abuse before reporting. This paragraph shall apply only to those categories of mandated reporters that the State Department of Public Health determines, upon approval by the Division of Medi-Cal Fraud and Elder Abuse and the state long-term care ombudsman, have access to plans of care and have the training and experience necessary to determine whether the conditions specified in this section have been met.

(c) (1) Any mandated reporter who has knowledge, or reasonably suspects, that types of abuse of an adult with a disability or ~~elder or dependent adult abuse~~ for which reports are not mandated have been inflicted upon an adult with a disability or ~~elder or dependent adult~~, or that their emotional well-being is endangered in any other way, may report the known or suspected instance of abuse.

(2) If the suspected or alleged abuse occurred in a long-term care facility other than a state mental health hospital or a state developmental center, the report may be made to the long-term care ombudsman program. Except in an emergency, the local ombudsman shall report any case of known or suspected abuse to the State Department of Public Health and any case of known or suspected criminal activity to the Division of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(3) If the suspected or alleged abuse occurred in a state mental health hospital or a state developmental center, the report may be made to the designated investigator of the State Department of State Hospitals or the State Department of Developmental Services or to a local law enforcement agency. Except in an emergency, the local law enforcement agency shall report any case of known or suspected criminal activity to the Division of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(4) If the suspected or alleged abuse occurred in a place other than a place described in paragraph (2) or (3), the report may be made to the county adult protective services agency.

(5) If the conduct involves criminal activity not covered in subdivision (b), it may be immediately reported to the appropriate law enforcement agency.

(d) If two or more mandated reporters are present and jointly have knowledge or reasonably suspect that types of abuse of an adult with a disability or an ~~elder or a dependent adult~~ for which a report is or is not mandated have occurred, and there is agreement among them, the telephone report or internet report, as authorized by Section 15658, may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(e) A telephone report or internet report, as authorized by Section 15658, of a known or suspected instance of adult with a disability or ~~elder or dependent adult~~ abuse shall include, if known, the name of the person making the report, the name and age of the adult with a

disability or elder ~~or dependent adult~~, the present location of the adult with a disability or elder ~~or dependent adult~~, the names and addresses of family members or any other adult responsible for the adult with a disability's or elder's ~~or dependent adult's~~ care, the nature and extent of the adult with a disability's or elder's ~~or dependent adult's~~ condition, the date of the incident, and any other information, including information that led that person to suspect an adult with a disability or elder ~~or dependent adult~~ abuse, as requested by the agency receiving the report.

(f) The reporting duties under this section are individual, and no supervisor or administrator shall impede or inhibit the reporting duties, and no person making the report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting, ensure confidentiality, and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with this chapter.

(g) (1) Whenever this section requires a county adult protective services agency to report to a law enforcement agency, the law enforcement agency shall, immediately upon request, provide a copy of its investigative report concerning the reported matter to that county adult protective services agency.

(2) Whenever this section requires a law enforcement agency to report to a county adult protective services agency, the county adult protective services agency shall, immediately upon request, provide to that law enforcement agency a copy of its investigative report concerning the reported matter.

(3) The requirement to disclose investigative reports pursuant to this subdivision shall not include the disclosure of social services records or case files that are confidential, nor shall this subdivision allow disclosure of any reports or records if the disclosure would be prohibited by any other state or federal law.

(h) Failure to report, or impeding or inhibiting a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an adult with a disability or elder ~~or dependent adult~~, in violation of this section, is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. A mandated reporter who willfully fails to report, or impedes or inhibits a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an adult with a disability or elder ~~or dependent adult~~, in violation of this section, if that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. If a mandated reporter intentionally conceals their failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until a law enforcement agency specified in paragraph (1) of subdivision (b) discovers the offense.

(i) For purposes of this section, "~~dependent adult~~ adult with a disability" has the same meaning as that term is defined in Section 15610.23.

Welf. & Inst. Code Section 15630.1(a), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2), (h), (i), (j)(1), (j)(2)

15630.1.

(a) As used in this section, “mandated reporter of suspected financial abuse of an adult with a disability or ~~elder or dependent adult~~” means all officers and employees of financial institutions.

(b) As used in this section, the term “financial institution” means any of the following:

(1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1813(c)).

(2) An institution-affiliated party, as defined in Section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1813(u)).

(3) A federal credit union or state credit union, as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. Sec. 1752), including, but not limited to, an institution-affiliated party of a credit union, as defined in Section 206(r) of the Federal Credit Union Act (12 U.S.C. Sec. 1786(r)).

(c) As used in this section, “financial abuse” has the same meaning as in Section 15610.30.

(d) (1) Any mandated reporter of suspected financial abuse of an adult with a disability or ~~elder or dependent adult~~ who has direct contact with the adult with a disability or ~~elder or dependent adult~~ or who reviews or approves the adult with a disability or ~~elder’s or dependent adult’s~~ financial documents, records, or transactions, in connection with providing financial services with respect to an adult with a disability or ~~elder or dependent adult~~, and who, within the scope of his or her employment or professional practice, has observed or has knowledge of an incident, that is directly related to the transaction or matter that is within that scope of employment or professional practice, that reasonably appears to be financial abuse, or who reasonably suspects that abuse, based solely on the information before him or her at the time of reviewing or approving the document, record, or transaction in the case of mandated reporters who do not have direct contact with the adult with a disability or ~~elder or dependent adult~~, shall report the known or suspected instance of financial abuse by telephone or through a confidential Internet reporting tool, as authorized pursuant to Section 15658, immediately, or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool established in Section 15658, within two working days to the local adult protective services agency or the local law enforcement agency.

(2) When two or more mandated reporters jointly have knowledge or reasonably suspect that financial abuse of an adult with a disability or ~~elder or a dependent adult~~ for which the report is mandated has occurred, and when there is an agreement among them, the telephone report or Internet report, as authorized by Section 15658, may be made by a member of the reporting team who is selected by mutual agreement. A single report may be made and signed by the selected member of the reporting team. Any member of the team who has knowledge that the member designated to report has failed to do so shall thereafter make that report.

(3) If the mandated reporter knows that the adult with a disability or elder ~~or dependent adult~~ resides in a long-term care facility, as defined in Section 15610.47, the report shall be made to the local ombudsman or local law enforcement agency.

(e) An allegation by the adult with a disability or elder ~~or dependent adult~~, or any other person, that financial abuse has occurred is not sufficient to trigger the reporting requirement under this section if both of the following conditions are met:

(1) The mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ is aware of no other corroborating or independent evidence of the alleged financial abuse of an adult with a disability or elder ~~or dependent adult~~. The mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ is not required to investigate any accusations.

(2) In the exercise of his or her professional judgment, the mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ reasonably believes that financial abuse of an adult with a disability or elder ~~or dependent adult~~ did not occur.

(f) Failure to report financial abuse under this section shall be subject to a civil penalty not exceeding one thousand dollars (\$1,000) or if the failure to report is willful, a civil penalty not exceeding five thousand dollars (\$5,000), which shall be paid by the financial institution that is the employer of the mandated reporter to the party bringing the action. Subdivision (h) of Section 15630 shall not apply to violations of this section.

(g) (1) The civil penalty provided for in subdivision (f) shall be recovered only in a civil action brought against the financial institution by the Attorney General, district attorney, or county counsel. No action shall be brought under this section by any person other than the Attorney General, district attorney, or county counsel. Multiple actions for the civil penalty may not be brought for the same violation.

(2) Nothing in the Financial Elder Abuse Reporting Act of 2005 shall be construed to limit, expand, or otherwise modify any civil liability or remedy that may exist under this or any other law.

(h) As used in this section, “suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~” occurs when a person who is required to report under subdivision (a) observes or has knowledge of behavior or unusual circumstances or transactions, or a pattern of behavior or unusual circumstances or transactions, that would lead an individual with like training or experience, based on the same facts, to form a reasonable belief that an adult with a disability or elder ~~or dependent adult~~ is the victim of financial abuse as defined in Section 15610.30.

(i) Reports of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ made by an employee or officer of a financial institution pursuant to this section are covered under subdivision (b) of Section 47 of the Civil Code.

(j) (1) A mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ is authorized to not honor a power of attorney described in Division 4.5 (commencing with Section 4000) of the Probate Code as to an attorney-in-fact, if the mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ makes a report to an adult protective services agency or a local law enforcement agency of any

state that the principal may be subject to financial abuse, as described in this chapter or as defined in similar laws of another state, by that attorney-in-fact or person acting for or with that attorney-in-fact.

(2) If a mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ does not honor a power of attorney as to an attorney-in-fact pursuant to paragraph (1), the power of attorney shall remain enforceable as to every other attorney-in-fact also designated in the power of attorney about whom a report has not been made.

(3) For purposes of this subdivision, the terms “principal” and “attorney-in-fact” shall have the same meanings as those terms are used in Division 4.5 (commencing with Section 4000) of the Probate Code.

Welf. & Inst. Code Section 15630.2(a)(4), (b)(1), (b)(2), (b)(3), (c), (c)(1), (c)(2), (d), (f), (g), (h)(1), (h)(2), (i)(1), (i)(2), (j)(1), (j)(1)(A), (j)(1)(B), (j)(2)(A), (j)(4), (k)

15630.2.

(a) For purposes of this section, the following terms have the following definitions:

(1) “Financial abuse” has the same meaning as in Section 15610.30.

(2) “Broker-dealer” has the same meaning as in Section 25004 of the Corporations Code.

(3) “Investment adviser” has the same meaning as in Section 25009 of the Corporations Code.

(4) “Mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~” means a broker-dealer or an investment adviser.

(b) (1) Any mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ who has direct contact with the adult with a disability or elder ~~or dependent adult~~ or who reviews or approves the adult with a disability or elder’s ~~or dependent adult’s~~ financial documents, records, or transactions, in connection with providing financial services with respect to an adult with a disability or elder ~~or dependent adult~~, and who, within the scope of their employment or professional practice, has observed or has knowledge of an incident that is directly related to the transaction or matter that is within that scope of employment or professional practice, that reasonably appears to be financial abuse, or who reasonably suspects that abuse, based solely on the information before them at the time of reviewing or approving the document, record, or transaction in the case of mandated reporters who do not have direct contact with the adult with a disability or elder ~~or dependent adult~~, shall report the known or suspected instance of financial abuse by telephone or through a confidential internet reporting tool, as authorized pursuant to Section 15658, immediately, or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made through the confidential internet reporting tool established in Section 15658, within two working days to the local adult protective services agency, the local law enforcement agency, and the Department of Financial Protection and Innovation.

(2) When two or more mandated reporters jointly have knowledge or reasonably suspect that financial abuse of an adult with a disability or elder ~~or a dependent adult~~ for which the report is mandated has occurred, and when there is an agreement among them, the telephone

report or internet report, as authorized by Section 15658, may be made by a member of the reporting team who is selected by mutual agreement. A single report may be made and signed by the selected member of the reporting team. Any member of the team who has knowledge that the member designated to report has failed to do so shall thereafter make that report.

(3) If the mandated reporter knows that the adult with a disability or elder ~~or dependent adult~~ resides in a long-term care facility, as defined in Section 15610.47, the report shall be made to the local ombudsman, local law enforcement agency, and the Department of Financial Protection and Innovation.

(c) An allegation by the adult with a disability or elder ~~or dependent adult~~, or any other person, that financial abuse has occurred is not sufficient to trigger the reporting requirement under this section if both of the following conditions are met:

(1) The mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ is aware of no other corroborating or independent evidence of the alleged financial abuse of an adult with a disability or elder ~~or dependent adult~~. The mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ is not required to investigate any accusations.

(2) In the exercise of their professional judgment, the mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ reasonably believes that financial abuse of an adult with a disability or elder ~~or dependent adult~~ did not occur.

(d) Failure to report financial abuse under this section shall be subject to a civil penalty not exceeding one thousand dollars (\$1,000) or if the failure to report is willful, a civil penalty not exceeding five thousand dollars (\$5,000), which shall be paid by the employer of the mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ to the party bringing the action. Subdivision (h) of Section 15630 shall not apply to violations of this section.

(e) The civil penalty provided for in subdivision (d) shall be recovered only in a civil action brought against the broker-dealer or investment adviser by the Attorney General, district attorney, or county counsel. An action shall not be brought under this section by any person other than the Attorney General, district attorney, or county counsel. Multiple actions for the civil penalty may not be brought for the same violation.

(f) As used in this section, “suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~” occurs when a person who is required to report under subdivision (b) observes or has knowledge of behavior or unusual circumstances or transactions, or a pattern of behavior or unusual circumstances or transactions, that would lead an individual with like training or experience, based on the same facts, to form a reasonable belief that an adult with a disability or elder ~~or dependent adult~~ is the victim of financial abuse as defined in Section 15610.30.

(g) Reports of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ made pursuant to this section are covered under subdivision (b) of Section 47 of the Civil Code.

(h) (1) A mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ who makes a report pursuant to this section may notify any trusted contact

person who had previously been designated by the adult with a disability or elder ~~or dependent adult~~ to receive notification of any known or suspected financial abuse, unless the trusted contact person is suspected of the financial abuse. This authority does not affect the ability of the mandated reporter to make any other notifications otherwise permitted by law.

(2) A mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ shall not be civilly liable for any notification made in good faith and with reasonable care pursuant to this subdivision.

(i) (1) A mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ is authorized to not honor a power of attorney described in Division 4.5 (commencing with Section 4000) of the Probate Code as to an attorney-in-fact, if the mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ makes a report to an adult protective services agency or a local law enforcement agency of any state that the principal may be subject to financial abuse, as described in this chapter or as defined in similar laws of another state, by that attorney-in-fact or person acting for or with that attorney-in-fact.

(2) If a mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ does not honor a power of attorney as to an attorney-in-fact pursuant to paragraph (1), the power of attorney shall remain enforceable as to every other attorney-in-fact also designated in the power of attorney about whom a report has not been made.

(3) For purposes of this subdivision, the terms “principal” and “attorney-in-fact” have the same meanings as those terms are used in Division 4.5 (commencing with Section 4000) of the Probate Code.

(j) (1) A mandated reporter of suspected financial abuse of an adult with a disability or elder ~~or dependent adult~~ may temporarily delay a requested disbursement from, or a requested transaction involving, an account of an adult with a disability or elder ~~or dependent adult~~ or an account to which an adult with a disability or elder ~~or dependent adult~~ is a beneficiary if the mandated reporter meets all of following conditions:

(A) They have a reasonable belief, after initiating an internal review of the requested disbursement or transaction and the suspected financial abuse, that the requested disbursement or transaction may result in the financial abuse of an adult with a disability or elder ~~or dependent adult~~.

(B) Immediately, but no later than two business days after the requested disbursement or transaction is delayed, they provide written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, unless a party is reasonably believed to have engaged in suspected financial abuse of the adult with a disability or elder ~~or dependent~~.

(C) Immediately, but no later than two business days after the requested disbursement or transaction is delayed, they notify the local county adult protective services agency, local law enforcement agency, and the Department of Financial Protection and Innovation about the delay.

(D) They provide any updates relevant to the report to the local adult protective services agency, the local law enforcement agency, and the Department of Financial Protection and Innovation.

(2) Any delay of a requested disbursement or transaction authorized by this subdivision shall expire upon either of the following, whichever is sooner:

(A) A determination by the mandated reporter that the requested disbursement or transaction will not result in financial abuse of the adult with a disability or ~~elder or dependent adult~~ provided that the mandated reporter first consults with the local county adult protective services agency, local law enforcement agency, and the Department of Financial Protection and Innovation, and receives no objection from those entities.

(B) Fifteen business days after the date on which the mandated reporter first delayed the requested disbursement or transaction, unless the adult protective services agency, local law enforcement agency, or the Department of Financial Protection and Innovation requests that the mandated reporter extend the delay, in which case the delay shall expire no more than 25 business days after the date on which the mandated reporter first delayed the requested disbursement or transaction, unless sooner terminated by the adult protective services agency, local law enforcement agency, the Department of Financial Protection and Innovation, or an order of a court of competent jurisdiction.

(3) A court of competent jurisdiction may enter an order extending the delay of the requested disbursement or transaction or may order other protective relief based on the petition of the adult protective services agency, the mandated reporter who initiated the delay, or any other interested party.

(4) A mandated reporter of suspected financial abuse of an adult with a disability or ~~elder or dependent adult~~ shall not be civilly liable for any temporary disbursement delay or transaction made in good faith and with reasonable care on an account pursuant to this subdivision.

(k) Notwithstanding any provision of law, a local adult protective services agency, a local law enforcement agency, and the Department of Financial Protection and Innovation may disclose to a mandated reporter of suspected financial abuse of an adult with a disability or ~~elder or dependent adult~~ or their employer, upon request, the general status or final disposition of any investigation that arose from a report made by that mandated reporter of suspected financial abuse of an adult with a disability or ~~elder or dependent adult~~ pursuant to this section.

Welf. & Inst. Code Section 15631

15631.

(a) Any person who is not a mandated reporter under Section 15630, who knows, or reasonably suspects, that an adult with a disability or ~~elder or a dependent adult~~ has been the victim of abuse may report that abuse to a long-term care ombudsman program or local law enforcement agency, or both the long-term care ombudsman program and local law enforcement agency when the abuse is alleged to have occurred in a long-term care facility.

(b) Any person who is not a mandated reporter under Section 15630, who knows, or reasonably suspects, that an adult with a disability or elder ~~or a dependent adult~~ has been the victim of abuse in any place other than a long-term care facility may report the abuse to the county adult protective services agency or local law enforcement agency.

Welf. & Inst. Code Section 15633

15633.

(a) The reports made pursuant to Sections 15630, 15630.1, 15630.2, and 15631 shall be confidential and may be disclosed only as provided in subdivision (b). Any violation of the confidentiality required by this chapter is a misdemeanor punishable by not more than six months in the county jail, by a fine of five hundred dollars (\$500), or by both that fine and imprisonment.

(b) Reports of suspected abuse of an adult with a disability or elder ~~or dependent adult~~ and information contained in the report may be disclosed only to the following:

(1) Persons or agencies to whom disclosure of information or the identity of the reporting party is permitted under Section 15633.5.

(2) (A) Persons who are trained and qualified to serve on multidisciplinary personnel teams may disclose to one another information and records that are relevant to the prevention, identification, or treatment of abuse of adults with a disability or elderly ~~or dependent~~ persons.

(B) Except as provided in subparagraph (A), any personnel of the multidisciplinary team or agency who 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.

(3) A trusted contact person, as specified in subdivision (h) of Section 15630.2.

(c) This section does not allow disclosure of any reports or records relevant to the reports of abuse of an adult with a disability or elder ~~or dependent adult~~ if the disclosure would be prohibited by any other provisions of state or federal law applicable to the reports or records relevant to the reports of the abuse, nor does it prohibit the disclosure by a financial institution, broker-dealer, or investment adviser of any reports or records relevant to the reports of abuse of an adult with a disability or elder ~~or dependent adult~~ if the disclosure would be required of a financial institution, broker-dealer, or investment adviser by otherwise applicable state or federal law or court order.

(d) This section does not prohibit employees of a county's adult protective services agency or a county's child welfare agency from disclosing information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of the abuse or neglect of a child or abuse or neglect of an adult with a disability or elder ~~or dependent adult~~.

Welf. & Inst. Code Section 15633.5(a)(1), (a)(2)(A), (a)(2)(B)

15633.5.

(a) (1) Information relevant to the incident of adult with a disability or ~~elder or dependent adult abuse~~ shall be given to an investigator from an adult protective services agency, a local law enforcement agency, the office of the district attorney, the office of the public guardian, the probate court, the division, the Department of Financial Protection and Innovation, or an investigator of the Department of Consumer Affairs, Division of Investigation, who is investigating a known or suspected case of adult with a disability or ~~elder or dependent adult abuse~~.

(2) (A) If the ~~incident of financial abuse of an adult with a disability or~~ elder or dependent adult financial abuse incident may be within the jurisdiction of a federal law enforcement agency, information relevant to the incident may be given to the federal law enforcement agency for the sole purpose of investigating a financial crime committed against the adult with a disability or ~~elder or dependent adult~~.

(B) Information relevant to the incident of adult with a disability or ~~elder or dependent adult~~ abuse may be provided to a local code enforcement agency for the sole purpose of investigating an unlicensed care facility where the health and safety of an adult with a disability or ~~elder or dependent adult~~ resident is at risk.

(b) The identity of a person who reports under this chapter shall be confidential and disclosed only among the following agencies or persons representing an agency:

- (1) An adult protective services agency.
- (2) A long-term care ombudsperson program.
- (3) A licensing agency.
- (4) A local law enforcement agency.
- (5) The office of the district attorney.
- (6) The office of the public guardian.
- (7) The probate court.
- (8) The division.
- (9) The Department of Financial Protection and Innovation.
- (10) The Department of Consumer Affairs, Division of Investigation.
- (11) Counsel representing an adult protective services agency.

(c) The identity of a person who reports pursuant to this chapter may also be disclosed under the following circumstances:

(1) To the district attorney in a criminal prosecution.

(2) When a person reporting waives confidentiality.

(3) By court order.

(d) Notwithstanding subdivisions (a) to (c), inclusive, a person reporting pursuant to Section 15631 shall not be required to include their name in the report.

Welf. & Inst. Code Section 15634(a), (b), (c)

15634.

(a) No care custodian, clergy member, health practitioner, mandated reporter of suspected financial abuse of an adult with a disability or ~~elder or dependent adult~~, or employee of an adult protective services agency or a local law enforcement agency who reports a known or suspected instance of abuse of an adult with a disability or ~~elder or dependent adult~~ shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of abuse of an adult with a disability or ~~elder or dependent adult~~ shall not incur civil or criminal liability as a result of any report authorized by this article, unless it can be proven that a false report was made and the person knew that the report was false. No person required to make a report pursuant to this article, or any person taking photographs at his or her discretion, shall incur any civil or criminal liability for taking photographs of a suspected victim of abuse of an adult with a disability or ~~elder or dependent adult~~ or causing photographs to be taken of such a suspected victim or for disseminating the photographs with the reports required by this article. However, this section shall not be construed to grant immunity from this liability with respect to any other use of the photographs.

(b) No care custodian, clergy member, health practitioner, mandated reporter of suspected financial abuse of an adult with a disability or ~~elder or dependent adult~~, or employee of an adult protective services agency or a local law enforcement agency who, pursuant to a request from an adult protective services agency or a local law enforcement agency investigating a report of known or suspected abuse of an adult with a disability or ~~elder or dependent adult~~, provides the requesting agency with access to the victim of a known or suspected instance of abuse of an adult with a disability or ~~elder or dependent adult~~, shall incur civil or criminal liability as a result of providing that access.

(c) The Legislature finds that, even though it has provided immunity from liability to persons required to report abuse of an adult with a disability or ~~elder or dependent adult~~, immunity does not eliminate the possibility that actions may be brought against those persons based upon required reports of abuse. In order to further limit the financial hardship that those persons may incur as a result of fulfilling their legal responsibilities, it is necessary that they not be unfairly burdened by legal fees incurred in defending those actions. Therefore, a care custodian, clergy member, health practitioner, or an employee of an adult protective services agency or a local law enforcement agency may present to the Department of General Services a claim for reasonable attorneys' fees incurred in any action against that person on the basis of making a report required or authorized by this article if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person, or if he or she prevails in the action. The Department of General Services shall allow that claim if the requirements of this subdivision are met, and the

claim shall be paid from an appropriation to be made for that purpose. Attorneys' fees awarded pursuant to this section shall not exceed an hourly rate greater than the rate charged by the Attorney General at the time the award is made and shall not exceed an aggregate amount of fifty thousand dollars (\$50,000). This subdivision shall not apply if a public entity has provided for the defense of the action pursuant to Section 995 of the Government Code.

Welf. & Inst. Code Section 15636

15636.

(a) Any victim of **adult with a disability or** ~~elder or dependent adult~~ abuse may refuse or withdraw consent at any time to an investigation or the provision of protective services by an adult protective services agency or long-term care ombudsman program. The adult protective services agency shall act only with the consent of the victim unless a violation of the Penal Code has been alleged. A local long-term care ombudsman shall act only with the consent of the victim and shall disclose confidential information only after consent to disclose is given by the victim or pursuant to court order.

(b) If the **adult with a disability or** ~~elder or dependent adult~~ abuse victim is so incapacitated that he or she cannot legally give or deny consent to protective services, a petition for temporary conservatorship or guardianship may be initiated in accordance with Section 2250 of the Probate Code.

Welf. & Inst. Code Section 15640

15640.

(a) (1) An adult protective services agency shall immediately, or as soon as practically possible, report by telephone to the law enforcement agency having jurisdiction over the case any known or suspected instance of criminal activity, and to any public agency given responsibility for investigation in that jurisdiction of cases of **adult with a disability and** ~~elder and dependent adult~~ abuse, every known or suspected instance of abuse of an **adult with a disability or** ~~elder or dependent adult~~ pursuant to Section 15630, 15630.1, or 15630.2. A county adult protective services agency shall also send a written report thereof within two working days of receiving the information concerning the incident to each agency to which it is required to make a telephone report under this subdivision. Before making any cross-report of allegations of financial abuse to law enforcement agencies, an adult protective services agency shall first determine whether there is reasonable suspicion of any criminal activity.

(2) If an adult protective services agency receives a report of abuse alleged to have occurred in a long-term care facility, that adult protective services agency shall immediately inform the person making the report that they are required to make the report to the long-term care ombudsman program or to a local law enforcement agency. The adult protective services agency shall not accept the report by telephone but shall forward any written report received to the long-term care ombudsman.

(b) If an adult protective services agency or local law enforcement agency or ombudsman program receiving a report of known or suspected **adult with a disability or** ~~elder or dependent adult~~ abuse determines, pursuant to its investigation, that the abuse is being committed by a health practitioner licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, or any related initiative act, or by a person purporting to be a licensee,

the adult protective services agency or local law enforcement agency or ombudsman program shall immediately, or as soon as practically possible, report this information to the appropriate licensing agency. The licensing agency shall investigate the report in light of the potential for physical harm. The transmittal of information to the appropriate licensing agency shall not relieve the adult protective services agency or local law enforcement agency or ombudsman program of the responsibility to continue its own investigation as required under applicable provisions of law. The information reported pursuant to this subdivision shall remain confidential and shall not be disclosed.

(c) A local law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the long-term care ombudsman program when the abuse is alleged to have occurred in a long-term care facility or to the county adult protective services agency when it is alleged to have occurred anywhere else, and to the agency given responsibility for the investigation of cases of **adult with a disability and** elder ~~and dependent adult~~ abuse every known or suspected instance of abuse of an **adult with a disability or** elder ~~or dependent adult~~. A local law enforcement agency shall also send a written report thereof within two working days of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

(d) A long-term care ombudsman coordinator may report the instance of abuse to the county adult protective services agency or to the local law enforcement agency for assistance in the investigation of the abuse if the victim gives their consent. A long-term care ombudsman program and the Licensing and Certification Division of the State Department of Public Health shall immediately report by telephone and in writing within two working days to the Division of Medi-Cal Fraud and Elder Abuse any instance of neglect occurring in a health care facility that has seriously harmed any patient or reasonably appears to present a serious threat to the health or physical well-being of a patient in that facility. If a victim or potential victim of the neglect withholds consent to being identified in that report, the report shall contain circumstantial information about the neglect, but shall not identify that victim or potential victim. The Division of Medi-Cal Fraud and Elder Abuse and the reporting agency shall maintain the confidentiality of the report until the report becomes a matter of public record.

(e) When a county adult protective services agency, a long-term care ombudsman program, or a local law enforcement agency receives a report of abuse, neglect, or abandonment of an **adult with a disability or** elder ~~or dependent adult~~ alleged to have occurred in a long-term care facility, that county adult protective services agency, long-term care ombudsman coordinator, or local law enforcement agency shall report the incident to the licensing agency by telephone as soon as possible.

(f) County adult protective services agencies, long-term care ombudsman programs, and local law enforcement agencies shall report the results of their investigations of referrals or reports of abuse to the respective referring or reporting agencies.

Welf. & Inst. Code Section 15650

15650.

(a) Investigation of reports of known or suspected instances of abuse in long-term care facilities shall be the responsibility of the division, the local law enforcement agency, and the long-term care ombudsman program.

(b) Investigations of known or suspected instances of abuse outside of long-term care facilities shall be the responsibility of the county adult protective services agency, unless another public agency is given responsibility for investigation in that jurisdiction, and the local law enforcement agency.

(c) The investigative responsibilities set forth in this section are in addition to, and not in derogation of or substitution for, the investigative and regulatory responsibilities of licensing agencies, such as the State Department of Social Services Community Care Licensing Division and the State Department of Public Health Licensing and Certification Division and their authorized representatives.

(d) Other public agencies involved in the investigation of abuse or advocacy of respective client populations, or both, include, but shall not be limited to, the State Department of State Hospitals and the State Department of Developmental Services. Other public agencies shall conduct or assist in, or both, the investigation of reports of abuse of **adults with a disability and** ~~elders and dependent adults~~ within their jurisdiction in conjunction with county adult protective services, local ombudsman programs, and local law enforcement agencies.

(e) Each county adult protective services agency shall maintain an inventory of all public and private service agencies available to assist victims of abuse, as defined by Section 15610.07. 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.

(f) Each local ombudsman program shall maintain an inventory of all public and private agencies available to assist long-term care residents who are victims of abuse, as defined by Section 15610.07. This inventory shall be used to refer cases of abuse in the event that another agency has jurisdiction over the resident, the abuse is verified and further investigation is needed by a law enforcement or licensing agency, or the program does not have sufficient resources to provide immediate assistance. The intent of this section is to acknowledge that ombudsman responsibility in abuse cases is to receive reports, determine the validity of reports, refer verified abuse cases to appropriate agencies for further action as necessary, and follow up to complete the required report information. Other ombudsman services shall be provided to the resident, as appropriate.

(g) The responsibilities and jurisdiction granted by this section to the entities described in subdivisions (a) to (d), inclusive, are subject to the responsibility and jurisdiction granted pursuant to Section 368.5 of the Penal Code. The legislature finds and declares that this subdivision is declaratory of existing law.

Welf. & Inst. Code Section 15653

15653.

(a) Minimum guidelines for use by county adult protective services agencies in determining when an investigation of abuse is warranted shall be maintained by the State Department of Social Services in cooperation with representatives of county government, and in consultation

with the Department of Aging, the Department of Justice, and other concerned state departments for use by county adult protective services agencies.

(b) Uniform guidelines for local law enforcement assistance with investigations of allegations of abuse to adults with a disability and ~~elders and dependent adults~~ as developed by the Department of Justice in consultation with the department, the Department of Aging, and other concerned state and local agencies pursuant to Section 15640, as amended by Chapter 769 of the Statutes of 1986, shall remain in effect until modified. Consistent with these guidelines, county adult protective services agencies may seek local law enforcement assistance with investigations of allegations of abuse to of adults with a disability and ~~elders and dependent adults~~.

Welf. & Inst. Code Section 15655

15655.

(a) (1) Each long-term health care facility, as defined in Section 1418 of the Health and Safety Code, community care facility, as defined in Section 1502 of the Health and Safety Code, or residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, that provides care to adults shall provide training in recognizing and reporting adult with a disability-and ~~elder-and dependent adult~~ abuse, as prescribed by the Department of Justice. The Department of Justice shall, in cooperation with the State Department of Health Services and the State Department of Social Services, develop a minimal core training program for use by these facilities. As part of that training, long-term care facilities, including nursing homes and out-of-home care facilities, shall provide to all staff being trained a written copy of the reporting requirements and a written notification of the staff's confidentiality rights as specified in Section 15633.5.

(2) Each long-term health care facility, as defined in Section 1418 of the Health and Safety Code, and each community care facility as defined in Section 1502 of the Health and Safety Code, shall comply with paragraph (1) by January 1, 2001, or, if the facility began operation after July 31, 2000, within six months of the date of the beginning of the operation of the facility. Employees hired after June 1, 2001, shall be trained within 60 days of their first day of employment.

(3) Each residential care facility, as defined in Section 1569.2 of the Health and Safety Code, shall comply with paragraph (1) by July 1, 2002, or, if the facility began operation after July 1, 2002, within six months of the date of the beginning of the operation of the facility. Employees hired on or after July 1, 2002, shall be trained within 60 days of their first day of employment.

(b) Each long-term health care facility, as defined in Section 1418 of the Health and Safety Code, shall be subject to review by the State Department of Health Services Licensing and Certification Unit for compliance with the duties imposed in subdivision (a).

(c) Each community care facility, as defined in Section 1502 of the Health and Safety Code, and residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, shall be subject to review by the State Department of Social Services Community Care Licensing Unit for compliance with the duties imposed in subdivision (a).

Welf. & Inst. Code Section 15655.5 (intro), (a), (b)

15655.5.

A county adult protective services agency shall provide the organizations listed in subdivisions (v), (w), and (x) of Section 15610.17, and mandated reporters of suspected financial abuse of an **adult with a disability or** elder ~~or dependent adult~~ pursuant to Sections 15630.1 and 15630.2, with instructional materials regarding abuse and neglect of an **adult with a disability or** elder ~~or dependent adult~~ and their obligation to report under this chapter. At a minimum, the instructional materials shall include all of the following:

- (a) An explanation of abuse and neglect of an **adult with a disability or** elder ~~or dependent adult~~, as defined in this chapter.
- (b) Information on how to recognize potential abuse and neglect of **an adult with a disability or** ~~an elder or dependent adult~~.
- (c) Information on how the county adult protective services agency investigates reports of known or suspected abuse and neglect.
- (d) Instructions on how to report known or suspected incidents of abuse and neglect, including the appropriate telephone numbers to call and what types of information would assist the county adult protective services agency with its investigation of the report.

Welf. & Inst. Code Section 15656(a), (b), (c), (d)

15656.

- (a) Any person who knows or reasonably should know that a person is an **adult with a disability or** elder ~~or dependent adult~~ and who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any **adult with a disability or** elder ~~or dependent adult~~ to suffer, or inflicts unjustifiable physical pain or mental suffering upon him or her, or having the care or custody of any **adult with a disability or** elder ~~or dependent adult~~, willfully causes or permits the person or health of the **adult with a disability or** elder ~~or dependent adult~~ to be injured, or willfully causes or permits the **adult with a disability or** elder ~~or dependent adult~~ to be placed in a situation such that his or her person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for two, three, or four years.
- (b) Any person who knows or reasonably should know that a person is an **adult with a disability or** elder ~~or dependent adult~~ and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any **adult with a disability or** elder ~~or dependent adult~~ to suffer, or inflicts unjustifiable physical pain or mental suffering on him or her, or having the care or custody of any **adult with a disability or** elder ~~or dependent adult~~, willfully causes or permits the person or health of the **adult with a disability or** elder ~~or dependent adult~~ to be injured or willfully causes or permits the **adult with a disability or** elder ~~or dependent adult~~ to be placed in a situation such that his or her person or health may be endangered, is guilty of a misdemeanor.
- (c) Any caretaker of an **adult with a disability or** elder ~~or dependent adult~~ who violates any provision of law prescribing theft or embezzlement, with respect to the property of that **adult**

with a disability or ~~elder-or-dependent adult~~, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for two, three, or four years when the money, labor, or real or personal property taken is of a value exceeding nine hundred fifty dollars (\$950), and by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both that imprisonment and fine, when the money, labor, or real or personal property taken is of a value not exceeding nine hundred fifty dollars (\$950).

(d) As used in this section, “caretaker” means any person who has the care, custody, or control of or who stands in a position of trust with, an **adult with a disability or** ~~elder-or-dependent adult~~.

(e) Conduct covered in subdivision (b) of Section 15610.57 shall not be subject to this section.

Welf. & Inst. Code Section 15657.01

15657.01.

Notwithstanding Section 483.010 of the Code of Civil Procedure, an attachment may be issued in any action for damages pursuant to Section 15657.5 for financial abuse of an **adult with a disability or** ~~elder-or-dependent adult~~, as defined in Section 15610.30. The other provisions of the Code of Civil Procedure not inconsistent with this article shall govern the issuance of an attachment pursuant to this section. In an application for a writ of attachment, the claimant shall refer to this section. An attachment may be issued pursuant to this section whether or not other forms of relief are demanded.

Welf. & Inst. Code Section 15657.03

15657.03.

(a) (1) An **adult with a disability or** ~~elder-or-dependent adult~~ who has suffered abuse, as defined in Section 15610.07, may seek protective orders as provided in this section.

(2) (A) A petition may be brought on behalf of an abused **adult with a disability or** ~~elder-or-dependent adult~~ by a conservator or a trustee of the **adult with a disability or** ~~elder-or-dependent adult~~, an attorney-in-fact of an **adult with a disability or** ~~elder-or-dependent adult~~ who acts within the authority of a power of attorney, a person appointed as a guardian ad litem for the **adult with a disability or** ~~elder-or-dependent adult~~, or other person legally authorized to seek the relief.

(B) (i) Subject to clause (ii), if the petition alleges abuse of an **adult with a disability or** ~~elder-or-dependent adult~~ in the form of isolation, the term “other person legally authorized to seek the relief” as used in subparagraph (A) includes an interested party as defined in paragraph (3) of subdivision (b).

(ii) Clause (i) shall apply only for the purpose of seeking an order enjoining isolation under subparagraph (E) of paragraph (5) of subdivision (b).

(3) (A) A petition under this section may be brought on behalf of an **adult with a disability or** ~~elder-or-dependent adult~~ by a county adult protective services agency in either of the following circumstances:

(i) If the adult with a disability or elder-~~or dependent adult~~ has suffered abuse as defined in subdivision (b) and has an impaired ability to appreciate and understand the circumstances that place the adult with a disability or elder ~~or dependent~~ at risk of harm.

(ii) If the adult with a disability or elder-~~or dependent adult~~ has provided written authorization to a county adult protective services agency to act on that person's behalf.

(B) In the case of a petition filed pursuant to clause (i) of subparagraph (A) by a county adult protective services agency, a referral shall be made to the public guardian consistent with Section 2920 of the Probate Code prior to or concurrent with the filing of the petition, unless a petition for appointment of a conservator has already been filed with the probate court by the public guardian or another party.

(C) A county adult protective services agency shall be subject to any confidentiality restrictions that otherwise apply to its activities under law and shall disclose only those facts as necessary to establish reasonable cause for the filing of the petition, including, in the case of a petition filed pursuant to clause (i) of subparagraph (A), to establish the agency's belief that the adult with a disability or elder-~~or dependent adult~~ has suffered abuse and has an impaired ability to appreciate and understand the circumstances that place the adult with a disability or elder-~~or dependent adult~~ at risk, and as may be requested by the court in determining whether to issue an order under this section.

(b) For purposes of this section:

(1) "Abuse" has the meaning set forth in Section 15610.07.

(2) "Conservator" means the legally appointed conservator of the person or estate of the petitioner, or both.

(3) "Interested party" means an individual with a personal, preexisting relationship with an adult with a disability or elder-~~or dependent adult~~. A preexisting relationship may be shown by a description of past involvement with the adult with a disability or elder-~~or dependent adult~~, time spent together, and any other proof that the individual spent time with the adult with a disability or elder-~~or dependent adult~~.

(4) "Petitioner" means the adult with a disability or elder-~~or dependent adult~~ to be protected by the protective orders and, if the court grants the petition, the protected person.

(5) "Protective order" means an order that includes any of the following restraining orders, whether issued ex parte, after notice and hearing, or in a judgment:

(A) An order enjoining a party from abusing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the

petitioner, and, in the discretion of the court, on a showing of good cause, of other named family or household members or a conservator, if any, of the petitioner. On a showing of good cause, in an order issued pursuant to this subparagraph in connection with an animal owned, possessed, leased, kept, or held by the petitioner, or residing in the residence or household of the petitioner, the court may do either or both of the following:

(i) Grant the petitioner exclusive care, possession, or control of the animal.

(ii) Order the respondent to stay away from the animal and refrain from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(B) An order excluding a party from the petitioner's residence or dwelling, except that this order shall not be issued if legal or equitable title to, or lease of, the residence or dwelling is in the sole name of the party to be excluded, or is in the name of the party to be excluded and any other party besides the petitioner.

(C) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A) or (B).

(D) (i) After notice and a hearing only, a finding that specific debts were incurred as the result of financial abuse of the adult with a disability or ~~elder-or-dependent adult~~ by the respondent. For purposes of this subparagraph, the acts that may support this order include, but are not limited to, the crimes proscribed by Section 530.5 of the Penal Code.

(ii) The finding pursuant to clause (i) shall not entitle the petitioner to any remedies other than those actually set forth in this section. The finding pursuant to clause (i) shall not affect the priority of any lien or other security interest.

(E) (i) After notice and a hearing only, an order enjoining a party from abusing an adult with a disability or ~~elder-or-dependent adult~~ by isolating them. An order may be issued under this subparagraph to restrain the respondent for the purpose of preventing a recurrence of isolation if the court finds by a preponderance of the evidence, to the satisfaction of the court, that the following requirements are met:

(I) The respondent's past act or acts of isolation of the adult with a disability or ~~elder-or-dependent adult~~ repeatedly prevented contact with the interested party.

(II) The adult with a disability or ~~elder-or-dependent adult~~ expressly desires contact with the interested party. A court shall use all means at its disposal to determine whether the adult with a disability or ~~elder-or-dependent adult~~ desires contact with the person and has the capacity to consent to that contact.

(III) The respondent's isolation of the adult with a disability or ~~elder-or-dependent adult~~ from the interested party was not in response to an actual or threatened abuse of the adult with a disability or ~~elder-or-dependent adult~~ by the

interested party or the adult with a disability or elder's ~~or dependent adult's~~ desire not to have contact with the interested party.

(ii) The order may specify the actions to be enjoined, including enjoining the respondent from preventing the interested party from in-person or remote online visits with the adult with a disability or elder ~~or dependent adult~~, including telephone and online contact.

(iii) An order enjoining isolation under this section is not required for an adult with a disability or elder ~~or dependent adult~~ to visit with anyone with whom the adult with a disability or elder ~~or dependent adult~~ desires visitation.

(iv) An order enjoining isolation shall not be issued under this section if the adult with a disability or elder ~~or dependent adult~~ resides in 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. In those cases, action may be taken under appropriate federal law.

(v) An order enjoining isolation shall not be issued under this section if the adult with a disability or elder ~~or dependent adult~~ is a patient of a health facility as defined in subdivision (a), (b), or (f) of Section 1250 of the Health and Safety Code. In those cases, action may be taken under other appropriate state or federal law.

(6) "Respondent" means the person against whom the protective orders are sought and, if the petition is granted, the restrained or enjoined person.

(c) Except as provided in subdivision (b), an order may be issued under this section, with or without notice, to restrain any person for the purpose of preventing a recurrence of abuse, if a declaration shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse of the petitioning adult with a disability or elder ~~or dependent adult~~.

(d) Upon filing a petition for protective orders under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527 of the Code of Civil Procedure, except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the protective orders described in paragraph (5) of subdivision (b). However, the court may issue an ex parte order excluding a party from the petitioner's residence or dwelling only on a showing of all of the following:

(1) Facts sufficient for the court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises.

(2) That the party to be excluded has assaulted or threatens to assault the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

(3) That physical or emotional harm would otherwise result to the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

(e) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(f) Within 21 days, or, if good cause appears to the court, 25 days, from the date that a request for a temporary restraining order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(g) The respondent may file a response that explains or denies the alleged abuse.

(h) The court may issue, upon notice and a hearing, any of the orders set forth in paragraph (5) of subdivision (b). The court may issue, after notice and hearing, an order excluding a person from a residence or dwelling if the court finds that physical or emotional harm would otherwise result to the petitioner, other named family or household member of the petitioner, or conservator of the petitioner.

(i) (1) In the discretion of the court, an order issued after notice and a hearing under this section may have a duration of not more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed upon the request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive the right to notice if that party is physically present in court and does not challenge the sufficiency of the notice.

(j) In a proceeding under this section, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges to be a victim of abuse. The support person is not

present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges to be a victim of abuse in feeling more confident that the alleged abuse victim will not be injured or threatened by the other party during the proceedings if the person who alleges to be a victim of abuse and the other party are required to be present in close proximity. This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(k) (1) Except as provided in paragraph (2), upon the filing of a petition for protective orders under this section, the respondent shall be personally served with a copy of the petition, notice of the hearing or order to show cause, temporary restraining order, if any, and any declarations in support of the petition. Service shall be made at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(2) Commencing January 1, 2027, if the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located, then the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.

(l) A notice of hearing under this section shall notify the respondent that if the respondent does not attend the hearing, the court may make orders against the respondent that could last up to five years.

(m) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(n) (1) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(o) (1) If a respondent, named in an order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing

may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent that is available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address:

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(p) (1) Information on a protective order relating to adult with a disability or elder ~~or dependent adult~~ abuse issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to each law enforcement agency having jurisdiction over the residence of the petitioner, and to any additional law enforcement agencies within the court’s discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported abuse.

(5) An order issued under this section shall, on request of the petitioner, be served on the respondent, whether or not the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported abuse involving the parties to the proceeding. The petitioner shall provide the officer with an endorsed copy of the order and a proof of service, which the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of abuse that a protective order has been issued under this section, or that a person who has been taken into custody is the

respondent to that order, if the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and where a written copy of the order can be obtained, and the officer shall at that time also enforce the order. The law enforcement officer's oral notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of Section 273.6 of the Penal Code.

(8) This subdivision does not apply, and the protective order shall not be subject to the requirements of Section 6380 of the Family Code, if the protective order issued pursuant to this section was made solely on the basis of isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

(q) This section does not preclude either party from representation by private counsel or from appearing on the party's own behalf.

(r) (1) There shall not be a filing fee for a petition, response, or paper seeking the reissuance, modification, or enforcement of a protective order filed in a proceeding brought pursuant to this section.

(2) (A) Commencing January 1, 2027, a court that receives petitions for protective orders under this section shall permit those petitions and any filings related to those petitions to be submitted electronically at no charge to the petitioner. The court shall, based on the time of the receipt, act on those filings consistent with subdivision (e).

(B) The request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to a petitioner who filed the petition electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court.

(s) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, a petitioner shall not be required to pay a fee for law enforcement to serve an order issued under this section.

(t) The prevailing party in an action brought under this section may be awarded court costs and attorney's fees, if any.

(u) (1) A person subject to a protective order under this section shall not own, possess, purchase, receive, or attempt to receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms that the person owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.

(3) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm or ammunition while subject to a protective order issued under this section is punishable pursuant to Section 29825 of the Penal Code.

(4) This subdivision does not apply in a case in which a protective order issued under this section was made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

(v) In a proceeding brought under paragraph (3) of subdivision (a), all of the following apply:

(1) Upon the filing of a petition for a protective order, the adult with a disability or ~~elder or dependent adult~~ on whose behalf the petition has been filed shall receive a copy of the petition, a notice of the hearing, and any declarations submitted in support of the petition. The adult with a disability or ~~elder or dependent adult~~ shall receive this information at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for provision of this information to the adult with a disability or ~~elder or dependent adult~~.

(2) The adult protective services agency shall make reasonable efforts to assist the adult with a disability or ~~elder or dependent adult~~ to attend the hearing in person or by remote means and provide testimony to the court, if that person wishes to do so. If the adult with a disability or ~~elder or dependent adult~~ does not attend the hearing, the agency shall provide information to the court at the hearing regarding the reasons why the adult with a disability or ~~elder or dependent adult~~ is not in attendance.

(3) Upon the filing of a petition for a protective order and upon issuance of an order granting the petition, the county adult protective services agency shall take all reasonable steps to provide for the safety of the adult with a disability or ~~elder or dependent adult~~, pursuant to Chapter 13 (commencing with Section 15750), which may include, but are not limited to, facilitating the location of alternative accommodations for the adult with a disability or ~~elder or dependent adult~~, if needed.

(w) Commencing January 1, 2027, a party, representative of the county adult protective services agency, or witness may appear remotely at the hearing on a petition for a protective order under this section. The superior court of each county shall not charge a fee for any of these persons to appear remotely at the hearing and shall develop local rules and instructions for remote appearances permitted under this section, which shall be posted on its internet website.

(x) Willful disobedience of a temporary restraining order or restraining order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(y) This section does not apply to any action or proceeding governed by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code, Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, or Division 10 (commencing with Section 6200) of the Family Code. This section does not preclude a petitioner's right to use other existing civil remedies.

(z) (1) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and shall be used by parties in actions brought pursuant to this section.

(2) On or before February 1, 2023, the Judicial Council shall revise or promulgate forms as necessary to implement the changes made by the act that added this paragraph.

(aa) When issuing a protective order pursuant to this section for abuse involving acts described in paragraph (1) or (2) of subdivision (a) of Section 15610.07, after notice and a hearing, the court may, if appropriate, also issue an order requiring the restrained party to participate in mandatory clinical counseling or anger management courses provided by a counselor, psychologist, psychiatrist, therapist, clinical social worker, or other mental or behavioral health professional licensed in the state to provide those services.

(ab) (1) Commencing January 1, 2027, information regarding electronic filing and access to the superior court's self-help center shall be prominently displayed on each superior court's home page.

(2) Each self-help center shall maintain and make available information related to elder abuse restraining orders pursuant to this section.

Welf. & Inst. Code Section 15657.1

15657.1.

The award of attorney's fees pursuant to subdivision (a) of Section 15657 shall be based on all factors relevant to the value of the services rendered, including, but not limited to, the factors set forth in Rule 4-200 of the Rules of Professional Conduct of the State Bar of California, and all of the following:

(a) The value of the abuse-related litigation in terms of the quality of life of the **adult with a disability or** elder ~~or dependent adult~~, and the results obtained.

(b) Whether the defendant took reasonable and timely steps to determine the likelihood and extent of liability.

(c) The reasonableness and timeliness of any written offer in compromise made by a party to the action.

Welf. & Inst. Code Section 15657.3

15657.3.

(a) The department of the superior court having jurisdiction over probate conservatorships shall also have concurrent jurisdiction over civil actions and proceedings involving a claim for relief arising out of the abduction, as defined in Section 15610.06, or the abuse of an **adult with a disability or** elder ~~or dependent adult~~, if a conservator has been appointed for the plaintiff prior to the initiation of the action for abuse.

(b) The department of the superior court having jurisdiction over probate conservatorships shall not grant relief under this article if the court determines that the matter should be determined in a civil action, but shall instead transfer the matter to the general civil calendar of the superior court. The court need not abate a proceeding for relief pursuant to this article if the court determines that the civil action was filed for the purpose of delay.

(c) The death of the **adult with a disability or** elder ~~or dependent adult~~ does not cause the court to lose jurisdiction of a claim for relief for abuse of that **adult with a disability or** elder ~~or dependent adult~~.

(d) (1) Subject to paragraph (2) and subdivision (e), after the death of the adult with a disability or elder or dependent adult, the right to commence or maintain an action shall pass to the personal representative of the decedent. If there is no personal representative, the right to commence or maintain an action shall pass to any of the following, if the requirements of Section 377.32 of the Code of Civil Procedure are met:

(A) An intestate heir whose interest is affected by the action.

(B) The decedent's successor in interest, as defined in Section 377.11 of the Code of Civil Procedure.

(C) An interested person, as defined in Section 48 of the Probate Code, as limited in this subparagraph. As used in this subparagraph, "an interested person" does not include a creditor or a person who has a claim against the estate and who is not an heir or beneficiary of the decedent's estate.

(2) If the personal representative refuses to commence or maintain an action or if the personal representative's family or an affiliate, as those terms are defined in subdivision (c) of Section 1064 of the Probate Code, is alleged to have committed abuse of the adult with a disability or elder or dependent adult, the persons described in subparagraphs (A), (B), and (C) of paragraph (1) shall have standing to commence or maintain an action for elder abuse. This paragraph does not require the court to resolve the merits of an elder abuse action for purposes of finding that a plaintiff who meets the qualifications of subparagraphs (A), (B), and (C) of paragraph (1) has standing to commence or maintain such an action.

(e) If two or more persons who are either described in subparagraph (A), (B), or (C) of paragraph (1) of subdivision (d) or a personal representative claim to have standing to commence or maintain an action for elder abuse, upon petition or motion, the court in which the action or proceeding is pending, may make any order concerning the parties that is appropriate to ensure the proper administration of justice in the case pursuant to Section 377.33 of the Code of Civil Procedure.

(f) This section does not affect the applicable statute of limitations for commencing an action for relief for abuse of an adult with a disability or elder ~~elderly or dependent adult~~.

Welf. & Inst. Code Section 15657.5

15657.5.

(a) Where it is proven by a preponderance of the evidence that a defendant is liable for financial abuse, as defined in Section 15610.30, in addition to compensatory damages and all other remedies otherwise provided by law, the court shall award to the plaintiff reasonable attorney's fees and costs. The term "costs" includes, but is not limited to, reasonable fees for the services of a conservator, if any, devoted to the litigation of a claim brought under this article.

(b) Where it is proven by a preponderance of the evidence that a defendant is liable for financial abuse, as defined in Section 15610.30, and where it is proven by clear and convincing evidence that the defendant has been guilty of recklessness, oppression, fraud, or malice in the

commission of the abuse, in addition to reasonable attorney's fees and costs set forth in subdivision (a), compensatory damages, and all other remedies otherwise provided by law, the limitations imposed by Section 377.34 of the Code of Civil Procedure on the damages recoverable shall not apply.

(c) The standards set forth in subdivision (b) of Section 3294 of the Civil Code regarding the imposition of punitive damages on an employer based upon the acts of an employee shall be satisfied before any punitive damages may be imposed against an employer found liable for financial abuse as defined in Section 15610.30. This subdivision shall not apply to the recovery of compensatory damages or attorney's fees and costs.

(d) Nothing in this section affects the award of punitive damages under Section 3294 of the Civil Code.

(e) Any money judgment in an action under this section shall include a statement that the damages are awarded based on a claim for financial abuse of an **adult with a disability or** elder ~~**or dependent adult**~~, as defined in Section 15610.30. If only part of the judgment is based on that claim, the judgment shall specify what amount was awarded on that basis.

Welf. & Inst. Code Section 15657.6

15657.6.

A person or entity that takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining the real or personal property of an **adult with a disability or** elder ~~**or dependent adult**~~ when the **adult with a disability or** elder ~~**or dependent adult**~~ lacks capacity pursuant to Section 812 of the Probate Code, or is of unsound mind, but not entirely without understanding, pursuant to Section 39 of the Civil Code, shall, upon demand by the **adult with a disability or** elder ~~**or dependent adult**~~ or a representative of the **adult with a disability or** elder ~~**or dependent adult**~~, as defined in subdivision (d) of Section 15610.30, return the property and if that person or entity fails to return the property, the **adult with a disability or** elder ~~**or dependent adult**~~ shall be entitled to the remedies provided by Section 15657.5, including attorney's fees and costs. This section shall not apply to any agreement entered into by an **adult with a disability or** elder ~~**or dependent adult**~~ when the **adult with a disability or** elder ~~**or dependent adult**~~ had capacity.

Welf. & Inst. Code Section 15657.7

15657.7.

An action for damages pursuant to Sections 15657.5 and 15657.6 for financial abuse of an **adult with a disability or** elder ~~**or dependent adult**~~ as defined in Section 15610.30, shall be commenced within four years after the plaintiff discovers or, through the exercise of reasonable diligence, should have discovered, the facts constituting the financial abuse.

Welf. & Inst. Code Section 15657.8

15657.8.

(a) An agreement to settle a civil action for physical abuse, as defined in Section 15610.63, neglect, as defined in Section 15610.57, or financial abuse, as defined in Section 15610.30, of an

adult with a disability or elder ~~or dependent adult~~ shall not include any of the following provisions, whether the agreement is made before or after filing the action:

- (1) A provision that prohibits any party to the dispute from contacting or cooperating with the county adult protective services agency, the local law enforcement agency, the long-term care ombudsman, the California Department of Aging, the Department of Justice, the Licensing and Certification Division of the State Department of Public Health, the State Department of Developmental Services, the State Department of State Hospitals, a licensing or regulatory agency that has jurisdiction over the license or certification of the defendant, any other governmental entity, a protection and advocacy agency, as defined in Section 4900, or the defendant's current employer if the defendant's job responsibilities include contact with elders, ~~dependent adults~~ **with a disability**, or children, provided that the party contacting or cooperating with one of these entities had a good faith belief that the information he or she provided is relevant to the concerns, duties, or obligations of that entity.
 - (2) A provision that prohibits any party to the dispute from filing a complaint with, or reporting any violation of law to, the county adult protective services agency, the local law enforcement agency, the long-term care ombudsman, the California Department of Aging, the Department of Justice, the Licensing and Certification Division of the State Department of Public Health, the State Department of Developmental Services, the State Department of State Hospitals, a licensing or regulatory agency that has jurisdiction over the license or certification of the defendant, any other governmental entity, a protection and advocacy agency, as defined in Section 4900, or the defendant's current employer if the defendant's job responsibilities include contact with elders, ~~dependent adults~~ **with a disability**, or children.
 - (3) A provision that requires any party to the dispute to withdraw a complaint he or she has filed with, or a violation he or she has reported to, the county adult protective services agency, the local law enforcement agency, the long-term care ombudsman, the California Department of Aging, the Department of Justice, the Licensing and Certification Division of the State Department of Public Health, the State Department of Developmental Services, the State Department of State Hospitals, a licensing or regulatory agency that has jurisdiction over the license or certification of the defendant, any other governmental entity, a protection and advocacy agency, as defined in Section 4900, or the defendant's current employer if the defendant's job responsibilities include contact with elders, ~~dependent adults~~ **with a disability**, or children.
- (b) A provision described in subdivision (a) is void as against public policy.
- (c) This section shall apply only to an agreement entered on or after January 1, 2013.

Welf. & Inst. Code Section 15658

15658.

- (a) A written abuse report, as required by this chapter, shall be submitted in one of the following ways:

(1) On a form adopted by the State Department of Social Services after consultation with representatives of the various law enforcement agencies, the California Department of Aging, the State Department of Developmental Services, the State Department of State Hospitals, the division, professional medical and nursing agencies, hospital associations, and county welfare departments. These reporting forms shall be distributed by the county adult protective services agencies and the long-term care ombudsman programs. This reporting form may also be used for documenting the telephone report of a known or suspected instance of abuse of an **adult with a disability or** elder ~~or dependent adult~~ by the county adult protective services agency, local ombudsman program, and local law enforcement agencies.

(2) Through a confidential internet reporting tool, if the county or long-term care ombudsman program chooses to implement such a system. This internet reporting tool shall be developed and implemented in a manner that ensures the confidentiality and security of all information contained in the reports, pursuant to the confidentiality standards set forth in Sections 10850, 15633, and 15633.5.

(A) A county or long-term care ombudsman program that chooses to implement this system shall report to the Assembly Committee on Aging and Long-Term Care, the Assembly Committee on Human Services, the Senate Committee on Human Services, the Assembly Committee on Public Safety, and the Senate Committee on Public Safety one year after full implementation. The report shall include changes in the number of mandated reporters reporting through the confidential internet reporting tool, changes in the number of abandoned calls, and any other quantitative or qualitative data that indicate the success, or lack thereof, in employing a confidential internet reporting tool to better protect the safety and financial security of **adults with a disability and** elders ~~and dependent adults~~.

(B) Information sent and received through the confidential internet reporting tool shall be used only for its intended purpose and shall be subject to the same confidentiality and privacy requirements that govern nonelectronic transmission of the same information, and that are set forth in Sections 10850, 15633, and 15633.5.

(b) The form required by this section and the confidential internet reporting tool, if implemented, shall contain the following items:

- (1) The name, address, telephone number, and occupation of the person reporting.
- (2) The name and address of the victim.
- (3) The date, time, and place of the incident.
- (4) Other details, including the reporter's observations and beliefs concerning the incident.
- (5) Any statement relating to the incident made by the victim.
- (6) The name of any individuals believed to have knowledge of the incident.
- (7) The name of the individuals believed to be responsible for the incident and their connection to the victim.

(c) (1) Each county adult protective services agency shall report to the State Department of Social Services monthly on the reports received pursuant to this chapter. The reports shall be made on forms adopted by the department. 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 (d).

(3) The department shall refer to the division monthly data summaries of the reports of **adult with a disability and** elder ~~and dependent adult~~ abuse, neglect, abandonment, isolation, financial abuse, and other abuse it receives from county adult protective services agencies.

(d) Each long-term care ombudsman program shall report to the Office of the State Long-Term Care Ombudsman of the California Department of Aging monthly on the reports it receives pursuant to this chapter and shall send a copy to the county adult protective services agency. The Office of the State Long-Term Care Ombudsman shall submit a summarized quarterly report to the department based on the monthly reports submitted by local long-term care ombudsman programs. The reports shall be on forms adopted by the department and the Office of the State Long-Term Care Ombudsman. The information reported shall include, but shall not be limited to, the number of incidents of abuse, the numbers of persons abused, the type of abuse, and the actions taken on the reports. For purposes of these reports, sexual abuse shall be reported separately from physical abuse.

Welf. & Inst. Code Section 15659

15659.

(a) Any person who enters into employment on or after January 1, 1995, as a care custodian, clergy member, health practitioner, or with an adult protective services agency or a local law enforcement agency, prior to commencing his or her employment and as a prerequisite to that employment, shall sign a statement on a form that shall be provided by the prospective employer, to the effect that he or she has knowledge of Section 15630 and will comply with its provisions. The employer shall provide a copy of Section 15630 to the employee. The statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Section 15630. The signed statement shall be retained by the employer.

(b) Agencies or facilities that employ persons who were employed prior to January 1, 1995, and who are required to make reports pursuant to Section 15630, shall inform those persons of their responsibility to make reports by delivering to them a copy of the statement specified in subdivision (a).

(c) The cost of printing, distribution, and filing of these statements shall be borne by the employer.

(d) On and after January 1, 1995, when a person is issued a state license or certificate to engage in a profession or occupation the members of which are required to make a report pursuant to Section 15630, the state agency issuing the license or certificate shall send to the person a statement substantially similar to the one contained in subdivision (a) at the same time that it transmits to the person the document indicating licensure or certification.

(e) As an alternative to the procedure required by subdivision (d), a state agency may cause the required statement to be printed on all application forms for a license or certificate printed on or after January 1, 1995.

(f) The retention of statements required by subdivision (a), and the delivery of statements required by subdivision (b), shall be the full extent of the employer's duty pursuant to this section. The failure of any employee or other person associated with the employer to report abuse of adults with a disability or elders ~~or dependent adults~~ pursuant to Section 15630 or otherwise meet the requirements of this chapter shall be the sole responsibility of that person. The employer or facility shall incur no civil or other liability for the failure of these persons to comply with the requirements of this chapter.

Welf. & Inst. Code Section 15670

15670.

The Legislature finds and declares all of the following:

(a) Instances of adult with a disability and elder ~~and dependent adult~~ abuse are on the rise, with the majority of the abuse occurring in the home of an adult with a disability or elder ~~or dependent adult~~ by noncertified caregivers.

(b) This state has a responsibility to protect these persons and to see that they are safeguarded from individuals who may pose a threat to their well-being.

(c) Criminal background checks of individuals who provide personal care services to adults with a disability and elders ~~and dependent adults~~, while not ending all occurrences of abuse, will serve as a factor in reducing some of these occurrences and giving senior citizens, ~~dependent~~ adults with a disability, and their families a sense of security that care is not being administered by individuals with dangerous criminal backgrounds.

(d) An effective background check program will be timely, affordable, and encompass caregivers in domestic and institutional settings.

(e) Individuals providing personal care services to adults with a disability and elders ~~and dependent adults~~ should be well trained and appropriately compensated for their services to foster the creation of a long-term, professional work force.

(f) Therefore, it is the intent of the Legislature in enacting this article that certified nurse assistants and certified home health aides shall be subject to a criminal background check.

(g) It is the intent of the Legislature that the State Department of Social Services prepare a plan by January 1, 1996, to implement a program of criminal background checks for in-home care providers employed under the In-Home Supportive Services program (Article 7 (commencing

with Section 12300) of Chapter 3 of Part 3). The plan shall be made available to the Legislature upon request.

Welf. & Inst. Code Section 4901(f)(1)

4901.

(a) The protection and advocacy agency, for purposes of this division, shall be a private nonprofit corporation and shall meet all of the requirements of federal law applicable to protection and advocacy systems, including, but not limited to, the requirement that it establish a grievance procedure for clients or prospective clients of the system to ensure that people with disabilities have full access to services of the system.

(b) State officers and employees, in taking any action relating to the protection and advocacy agency, shall meet the requirements of federal law applicable to protection and advocacy systems.

(c) The authority of the protection and advocacy agency set forth in this division shall not diminish the authority of the protection and advocacy agency under federal statutes pertaining to the authority of protection and advocacy systems, or under federal rules and regulations adopted in implementation of those statutes.

(d) Nothing in this division shall be construed to supplant the jurisdiction or the responsibilities of adult protective services programs pursuant to Chapter 11 (commencing with Section 15600), or Chapter 13 (commencing with Section 15750), of Part 3 of Division 9.

(e) (1) Nothing in this division shall be construed to supplant the duties or authority of the State Long-Term Care Ombudsman Program pursuant to Chapter 11 (commencing with Section 9700) of Division 8.5.

(2) The protection and advocacy agency shall cooperate with the Office of the State Long-Term Care Ombudsman when appropriate, as provided in Section 9717.

(f) (1) Nothing in this division shall be construed to alter or impact the Elder and ~~Dependent Adult~~ with a Disability-Civil Protection Act (Chapter 11 (commencing with Section 15600), or Chapter 13 (commencing with Section 15750), of Part 3 of Division 9, including the confidentiality requirements of Section 15633 and the legal responsibility of the protection and advocacy agency to report adult with a disability or elder ~~or dependent adult~~ abuse or neglect as required by paragraph (1) of subdivision (b) of Section 15630.

(2) The adult protective services agency shall retain the responsibility to investigate any report of abuse or neglect in accordance with Chapter 13 (commencing with Section 15750) of Part 3 of Division 9 when the reported abuse or neglect is within the jurisdiction of the adult protective services agency.

Welf. & Inst. Code Section 4903

4903.

(a) The protection and advocacy agency shall have access to the records of any of the following people with disabilities:

(1) Any person who is a client of the agency, or any person who has requested assistance from the agency, if that person or the agent designated by that person, or the guardian, conservator, limited conservator, or other legal representative of that person, has authorized the protection and advocacy agency to have access to the records and information. If a person with a disability who is able to authorize the protection and advocacy agency to access their records expressly denies this access after being informed by the protection and advocacy agency of their right to authorize or deny access, the protection and advocacy agency shall not have access to that person records.

(2) Any person, including any individual who cannot be located, to whom all of the following conditions apply:

(A) The individual, due to their mental or physical condition, is unable to authorize the protection and advocacy agency to have access to their records.

(B) The individual does not have a guardian, conservator, limited conservator, or other legal representative, or the individual's representative is a public entity, including the state or one of its political subdivisions.

(C) The protection and advocacy agency is authorized pursuant to subdivision (a) of Section 4902 to exercise the authority specified in that section.

(3) Any person who is deceased. Probable cause to believe that the death of an individual with a disability resulted from abuse or neglect or any other specific cause is not required for the protection and advocacy agency to obtain access to the records. For the purposes of access pursuant to this paragraph, "person with a disability" includes a person who died in a situation in which services, supports, or other assistance is, or has, customarily been provided to people with disabilities.

(4) Any person who has a guardian, conservator, limited conservator, or other legal representative with respect to whom a complaint has been received by the protection and advocacy agency, or with respect to whom the protection and advocacy agency has determined that probable cause exists to believe that the person has been or may be subjected to abuse or neglect, whenever all of the following conditions exist:

(A) The protection and advocacy agency made a good faith effort to contact the guardian, conservator, limited conservator, or other legal representative upon prompt receipt of the representative's contact information, which shall include, but not be limited to, the representative's name, address, telephone number, and email address.

(B) The protection and advocacy agency has offered assistance to the representatives to resolve the situation.

(C) The representative has failed or refused to consent on behalf of the person.

(5) Any other person with a disability under the circumstances described in subdivision (a) of Section 4902.

(b) Individual records that shall be available to the protection and advocacy agency under this division, whether written or in another medium, draft, preliminary, or final, including, but not limited to, handwritten notes, electronic files, photographs, videotapes, or audiotapes, shall include, but not be limited to, all of the following:

(1) Information and records prepared or received in the course of providing intake, assessment, evaluation, education, training, or other services, supports, or assistance, including, but not limited to, medical records, financial records, monitoring reports, or other reports, prepared or received by a member of the staff of a facility, program, or service provider. This includes records stored or maintained at sites other than that of the facility, program, or service provider and records that were not prepared by the facility, program, or service provider, but received by the facility, program, or service provider.

(2) Reports prepared by a federal, state, or local governmental agency or a private organization charged with investigating reports of incidents of abuse, neglect, injury, or death. The organizations whose reports are subject to this requirement include, but are not limited to, agencies in the foster care system, disabilities systems, prison and jail systems, facilities used to house or detain persons for purposes of civil immigration proceedings, public and private educational systems, emergency shelters, criminal and civil law enforcement agencies such as police departments, agencies overseeing juvenile justice facilities, juvenile detention facilities, all preadjudication and postadjudication juvenile facilities, state and federal licensing and certification agencies, and private accreditation organizations such as the Joint Commission on the Accreditation of Healthcare Organizations or by medical care evaluation or peer review committees, regardless of whether they are protected by state law. The reports subject to this requirement describe any or all of the following:

(A) Abuse, neglect, injury, or death.

(B) The steps taken to investigate the incidents.

(C) Reports and records, including, but not limited to, personnel records prepared or maintained by the facility, program, or service provider in connection with reports of incidents, subject to the following:

(i) If a state statute specifies procedures with respect to personnel records, the protection and advocacy agency shall follow those procedures.

(ii) Personnel records shall be protected from disclosure in compliance with the fundamental right of privacy established pursuant to Section 1 of Article I of the California Constitution. The custodian of personnel records shall have a right and a duty to resist attempts to allow the unauthorized disclosure of personnel records, and may not waive the privacy rights that are guaranteed pursuant to Section 1 of Article I of the California Constitution.

(D) Supporting information that was relied upon in creating a report, including, but not limited to, all information and records that document interviews with persons who were interviewed, physical and documentary evidence that was reviewed, or related investigative findings.

(3) Discharge planning records.

(c) Information in the possession of a program, facility, or service provider that must be available to the agency investigating instances of abuse or neglect pursuant to subdivision (a) of Section 4902, whether written or in another medium, draft, preliminary, or final, including, but not limited to, handwritten notes, electronic files, photographs, videotapes, audiotapes, or records, shall include, but not be limited to, all of the following:

(1) Information in reports prepared by individuals and entities performing certification or licensure reviews, or by professional accreditation organizations, as well as related assessments prepared for a program, facility, or service provider by its staff, contractors, or related entities, including peer review committees.

(2) Information in professional, performance, building, or other safety standards, or demographic and statistical information, relating to the facility, program, or service provider.

(d) The authority of the protection and advocacy agency to have access to records does not supersede any prohibition on discovery specified in Sections 1157 and 1157.6 of the Evidence Code, nor does it supersede any prohibition on disclosure subject to the physician-patient privilege or the psychotherapist-patient privilege.

(e) An educational agency, including, but not limited to, public, private, and charter schools and public and private residential and nonresidential schools, shall provide the protection and advocacy agency with the name and contact information for the parent or guardian of a student for whom the protection and advocacy agency has authority to access, inspect, and copy records.

(f) (1) The protection and advocacy agency shall have access to records of individuals described in subdivision (a) of Section 4902 and in subdivision (a), and other records that are relevant to conducting an investigation, under the circumstances described in those subdivisions, not later than three business days after the agency makes a written request for the records involved.

(2) The protection and advocacy agency shall have immediate access to the records, including the right to inspect and copy the records, as described in subdivision (g), not later than 24 hours after the agency makes a request, without consent from another party, in a situation in which treatment, services, supports, or other assistance is provided to an individual with a disability, if the agency determines that the health or safety of the individual is in serious and immediate jeopardy, or in a case of the death of an individual with a disability.

(3) If the protection and advocacy agency's access to records is denied or delayed beyond the deadlines specified in paragraphs (1) and (2), the protection and advocacy agency shall, within two business days after the expiration of the deadline, be provided with a written statement of reasons for the denial or delay. In the case of a denial for alleged lack of authorization, the name, address, and telephone number of the guardian, conservator, limited conservator, or other legal representative of the individual with a disability shall be included in the statement.

(g) A protection and advocacy agency shall be permitted to inspect and copy information and records, subject to a reasonable charge to offset duplicating costs. If the facility, program, or service provider or its agents copy the records for the protection and advocacy agency, it shall not charge the protection and advocacy agency an amount that would exceed the amount authorized by the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) for reproducing documents. The protection and advocacy agency may make written notes when inspecting information and records, and may use its own photocopying equipment to obtain copies. For state-operated mental health facilities, the protection and advocacy agency may not use equipment or devices otherwise restricted in the facilities when copying records in a portion of the facility where the restriction applies. If a party other than the protection and advocacy agency performs the photocopying or other reproduction of records, it shall provide the photocopies or reproductions to the protection and advocacy agency within the timeframes specified in subdivision (f). In addition, if records are kept or maintained electronically, they shall be provided to the protection and advocacy agency electronically.

(h) (1) Confidential information kept or obtained by the protection and advocacy agency shall remain confidential and is not subject to disclosure.

(2) The protection and advocacy agency shall obtain written consent from the following individuals, as applicable, before releasing information concerning them to a person not otherwise authorized to receive it:

(A) An individual with a disability, a client, or the individual's or client's guardian, conservator, limited conservator, or other legal representative.

(B) An individual who has been provided general information or technical assistance on a particular matter.

(C) An individual who furnishes reports or information that form the basis for a determination of probable cause that an individual has been or may be subject to abuse or neglect, or is in serious and immediate jeopardy.

(3) This subdivision shall not, however, prevent the protection and advocacy agency from doing any of the following:

(A) Sharing the information with the individual client who is the subject of the record or report or other document, or with the client's legally authorized representative, subject to any limitation on disclosure to recipients of mental health services as provided in subsection (b) of Section 10806 of Title 42 of the United States Code.

(B) Issuing a public report of the results of an investigation that maintains the confidentiality of individual service recipients.

(C) Reporting the results of an investigation to responsible investigative or enforcement agencies in a manner that maintains the confidentiality of the individuals should an investigation reveal information concerning the facility, program, or service provider, or their staff or employees warranting possible sanctions or corrective action. The

information may be reported to agencies that are responsible for facility, program, or service provider licensing or accreditation, employee discipline, employee licensing or certification suspension or revocation, or criminal investigation or prosecution.

(D) Pursuing alternative remedies, including the initiation of legal action.

(E) Reporting suspected adult with a disability or elder ~~or dependent adult~~ abuse pursuant to the Elder Abuse and ~~Dependent Adult~~ with a Disability Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9).

(4) Notwithstanding the confidentiality requirements of this section, the protection and advocacy agency may make a report to investigative or enforcement agencies that reveals the identity of an individual with a disability, and information relating to their status or treatment in any of the following situations:

(A) When the agency has received a complaint that the individual has been or may be subject to abuse and neglect, or has probable cause to believe that the individual has been or may be subject to abuse or neglect.

(B) When the protection and advocacy agency determines that the health or safety of the individual is in serious and immediate jeopardy.

(C) In the case of the death of an individual whom the protection and advocacy agency believes may have had a disability.

(i) The protection and advocacy agency shall inform and train employees as appropriate regarding the confidentiality of client records.

(j) The authority provided pursuant to subdivision (b) shall include access to all of the following:

(1) An unredacted facility evaluation report form or an unredacted complaint investigation report form of the State Department of Social Services. This information shall remain confidential and subject to the confidentiality requirements of subdivision (h).

(2) An unredacted citation report, unredacted licensing report, unredacted survey report, unredacted plan of correction, or unredacted statement of deficiency of the State Department of Public Health, prepared by authorized licensing personnel or authorized representatives as described in subdivision (a) of Section 5328.15. The information shall remain confidential and subject to the confidentiality requirements of subdivision (h).

(k) Notwithstanding any other state law governing patient privacy, the sharing of health information and records with a protection and advocacy agency is permitted to the extent that the sharing is required by law and complies with the requirements of that law. The Legislature finds and declares that the federal Health Insurance Portability and Accountability Act of 1996 privacy rule permits the disclosure of protected health information to a protection and advocacy agency, without the authorization of the individual who is the subject of the protected health information, to the extent that the disclosure is required by law and the disclosure complies with the requirements of that law.

Welf. & Inst. Code Section 10850.1

10850.1.

(a) Notwithstanding any other provision of law, for purposes of Section 10850, the activities of a multidisciplinary personnel team engaged in the prevention, identification, management, or treatment of child abuse or neglect, or of the abuse of **persons with a disability or elders** ~~or dependent persons~~ are activities performed in the administration of public social services, and a member of the team may disclose and exchange any information or writing that also is kept or maintained in connection with any program of public social services or otherwise designated as confidential under state law which he or she reasonably believes is relevant to the prevention, identification, management, or treatment of child abuse or neglect, or of the abuse of **persons with disabilities or elders** ~~or dependent persons~~ to other members of the team. All discussions relative to the disclosure or exchange of any such information or writing during team meetings are confidential and, notwithstanding any other provision of law, testimony concerning any such discussion is not admissible in any criminal, civil, or juvenile court proceeding.

(b) As used in this section:

(1) “Child abuse” has the same meaning as defined in Section 18951. As used in this section, “abuse of **persons with disabilities or elders** ~~or dependent persons~~” has the meaning given in Section 15610.07.

(2) “Multidisciplinary personnel team” means a team as specified in Section 15610.55 relative to the abuse of **persons with disabilities or elders** ~~or dependent persons~~ or 18951 relative to child abuse or neglect.

15700.

(a) The Legislature finds and declares all of the following:

(1) **Adults with a disability and elders** ~~Elder and adults~~ may be subjected to abuse, neglect, or abandonment, and that this state has a responsibility to protect those persons.

(2) Most **adults with a disability and elders** ~~and dependent adults~~ who are at greatest risk of abuse, neglect, or abandonment by their families or caretakers, suffer physical impairments and other poor health that place them in a dependent and vulnerable position.

(3) A significant number of these persons have developmental disabilities and that mental and verbal limitations often leave them vulnerable to abuse and incapable of asking for help and protection.

(4) In cases of severe **adult with a disability and** ~~elder and dependent adult~~ abuse or neglect, endangered adults are often placed in situations that pose an immediate risk of serious injury or death.

(5) In cases of severe **adult with a disability and** ~~elder and dependent adult~~ abuse or neglect, endangered adults are frequently deprived of their personal autonomy and dignity by

their abusers, thus preventing them from acting on their own needs or desires to free themselves from serious, and even life-threatening, abuse or neglect.

(6) Due to limited resources, court delays, and limitations of existing law, authorities are often unable to intervene in time to prevent victims of abuse and neglect from being seriously injured or killed.

(7) These limitations have left endangered adults, or adults with a disability and elders ~~and dependent adults~~ subject to avoidable pain, suffering, and death, and has resulted in the expenditure of public funds of the treatment of major injuries and health conditions that could have been avoided with proper and timely intervention.

(b) It is the intent of the Legislature, in enacting this chapter, to enhance the protection of adults with a disability and elders ~~elderly persons and dependent adults~~ by providing a mechanism for temporary emergency protective custody of adults with a disability or elders ~~elderly or dependent adults~~ who are suspected victims of abuse or neglect, and who are found to be in a situation that poses an immediate risk of serious injury or death, and when no other means are available to mitigate the risk to the ~~elderly or dependent adults~~ adults with a disability or elders.

Welf. & Inst. Code Section 15701.05

15701.05.

“Appropriate temporary residence” means any of the following:

(a) A home or dwelling belonging to a member of the endangered adult’s family or next of kin, if it would not constitute a risk to the endangered adult or dependent adult with a disability.

(b) An adult residential care facility or residential care facility for the elderly designated by the county as an emergency shelter and that is licensed by the State of California to deal with the needs of adults with a disability or elders ~~or dependent adults~~.

(c) A 24-hour health facility, as designated by Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(d) Any other home, dwelling, or congregate care unit that meets the needs of the adult.

(e) This chapter shall not be used to circumvent or supplant the involuntary detention and evaluation process provided for pursuant to Chapter 2 (commencing with Section 5150) of Part 1 of Division 5. A person shall not be deemed an “endangered adult” for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone, in lieu of medical treatment.

(f) This chapter shall not be used to effectuate placement in jails or correctional treatment centers, as defined in paragraph (1) of subdivision (j) of Section 1250 of the Health and Safety Code.

Welf. & Inst. Code Section 15701.25

15701.25.

“Endangered adult” means ~~a dependent~~ **an adult with a disability** or elder ~~adult~~ who is at immediate risk of serious injury or death, due to suspected abuse or neglect and who demonstrates the inability to take action to protect himself or herself from the consequences of remaining in that situation or condition.

15751.

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

Welf. & Inst. Code Section 15755

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 **adult with a disability or** ~~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.

Welf. & Inst. Code Section 15768(b), (d), (e)

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 **adults with a disability and elders** ~~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 **adults with a disability and elderly and dependent adults- elders** 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 **adult with a disability and** ~~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.

Welf & Inst. Code Section 15762

15762.

When an allegation of abuse of an **adult with a disability or** ~~elder or dependent adult~~ is reported to a county designated adult protective service agency and an agency social worker has reason to believe an **adult with a disability or** ~~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 **adult with a disability or** ~~elder or dependent adult~~ about whom the report was made in the residence or dwelling in which the **adult with a disability or** ~~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.

Welf & Inst. Code Section 15763

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 **adult with a disability or** ~~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 **adult with a disability or** 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 **adults with a disability and** 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 **adult with a disability or** 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 **adult with a disability or** 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 **adult with a disability or** 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 **adult with a disability or** 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 adult with a disability or ~~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 adults with a disability and ~~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 adults with a disability and ~~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.

Welf. & Inst. Code Section 15766

15766.

The investigation of allegations of adult with a disability and elder ~~and dependent adult~~ abuse pursuant to this chapter, and the case management of adult with a disability and 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 adult with a disability or 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.

Welf. & Inst. 15750(b)(1)

Welfare and Institutions Code 15770(a)(2), (b)

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~~ Adult with a disability” 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~~ **Adult with a disability**” 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)~~ (c) 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.

Welfare and Institutions Code 15771(a)

15771.

(a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the department shall award grants to counties, tribes, or groups of counties or tribes, that provide services to older adults and ~~dependent~~ adults **with a disability** who experience abuse, neglect, self-neglect, or exploitation and otherwise meet the eligibility criteria for adult protective services, for the purpose of providing housing-related supports to eligible individuals.

(b) Notwithstanding subdivision (a), this section does not create an entitlement to housing-related assistance, which is to be provided at the discretion of the grantee as a service to eligible individuals.

(c) (1) It is the intent of the Legislature that housing-related assistance provided pursuant to this chapter utilize evidence-based practices in homeless assistance and prevention, including housing risk screening and assessments, housing first, rapid rehousing, and supportive housing.

(2) Housing-related supports and services available to participating individuals may include, but are not limited to, all of the following:

(A) An assessment of each individual’s housing needs, including a plan to assist the individual in meeting those needs, consistent with the case plan, as developed by the adult protective services agency. To the extent feasible, the plan shall be developed in coordination with a multidisciplinary team that may include housing program providers, mental health providers, local law enforcement, legal assistance providers, and others as deemed relevant by the adult protective services agency.

(B) Navigation or search assistance to recruit landlords and assist individuals in locating affordable or subsidized housing.

(C) Enhanced case management, including motivational interviewing and trauma-informed care, to help the individual recover from elder abuse, neglect, or financial exploitation.

(D) Housing-related financial assistance, including rental assistance, security deposit assistance, utility payments, moving cost assistance, and interim housing assistance while housing navigators are actively seeking permanent housing options for the individual.

(E) Housing stabilization services, including ongoing landlord engagement, case management, public systems assistance, legal services, tenant education, eviction protection, credit repair assistance, life skills training, heavy cleaning, and conflict mediation with landlords, neighbors, and families.

(F) If the individual requires supportive housing, referral to the local homeless continuum of care for long-term services promoting housing stability.

(G) Referrals and coordination of services to access mental or behavioral health assistance, as necessary or appropriate.

(d) The department shall provide grants to counties and tribes according to criteria and procedures developed by the department, in consultation with the County Welfare Directors Association of California, tribes, the California Elder Justice Coalition, and the California Commission on Aging. These criteria shall include, but are not limited to, all of the following:

(1) Eligible sources of funds and in-kind contributions to match the grant, as described in paragraph (1) of subdivision (e).

(2) The proportion of funding to be expended on reasonable and appropriate administrative activities, in order to minimize overhead and maximize services.

(3) Tracking and reporting procedures for the program, which shall be conducted as a condition of receiving funds, including, but not limited to, collecting disaggregated data on all of the following:

(A) The number of people determined eligible for the program.

(B) The number of people receiving assistance from the program and the duration of that assistance.

(C) The types of housing assistance received by recipients.

(D) The housing status six months and one year after receiving assistance from the program.

(E) The number of substantiated adult protective services reports six months and one year after receiving assistance from the program.

(e) Grants shall be subject to all of the following requirements:

(1) (A) Except as otherwise provided in subparagraph (B), grantees shall match the funding on a dollar-for-dollar basis, which may be met by cash or in-kind contributions.

(B) Beginning on July 1, 2021, grantees that receive state funds under this chapter shall not be required to match any funding.

(2) Grantees shall demonstrate the extent to which they will attempt to leverage county mental health services funds for participating individuals, and any barriers to leveraging these funds.

(3) Grantees shall agree to actively cooperate with tracking, reporting, and evaluation efforts.

(4) Grantees shall coordinate with the local homeless continuum of care network.

(f) Funding pursuant to this section shall supplement, and not supplant, the level of county or tribal funding spent on these purposes in the 2017–18 fiscal year.

(g) Utilizing the funds appropriated for purposes of this chapter, the department shall, in consultation with the County Welfare Directors Association of California, tribes, the California Elder Justice Coalition, and the California Commission on Aging, enter into a contract with an independent evaluation and research agency to evaluate the impacts of the program, which may include, but are not limited to, the following:

(1) The likelihood of future homelessness and housing instability among recipients.

(2) The likelihood of future instances of abuse and neglect among recipients.

(3) Program costs and benefits.

(h) This chapter shall not be construed to require a tribe, or tribal entity or agency, to comply with Chapter 13 (commencing with Section 15750) of this part, including, but not limited to, the requirement to establish a county adult protective services system or an emergency response adult protective services program.

(i) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this chapter through all-county letters without taking regulatory action.

Welf. & Inst. Code Section 15751

15751.

Each county welfare department shall establish and support a system of protective services to adults with a disability and elders ~~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.

Welf. & Inst. Code Section 15762

15762.

When an allegation of abuse of an adult with a disability or ~~elder or dependent adult~~ is reported to a county designated adult protective service agency and an agency social worker has reason to believe an adult with a disability or ~~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 adult with a disability or ~~elder or dependent adult~~ about whom the report was made in the residence or dwelling in which the adult with a disability or ~~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.

Welf. & Inst. Code Section 15763(a), (b), (c), (d)

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 adult with a disability or ~~elder or 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 adult with a disability or ~~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 adults with a disability and ~~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 adult with a disability or ~~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 adult with a disability or ~~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 adult with a disability or ~~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 adult with a disability or 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 adult with a disability or 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 adults with a disability and 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 adults with a disability and 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.

Welf & Inst. Code Section 15755

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 adult with a disability or 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.

Welf. & Inst. Code Section 15766

15766.

The investigation of allegations of adult with a disability and elder ~~and dependent adult~~ abuse pursuant to this chapter, and the case management of adult with a disability and 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 adult with a disability or 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.

Welf & Inst. Code Section 15768

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 **adults with a disability and elders** ~~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 **adults with a disability and elders** ~~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 **adult with a disability or** ~~elder or 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.

Evid. 177

Evidence Code Section 710

710.

Every witness before testifying shall take an oath or make an affirmation or declaration in the form provided by law, except that a child under the age of 10 or a ~~dependent~~ person with a disability whose disability includes ~~with~~ a substantial cognitive impairment, in the court's discretion, may be required only to promise to tell the truth.

Evidence Code Section 765(b)

765.

(a) The court shall exercise reasonable control over the mode of interrogation of a witness so as to make interrogation as rapid, as distinct, and as effective for the ascertainment of the truth, as may be, and to protect the witness from undue harassment or embarrassment.

(b) With a witness under the age of 14 or a ~~dependent~~ person with a disability whose disability includes ~~with~~ a substantial cognitive impairment, the court shall take special care to protect him or her from undue harassment or embarrassment, and to restrict the unnecessary repetition of questions. The court shall also take special care to ensure that questions are stated in a form which is appropriate to the age or cognitive level of the witness. The court may, in the interests of justice, on objection by a party, forbid the asking of a question which is in a form that is not reasonably likely to be understood by a person of the age or cognitive level of the witness.

Evidence Code Section 767(b)

767.

(a) Except under special circumstances where the interests of justice otherwise require:

(1) A leading question may not be asked of a witness on direct or redirect examination.

(2) A leading question may be asked of a witness on cross-examination or recross-examination.

(b) The court may, in the interests of justice permit a leading question to be asked of a child under 10 years of age or a ~~dependent~~ person with a disability whose disability includes ~~with~~ a substantial cognitive impairment in a case involving a prosecution under Section 273a, 273d, 288.5, 368, or any of the acts described in Section 11165.1 or 11165.2 of the Penal Code.

Evidence Code Section 1109(a)(2), (d)(1)

1109.

(a) (1) Except as provided in subdivision (e) or (f), in a criminal action in which the defendant is accused of an offense involving domestic violence, evidence of the defendant's commission of other domestic violence is not made inadmissible by Section 1101 if the evidence is not inadmissible pursuant to Section 352.

(2) Except as provided in subdivision (e) or (f), in a criminal action in which the defendant is accused of an offense involving abuse of a person with a disability or an elder-~~or dependent~~ ~~person~~, evidence of the defendant's commission of other abuse of a person with a disability or an elder-~~or dependent~~ ~~person~~ is not made inadmissible by Section 1101 if the evidence is not inadmissible pursuant to Section 352.

(3) Except as provided in subdivision (e) or (f) and subject to a hearing conducted pursuant to Section 352, which shall include consideration of any corroboration and remoteness in time, in a criminal action in which the defendant is accused of an offense involving child abuse, evidence of the defendant's commission of child abuse is not made inadmissible by Section 1101 if the evidence is not inadmissible pursuant to Section 352. Nothing in this paragraph prohibits or limits the admission of evidence pursuant to subdivision (b) of Section 1101.

(b) In an action in which evidence is to be offered under this section, the people shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, in compliance with the provisions of Section 1054.7 of the Penal Code.

(c) This section shall not be construed to limit or preclude the admission or consideration of evidence under any other statute or case law.

(d) As used in this section:

(1) "Abuse of a person with a disability or an elder-~~or dependent~~ ~~person~~" means physical or sexual abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment that results in physical harm, pain, or mental suffering, the deprivation of care by a caregiver, or other deprivation by a custodian or provider of goods or services that are necessary to avoid physical harm or mental suffering.

(2) "Child abuse" means an act proscribed by Section 273d of the Penal Code.

(3) "Domestic violence" has the meaning set forth in Section 13700 of the Penal Code. Subject to a hearing conducted pursuant to Section 352, which shall include consideration of any corroboration and remoteness in time, "domestic violence" has the further meaning as set forth in Section 6211 of the Family Code, if the act occurred no more than five years before the charged offense.

(e) Evidence of acts occurring more than 10 years before the charged offense is inadmissible under this section, unless the court determines that the admission of this evidence is in the interest of justice.

(f) Evidence of the findings and determinations of administrative agencies regulating the conduct of health facilities licensed under Section 1250 of the Health and Safety Code is inadmissible under this section.

Pen. 288(f)(3)

Penal Code Section 288(a)(2), (c)(2), (d), (f)(1), (f)(1)(E), (f)(1)(O), (h)

288.

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) (1) A person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a ~~dependent~~-person with a disability by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

(c) (1) A person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child.

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a ~~dependent~~-person with a disability, with the intent described in subdivision (a), is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.

(d) In any arrest or prosecution under this section or Section 288.5, the peace officer, district attorney, and the court shall consider the needs of the child victim or ~~dependent~~-person with a disability and shall do whatever is necessary, within existing budgetary resources, and constitutionally permissible to prevent psychological harm to the child victim or to prevent psychological harm to the ~~dependent~~-person with a disability victim resulting from participation in the court process.

(e) (1) Upon the conviction of a person for a violation of subdivision (a) or (b), the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to

exceed ten thousand dollars (\$10,000). In setting the amount of the fine, the court shall consider any relevant factors, including, but not limited to, the seriousness and gravity of the offense, the circumstances of its commission, whether the defendant derived any economic gain as a result of the crime, and the extent to which the victim suffered economic losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs pursuant to Section 13837.

(2) If the court orders a fine imposed pursuant to this subdivision, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply:

(1) “Caretaker” means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for persons with a disability or ~~elders or dependent persons~~:

(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) Adult day health care centers.

(E) Secondary schools that serve ~~dependent~~ persons with a disability and postsecondary educational institutions that serve ~~dependent~~ persons with with a disability or elders.

(F) Sheltered workshops.

(G) Camps.

(H) Community care facilities, as defined by Section 1402 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.

(I) Respite care facilities.

(J) Foster homes.

(K) Regional centers for persons with developmental disabilities.

(L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.

(M) An agency that supplies in-home supportive services.

(N) Board and care facilities.

(O) Any other protective or public assistance agency that provides health services or social services to elder or ~~dependent~~ persons with disabilities, including, but not limited to, in-home supportive services, as defined in Section 14005.14 of the Welfare and Institutions Code.

(P) Private residences.

(2) “Board and care facilities” means licensed or unlicensed facilities that provide assistance with one or more of the following activities:

(A) Bathing.

(B) Dressing.

(C) Grooming.

(D) Medication storage.

(E) Medical dispensation.

(F) Money management.

(3) “~~Dependent person~~Person with a disability” means a person, regardless of whether the person lives independently, who has a physical or mental impairment that 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 significantly diminished because of age. “~~Dependent person~~Person with a disability” includes a person 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.

(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c).

(h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the ~~dependent~~ person with a disability under care.

(i) (1) A person convicted of a violation of subdivision (a) shall be imprisoned in the state prison for life with the possibility of parole if the defendant personally inflicted bodily harm upon the victim.

(2) The penalty provided in this subdivision shall only apply if the fact that the defendant personally inflicted bodily harm upon the victim is pled and proved.

(3) As used in this subdivision, “bodily harm” means any substantial physical injury resulting from the use of force that is more than the force necessary to commit the offense.

Penal Code Section 502.9

502.9.

Upon conviction of a felony violation under this chapter, the fact that the victim was ~~an~~ **a person with a disability or an** elder-~~or dependent person~~, as defined in Section 288, shall be considered a circumstance in aggravation when imposing a term under subdivision (b) of Section 1170.

Penal Code Section 515

515.

Upon conviction of a felony violation under this chapter, the fact that the victim was ~~an~~ **a person with a disability or an** elder-~~or dependent person~~, as defined in Section 288, shall be considered a circumstance in aggravation when imposing a term under subdivision (b) of Section 1170.

Penal Code Section 525

525.

Upon conviction of a felony violation under this chapter, the fact that the victim was ~~an~~ **a person with a disability or an** elder-~~or dependent person~~ as defined in Section 288, shall be considered a circumstance in aggravation when imposing a term under subdivision (b) of Section 1170.

Penal Code Section 859.1(a), (b)(2)

859.1.

(a) In any criminal proceeding in which the defendant is charged with any offense specified in Section 868.8 on a minor under the age of 16 years, or a ~~dependent~~ person **with a disability whose disability includes** ~~with~~ a substantial cognitive impairment, as defined in paragraph (3) of subdivision (f) of Section 288, the court shall, upon motion of the prosecuting attorney, conduct a hearing to determine whether the testimony of, and testimony relating to, a minor or ~~dependent~~ person **with a disability** shall be closed to the public in order to protect the minor’s or the ~~dependent~~ person **with a disability’s** reputation.

(b) In making this determination, the court shall consider all of the following:

(1) The nature and seriousness of the offense.

(2) The age of the minor, or the level of cognitive development of the ~~dependent~~ person **with a disability**.

- (3) The extent to which the size of the community would preclude the anonymity of the victim.
- (4) The likelihood of public opprobrium due to the status of the victim.
- (5) Whether there is an overriding public interest in having an open hearing.
- (6) Whether the prosecution has demonstrated a substantial probability that the identity of the witness would otherwise be disclosed to the public during that proceeding, and demonstrated a substantial probability that the disclosure of his or her identity would cause serious harm to the witness.
- (7) Whether the witness has disclosed information concerning the case to the public through press conferences, public meetings, or other means.
- (8) Other factors the court may deem necessary to protect the interests of justice.

Penal Code Section 861.5

861.5.

Notwithstanding subdivision (a) of Section 861, the magistrate may postpone the preliminary examination for one court day in order to accommodate the special physical, mental, or emotional needs of a child witness who is 10 years of age or younger or a ~~dependent~~ person **with a disability**, as defined in paragraph (3) of subdivision (f) of Section 288.

The magistrate shall admonish both the prosecution and defense against coaching the witness prior to the witness' next appearance in the preliminary examination.

Penal Code Section 868.7(a)(1)

868.7.

(a) Notwithstanding any other provision of law, the magistrate may, upon motion of the prosecutor, close the examination in the manner described in Section 868 during the testimony of a witness:

- (1) Who is a minor or a ~~dependent~~ person **with a disability**, as defined in paragraph (3) of subdivision (f) of Section 288, with a substantial cognitive impairment and is the complaining victim of a sex offense, where testimony before the general public would be likely to cause serious psychological harm to the witness and where no alternative procedures, including, but not limited to, video recorded deposition or contemporaneous examination in another place communicated to the courtroom by means of closed-circuit television, are available to avoid the perceived harm.
- (2) Whose life would be subject to a substantial risk in appearing before the general public, and where no alternative security measures, including, but not limited to, efforts to conceal his or her features or physical description, searches of members of the public attending the examination, or the temporary exclusion of other actual or potential witnesses, would be adequate to minimize the perceived threat.

(b) In any case where public access to the courtroom is restricted during the examination of a witness pursuant to this section, a transcript of the testimony of the witness shall be made available to the public as soon as is practicable.

Welf. & Inst. Code Section 15654(b)(2)

15654.

(a) As described in subdivision (h) of Section 12528 of the Government Code, the division shall offer training programs to local law enforcement and prosecutorial personnel in investigating and prosecuting crimes against **adults with a disability and** elders ~~and dependent adults~~, and to the State Department of Health Care Services, the State Department of Social Services, the county adult protective services agencies and to the long-term care ombudsman program in evaluating and documenting criminal abuse against elders and dependent adults.

(b) When producing new or updated training materials pursuant to this section, the division shall consult with the Commission on Peace Officer Standards and Training and other subject matter experts. Any new or updated training materials shall address all of the following:

(1) The jurisdiction and responsibility of law enforcement agencies pursuant to Section 368.5 of the Penal Code.

(2) The fact that the protected classes of “~~dependent~~ person **with a disability**” as defined in Section 288 of the Penal Code and “~~dependent~~ adult **with a disability**” as defined in Section 368 of the Penal Code include many persons with disabilities, regardless of the fact that most of those persons live independently.

(3) Other relevant information and laws.

(c) When the division offers or provides new or updated training materials pursuant to this section, the division also may inform the agencies of other relevant training materials.

Undefined

Bus. & Prof. Code 2915.2

2915.2.

(a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of **adults with a disability**, child, ~~and elder, and dependent adult~~ abuse, and abusers and potential abusers of **adults with a disability**, children, ~~and~~ elders, ~~and dependent adults~~ are provided with adequate and appropriate training regarding the assessment and reporting of **adult with a disability**, child, ~~and~~ elder, ~~and dependent adult~~ abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.

(b) The board shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist or initial registration or renewal of registration as a research psychoanalyst. This training shall be required

one time only for all persons applying for initial licensure or registration or for license or registration renewal.

(c) All persons applying for initial licensure or renewal of a license as a psychologist or initial registration or renewal of registration as a research psychoanalyst shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:

(1) Be obtained from one of the following sources:

(A) An accredited or approved educational institution, as defined in Sections 2902, including extension courses offered by those institutions.

(B) A continuing education provider, as specified by the board by regulation.

(C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the board.

(2) Have a minimum of seven contact hours.

(3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(4) An applicant shall provide the board with documentation of completion of the required child abuse training.

(d) The board shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in the applicant's practice because of the nature of that practice.

(e) It is the intent of the Legislature that a person licensed as a psychologist or registered as a research psychoanalyst have minimal but appropriate training in the areas of **adult with a disability**, child, **and** elder, ~~and dependent adult~~ abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of **adult with a disability**, child, **and** elder, ~~and dependent adult~~ abuse victims and abusers.

(f) The board is encouraged to include coursework regarding the assessment and reporting of **adult with a disability and** elder ~~and dependent adult~~ abuse in the required training on aging and long-term care issues prior to licensure or registration or license or registration renewal.

Bus. & Prof. Code 2915.5(a)

2915.5.

(a) Any applicant for licensure as a psychologist, as a condition of licensure, shall complete a minimum of six contact hours of coursework or applied experience in aging and long-term care, which may include, but need not be limited to, the biological, social, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, **adult with a disability and** ~~elder and dependent adult~~ abuse and neglect.

(b) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a transcript indicating completion of this coursework. In the absence of this coursework title in the transcript, the applicant shall submit a written certification from the registrar, department chair, or training director of the educational institution or program from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation at the time the applicant graduated, or within the coursework, that was completed by the applicant.

(c) (1) If an applicant does not have coursework pursuant to this section, the applicant may obtain evidence of compliance as part of their applied experience in a practicum, internship, or formal postdoctoral placement that meets the requirement of Section 2911, or other qualifying supervised professional experience.

(2) To satisfy the applied experience requirement of this section, the applicant shall submit to the board a written certification from the director of training for the program or primary supervisor where the qualifying experience occurred stating that the training required by this section is included within the applied experience.

(d) If an applicant does not meet the curriculum or coursework requirement pursuant to this section, the applicant may obtain evidence of compliance by taking a continuing education course that meets the requirements of subdivision (d) or (e) of Section 2915 and that qualifies as a learning activity category specified in paragraph (2) or (3) of subdivision (c) of Section 2915. To satisfy this requirement, the applicant shall submit to the board a certification of completion.

(e) A written certification made or submitted pursuant to this section shall be done under penalty of perjury.

Bus. & Prof. Code 2954.5

2954.5.

(a) Effective January 1, 2026, an applicant for registration as a research psychoanalyst, as a condition of licensure, shall complete a minimum of six contact hours of coursework or applied experience in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, **adult with a disability and** ~~elder and dependent adult~~ abuse and neglect.

(b) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a transcript indicating completion of this coursework. In the absence of this

coursework title in the transcript, the applicant shall submit a written certification from the registrar, department chair, or training director of the educational institution or program from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation at the time the applicant graduated, or within the coursework, that was completed by the applicant.

(c) (1) If an applicant does not have coursework pursuant to this section, the applicant may obtain evidence of compliance as part of their applied experience in a practicum, internship, or other qualifying supervised professional experience.

(2) To satisfy the applied experience requirement of this section, the applicant shall submit to the board a written certification from the director of training for the program or primary supervisor where the qualifying experience occurred stating that the training required by this section is included within the applied experience.

(d) If an applicant does not meet the curriculum or coursework requirement pursuant to this section, the applicant may obtain evidence of compliance by taking a continuing education course that meets the requirements of subdivision (d) or (e) of Section 2954.2 and that qualifies as a learning activity category specified in paragraph (2) or (3) of subdivision (c) of Section 2954.2. To satisfy this requirement, the applicant shall submit to the board a certification of completion.

(e) A written certification made or submitted pursuant to this section shall be done under penalty of perjury.

Bus. & Prof. Code 4980.36(d)(2)(B)(iii)

4980.36.

(a) This section shall apply to the following:

(1) Applicants for licensure or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for licensure or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for licensure or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for a license or registration, applicants shall possess a doctoral or master's degree meeting the requirements of this section in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical psychology, counseling psychology, or either counseling or clinical mental health counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy. The degree shall be obtained from a school, college, or university approved by the Bureau for Private Postsecondary Education, or accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education. The board has the authority to make the final

determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval.

(c) A doctoral or master's degree program that qualifies for licensure or registration shall be a single, integrated program that does the following:

(1) Integrate all of the following throughout its curriculum:

(A) Marriage and family therapy principles.

(B) The principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, among others.

(C) An understanding of various cultures and the social and psychological implications of socioeconomic position, and an understanding of how poverty and social stress impact an individual's mental health and recovery.

(2) Allow for innovation and individuality in the education of marriage and family therapists.

(3) Encourage students to develop the personal qualities that are intimately related to effective practice, including, but not limited to, integrity, sensitivity, flexibility, insight, compassion, and personal presence.

(4) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.

(5) Provide students with the opportunity to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(d) The degree described in subdivision (b) shall contain no less than 60 semester or 90 quarter units of instruction that includes, but is not limited to, the following requirements:

(1) Both of the following:

(A) No less than 12 semester or 18 quarter units of coursework in theories, principles, and methods of a variety of psychotherapeutic orientations directly related to marriage and family therapy and marital and family systems approaches to treatment and how these theories can be applied therapeutically with individuals, couples, families, adults, including elder adults, children, adolescents, and groups to improve, restore, or maintain healthy relationships.

(B) Practicum that involves direct client contact, as follows:

(i) A minimum of six semester or nine quarter units of practicum in a supervised clinical placement that provides supervised fieldwork experience.

(ii) A minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(iii) A student must be enrolled in a practicum course while counseling clients, except as specified in subdivision (c) of Section 4980.42.

(iv) The practicum shall provide training in all of the following areas:

(I) Applied use of theory and psychotherapeutic techniques.

(II) Assessment, diagnosis, prognosis, and treatment planning.

(III) Treatment of individuals and premarital, couple, family, and child relationships, including trauma and abuse, dysfunctions, healthy functioning, health promotion, illness prevention, and working with families.

(IV) Professional writing, including documentation of services, treatment plans, and progress notes.

(V) How to connect people with resources that deliver the quality of services and support needed in the community.

(v) Educational institutions are encouraged to design the practicum required by this subparagraph to include marriage and family therapy experience in low income and multicultural mental health settings.

(vi) In addition to the 150 hours required in clause (ii), 75 hours of either of the following, or a combination thereof:

(I) Client centered advocacy, as defined in Section 4980.03.

(II) Face-to-face experience counseling individuals, couples, families, or groups.

(2) Instruction in all of the following:

(A) Diagnosis, assessment, prognosis, treatment planning, and treatment of mental disorders, including severe mental disorders, evidence-based practices, psychological testing, psychopharmacology, and promising mental health practices that are evaluated in peer-reviewed literature.

(B) Developmental issues from infancy to old age, including instruction in all of the following areas:

(i) The effects of developmental issues on individuals, couples, and family relationships.

(ii) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.

(iii) Aging and its biological, social, cognitive, and psychological aspects. This coursework shall include instruction on the assessment and reporting of, as well as

treatment related to, adult with a disability and elder ~~and dependent adult~~ abuse and neglect.

(iv) A variety of cultural understandings of human development.

(v) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(vi) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(vii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.

(C) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:

(i) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(ii) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.

(iii) Cultural factors relevant to abuse of partners and family members.

(iv) Childbirth, child rearing, parenting, and stepparenting.

(v) Marriage, divorce, and blended families.

(vi) Long-term care.

(vii) End-of-life and grief.

(viii) Poverty and deprivation.

(ix) Financial and social stress.

(x) Effects of trauma.

(xi) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (x), inclusive.

(D) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(E) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability, and their incorporation into the psychotherapeutic process.

(F) The effects of socioeconomic status on treatment and available resources.

(G) Resilience, including the personal and community qualities that enable persons to cope with adversity, trauma, tragedy, threats, or other stresses.

(H) Human sexuality, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.

(I) Substance use disorders, co-occurring disorders, and addiction, including, but not limited to, instruction in all of the following:

(i) The definition of substance use disorders, co-occurring disorders, and addiction. For purposes of this subparagraph, “co-occurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.

(ii) Medical aspects of substance use disorders and co-occurring disorders.

(iii) The effects of psychoactive drug use.

(iv) Current theories of the etiology of substance abuse and addiction.

(v) The role of persons and systems that support or compound substance abuse and addiction.

(vi) Major approaches to identification, evaluation, and treatment of substance use disorders, co-occurring disorders, and addiction, including, but not limited to, best practices.

(vii) Legal aspects of substance abuse.

(viii) Populations at risk with regard to substance use disorders and co-occurring disorders.

(ix) Community resources offering screening, assessment, treatment, and follow up for the affected person and family.

(x) Recognition of substance use disorders, co-occurring disorders, and addiction, and appropriate referral.

(xi) The prevention of substance use disorders and addiction.

(J) California law and professional ethics for marriage and family therapists, including instruction in all of the following areas of study:

(i) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.

(ii) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.

(iii) The current legal patterns and trends in the mental health professions.

(iv) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

(v) A recognition and exploration of the relationship between a practitioner's sense of self and human values and the practitioner's professional behavior and ethics.

(vi) The application of legal and ethical standards in different types of work settings.

(vii) Licensing law and licensing process.

(e) The degree described in subdivision (b) shall, in addition to meeting the requirements of subdivision (d), include instruction in case management, systems of care for the severely mentally ill, public and private services and supports available for the severely mentally ill, community resources for persons with mental illness and for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. This instruction may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(f) The changes made to law by this section are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and are not intended to expand or restrict the scope of practice for marriage and family therapists.

Bus. & Prof. Code 4980.37(b)(3)

4980.37.

(a) This section shall apply to applicants for licensure or registration who began graduate study before August 1, 2012, and completed that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4980.36.

(b) To qualify for a license or registration, applicants shall possess a doctoral or master's degree in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical psychology, counseling psychology, or either counseling or clinical mental health counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy. The degree shall be obtained from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education or approved by the Bureau for Private Postsecondary Education. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval. In order to qualify for licensure pursuant to this section, a doctoral or

master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester units or 72 quarter units of instruction. This instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment. The coursework shall include all of the following areas:

- (1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.
- (2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.
- (3) Developmental issues and life events from infancy to old age and their effect on individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, abuse and neglect of adults with a disability and ~~older-and-dependent~~ adults, and geropsychology.
- (4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(c) (1) In addition to the 12 semester or 18 quarter units of coursework specified in subdivision (b), the doctoral or master's degree program shall contain not less than six semester units or nine quarter units of supervised practicum in applied psychotherapeutic technique, assessments, diagnosis, prognosis, treatment planning, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(d) As an alternative to meeting the qualifications specified in subdivision (b), the board shall accept as equivalent degrees those master's or doctoral degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(e) In order to provide an integrated course of study and appropriate professional training, while allowing for innovation and individuality in the education of marriage and family therapists, a degree program that meets the educational qualifications for licensure or registration under this section shall do all of the following:

- (1) Provide an integrated course of study that trains students generally in the diagnosis, assessment, prognosis, treatment planning, and treatment of mental disorders.

- (2) Prepare students to be familiar with the broad range of matters that may arise within marriage and family relationships.
 - (3) Train students specifically in the application of marriage and family relationship counseling principles and methods.
 - (4) Encourage students to develop those personal qualities that are intimately related to the counseling situation such as integrity, sensitivity, flexibility, insight, compassion, and personal presence.
 - (5) Teach students a variety of effective psychotherapeutic techniques and modalities that may be utilized to improve, restore, or maintain healthy individual, couple, and family relationships.
 - (6) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.
 - (7) Prepare students to be familiar with cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans.
- (f) Educational institutions are encouraged to design the practicum required by this section to include marriage and family therapy experience in low income and multicultural mental health settings.

Bus. & Prof. Code 4980.39(a)

4980.39.

- (a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, **adult with a disability and** ~~elder and dependent adult~~ abuse and neglect.
- (b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.
- (c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.
- (d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

Bus. & Prof. Code 4980.43(c)(11)

4980.43.

(a) Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.

(b) (1) Postdegree hours of experience gained before the issuance of an associate registration shall be credited toward licensure if all of the following apply:

(A) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's degree or doctoral degree.

(B) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed Live Scan fingerprinting. The applicant shall provide the board with a copy of that completed State of California "Request for Live Scan Service" form with the application for licensure.

(C) The board subsequently grants the associate registration.

(2) The applicant shall not be employed or volunteer in a private practice or a professional corporation until the applicant has been issued an associate registration by the board.

(c) Supervised experience that is obtained for purposes of qualifying for licensure shall be related to the practice of marriage and family therapy and comply with the following:

(1) A minimum of 3,000 hours completed during a period of at least 104 weeks.

(2) A maximum of 40 hours in any seven consecutive days.

(3) A minimum of 1,700 hours obtained after the qualifying master's or doctoral degree was awarded.

(4) A maximum of 1,300 hours obtained prior to the award date of the qualifying master's or doctoral degree.

(5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.

(6) Hours of experience shall not be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.

(7) Hours of experience shall not have been gained more than six years prior to the date the application for licensure was received by the board, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(8) A minimum of 1,750 hours of direct clinical counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

(9) A maximum of 1,200 hours gained under the supervision of a licensed educational psychologist providing educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(10) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client-centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.

(11) It is anticipated and encouraged that hours of experience will include working with **adults with a disability and** elders **and dependent adults** who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

(d) An individual who submits an application for licensure between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements of this section that were in place on January 1, 2015.

Bus. & Prof. Code 4980.72(d)(1)

4980.72.

The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a marriage and family therapist at the highest level for independent clinical practice if all of the following requirements are met:

(a) The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least two years immediately before the date the application was received by the board. The applicant shall disclose to the board for review any past restrictions or disciplinary action on an out-of-state license, and the board shall consider these actions in determining whether to issue a license to the applicant.

(b) The applicant's degree that qualified the person for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution.

(c) The applicant complies with the fingerprint requirements established by Section 144.

(d) The applicant completes the coursework specified in paragraphs (1) and (2) from an accredited institution or an approved institution or from an acceptable provider of continuing education as specified in Section 4980.54. Undergraduate coursework shall not satisfy these requirements.

(1) A minimum of 12 hours of coursework in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of

competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, **adult with a disability and** elder ~~and dependent adult~~ abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and the licensing process.

(2) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(e) The applicant obtains a minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated pursuant to that section.

(f) On or after January 1, 2021, the applicant shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4980.396.

(g) The applicant passes the board-administered California law and ethics examination specified in Section 4980.397. The clinical examination specified in Section 4980.397 shall be waived for an applicant qualifying under this section.

(h) This section was developed based on an examination of the licensure requirements for marriage and family therapists on a national level. This section shall not be construed to apply to any provisions under this division or Division 3 (commencing with Section 5000) other than this act.

Bus. & Prof. Code 4980.78(b)(2)(A)

4980.78.

(a) This section applies to persons with education gained from an out-of-state school who apply for licensure or registration and who do not qualify for a license under Section 4980.72.

(b) For purposes of Section 4980.74, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited institution or approved institution and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained a degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester units or 90 quarter units of instruction.

(ii) Up to 12 semester units or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained a degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester units or 72 quarter units of instruction.

(C) (i) Six semester units or nine quarter units of supervised practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

(ii) An out-of-state applicant who holds a valid license in good standing in another state or country as a marriage and family therapist at the highest level for independent clinical practice is exempt from the practicum requirement specified in clause (i).

(D) Twelve semester units or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant shall complete coursework in California law and ethics as follows:

(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81, that did not contain instruction in California law and ethics, shall complete a 12-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, **adult with a disability and** ~~elder and dependent-adult~~ abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process. The coursework shall be from an accredited institution, an approved institution, or from a continuing education provider identified as acceptable by the board pursuant to Section 4980.54. This coursework shall be completed before registration as an associate.

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall contain content specific to California law and ethics. This coursework shall be completed before registration as an associate.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in the applicant's education. The coursework shall be from an accredited institution, an approved institution, or from a continuing education provider that is identified

as acceptable by the board pursuant to Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in the applicant's education from an accredited institution, an approved institution, or from a continuing education provider that is identified as acceptable by the board pursuant to Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in the applicant's education while registered as an associate, unless otherwise specified.

(6) On and after January 1, 2021, an applicant for licensure shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4980.396.

(7) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

Bus. & Prof. Code 4980.81(a)(4)(A)(ii)(I)

4980.81.

This section applies to persons subject to Section 4980.78 who apply for licensure or registration.

(a) For purposes of Section 4980.78, an applicant shall meet all of the following educational requirements:

(1) A minimum of two semester units of instruction in the diagnosis, assessment, prognosis, treatment planning, and treatment of mental disorders, including severe mental disorders, evidence-based practices, and promising mental health practices that are evaluated in peer-reviewed literature.

(2) At least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.

(3) (A) Developmental issues from infancy to old age, including demonstration of at least one semester unit, or 15 hours, of instruction that includes all of the following subjects:

- (i) The effects of developmental issues on individuals, couples, and family relationships.
- (ii) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.
- (iii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.

(B) An applicant who is deficient in any of these subjects may remediate the coursework by completing three hours of instruction in each deficient subject.

(4) (A) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:

- (i) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.

- (ii) A minimum of 10 contact hours of coursework that includes all of the following:

- (I) The assessment and reporting of, as well as treatment related to, **adult with a disability and** elder ~~and dependent adult~~ abuse and neglect.

- (II) Aging and its biological, social, cognitive, and psychological aspects.

- (III) Long-term care.

- (IV) End-of-life and grief.

- (iii) A minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

- (iv) Cultural factors relevant to abuse of partners and family members.

- (v) Childbirth, child rearing, parenting, and stepparenting.

- (vi) Marriage, divorce, and blended families.

- (vii) Poverty and deprivation.

- (viii) Financial and social stress.

- (ix) Effects of trauma.

- (x) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (ix), inclusive.

(5) At least one semester unit, or 15 hours, of instruction in multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability, and their incorporation into the psychotherapeutic process.

(6) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25 and any regulations promulgated under that section, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.

(7) A minimum of 15 contact hours of coursework in substance use disorders, and a minimum of 15 contact hours of coursework in co-occurring disorders and addiction. The following subjects shall be included in this coursework:

(A) The definition of substance use disorders, co-occurring disorders, and addiction. For purposes of this subparagraph, “co-occurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.

(B) Medical aspects of substance use disorders and co-occurring disorders.

(C) The effects of psychoactive drug use.

(D) Current theories of the etiology of substance abuse and addiction.

(E) The role of persons and systems that support or compound substance abuse and addiction.

(F) Major approaches to identification, evaluation, and treatment of substance use disorders, co-occurring disorders, and addiction, including, but not limited to, best practices.

(G) Legal aspects of substance abuse.

(H) Populations at risk with regard to substance use disorders and co-occurring disorders.

(I) Community resources offering screening, assessment, treatment, and followup for the affected person and family.

(J) Recognition of substance use disorders, co-occurring disorders, and addiction, and appropriate referral.

(K) The prevention of substance use disorders and addiction.

(8) A minimum of a two semester or three quarter unit course in law and professional ethics for marriage and family therapists, including instruction in all of the following subjects:

(A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.

- (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.
- (C) The current legal patterns and trends in the mental health professions.
- (D) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.
- (E) A recognition and exploration of the relationship between a practitioner's sense of self and human values and their professional behavior and ethics.
- (F) The application of legal and ethical standards in different types of work settings.
- (G) Licensing law and licensing process.

Bus. & Prof. Code 4990.26.2

4990.26.2.

- (a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of child, **adult with a disability, and** elder, ~~and dependent adult~~ abuse, and abusers and potential abusers of children, elders, and ~~dependent~~ adults **with a disability** are provided with adequate and appropriate training regarding the assessment and reporting of child, **adult with a disability, and** elder, ~~and dependent adult~~ abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.
- (b) The board shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of licensure as a clinical social worker, professional clinical counselor, or marriage and family therapist. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal.
- (c) All persons applying for initial licensure or renewal of a license as a clinical social worker, professional clinical counselor, or marriage and family therapist shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:
 - (1) Be obtained from one of the following sources:
 - (A) An accredited or approved educational institution, as defined in Sections 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.
 - (B) A continuing education provider, as specified by the board by regulation.

(C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the board.

(2) Have a minimum of seven contact hours.

(3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(4) An applicant shall provide the board with documentation of completion of the required child abuse training.

(d) The board shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in the applicant's practice because of the nature of that practice.

(e) It is the intent of the Legislature that a person licensed as a clinical social worker, professional clinical counselor, or marriage and family therapist have minimal but appropriate training in the areas of child, adult with a disability, and ~~elder, and dependent adult~~ abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of child, adult with a disability, and ~~elder, and dependent adult~~ abuse victims and abusers.

(f) The board is encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure or license renewal.

Bus. & Prof. Code 4996.17.1(d)(1)

4996.17.1.

The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a clinical social worker at the highest level for independent practice if all of the following requirements are met:

(a) The applicant's license in the other jurisdiction has been current, active, and unrestricted for at least two years immediately before the date the application was received by the board. The applicant shall disclose to the board for review any past restrictions or disciplinary actions on an out-of-state license and the board shall consider these actions in determining whether to issue a license to the applicant.

(b) The applicant's degree that qualified the applicant for the out-of-state license is a master's degree from an accredited school or department of social work.

- (c) The applicant complies with the fingerprint requirements established in Section 144.
- (d) The applicant completes the coursework specified in paragraphs (1) and (2) from an accredited school or department of social work, a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is identified as acceptable by the board pursuant to Section 4996.22. Undergraduate coursework shall not satisfy these requirements.
- (1) A minimum of 12 hours of coursework in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, **adult with a disability and** ~~elder, and dependent adult~~ abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, the application of legal and ethical standards in different types of work settings, and licensing law and process.
- (2) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.
- (e) The applicant obtains a minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.
- (f) On and after January 1, 2021, the applicant shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4996.27.
- (g) The applicant passes the board-administered California law and ethics examination required in Section 4996.1. The clinical examination required in Section 4996.1 shall be waived for an applicant qualifying under this section.
- (h) This section was developed based on an examination of the licensure requirements for clinical social workers on a national level. This section shall not be construed to apply to any provisions under this division or Division 3 (commencing with Section 5000) other than this act.

Bus. & Prof. Code 4996.17.2(d)(2)(F)

4996.17.2.

- (a) This section applies to persons with education gained from an out-of-state school or experience gained outside of California who apply for licensure or registration and who do not qualify for a license under Section 4996.17.1.
- (b) The board shall accept experience gained outside of California for the purpose of satisfying the licensure requirements if the experience is substantially the equivalent to the requirements of

this chapter. If the applicant has fewer than 3,000 hours of qualifying supervised experience, the board shall accept as qualifying experience the amount of time the applicant held an active license in good standing in another state or country as a clinical social worker at the highest level for independent practice at a rate of 100 hours per month, up to a maximum of 1,200 hours.

(c) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the applicant has received a master's degree from an accredited school of social work, or complies with subdivision (e) of Section 4996.18.

(d) In addition to the experience and education described in subdivisions (b) and (c), the applicant shall pass, or have passed, the licensing examinations as specified in Section 4996.1 and pay the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience as described in subdivision (b).

(2) Completion of the coursework or training specified in this paragraph taken from an accredited school or department of social work, a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is identified as acceptable to the board pursuant to Section 4996.22. Undergraduate coursework shall not satisfy this requirement. This coursework may be completed while registered as an associate, unless otherwise specified.

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(E) A minimum of 10 contact hours of coursework in aging and long-term care, as specified in Section 4996.25.

(F) Completion of a 12-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, adult with a disability and elder ~~and dependent adult~~ abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, the application of legal and ethical

standards in different types of work settings, and licensing law and process. This coursework shall be completed before registration as an associate.

(G) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(3) On and after January 1, 2021, an applicant for licensure shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4996.27.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where the applicant holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(e) An applicant who obtained a license or registration under another state or country may qualify for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that state or country is active and in good standing at the time of the application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

Bus. & Prof. Code 4996.25(a)

4996.25.

(a) Any applicant for licensure as a licensed clinical social worker who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which could include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this

coursework shall include instruction on the assessment and reporting of, as well as treatment related to, adult with a disability and elder ~~and dependent adult~~ abuse and neglect.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

Bus. & Prof. Code 4996.26(b)

4996.26.

(a) A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period after the operative date of this section, and shall submit to the board evidence acceptable to the board of the person's satisfactory completion of the course.

(b) The course shall include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, adult with a disability and elder ~~and dependent adult~~ abuse and neglect.

(c) Any person seeking to meet the requirements of subdivision (a) of this section may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.

(d) The board may not renew an applicant's license until the applicant has met the requirements of this section.

(e) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required in Section 4996.22.

(f) This section shall become operative on January 1, 2005.

Bus. & Prof. Code 4999.32(e)(6),(7)

(a) This section shall apply to applicants for licensure or registration who began graduate study before August 1, 2012, and completed that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.

(b) To qualify for licensure or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section,

obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is “counseling or psychotherapy in content” if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall be a single, integrated program that contains not less than 48 graduate semester units or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:

(1) The equivalent of at least three semester units or four quarter units of graduate study in each of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors’ roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors’ roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual of Mental Disorders, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional

disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment planning.

(F) Treatment.

(G) Issues of development, adjustment, and maladjustment.

(H) Health and wellness promotion.

(I) Other recognized counseling interventions.

(J) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) (A) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing postmaster's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(B) Notwithstanding subparagraph (A), an applicant shall not be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) unless the applicant meets one of the following criteria and remediates the deficiency:

(i) The application for licensure was received by the board on or before August 31, 2020.

(ii) The application for registration was received by the board on or before August 31, 2020, and the registration was subsequently issued by the board.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an associate:

(1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.

(2) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(3) A two semester unit or three quarter unit survey course in psychopharmacology.

(4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.

(5) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations adopted thereunder.

(6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, dual relationships, child abuse, **adult with a disability and** elder **and dependent adult** abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, and state and federal laws related to confidentiality of patient health information. When coursework in a master's or

doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).

(7) A minimum of 10 contact hours of instruction in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, **adult with a disability and** ~~elder and dependent adult~~ abuse and neglect.

(8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.

Bus. & Prof. Code 4999.33(d)(10)

4999.33.

(a) This section shall apply to the following:

(1) Applicants for licensure or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for licensure or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for licensure or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for licensure or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall be a single, integrated program that contains not less than 60 graduate semester units or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), include all of the following:

(1) The equivalent of at least three semester units or four quarter units of graduate study in all of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual of Mental Disorders, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including California law and professional ethics for professional clinical counselors, professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(J) Psychopharmacology, including the biological bases of behavior, basic classifications, indications, and contraindications of commonly prescribed psychopharmacological medications so that appropriate referrals can be made for medication evaluations and so that the side effects of those medications can be identified.

(K) Addictions counseling, including substance abuse, co-occurring disorders, and addiction, major approaches to identification, evaluation, treatment, and prevention of substance abuse and addiction, legal and medical aspects of substance abuse, populations at risk, the role of support persons, support systems, and community resources.

(L) Crisis or trauma counseling, including crisis theory; multidisciplinary responses to crises, emergencies, or disasters; cognitive, affective, behavioral, and neurological effects associated with trauma; brief, intermediate, and long-term approaches; and assessment strategies for clients in crisis and principles of intervention for individuals with mental or emotional disorders during times of crisis, emergency, or disaster.

(M) Advanced counseling and psychotherapeutic theories and techniques, including the application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(2) In addition to the course requirements described in paragraph (1), 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment planning.

(F) Treatment.

(G) Issues of development, adjustment, and maladjustment.

(H) Health and wellness promotion.

(I) Professional writing including documentation of services, treatment plans, and progress notes.

(J) How to find and use resources.

(K) Other recognized counseling interventions.

(L) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

(1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(4) An understanding of the effects of socioeconomic status on treatment and available resources.

(5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.

(6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(8) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.

(9) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.

(10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, **adult with a disability and** elder ~~and dependent adult~~ abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

- (1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.
- (2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.
- (3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) (A) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(B) Notwithstanding subparagraph (A), an applicant shall not be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c) unless the applicant meets one of the following criteria and remediates the deficiency:

(i) The application for licensure was received by the board on or before August 31, 2020.

(ii) The application for registration was received by the board on or before August 31, 2020, and the registration was subsequently issued by the board.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

Bus. & Prof. Code 4999.60(a)(4)(A)

4999.60.

(a) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a professional clinical counselor at the highest level for independent clinical practice if all of the following requirements are met:

(1) The applicant's license in the other jurisdiction has been current, active, and unrestricted for at least two years immediately before the date the application was received by the board. The applicant shall disclose to the board for review any past restrictions or disciplinary action on an out-of-state license, and the board shall consider those actions in determining whether to issue a license to the applicant.

(2) The applicant's degree that qualified the applicant for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution, as defined in Section 4999.12.

(3) The applicant complies with the fingerprint requirements established in Section 144.

(4) The applicant completes the coursework specified in subparagraphs (A) and (B) from an accredited or approved school, college, or university, as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board, as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) A minimum of 12 hours of coursework in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, adult with a disability and ~~elder and dependent adult~~ abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) The applicant obtains a minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.

(6) On and after January 1, 2021, the applicant shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4999.66.

(7) The applicant passes the board-administered California law and ethics examination specified in Section 4999.53. The clinical examination specified in Section 4999.53 shall be waived for an applicant qualifying under this section.

(b) This section was developed based on an examination of the licensure requirements for professional clinical counselors on a national level. This section shall not be construed to apply to any provisions under this division or Division 3 (commencing with Section 5000) other than this act.

Bus. & Prof. Code 4999.62(b)(1)(D)(ii),(iv)

4999.62.

(a) This section applies to persons with education gained from an out-of-state school who apply for licensure or registration and who do not qualify for a license under Section 4999.60.

(b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained a degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction.

(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained a degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.

(C) (i) Six semester or nine quarter units of supervised practicum or field study experience, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(ii) An out-of-state applicant who holds a valid license in good standing in another state or country as a professional clinical counselor at the highest level for independent clinical practice is exempt from the practicum requirement specified in clause (i).

(D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete a 12-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, **adult with a disability and** elder ~~and dependent adult~~ abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant

family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and the licensing process. The coursework may be from an accredited or approved school, college, or university, as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board, as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement. An applicant shall complete this coursework before registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework before registration as an associate.

(iv) An applicant who holds a valid license in good standing in another state or country as a professional clinical counselor at the highest level for independent clinical practice may complete any units and course content requirements required in this subparagraph not already completed in the applicant's education while registered as an associate, unless otherwise specified.

(2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in the applicant's education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in the applicant's education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iii) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(iv) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This

coursework shall include instruction on the assessment and reporting of, as well as treatment related to, adult with a disability and ~~elder and dependent adult~~ abuse and neglect.

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is described in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in the applicant's education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is described in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraph (2), (3), or (4) not already completed in the applicant's education while registered with the board as an associate.

(6) On and after January 1, 2021, an applicant for licensure shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4999.66.

Bus. & Prof. Code 6175.3

6175.3.

A lawyer, while acting as a fiduciary, may sell financial products to a client who is an adult with a disability or ~~elder or dependent adult~~ with whom the lawyer has or has had, within the preceding three years, an attorney-client relationship, if the transaction or acquisition and its terms are fair and reasonable to the client, and if the lawyer provides that client with a disclosure that satisfies all of the following conditions:

(a) The disclosure is in writing and is clear and conspicuous. The disclosure shall be a separate document, appropriately entitled, in 12-point print with one inch of space on all borders.

(b) The disclosure, in a manner that should reasonably have been understood by that client, is signed by the client, or the client's conservator, guardian, or agent under a valid durable power of attorney.

(c) The disclosure states that the lawyer shall receive a commission and sets forth the amount of the commission and the actual percentage rate of the commission, if any. If the actual amount of

the commission cannot be ascertained at the outset of the transaction, the disclosure shall include the actual percentage rate of the commission or the alternate basis upon which the commission will be computed, including an example of how the commission would be calculated.

(d) The disclosure identifies the source of the commission and the relationship between the source of the commission and the person receiving the commission.

(e) The disclosure is presented to the client at or prior to the time the recommendation of the financial product is made.

(f) The disclosure advises the client that he or she may obtain independent advice regarding the purchase of the financial product and will be given a reasonable opportunity to seek that advice.

(g) The disclosure contains a statement that the financial product may be returned to the issuing company within 30 days of receipt by the client for a refund as set forth in Section 10127.10 of the Insurance Code.

(h) The disclosure contains a statement that if the purchase of the financial product is for the purposes of Medi-Cal planning, the client has been advised of other appropriate alternatives, including spend-down strategies, and of the possibility of obtaining a fair hearing or obtaining a court order.

Civ. Code 52.7(c)(2),(3), (g)

52.7.

(a) Except as provided in subdivision (g), a person shall not require, coerce, or compel any other individual to undergo the subcutaneous implanting of an identification device.

(b) (1) Any person who violates subdivision (a) may be assessed an initial civil penalty of no more than ten thousand dollars (\$10,000), and no more than one thousand dollars (\$1,000) for each day the violation continues until the deficiency is corrected. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction. The court may also grant a prevailing plaintiff reasonable attorney's fees and litigation costs, including, but not limited to, expert witness fees and expenses as part of the costs.

(2) A person who is implanted with a subcutaneous identification device in violation of subdivision (a) may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief.

(3) Additionally, punitive damages may also be awarded upon proof of the defendant's malice, oppression, fraud, or duress in requiring, coercing, or compelling the plaintiff to undergo the subcutaneous implanting of an identification device.

(c) (1) An action brought pursuant to this section shall be commenced within three years of the date upon which the identification device was implanted.

(2) If the victim was ~~a dependent~~ **an** adult **with a disability** or minor when the implantation occurred, actions brought pursuant to this section shall be commenced within three years after the date the plaintiff, or his or her guardian or parent, discovered or reasonably should have discovered the implant, or within eight years after the plaintiff attains the age of majority, whichever date occurs later.

(3) The statute of limitations shall not run against ~~a dependent~~ an adult with a disability or minor plaintiff simply because a guardian ad litem has been appointed. A guardian ad litem's failure to bring a plaintiff's action within the applicable limitation period will not prejudice the plaintiff's right to do so.

(4) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing of the action, or due to threats made by the defendant causing duress upon the plaintiff.

(d) Any restitution paid by the defendant to the victim shall be credited against any judgment, award, or settlement obtained pursuant to this section. Any judgment, award, or settlement obtained pursuant to an action under this section shall be subject to the provisions of Section 13963 of the Government Code.

(e) The provisions of this section shall be liberally construed so as to protect privacy and bodily integrity.

(f) Actions brought pursuant to this section are independent of any other actions, remedies, or procedures that may be available to an aggrieved party pursuant to any other law.

(g) This section shall not in any way modify existing statutory or case law regarding the rights of parents or guardians, the rights of children or minors, or the rights of ~~dependent~~ adults with a disability.

(h) For purposes of this section:

(1) "Identification device" means any item, application, or product that is passively or actively capable of transmitting personal information, including, but not limited to, devices using radio frequency technology.

(2) "Person" means an individual, business association, partnership, limited partnership, corporation, limited liability company, trust, estate, cooperative association, or other entity.

(3) "Personal information" includes any of the following data elements to the extent they are used alone or in conjunction with any other information used to identify an individual:

(A) First or last name.

(B) Address.

(C) Telephone number.

(D) E-mail, Internet Protocol, or Web site address.

(E) Date of birth.

(F) Driver's license number or California identification card number.

(G) Any unique personal identifier number contained or encoded on a driver's license or identification card issued pursuant to Section 13000 of the Vehicle Code.

(H) Bank, credit card, or other financial institution account number.

(I) Any unique personal identifier contained or encoded on a health insurance, health benefit, or benefit card or record issued in conjunction with any government-supported aid program.

(J) Religion.

(K) Ethnicity or nationality.

(L) Photograph.

(M) Fingerprint or other biometric identifier.

(N) Social security number.

(O) Any unique personal identifier.

(4) “Require, coerce, or compel” includes physical violence, threat, intimidation, retaliation, the conditioning of any private or public benefit or care on consent to implantation, including employment, promotion, or other employment benefit, or by any means that causes a reasonable person of ordinary susceptibilities to acquiesce to implantation when he or she otherwise would not.

(5) “Subcutaneous” means existing, performed, or introduced under or on the skin.

Civ. Code 1941.5

1941.5.

(a) This section shall apply if a person is alleged to have committed abuse or violence against the eligible tenant or the immediate family or household member of the eligible tenant and the person is not a tenant of the same dwelling unit as the eligible tenant.

(b) A landlord shall, at the landlord’s own expense, change the locks of the eligible tenant’s dwelling unit upon written request of the eligible tenant not later than 24 hours after the eligible tenant gives the landlord a form of documentation described in subdivision (d) and shall give the eligible tenant a key to the new locks.

(c) (1) If a landlord fails to change the locks within 24 hours, the eligible tenant may change the locks without the landlord’s permission, notwithstanding any provision in the lease to the contrary.

(2) If the eligible tenant changes the locks pursuant to this subdivision, the following shall apply:

(A) No later than 21 days after the eligible tenant changes the locks, the landlord shall reimburse the eligible tenant for the expenses the eligible tenant incurred to change the locks.

(B) The eligible tenant shall do all of the following:

- (i) Change the locks in a workmanlike manner with locks of similar or better quality than the original lock.
- (ii) Notify the landlord within 24 hours that the locks have been changed.
- (iii) Provide the landlord with a key by any reasonable method agreed upon by the landlord and eligible tenant.

(3) This subdivision shall apply to leases executed on or after January 1, 2011.

(d) A written request to change the locks pursuant to subdivision (b) shall include one of the following forms of documentation attached to the request:

- (1) A copy of a temporary restraining order, emergency protective order, or protective order lawfully issued pursuant to Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, Section 527.6 of the Code of Civil Procedure, or Section 213.5 or 15657.03 of the Welfare and Institutions Code that protects the eligible tenant, household member, or immediate family member from abuse or violence.
- (2) A copy of a written report by a peace officer employed by a state or local law enforcement agency acting in the peace officer's official capacity stating that the tenant, household member, or immediate family member has filed a report alleging that the tenant, the household member, or the immediate family member is a victim of abuse or violence.
- (3) (A) Documentation from a qualified third party based on information received by that third party while acting in their professional capacity to indicate that the tenant, the tenant's immediate family member, or the tenant's household member is seeking assistance for physical or mental injuries or abuse resulting from an act of abuse or violence, which shall contain, in substantially the same form, the following:

Tenant Statement and Qualified Third Party Statement under Civil Code Section 1941.5
Part I. Statement By Tenant
I, [insert name of tenant], state as follows:
I, my immediate family member, or a member of my household, have been a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, ~~dependent~~ adult with a disability abuse, or a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use of force against the victim or a threat of force against the victim.]

The most recent incident(s) happened on or about:

[insert date or dates.]

The incident(s) was/were committed by the following person(s), with these physical description(s), if known and safe to provide:

[if known and safe to provide, insert name(s) and physical description(s).]

(signature of tenant)(date)

Part II. Qualified Third Party Statement

I, [insert name of qualified third party], state as follows:

My business address and phone number are:

[insert business address and phone number.]

Check and complete one of the following:

____ I meet the requirements for a sexual assault counselor provided in Section 1035.2 of the Evidence Code and I am either engaged in an office, hospital, institution, or center commonly known as a rape crisis center described in that section or employed by an organization providing the programs specified in Section 13835.2 of the Penal Code.

____ I meet the requirements for a domestic violence counselor provided in Section 1037.1 of the Evidence Code and I am employed, whether financially compensated or not, by a domestic violence victim service organization, as defined in that section.
____ I meet the requirements for a human trafficking caseworker provided in Section 1038.2 of the Evidence Code and I am employed, whether financially compensated or not, by an organization that provides programs specified in Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of the Penal Code.
____ I meet the definition of “victim of violent crime advocate” provided in Section 1946.7 of the Civil Code and I am employed, whether financially compensated or not, by an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.
____ I am licensed by the State of California as a:
[insert one of the following: physician and surgeon, osteopathic physician and surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.] and I am licensed by, and my license number is:
[insert name of state licensing entity and license number.]
The person who signed the Statement By Tenant above stated to me that the person, or a member of their immediate family, or a member of their household, is a victim of:
[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult <u>with a disability</u> abuse, a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use or threat of force against the victim.]
The person further stated to me the incident(s) occurred on or about the date(s) stated above.
(signature of qualified third party)(date)

(B) The documentation may be signed by a person who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate only if the documentation displays the letterhead of the

office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.

(4) Any other form of documentation that reasonably verifies that the abuse or violence occurred, including, but not limited to, a signed statement from the eligible tenant.

(e) An eligible tenant satisfies the documentation requirements under subdivision (d) by providing one of the forms of documentation listed in subdivision (d), of the tenant's choosing.

(f) For the purposes of this section, the following definitions apply:

(1) "Abuse or violence" has the same meaning as defined in paragraph (1) of subdivision (a) of Section 1161.3 of the Code of Civil Procedure.

(2) "Eligible tenant" means either of the following:

(A) A tenant who is a victim of abuse or violence.

(B) A tenant who has an immediate family member or household member who is a victim of abuse or violence, if the tenant is not alleged to have committed the abuse or violence.

(3) "Health practitioner" means a physician and surgeon, osteopathic physician and surgeon, psychiatrist, psychologist, registered nurse, licensed clinical social worker, licensed marriage and family therapist, or a licensed professional clinical counselor.

(4) "Household member" has the same meaning as defined in paragraph (1) of subdivision (h) of Section 1946.7.

(5) "Immediate family member" has the same meaning as defined in paragraph (3) of subdivision (h) of Section 1946.7.

(6) "Locks" means any exterior lock that provides access to the dwelling.

(7) "Qualified third party" means a health practitioner, domestic violence counselor, as defined in subdivision (a) of Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, a human trafficking caseworker, as defined in subdivision (c) of Section 1038.2 of the Evidence Code, or a victim of violent crime advocate.

(8) "Tenant" means tenant, subtenant, lessee, or sublessee.

(9) "Victim of violent crime advocate" has the same meaning as defined in paragraph (5) of subdivision (h) of Section 1946.7.

Civ. Proc. 706.023(d)(1),(2),(3)

706.023.

Except as otherwise provided in this chapter:

- (a) An employer shall comply with the first earnings withholding order served upon the employer.
- (b) If the employer is served with two or more earnings withholding orders on the same day, the employer shall comply with the order issued pursuant to the judgment first entered. If two or more orders served on the same day are based on judgments entered upon the same day, the employer shall comply with whichever one of the orders the employer selects.
- (c) If an earnings withholding order is served while an employer is required to comply with another earnings withholding order with respect to the earnings of the same employee, the subsequent order is ineffective and the employer shall not withhold earnings pursuant to the subsequent order, except as provided in subdivision (d).
- (d) Notwithstanding any other provisions of this section, a withholding order for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ has priority over any other earning withholding order except for a withholding order for support under Section 706.030 and a withholding order for taxes under Section 706.072.
- (1) An employer upon whom a withholding order for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ is served shall withhold and pay over earnings of the employee pursuant to that order notwithstanding the requirements of another earnings withholding order except as provided in paragraph (2).
- (2) An employer shall not withhold earnings of an employee pursuant to an earnings withholding order for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ if a withholding order for support or for taxes is in effect or if a prior withholding order for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ is in effect. In that case, the subsequent withholding order for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ is ineffective.
- (3) When an employer is required to cease withholding earnings pursuant to a prior earnings withholding order, the employer shall notify the levying officer who served the prior earnings withholding order that a supervening earnings withholding order for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ is in effect.

Code Civ. Proc. 706.121(d)

706.121.

The “application for issuance of earnings withholding order” shall be executed under oath and shall include all of the following:

- (a) The name, the last known address, and, if known, the social security number of the judgment debtor.
- (b) The name and address of the judgment creditor.
- (c) The court where the judgment was entered and the date the judgment was entered.
- (d) Whether the judgment is based in whole or in part on a claim for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ and, if in part, how much of the judgment arises from that claim.

- (e) The date of issuance of a writ of execution to the county where the earnings withholding order is sought.
- (f) The total amount required to satisfy the order on the date of issuance (which may not exceed the amount required to satisfy the writ of execution on the date of issuance of the order plus the levying officer's statutory fee for service of the order).
- (g) The name and address of the employer to whom the order will be directed.
- (h) The name and address of the person to whom the withheld money is to be paid by the levying officer.

Code Civ. Proc. 706.125(d)

706.125.

The "earnings withholding order" shall include all of the following:

- (a) The name, address, and, if known, the social security number of the judgment debtor.
- (b) The name and address of the employer to whom the order is directed.
- (c) The court where the judgment was entered, the date the judgment was entered, and the name of the judgment creditor.
- (d) Whether the judgment is based in whole or in part on a claim for **financial abuse of an adult with a disability or** ~~elder or dependent adult financial abuse~~ and, if in part, how much of the judgment arises from the claim.
- (e) The date of issuance of the writ of execution to the county where the earnings withholding order is sought.
- (f) The total amount required to satisfy the order on the date of issuance (which may not exceed the amount required to satisfy the writ of execution on the date of issuance of the order plus the levying officer's statutory fee for service of the order).
- (g) A description of the withholding period and an order to the employer to withhold from the earnings of the judgment debtor for each pay period the amount required to be withheld under Section 706.050 or the amount specified in the order subject to Section 706.024, as the case may be, for the pay periods ending during the withholding period.
- (h) An order to the employer to pay over to the levying officer at a specified address the amount required to be withheld and paid over pursuant to the order in the manner and within the times provided by law.
- (i) An order that the employer fill out the "employer's return" and return it by first-class mail, postage prepaid, to the levying officer at a specified address within 15 days after service of the earnings withholding order.
- (j) An order that the employer deliver to the judgment debtor a copy of the earnings withholding order and the "notice to employee of earnings withholding order" within 10 days after service of the earnings withholding order; but, if the judgment debtor is no longer employed by the employer and the employer does not owe the employee any earnings, the employer is not required to make the delivery.

(k) The name and address of the levying officer.

Educ. Code 44992(a)

44992.

(a) With a witness under 18 years of age, or a ~~dependent~~ person with a disability with whose disability includes a substantial cognitive impairment, the judge shall take special care to protect the witness from undue harassment or embarrassment, and to restrict the unnecessary repetition of questions. The judge shall also take special care to ensure that questions are stated in a form that is appropriate to the age, maturity, or cognitive level of the witness. The judge may, in the interests of justice, on objection by a party, forbid the asking of a question that is in a form that is not reasonably likely to be understood by a person of the age, maturity, or cognitive level of the witness.

(b) When a minor testifies, the judge may order the exclusion from the hearing room of all persons, including members of the press, who do not have a direct interest in the case. This order may be made if the judge determines, on the record, that requiring the minor to testify in the open hearing room would cause substantial psychological harm to the minor or would result in the minor's inability to effectively communicate. Such an order shall be narrowly tailored to serve the specific compelling interest of the school district.

Fin. Code 2043(a)

2043.

(a) On or before April 1, 2013, and annually thereafter, each licensee shall provide its agents under contract with training materials on recognizing financial abuse of an adult with a disability or elder ~~or dependent adult financial abuse~~, and how to appropriately respond if the agent suspects that he or she is being asked to engage in money transmission for a fraudulent transaction involving an adult with a disability or elder ~~or dependent adult~~.

(b) To ensure that agents that are newly appointed by licensees pursuant to Section 2060 receive the training materials described in subdivision (a) in a timely manner, each licensee shall provide those materials to any newly appointed agent no later than one month following the appointment of that agent.

(c) This section shall not apply to licensees that are engaged solely in selling or issuing stored value pursuant to paragraph (2) of subdivision (q) of Section 2003. Licensees that engage in money transmission activities pursuant to paragraph (1) or (3) of that subdivision, shall be subject to this section only with respect to their agents under contract for activities described in those paragraphs. Additionally, this section shall not apply to licensees who exclusively offer their services via an Internet Web site, a mobile application, or both.

Gov. Code 997.2

997.2.

The application of any individual who was injured as a result of the collapse of the Bay Bridge or I-880 Cypress structure caused by the October 17, 1989, earthquake, and any surviving spouse,

child, ~~dependent~~ adult offspring with a disability, or ~~dependent~~ parent with a disability of any individual killed as a result of that collapse, may include a request for emergency payment. Upon the determination that the applicant is eligible, the board or its designee shall award emergency payments in the following amounts:

Death of spouse	\$50,000
Death of parent by dependent minor	\$50,000
Death of parent by dependent adult offspring <u>with a disability</u>	\$50,000
Death of adult offspring by dependent parent <u>with a disability</u>	\$25,000
Death of dependent minor	\$25,000
Loss of income and medical expenses incurred by injured person	up to \$25,000

The maximum award to members of an immediate family pursuant to this section based on any one death shall not exceed two hundred thousand dollars (\$200,000). If the aggregate amount of individual payments for members of an immediate family pursuant to this section would otherwise exceed this amount, each individual shall share in this maximum amount proportionately.

Payments made pursuant to this section shall constitute an offset against any amounts received under Section 997.3 as well as any amount which may be received from the state as a result of litigation in the courts of this state. Payments made pursuant to this section shall not constitute an admission of liability nor be admissible as evidence in any court action.

No attorney or other representative shall accept any fee or other compensation for representing any applicant under Section 997.2 unless the compensation is authorized by a superior court upon a finding of exceptional circumstances.

Gov. Code 6209.5(a)(4)

6209.5.

(a) The Secretary of State shall provide each program participant a notice in clear and conspicuous font that contains all of the following information:

- (1) The program participant is authorized by law to request to use the address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.
- (2) The program participant may create a revocable living trust and place their real property into the trust to protect their residential street address from disclosure in real property transactions.

(3) The program participant may obtain a change of their legal name to protect their anonymity.

(4) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, domestic violence prevention organizations, human trafficking prevention organizations, child abduction prevention organizations, **adult with a disability and** elder ~~and dependent adult~~ abuse prevention organizations, state and local agencies, or other nonprofit organizations that may be able to assist program participants.

(b) Commencing January 1, 2023, the Secretary of State shall make the notice required by this section available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

~~(c) This section shall become operative on July 1, 2024.~~

Gov. Code 6209.6

6209.6.

Commencing January 1, 2023, the Secretary of State shall maintain information about the program, contact information for community-based victims' assistance programs and community-based assistance programs that serve victims of **adult with a disability or** elder ~~or dependent adult~~ abuse that can assist a person in applying to participate in the program, and sample application forms on the secretary's internet website. The sample application forms shall be available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the sample application forms available in additional languages.

Gov. Code 6209.7(c)

6209.7.

(a) Nothing in this chapter, nor participation in this program, affects custody or visitation orders in effect before or during program participation. A program participant who falsifies their location in order to unlawfully avoid custody or visitation orders is subject to immediate termination from the program and is guilty of a misdemeanor.

(b) (1) The fact that a participant is registered with the program shall create a rebuttable presumption that disclosure of information about the participant's location and activities during the period of the registration, including, but not limited to, the participant's current and past residential, work, or school addresses and other location information, would lead to the discovery of the participant's actual residential address or physical location, would endanger the safety of the participant, and is not authorized.

(2) This subdivision creates a presumption affecting the burden of producing evidence and may be rebutted by clear and convincing evidence showing, among other things, that discovery of the information about the participant's location and activities would not lead to discovery of the participant's actual residential address or physical location and would not

endanger the safety of the participant. The presumption shall not be rebutted merely by the other parent's desire to know the participant's address, and the court shall weigh participant safety. If a court finds the presumption is rebutted, it shall provide its reasons on the record.

(3) This presumption shall also govern discovery requests under the Civil Discovery Act (Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure). A participant shall not be required to provide, in discovery, their residential address or other location information reasonably likely to lead to the discovery of these addresses, unless ordered to do so by a court after the other party has rebutted the presumption against disclosure of this information.

(c) Participation in the program does not constitute evidence of domestic violence, stalking, sexual assault, human trafficking, child abduction, or **adult with a disability or** elder ~~or dependent adult~~ abuse for purposes of making custody or visitation orders.

(d) This section shall become operative on July 1, 2024.

Gov. Code 7480(b),(c),(e)(1)

7480.

Nothing in this chapter shall prohibit any of the following:

(a) The dissemination of any financial information that is not identified with, or identifiable as being derived from, the financial records of a particular customer.

(b) When any police, sheriff's department, district attorney, or special agent with the Department of Justice in this state certifies to a bank, credit union, or savings association in writing that a crime report has been filed that involves the alleged fraudulent use of drafts, checks, access cards, or other orders drawn upon any bank, credit union, or savings association in this state, the police, sheriff's department, district attorney, special agent with the Department of Justice, or a county adult protective services agency when investigating the financial abuse of an **adult with a disability or** elder ~~or dependent adult~~, or a long-term care ombudsperson when investigating the financial abuse of an **adult with a disability or** elder ~~or dependent adult~~, may request a bank, credit union, or savings association to furnish, and a bank, credit union, or savings association shall furnish, a statement setting forth the following information with respect to a customer account specified by the requesting party for a period 90 days before, and up to 60 days following, the date of occurrence of the alleged illegal act involving the account:

(1) The number of items dishonored.

(2) The number of items paid that created overdrafts.

(3) The dollar volume of the dishonored items and items paid which created overdrafts and a statement explaining any credit arrangement between the bank, credit union, or savings association and customer to pay overdrafts.

(4) The dates and amounts of deposits and debits and the account balance on these dates.

- (5) A copy of the signature card, including the signature and any addresses appearing on a customer's signature card.
- (6) New bank cards issued.
- (7) Change of address requests received.
- (8) Power of attorney or trust documents submitted or executed.
- (9) The date the account opened and, if applicable, the date the account closed.
- (10) Surveillance photographs and video recordings of persons accessing the crime victim's financial account via an automated teller machine (ATM) or from within the financial institution for dates on which illegal acts involving the account were alleged to have occurred. Nothing in this paragraph does any of the following:
- (A) Requires a financial institution to produce a photograph or video recording if it does not possess the photograph or video recording.
 - (B) Affects any existing civil immunities as provided in Section 47 of the Civil Code or any other provision of law.
- (11) A bank, credit union, or savings association that provides the requesting party with copies of one or more complete account statements prepared in the regular course of business shall be deemed to be in compliance with paragraphs (1), (2), (3), and (4).
- (c) When any police, sheriff's department, district attorney, or special agent with the Department of Justice in this state certifies to a bank, credit union, or savings association in writing that a crime report has been filed that involves the alleged fraudulent use of drafts, checks, access cards, or other orders drawn upon any bank, credit union, or savings association doing business in this state, the police, sheriff's department, district attorney, special agent with the Department of Justice, a county adult protective services office when investigating the financial abuse of an **adult with a disability or** ~~elder or dependent adult~~, or a long-term care ombudsperson when investigating the financial abuse of an **adult with a disability or** ~~elder or dependent adult~~, may request, with the consent of the account holder, the bank, credit union, or savings association to furnish, and the bank, credit union, or savings association shall furnish, a statement setting forth the following information with respect to a customer account specified by the requesting party for a period 30 days before, and up to 30 days following, the date of occurrence of the alleged illegal act involving the account:
- (1) The number of items dishonored.
 - (2) The number of items paid that created overdrafts.
 - (3) The dollar volume of the dishonored items and items paid which created overdrafts and a statement explaining any credit arrangement between the bank, credit union, or savings association and customer to pay overdrafts.
 - (4) The dates and amounts of deposits and debits and the account balance on these dates.

(5) A copy of the signature card, including the signature and any addresses appearing on a customer's signature card.

(6) The date the account opened and, if applicable, the date the account closed.

(7) Surveillance photographs and video recordings of persons accessing the crime victim's financial account via an automated teller machine (ATM) or from within the financial institution for dates on which illegal acts involving this account were alleged to have occurred. Nothing in this paragraph does any of the following:

(A) Requires a financial institution to produce a photograph or video recording if it does not possess the photograph or video recording.

(B) Affects any existing civil immunities as provided in Section 47 of the Civil Code or any other provision of law.

(8) A bank, credit union, or savings association doing business in this state that provides the requesting party with copies of one or more complete account statements prepared in the regular course of business shall be deemed to be in compliance with paragraphs (1), (2), (3), and (4).

(d) For purposes of subdivision (c), consent of the accountholder shall be satisfied if an accountholder provides to the financial institution and the person or entity seeking disclosure, a signed and dated statement containing all of the following:

(1) Authorization of the disclosure for the period specified in subdivision (c).

(2) The name of the agency or department to which disclosure is authorized and, if applicable, the statutory purpose for which the information is to be obtained.

(3) A description of the financial records that are authorized to be disclosed.

(e) (1) The Attorney General, a supervisory agency, the Franchise Tax Board, the State Board of Equalization, the Employment Development Department, the Controller, or an inheritance tax referee when administering the Prohibition of Gift and Death Taxes (Part 8 (commencing with Section 13301) of Division 2 of the Revenue and Taxation Code), a police or sheriff's department or district attorney, a county adult protective services office when investigating the financial abuse of an **adult with a disability or** ~~elder or dependent adult~~, a long-term care ombudsperson when investigating the financial abuse of an **adult with a disability or** ~~elder or dependent adult~~, a county welfare department when investigating welfare fraud, a county auditor-controller or director of finance when investigating fraud against the county, or the Department of Financial Protection and Innovation when conducting investigations in connection with the enforcement of laws administered by the Commissioner of Financial Protection and Innovation, from requesting of an office or branch of a financial institution, and the office or branch from responding to a request, as to whether a person has an account or accounts at that office or branch and, if so, any identifying numbers of the account or accounts.

(2) No additional information beyond that specified in this section shall be released to a county welfare department without either the accountholder's written consent or a judicial writ, search warrant, subpoena, or other judicial order.

(3) A county auditor-controller or director of finance who unlawfully discloses information they are authorized to request under this subdivision is guilty of the unlawful disclosure of confidential data, a misdemeanor, which shall be punishable as set forth in Section 7485.

(f) The examination by, or disclosure to, any supervisory agency of financial records that relate solely to the exercise of its supervisory function. The scope of an agency's supervisory function shall be determined by reference to statutes that grant authority to examine, audit, or require reports of financial records or financial institutions as follows:

(1) With respect to the Commissioner of Financial Protection and Innovation by reference to Division 1 (commencing with Section 99), Division 1.1 (commencing with Section 1000), Division 1.2 (commencing with Section 2000), Division 1.6 (commencing with Section 4800), Division 2 (commencing with Section 5000), Division 5 (commencing with Section 14000), Division 7 (commencing with Section 18000), Division 15 (commencing with Section 31000), and Division 16 (commencing with Section 33000), of the Financial Code.

(2) With respect to the Controller by reference to Title 10 (commencing with Section 1300) of Part 3 of the Code of Civil Procedure.

(3) With respect to the Administrator of Local Agency Security by reference to Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

(g) The disclosure to the Franchise Tax Board of (1) the amount of any security interest that a financial institution has in a specified asset of a customer or (2) financial records in connection with the filing or audit of a tax return or tax information return that are required to be filed by the financial institution pursuant to Part 10 (commencing with Section 17001), Part 11 (commencing with Section 23001), or Part 18 (commencing with Section 38001), of the Revenue and Taxation Code.

(h) The disclosure to the State Board of Equalization of any of the following:

(1) The information required by Sections 6702, 6703, 8954, 8957, 30313, 30315, 32383, 32387, 38502, 38503, 40153, 40155, 41122, 41123.5, 43443, 43444.2, 44144, 45603, 45605, 46404, 46406, 50134, 50136, 55203, 55205, 60404, and 60407 of the Revenue and Taxation Code.

(2) The financial records in connection with the filing or audit of a tax return required to be filed by the financial institution pursuant to Part 1 (commencing with Section 6001), Part 2 (commencing with Section 7301), Part 3 (commencing with Section 8601), Part 13 (commencing with Section 30001), Part 14 (commencing with Section 32001), and Part 17 (commencing with Section 37001), of Division 2 of the Revenue and Taxation Code.

(3) The amount of any security interest a financial institution has in a specified asset of a customer, if the inquiry is directed to the branch or office where the interest is held.

- (i) The disclosure to the Controller of the information required by Section 7853 of the Revenue and Taxation Code.
- (j) The disclosure to the Employment Development Department of the amount of any security interest a financial institution has in a specified asset of a customer, if the inquiry is directed to the branch or office where the interest is held.
- (k) The disclosure by a construction lender, as defined in Section 8006 of the Civil Code, to the Registrar of Contractors, of information concerning the making of progress payments to a prime contractor requested by the registrar in connection with an investigation under Section 7108.5 of the Business and Professions Code.
- (l) Upon receipt of a written request from a local child support agency referring to a support order pursuant to Section 17400 of the Family Code, a financial institution shall disclose the following information concerning the account or the person named in the request, whom the local child support agency shall identify, whenever possible, by social security number:
- (1) If the request states the identifying number of an account at a financial institution, the name of each owner of the account.
 - (2) Each account maintained by the person at the branch to which the request is delivered, and, if the branch is able to make a computerized search, each account maintained by the person at any other branch of the financial institution located in this state.
 - (3) For each account disclosed pursuant to paragraphs (1) and (2), the account number, current balance, street address of the branch where the account is maintained, and, to the extent available through the branch's computerized search, the name and address of any other person listed as an owner.
 - (4) Whenever the request prohibits the disclosure, a financial institution shall not disclose either the request or its response, to an owner of the account or to any other person, except the officers and employees of the financial institution who are involved in responding to the request and to attorneys, employees of the local child support agencies, auditors, and regulatory authorities who have a need to know in order to perform their duties, and except as disclosure may be required by legal process.
 - (5) No financial institution, or any officer, employee, or agent thereof, shall be liable to any person for (A) disclosing information in response to a request pursuant to this subdivision, (B) failing to notify the owner of an account, or complying with a request under this paragraph not to disclose to the owner, the request or disclosure under this subdivision, or (C) failing to discover any account owned by the person named in the request pursuant to a computerized search of the records of the financial institution.
 - (6) The local child support agency may request information pursuant to this subdivision only when the local child support agency has received at least one of the following types of physical evidence:

(A) Any of the following, dated within the last three years:

- (i) Form 599.

(ii) Form 1099.

(iii) A bank statement.

(iv) A check.

(v) A bank passbook.

(vi) A deposit slip.

(vii) A copy of a federal or state income tax return.

(viii) A debit or credit advice.

(ix) Correspondence that identifies the child support obligor by name, the bank, and the account number.

(x) Correspondence that identifies the child support obligor by name, the bank, and the banking services related to the account of the obligor.

(xi) An asset identification report from a federal agency.

(B) A sworn declaration of the custodial parent during the 12 months immediately preceding the request that the person named in the request has had or may have had an account at an office or branch of the financial institution to which the request is made.

(7) Information obtained by a local child support agency pursuant to this subdivision shall be used only for purposes that are directly connected with the administration of the duties of the local child support agency pursuant to Section 17400 of the Family Code.

(m) (1) As provided in paragraph (1) of subdivision (c) of Section 666 of Title 42 of the United States Code, upon receipt of an administrative subpoena on the current federally approved interstate child support enforcement form, as approved by the federal Office of Management and Budget, a financial institution shall provide the information or documents requested by the administrative subpoena.

(2) The administrative subpoena shall refer to the current federal Office of Management and Budget control number and be signed by a person who states that they are an authorized agent of a state or county agency responsible for implementing the child support enforcement program set forth in Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code. A financial institution may rely on the statements made in the subpoena and has no duty to inquire into the truth of any statement in the subpoena.

(3) If the person who signs the administrative subpoena directs a financial institution in writing not to disclose either the subpoena or its response to any owner of an account covered by the subpoena, the financial institution shall not disclose the subpoena or its response to the owner.

(4) No financial institution, or any officer, employee, or agent thereof, shall be liable to any person for (A) disclosing information or providing documents in response to a subpoena pursuant to this subdivision, (B) failing to notify any owner of an account covered by the subpoena or complying with a request not to disclose to the owner, the subpoena or disclosure under this subdivision, or (C) failing to discover any account owned by the person named in the subpoena pursuant to a computerized search of the records of the financial institution.

(n) The dissemination of financial information and records pursuant to any of the following:

(1) Compliance by a financial institution with the requirements of Section 2892 of the Probate Code.

(2) Compliance by a financial institution with the requirements of Section 2893 of the Probate Code.

(3) An order by a judge upon a written ex parte application by a peace officer showing specific and articulable facts that there are reasonable grounds to believe that the records or information sought are relevant and material to an ongoing investigation of a felony violation of Section 186.10 or of any felony subject to the enhancement set forth in Section 186.11.

(A) The ex parte application shall specify with particularity the records to be produced, which shall be only those of the individual or individuals who are the subject of the criminal investigation.

(B) The ex parte application and any subsequent judicial order shall be open to the public as a judicial record unless ordered sealed by the court, for a period of 60 days. The sealing of these records may be extended for 60-day periods upon a showing to the court that it is necessary for the continuance of the investigation. Sixty-day extensions may continue for up to one year or until termination of the investigation of the individual or individuals, whichever is sooner.

(C) The records ordered to be produced shall be returned to the peace officer applicant or their designee within a reasonable time period after service of the order upon the financial institution.

(D) Nothing in this subdivision shall preclude the financial institution from notifying a customer of the receipt of the order for production of records unless a court orders the financial institution to withhold notification to the customer upon a finding that the notice would impede the investigation.

(E) Where a court has made an order pursuant to this paragraph to withhold notification to the customer under this paragraph, the peace officer or law enforcement agency who obtained the financial information shall notify the customer by delivering a copy of the ex parte order to the customer within 10 days of the termination of the investigation.

(4) An order by a judge issued pursuant to subdivision (c) of Section 532f of the Penal Code.

(5) No financial institution, or any officer, employee, or agent thereof, shall be liable to any person for any of the following:

(A) Disclosing information to a probate court pursuant to Sections 2892 and 2893.

(B) Disclosing information in response to a court order pursuant to paragraph (3).

(C) Complying with a court order under this subdivision not to disclose to the customer, the order, or the dissemination of information pursuant to the court order.

(o) Disclosure by a financial institution to a peace officer, as defined in Section 830.1 of the Penal Code, pursuant to the following:

(1) Paragraph (1) of subdivision (a) of Section 1748.95 of the Civil Code, provided that the financial institution has first complied with the requirements of paragraph (2) of subdivision (a) and subdivision (b) of Section 1748.95 of the Civil Code.

(2) Paragraph (1) of subdivision (a) of Section 4002 of the Financial Code, provided that the financial institution has first complied with the requirements of paragraph (2) of subdivision (a) and subdivision (b) of Section 4002 of the Financial Code.

(3) Paragraph (1) of subdivision (a) of Section 22470 of the Financial Code, provided that any financial institution that is a finance lender has first complied with the requirements of paragraph (2) of subdivision (a) and subdivision (b) of Section 22470 of the Financial Code.

(p) When the governing board of the Public Employees' Retirement System or the State Teachers' Retirement System certifies in writing to a financial institution that a benefit recipient has died and that transfers to the benefit recipient's account at the financial institution from the retirement system occurred after the benefit recipient's date of death, the financial institution shall furnish the retirement system with the name and address of any coowner, cosigner, or any other person who had access to the funds in the account following the date of the benefit recipient's death, or if the account has been closed, the name and address of the person who closed the account.

(q) When the retirement board of a retirement system established under the County Employees Retirement Law of 1937 certifies in writing to a financial institution that a retired member or the beneficiary of a retired member has died and that transfers to the account of the retired member or beneficiary of a retired member at the financial institution from the retirement system occurred after the date of death of the retired member or beneficiary of a retired member, the financial institution shall furnish the retirement system with the name and address of any coowner, cosigner, or any other person who had access to the funds in the account following the date of death of the retired member or beneficiary of a retired member, or if the account has been closed, the name and address of the person who closed the account.

(r) When the Franchise Tax Board certifies in writing to a financial institution that (1) a taxpayer filed a tax return that authorized a direct deposit refund with an incorrect financial institution account or routing number that resulted in all or a portion of the refund not being received, directly or indirectly, by the taxpayer; (2) the direct deposit refund was not returned to the Franchise Tax Board; and (3) the refund was deposited directly on a specified date into the

account of an accountholder of the financial institution who was not entitled to receive the refund, then the financial institution shall furnish to the Franchise Tax Board the name and address of any coowner, cosigner, or any other person who had access to the funds in the account following the date of direct deposit refund, or if the account has been closed, the name and address of the person who closed the account.

(s) The dissemination of financial information and records pursuant to Section 6091.3 of the Business and Professions Code.

Gov. Code 7930.185

7930.185.

The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Pregnancy tests by local public health agencies, confidentiality of, Section 123380, Health and Safety Code.

Pregnant women, confidentiality of blood tests, Section 125105, Health and Safety Code.

Prehospital emergency medical care, release of information, Sections 1797.188 and 1797.189, Health and Safety Code.

Prenatal syphilis tests, confidentiality of, Section 120705, Health and Safety Code.

Prescription drug discounts, confidentiality of corporate proprietary information, Section 130506, Health and Safety Code.

Prisoners, behavioral research on, confidential personal information, Section 3515, Penal Code.

Prisoners, confidentiality of blood tests, Section 7530, Penal Code.

Prisoners, medical testing, confidentiality of records, Sections 7517 and 7540, Penal Code.

Prisoners, transfer from county facility for mental treatment and evaluation, confidentiality of written reasons, Section 4011.6, Penal Code.

Private industry wage data collected by public entity, confidentiality of, Section 7927.600, this code.

Private railroad car tax, confidentiality of information, Section 11655, Revenue and Taxation Code.

Probate referee, disclosure of materials, Section 8908, Probate Code.

Probation officer reports, inspection of, Section 1203.05, Penal Code.

Produce dealer, confidentiality of financial statements, Section 56254, Food and Agricultural Code.

Products liability insurers, transmission of information, Section 1857.9, Insurance Code.

Professional corporations, financial statements, confidentiality of, Section 13406, Corporations Code.

Property on loan to museum, notice of intent to preserve an interest in, not subject to disclosure, Section 1899.5, Civil Code.

Property taxation, confidentiality of change of ownership, Section 481, Revenue and Taxation Code.

Property taxation, confidentiality of exemption claims, Sections 63.1, 69.5, and 408.2, Revenue and Taxation Code.

Property taxation, confidentiality of property information, Section 15641, Government Code and Section 833, Revenue and Taxation Code.

Proprietary information, availability only to the director and other persons authorized by the operator and the owner, Section 2778, Public Resources Code.

Psychologist and client, confidential relations and communications, Section 2918, Business and Professions Code.

Psychotherapist-patient confidential communication, Sections 1012 and 1014, Evidence Code.

Public employees' home addresses and telephone numbers, confidentiality of, Section 7928.300, this code.

Public Employees' Medical and Hospital Care Act, confidentiality of data relating to health care services rendered by participating hospitals to members and annuitants, Section 22854.5, this code.

Public Employees' Retirement System, confidentiality of data filed by member or beneficiary with board of administration, Section 20230, this code.

Public investment funds, exemption from disclosure for records regarding alternative investments, Section 7928.710, this code.

Public school employees organization, confidentiality of proof of majority support submitted to Public Employment Relations Board, Sections 3544, 3544.1, and 3544.5, this code.

Public social services, confidentiality of digest of decisions, Section 10964, Welfare and Institutions Code.

Public social services, confidentiality of information regarding child abuse or **persons with a disability or** ~~elder or dependent persons~~ abuse, Section 10850.1, Welfare and Institutions Code.

Public social services, confidentiality of information regarding eligibility, Section 10850.2, Welfare and Institutions Code.

Public social services, confidentiality of records, Section 10850, Welfare and Institutions Code.

Public social services, disclosure of information to law enforcement agencies, Section 10850.3, Welfare and Institutions Code.

Public social services, disclosure of information to law enforcement agencies regarding deceased applicant or recipient, Section 10850.7, Welfare and Institutions Code.

Public utilities, confidentiality of information, Section 583, Public Utilities Code.

Pupil, confidentiality of personal information, Section 45345, Education Code.

Pupil drug and alcohol use questionnaires, confidentiality of, Section 11605, Health and Safety Code.

Pupil, expulsion hearing, disclosure of testimony of witness and closed session of district board, Section 48918, Education Code.

Pupil, personal information disclosed to school counselor, confidentiality of, Section 49602, Education Code.

Pupil record contents, records of administrative hearing to change contents, confidentiality of, Section 49070, Education Code.

Pupil records, access authorized for specified parties, Section 49076, Education Code.

Pupil records, disclosure in hearing to dismiss or suspend school employee, Section 44944.3, Education Code.

Pupil records, release of directory information to private entities, Sections 49073 and 49073.5, Education Code.

Gov. Code 8699.01(j)(1)

8699.01.

(a) The Flexible Assistance for Survivors (FAS) pilot grant program is hereby established, to be administered by the Office of Emergency Services, with the goal of improving safety, healing, and financial stability for survivors, and the loved ones of those violently injured or killed.

(b) FAS grants shall be made to qualifying community-based organizations pursuant to this chapter for the purpose of establishing assistance funds to distribute in direct cash assistance to survivors.

(c) The office shall establish an advisory committee that includes, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing supportive services for marginalized survivors. Racial, gender, and ethnic diversity, and representation of communities and identities described in subdivisions (h) and (i), shall be considered for all appointments. The committee shall consist of six members, as follows:

(1) (A) Three representatives from community-based organizations providing direct services and recovery assistance such as housing, job placement, or economic support to vulnerable survivors.

(B) Of the three members described by subparagraph (A), one member shall be appointed by the Governor, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate President pro Tempore.

(2) (A) Three community providers or advocates with expertise in community-based violence reduction programs.

(B) Of the three members described by subparagraph (A), one member shall be appointed by the Governor, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate President pro Tempore.

(d) Notwithstanding any other law, except as specified in subdivision (b) of Section 8 of Article VII of the California Constitution, a person's criminal history shall not disqualify them from appointment to the advisory committee.

(e) The advisory committee shall establish rules for implementing this chapter. Community-based organizations shall include all of the following in their application:

(1) A description of the organization's history serving one or more of the groups described in subdivision (i).

(2) A description of how the community or communities the organization serves are impacted by violence and incarceration.

(3) The estimated number of survivors the organization or program currently serves.

(4) The estimated number of survivors to whom the organization or program anticipates it will distribute grant funds.

(5) How the organization plans to distribute cash assistance funds to survivors to meet immediate financial needs quickly.

(6) How the organization plans to minimize the burden on survivors to provide documentation or submit paperwork.

(f) The advisory committee shall do all of the following:

(1) Strive to minimize the paperwork burden on grant applicants and grantees.

(2) Provide guidance on developing an application, the program structure, and progress reports.

(3) Develop a plan to publicize the grant program in advance of an application deadline, including outreach to underserved areas, communities with disproportionately high rates of gun violence and imprisonment, and smaller organizations.

(4) Work with the office to develop tools to support applicants applying for an award under this chapter, including, but not limited to, templates and sample applications, which shall be posted prominently on the office's internet website.

(5) Prior to an application deadline, work with the office to publicize and host at least two webinars that are open to the public detailing how to apply for a grant under this chapter.

(6) Develop reporting metrics for grantees to provide information to the office to aid the office in creating the reports required by Section 8699.02. In developing these metrics, the advisory committee shall strive to minimize the paperwork burden on survivors that apply for assistance.

(g) A community-based organization shall be eligible to apply for a grant under this chapter if the organization has a history of serving survivors and the majority of people the organization, or a project within the organization that will administer the grant, serves are survivors.

(h) The office, with concurrence from the advisory committee, shall develop a rating process that gives preference to organizations that are located in, serve, and employ members of communities that experience disproportionately high rates of gun violence and imprisonment.

(i) The office, with concurrence from the advisory committee, shall develop a rating process that gives preference to community-based organizations that have a history of providing services to vulnerable survivors, including, but not limited to, the following:

- (1) Survivors of color.
- (2) Elderly survivors.
- (3) Survivors with disabilities.
- (4) Survivors who are transgender or gender nonconforming.
- (5) Survivors who have faced disproportionate police contact.
- (6) Survivors who are formerly incarcerated or who have past arrests or convictions.
- (7) Survivors with immigration status issues.
- (8) Survivors who are unhoused.
- (9) Survivors of firearm injuries.
- (10) Survivors who have lost a family member to homicide.
- (11) Survivors facing mental health crises.
- (12) Low-income survivors.
- (13) Survivors challenged by substance abuse.

(j) An organization receiving a grant under this chapter may use the funds as follows:

(1) Flexible cash assistance to survivors to meet survivors' financial needs or to cover survivors' expenses, distributed at the discretion of the organization in amounts determined by the organization based on the needs of survivors and in a way that minimizes or eliminates the burden on survivors to provide external documentation of their need or expenses. The organization may distribute flexible cash assistance funds to a survivor directly, to the parent or guardian of a survivor on the survivor's behalf if the survivor is ~~a~~ an ~~minor or dependent~~ adult with a disability or minor, or if the survivor or the parent or guardian of ~~an~~ a ~~minor or dependent~~ adult with a disability or minor requests, to a vendor, business, or another third party to pay for an expense or to purchase a product on a survivor's behalf. Cash assistance distributed to a survivor or parent or guardian of a survivor may be distributed in the form of cash, electronic transfer, check, direct deposit, prepaid card, or in another similar manner at the discretion of the organization and based on the needs of survivors. Cash assistance awards of more than five thousand dollars (\$5,000) to an individual survivor may require additional documentation of significant need.

- (2) Up to 10 percent for the organization's expenses in administering the grant.
- (k) A community-based organization receiving a grant under this chapter shall establish policies and procedures for distributing funds to survivors whom the organization serves that comply with all the following:
- (1) Develop a method that allows survivors to attest to their experience of victimization that minimizes the burden of requiring survivors to obtain documentation of a victimization, such as by using verified written statements from a community-based organization.
 - (2) Promote distribution of funds to survivors in a manner that meets the immediate needs of survivors quickly.
 - (3) Do not require survivors to engage in other services or programs as a condition of receiving funds.
 - (4) Do not require survivors to provide or maintain burdensome documentation of their need or spending.
 - (5) Do not require survivors to report a crime to a law enforcement agency as a condition of receiving cash assistance.
 - (6) Do not exclude survivors on the basis of citizenship or immigration status.
 - (7) Do not exclude survivors on the basis of an arrest or conviction record, nor on the basis of a survivor's status under correctional supervision.
- (l) Notwithstanding any other law, cash assistance received by a survivor under this chapter shall be treated in the same manner as the federal earned income refund for the purpose of determining eligibility to receive benefits under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code or amounts of those benefits.
- (m) Notwithstanding any other law, cash assistance received under this chapter shall not reduce a victim's maximum benefit allowance provided by the California Victim Compensation Board, except that an expense for specific purposes paid in full for a survivor under this chapter shall not be eligible for reimbursement or payment by the board for the same purposes. If an organization distributes flexible cash assistance under this chapter on a survivor's behalf to partially cover a specific expense or bill, the California Victim Compensation Board may reimburse or pay the survivor any remaining amount of the specific expense or bill that has not been covered.
- (n) Each grantee shall annually report to the office all of the following:
- (1) The aggregate number of survivors who received cash assistance through the grant program.
 - (2) The average amount of assistance each survivor received through the grant program.
 - (3) Information responsive to the metrics developed pursuant to paragraph (6) of subdivision (f).

(o) The office may use up to 5 percent of the funds appropriated for the grant program each year for the costs of administering the grant program, including, without limitation, employing personnel, providing technical assistance to grantees or prospective grantees, and issuing a report on the impacts of the grant program through the 2026–27 fiscal year.

Gov. Code 12528(h),(i)

12528.

(a) There is in the Office of the Attorney General the Division of Medi-Cal Fraud and Elder Abuse, which shall implement Sections 1903(a)(6), 1903(b)(3), and 1903(g) of the federal Social Security Act, as amended by the federal Medicare-Medicaid Anti-Fraud and Abuse Amendments (Public Law 95-142), and is authorized to conduct a statewide program for investigating and prosecuting, and referring for prosecution, violations of all applicable laws pertaining to fraud in the administration of the Medi-Cal program, the provision of medical assistance or medical supplies, or the activities of providers of medical assistance or medical suppliers under the Medi-Cal state plan. The investigation of fraud by beneficiaries of the Medi-Cal program shall be the responsibility of the Audits and Investigations Branch of the State Department of Health Care Services.

(b) The division shall also review complaints alleging abuse or neglect of patients in health care facilities receiving payments under the Medi-Cal state plan, and may review complaints of the misappropriation of patient's private funds in those facilities and complaints of discriminatory treatment of Medi-Cal beneficiaries by those facilities.

(1) If the initial review indicates substantial potential for criminal prosecution, the division shall investigate the complaint or refer it to an appropriate criminal investigative or prosecutive authority.

(2) If the initial review does not indicate a substantial potential for criminal prosecution, the division shall inform the referring agency of its determination and may, if appropriate, refer the complaint to the State Department of Health Care Services.

(c) Local law enforcement and prosecution agencies shall have concurrent jurisdiction with the division to investigate and prosecute violations of law specified in this section.

(d) If the division, in carrying out its duties and responsibilities under subdivisions (a) and (b), discovers that overpayments have been made to a health care facility or other provider of medical assistance or medical supplies under the Medi-Cal state plan, the division shall either attempt to collect the overpayment or refer the matter to the State Department of Health Care Services for collection.

(e) Where a prosecuting authority other than the division elects to prosecute a case reported to the division, the division shall, upon request of that prosecuting authority, ensure that those responsible for the prosecutive decision and the preparation of the case for trial have the opportunity to participate in the investigation from its inception and shall provide all necessary assistance to the prosecuting authority throughout all resulting prosecutions.

(f) The division shall make available to federal investigators or prosecutors all information in its possession concerning fraud in the provision or administration of medical assistance under the

Medi-Cal state plan, and shall cooperate with officials in coordinating any federal and state investigations or prosecutions involving the same suspects or allegations.

(g) The division shall safeguard the privacy rights of all individuals and shall provide safeguards to prevent the misuse of information under its control. Agencies that are required to report complaints alleging abuse or neglect of patients shall maintain the confidentiality of those reports until a time that the report becomes a matter of public record.

(h) The division shall offer training programs to local law enforcement and prosecutorial personnel in investigating and prosecuting crimes against **adults with a disability and** ~~elders and dependent adults~~. The division shall offer training programs to the State Department of Health Care Services, the State Department of Social Services, the county adult protective services agencies, and the Long-Term Care Ombudsman in evaluating and documenting criminal abuse against elders and ~~dependent~~ adults **with a disability**.

(i) The state Long-Term Care Ombudsman, the Licensing and Certification Division in the State Department of Health Care Services, and the Statistical Services Bureau in the State Department of Social Services shall report to the division all instances of abuse and neglect of **adults with a disability and** ~~elders and dependent adults~~, as defined in Section 15610 of the Welfare and Institutions Code, which come to their attention.

(j) The division shall collect information on a statewide basis regarding cases of abuse and neglect of patients in health facilities receiving payments from the Medi-Cal program for the primary purpose of analyzing the information it collects and disseminating its conclusions to local law enforcement agencies and to regulatory and licensing authorities.

(k) For purposes of this section, “division” means the Division of Medi-Cal Fraud and Elder Abuse in the Office of the Attorney General.

Gov. Code 12945.8(b)(10)

12945.8.

(a) An employer shall not do any of the following:

(1) Discharge or in any manner discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury.

(2) Discharge or in any manner discriminate or retaliate against an employee, including, but not limited to, an employee who is a victim, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.

(3) Discharge or in any manner discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

(4) Commencing January 1, 2026, discharge or in any manner discriminate or retaliate against an employee who is a victim or a family member of a victim for taking time off from work in order to attend judicial proceedings related to that crime, including, but not limited to, any

delinquency proceeding, a postarrest release decision, plea, sentencing, postconviction release decision, or any proceeding where a right of that person is an issue.

(b) An employer with 25 or more employees shall not discharge or in any manner discriminate or retaliate against an employee who is a victim or who has a family member who is a victim for taking time off from work for any of the following purposes:

(1) To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.

(2) To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.

(3) To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.

(4) To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.

(5) To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.

(6) To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.

(7) To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.

(8) To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.

(9) To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.

(10) To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or care-dependent adult as a result of the qualifying act of violence.

(c) (1) As a condition of taking time off for a purpose set forth in paragraph (1), (3), or (4) of subdivision (a), or subdivision (b), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible.

(2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer upon request by the employer. Certification shall be sufficient in the form of any of the following:

(A) A police report indicating that the employee or a family member of the employee was a victim.

(B) A court order protecting or separating the employee or a family member of the employee from the perpetrator of the qualifying act of violence, or other evidence from a court or prosecuting attorney that the employee or a family member of the employee has appeared in court.

(C) Documentation from a licensed medical professional, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, victim advocate, licensed health care provider, or counselor that the employee or a family member of the employee was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence.

(D) Any other form of documentation that reasonably verifies that the qualifying act of violence occurred, including, but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under this section.

(3) To the extent allowed by law and consistent with subparagraph (D) of paragraph (7) of subdivision (e), the employer shall maintain the confidentiality of any employee requesting leave under paragraph (3) or (4) of subdivision (a), or subdivision (b). Furnishing evidence or providing a certification under this subdivision shall not waive any confidentiality or privilege that may exist between the employee or employee's family member and a third party.

(d) An employer shall not discharge or in any manner discriminate or retaliate against an employee because of the employee's status, or the employee's family member's status, as a victim if the employee provides notice to the employer of the status or the employer has actual knowledge of the status.

(e) (1) An employer shall provide reasonable accommodations for an employee who is a victim or whose family member is a victim of a qualifying act of violence who requests an accommodation for the safety of the employee while at work.

(2) For purposes of this subdivision, reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, permission to carry telephone at work, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or another qualifying act of violence that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other qualifying act of violence, or referral to a victim assistance organization.

(3) An employer is not required under this section to provide a reasonable accommodation to an employee who has not disclosed the employee's status, or the employee's family member's status, as a victim.

(4) The employer shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

(5) In determining whether the accommodation is reasonable, the employer shall consider an exigent circumstance or danger facing the employee or their family member.

(6) This subdivision does not require the employer to undertake an action that constitutes an undue hardship on the employer's business operations, as defined by Section 12926 of the Government Code. For the purposes of this subdivision, an undue hardship also includes an action that would violate an employer's duty to furnish and maintain a place of employment that is safe and healthful for all employees as required by Section 6400 of the Labor Code.

(7) (A) Upon the request of an employer, an employee requesting a reasonable accommodation pursuant to this subdivision shall provide the employer a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for a purpose authorized under this subdivision.

(B) The employer may also request certification from an employee requesting an accommodation pursuant to this subdivision demonstrating the employee's status, or the employee's family member's status, as a victim. Certification shall be sufficient in the form of any of the categories described in paragraph (2) of subdivision (c).

(C) An employer who requests certification pursuant to subparagraph (B) may request recertification of an employee's status, or an employee's family member's status, as a victim, or ongoing circumstances related to the qualifying act of violence, every six months after the date of the previous certification.

(D) Any verbal or written statement, police or court record, or other documentation provided to an employer identifying an employee or the employee's family member as a victim shall be maintained as confidential by the employer and shall not be disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure. Furnishing evidence or providing a certification under this subdivision shall not waive any confidentiality or privilege that may exist between the employee or employee's family member and a third party.

(E) (i) If circumstances change and an employee needs a new accommodation, the employee shall request a new accommodation from the employer.

(ii) Upon receiving the request, the employer shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

(F) If an employee no longer needs an accommodation, the employee shall notify the employer that the accommodation is no longer needed.

(8) An employer shall not retaliate against an employee for requesting a reasonable accommodation under this subdivision, regardless of whether the request was granted.

(f) It shall be an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(g) An employee may use vacation, personal leave, paid sick leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement, for time taken off for a purpose specified in subdivision (a) or (b). The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(h) This section does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the 12 weeks provided under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.).

(i) An employer may limit the total leave taken pursuant to this section as follows:

(1) An employer may limit total leave time taken pursuant to subdivision (b) to 12 weeks.

(2) If an employee's family member is a victim who is not deceased as a result of a crime, and the employee is not a victim, and the employee takes leave pursuant to paragraph (6) of subdivision (b), the employer may limit the leave taken for that reason to five days.

(3) If any employee's family member is a victim who is not deceased as a result of crime, and the employee is not a victim, the employer may limit the total leave taken pursuant to subdivision (b) to 10 days.

(4) Leave taken by an employee pursuant to this section shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) and the Moore-Brown-Roberti Family Rights Act, commonly referred to as the California Family Rights Act (Sections 12945.2 and 19702.3 of the Government Code), if the employee would have been eligible for that leave.

(j) For purposes of this section:

(1) "Crime" means a crime or public offense as set forth in Section 13951 of the Government Code, and regardless of whether any person is arrested for, prosecuted for, or convicted of, committing the crime.

(2) "Domestic violence" means any of the types of abuse set forth in Section 6211 of the Family Code, as amended.

(3) "Employer" means any of the following:

(A) Any person who directly employs one or more persons to perform services for a wage or salary.

(B) The state, and any political or civil subdivision of the state and cities.

(4) "Family member" means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as those terms are defined in Section 12945.2, or designated person. For purposes of this paragraph, "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An

employer may limit an employee to one designated person per 12-month period for leave pursuant to this section.

(5) “Qualifying act of violence” means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

(A) Domestic violence.

(B) Sexual assault.

(C) Stalking.

(D) An act, conduct, or pattern of conduct that includes any of the following:

(i) In which an individual causes bodily injury or death to another individual.

(ii) In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual.

(iii) In which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

(6) “Sexual assault” means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

(7) “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person’s safety or the safety of others or suffer substantial emotional distress.

(8) “Victim” means one of the following:

(A) An individual against whom a qualifying act of violence is committed.

(B) For the purposes of paragraph (2) of subdivision (a) only, a person against whom any crime has been committed.

(C) For the purposes of paragraph (4) of subdivision (a) only, either of the following:

(i) A person against whom any of the following crimes are committed:

(I) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code.

(II) A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code.

(III) A felony provision of law proscribing theft or embezzlement.

(ii) A person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of any of the following crimes or delinquent acts:

(I) Vehicular manslaughter while intoxicated, as defined in subdivision (b) of Section 191.5 of the Penal Code.

(II) Felony child abuse likely to produce great bodily harm or a death, as defined in Section 273a of the Penal Code.

(III) Assault resulting in the death of a child under eight years of age, as defined in Section 273ab of the Penal Code.

(IV) Felony domestic violence, as defined in Section 273.5 of the Penal Code.

(V) Felony physical abuse of an **adult with a disability or** elder ~~or dependent adult~~, as defined in subdivision (b) of Section 368 of the Penal Code.

(VI) Felony stalking, as defined in Section 646.9 of the Penal Code.

(VII) Solicitation for murder, as defined in subdivision (b) of Section 653f of the Penal Code.

(VIII) A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code.

(IX) Hit-and-run causing death or injury, as defined in Section 20001 of the Vehicle Code.

(X) Felony driving under the influence causing injury, as defined in Section 23153 of the Vehicle Code.

(XI) Sexual assault as set forth in Section 261, 261.5, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former Section 288a of, the Penal Code.

(9) “Victim advocate” means an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, or under the auspices or supervision of a court or a law enforcement or prosecution agency.

(10) “Victim services organization or agency” means an agency or organization that has a documented record of providing services to victims.

(k) (1) An employer shall inform each employee of their rights established under this section in writing. The information shall be provided to new employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee’s family member is a victim. If an employer elects not to use the form

developed by the department, as specified in paragraph (2), the notice provided by the employer to the employees shall be substantially similar in content and clarity to that form developed by the department.

(2) The department shall develop a form that an employer may use to comply with the notice requirements in paragraph (1). The form shall be entitled “Survivors of Violence and Family Members of Victims Right to Leave and Accommodations” and shall set forth the rights and duties of employers and employees under this section in clear and concise language. The notice shall also include language that advises employees in clear and concise language that if leave taken under this section is due to an employee’s inability to work as a result of a serious health condition, or need to care for a family member with a serious health condition, they may also be eligible for wage replacement under the disability insurance program, the family temporary disability insurance program, or other programs administered by the Employment Development Department. The notice shall also include language that advises employees in clear and concise language that if they are a family member of a deceased victim, they may be eligible for leave under this section and also for bereavement leave under Section 12945.7. The department shall post the form in English, Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Arabic, Farsi, Punjabi, Russian, Japanese, Hindi, Mon-Khmer, Thai, and any other language that is spoken by a “substantial number of non-English-speaking people,” as that phrase is defined in Section 7296.2, on the department’s internet website to make it available to employers who are required to comply with this section. The department shall create the form and post it in accordance with this paragraph on or before July 1, 2025.

(3) An employer shall not be required to comply with paragraph (1) until the department posts the form on the department’s internet website in accordance with paragraph (2).

Gov. Code 19996.19(b)(9)

19996.19.

(a) The Legislature finds and declares all of the following:

(1) Many individuals in our society possess great productive potential which goes unused because they cannot meet the requirements of a standard workweek.

(2) An increasing proportion of workers have family responsibilities which include the care of **dependent** elders and the rearing of children.

(3) There is a lack of adequate, affordable adult or child care to accommodate the growing need for such services.

(4) The state is benefited by exploring and encouraging cost-saving supplements to latchkey programs, out-of-home child care services, and **adult dependent** care for adults with a disability.

(5) Disabled employees or persons with special health needs may benefit from voluntary reduced worktime.

(6) Voluntary reduced worktime benefits both employers and employees, by increasing flexibility and decreasing absenteeism, offering management more flexibility in meeting work requirements, and filling shortages in various occupations.

(7) Society is benefited by offering a needed alternative for those individuals who require or prefer shorter hours, despite the reduced income, thus increasing jobs available to reduce unemployment while retaining the skills of individuals who have training and experience.

(8) Employment opportunities are maximized by providing for voluntary reduced worktime options to a standard workweek.

(b) It is the intent of the Legislature in adopting this section to pursue all of the following objectives:

(1) To provide for maximum employment opportunities.

(2) To encourage the realization of individual potential.

(3) To increase the numbers and kinds of public and private sector voluntary reduced worktime options.

(4) To support the creation of a healthy balance between work and family needs, including the need for additional income.

(5) To encourage voluntary reduced worktime opportunities within the private as well as public sector.

(6) To develop policies and procedures which support the growth of voluntary reduced worktime positions.

(7) To promote job stability.

(8) To strengthen the family and promote domestic tranquility and to benefit the family and society by promoting a balance between work and home.

(9) To provide for alternative solutions to the growing need for adequate child care, and care for ~~dependent adults, and care for the disabled~~ persons with a disability.

(c) Nothing in this section shall be construed as superseding Sections 19996.20 and 19996.21 which provide that the reduced worktime option shall be made available only to the extent feasible and as the department finds consistent with maximum employment opportunity.

Gov. 68152(a)(6)

68152.

The trial court clerk may destroy court records under Section 68153 after notice of destruction, and if there is no request and order for transfer of the records, except the comprehensive historical and sample superior court records preserved for research under the California Rules of

Court, when the following times have expired after the date of final disposition of the case in the categories listed:

(a) Civil actions and proceedings, as follows:

(1) Except as otherwise specified: retain 10 years.

(2) Civil unlimited cases, limited cases, and small claims cases, including after trial de novo, if any, except as otherwise specified: retain for 10 years.

(3) Civil judgments for unlimited civil cases: retain permanently.

(4) Civil judgments for limited and small claims cases: retain for 10 years, unless judgment is renewed. If judgment is renewed, retain judgment for length of renewal pursuant to Article 2 (commencing with Section 683.110) of Chapter 3 of Division 1 of Title 9 of Part 2 of the Code of Civil Procedure.

(5) If a party in a civil case appears by a guardian ad litem: retain for 10 years after termination of the court's jurisdiction.

(6) Civil harassment, domestic violence, **adult with a disability and** ~~elder and dependent adult~~ abuse, private postsecondary school violence, gun violence, and workplace violence cases: retain for the same period of time as the duration of the restraining or other orders and any renewals thereof, then retain the restraining or other orders permanently as a judgment; 60 days after expiration of the temporary restraining or other temporary orders; retain judgments establishing paternity under Section 6323 of the Family Code permanently.

(7) Family law, except as otherwise specified: retain for 30 years.

(8) Adoption: retain permanently.

(9) Parentage: retain permanently.

(10) Change of name, gender, or name and gender: retain permanently.

(11) Probate:

(A) Decedent estates: retain permanently all orders, judgments, and decrees of the court, all inventories and appraisals, and all wills and codicils of the decedent filed in the case, including those not admitted to probate. All other records: retain for five years after final disposition of the estate proceeding.

(B) Wills and codicils transferred or delivered to the court pursuant to Section 732, 734, or 8203 of the Probate Code: retain permanently. For wills and codicils delivered to the clerk of the court under Section 8200 of the Probate Code, retain the original documents as provided in Section 26810.

(C) Substitutes for decedent estate administration:

(i) Affidavit procedures for real property of small value under Chapter 3 (commencing with Section 13100) of Part 1 of Division 8 of the Probate Code: retain permanently.

(ii) Proceedings for determining succession to property under Chapter 4 (commencing with Section 13150) of Part 1 of Division 8 of the Probate Code: retain permanently all inventories and appraisals and court orders. Other records: retain for five years after final disposition of the proceeding.

(iii) Proceedings for determination of property passing or belonging to surviving spouse under Chapter 5 (commencing with Section 13650) of Part 2 of Division 8 of the Probate Code: retain permanently all inventories and appraisals and court orders. Other records: retain for five years after final disposition of the proceeding.

(D) Conservatorships: retain permanently all court orders. Documents of trusts established under substituted judgment pursuant to Section 2580 of the Probate Code: retain as provided in clause (iii) of subparagraph (G). Other records: retain for five years after the later of either (i) the final disposition of the conservatorship proceeding, or (ii) the date of the conservatee's death, if that date is disclosed in the court's file.

(E) Guardianships: retain permanently orders terminating the guardianship, if any, and court orders settling final account and ordering distribution of the estate. Other records: retain for five years after the later of (i) the final disposition of the guardianship proceeding, or (ii) the earlier of the date of the ward's death, if that date is disclosed in the court's file, or the date the ward reaches 23 years of age.

(F) Compromise of minor's or disabled person's claim or action, and disposition of judgment for minors and disabled persons under Section 372 of the Code of Civil Procedure and Chapter 4 (commencing with Section 3600) of Part 8 of Division 4 of the Probate Code:

(i) Retain permanently judgments in favor of minors or disabled persons, orders approving compromises of claims and actions and disposition of the proceeds of judgments, orders directing payment of expenses, costs, and fees, orders directing deposits into blocked accounts and receipts and acknowledgments of those orders, and orders for the withdrawal of funds from blocked accounts.

(ii) Retain other records for the same retention period as for records in the underlying case. If there is no underlying case, retain for five years after the later of either (I) the date the order for payment or delivery of the final balance of the money or property is entered, or (II) the earlier of the date of the minor's death, if that date is disclosed in the court's file, or the date the minor reaches 23 years of age.

(G) Trusts:

(i) Proceedings under Part 5 (commencing with Section 17000) of Division 9 of the Probate Code: retain permanently.

(ii) Trusts created by substituted judgment under Section 2580 of the Probate Code: retain permanently all trust instruments and court orders. Other records: retain as long as the underlying conservatorship file is retained.

(iii) Special needs trusts: retain permanently all trust instruments and court orders. Other records: retain until the later of either (I) the retention date of “other records” in the beneficiary’s conservatorship or guardianship file under subparagraph (D) or (E), if any, or (II) five years after the date of the beneficiary’s death, if that date is disclosed in the court’s file.

(H) All other proceedings under the Probate Code: retain as provided for civil cases.

(12) Mental health:

(A) Lanterman Developmental Disabilities Services Act: retain for 10 years.

(B) Lanterman-Petris-Short Act: retain for 20 years.

(C) Riese (capacity) hearings under Sections 5333 and 5334 of the Welfare and Institutions Code: retain for the later of either (i) 20 years after the date of the capacity determination order, or (ii) the court records retention date of the underlying involuntary treatment or commitment proceeding, if any.

(D) Petitions under Chapter 3 (commencing with Section 8100) of Division 8 of the Welfare and Institutions Code for the return of firearms to petitioners who relinquished them to law enforcement while detained in a mental health facility: retain for 10 years.

(13) Eminent domain: retain permanently.

(14) Real property other than unlawful detainer: retain permanently if the action affects title or an interest in real property.

(15) Unlawful detainer: retain for one year if judgment is only for possession of the premises; retain for 10 years if judgment is for money, or money and possession.

(b) Notwithstanding subdivision (a), any civil or small claims case in the trial court:

(1) Involuntarily dismissed by the court for delay in prosecution or failure to comply with state or local rules: retain for one year.

(2) Voluntarily dismissed by a party without entry of judgment: retain for one year.

(c) Criminal actions and proceedings, as follows:

(1) Capital felony in which the defendant is sentenced to death, and any felony resulting in a sentence of life or life without the possibility of parole: retain permanently, including records of the cases of any codefendants and any related cases, regardless of the disposition. For the purpose of this paragraph, “capital felony” means murder with special circumstances when the prosecution seeks the death penalty. Records of the cases of codefendants and related cases

required to be retained under this paragraph shall be limited to those cases that are factually linked or related to the charged offense, that are identified in the courtroom, and that are placed on the record. If a capital felony is disposed of by a sentence less than death, or imprisonment for life or life without the possibility of parole, the judgment shall be retained permanently, and the record shall be retained for 50 years or for 10 years after the official written notification of the death of the defendant. If a capital felony is disposed of by an acquittal, the record shall be retained for 10 years.

(2) Felony, except as otherwise specified, and in any felony or misdemeanor case resulting in a requirement that the defendant register as a sex offender under Section 290 of the Penal Code: retain judgment permanently. For all other documents: retain for 50 years or the maximum term of the sentence, whichever is longer. However, any record other than the judgment may be destroyed 10 years after the death of the defendant. Felony case files that do not include final sentencing or other final disposition because the case was bound over from a former municipal court to the superior court and not already consolidated with the superior court felony case file: retain for 10 years from the disposition of the superior court case.

(3) Felony reduced to a misdemeanor: retain in accordance with the retention period for the relevant misdemeanor.

(4) Felony, if the charge is dismissed, except as provided in paragraph (6): retain for three years.

(5) Misdemeanor, if the charge is dismissed, except as provided in paragraph (6): retain for one year.

(6) Dismissal under Section 1203.4 or 1203.4a of the Penal Code: retain for the same retention period as for records of the underlying case. If the records in the underlying case have been destroyed, retain for five years after dismissal.

(7) Misdemeanor, except as otherwise specified: retain for five years. For misdemeanors alleging a violation of Section 23103, 23152, or 23153 of the Vehicle Code: retain for 10 years.

(8) Misdemeanor alleging a marijuana violation under subdivision (b) or (c) of Section 11357 of the Health and Safety Code, or subdivision (b) of Section 11360 of the Health and Safety Code: records shall be destroyed, or redacted in accordance with subdivision (c) of Section 11361.5 of the Health and Safety Code, two years from the date of conviction, or from the date of arrest if no conviction, if the case is no longer subject to review on appeal, all applicable fines and fees have been paid, and the defendant has complied with all terms and conditions of the sentence or grant of probation. As provided in subdivision (a) of Section 11361.5 of the Health and Safety Code and paragraph (5) of subdivision (e) of this section, records of an infraction alleging a marijuana violation under subdivision (d) of Section 11357 of the Health and Safety Code shall be retained until the offender attains 18 years of age, at which time the records shall be destroyed as provided in subdivision (c) of Section 11361.5 of the Health and Safety Code.

(9) Misdemeanor reduced to an infraction: retain in accordance with the retention period for the relevant infraction.

(10) Infraction, except as otherwise specified: retain for one year. Vehicle Code infraction: retain for three years. Infraction alleging a marijuana violation under subdivision (a) of Section 11357 of the Health and Safety Code: if records are retained past the one-year minimum retention period, the records shall be destroyed or redacted in accordance with subdivision (c) of Section 11361.5 of the Health and Safety Code two years from the date of conviction, or from the date of arrest if no conviction, if the case is no longer subject to review on appeal, all applicable fines and fees have been paid, and the defendant has complied with all terms and conditions of the sentence or grant of probation.

(11) Criminal protective order: retain until the order expires or is terminated.

(12) Arrest warrant: retain for the same retention period as for records in the underlying case. If there is no underlying case, retain for one year from the date of issue.

(13) Search warrant:

(A) If there is no underlying case, retain for five years from the date of issue.

(B) If there is any underlying case, retain for 10 years from the date of issue or, if the retention period for records in the underlying case is less than 10 years or if the underlying case is a capital felony described in paragraph (1) of subdivision (c), retain for the same retention period as for records in the underlying case.

(14) Probable cause declarations: retain for the same retention period as for records in the underlying case. If there is no underlying case, retain for one year from the date of declaration.

(15) Proceedings for revocation of postrelease community supervision or postrelease parole supervision: retain for five years after the period of supervision expires or is terminated.

(d) Habeas corpus:

(1) Habeas corpus in criminal and family law matters: retain for the same retention period as for records in the underlying case, whether granted or denied.

(2) Habeas corpus in mental health matters: retain all records for the same retention period as for records in the underlying case, whether granted or denied. If there is no underlying case, retain records for 20 years.

(e) Juveniles:

(1) Dependent pursuant to Section 300 of the Welfare and Institutions Code: upon reaching 28 years of age, or on written request, shall be released to the juvenile five years after jurisdiction over the person has terminated under subdivision (a) of Section 826 of the Welfare and Institutions Code. Sealed records shall be destroyed upon court order five years after the records have been sealed pursuant to subdivision (c) of Section 389 of the Welfare and Institutions Code.

(2) Ward pursuant to Section 601 of the Welfare and Institutions Code: upon reaching 21 years of age, or on written request, shall be released to the juvenile five years after jurisdiction over the person has terminated under subdivision (a) of Section 826 of the Welfare and Institutions Code. Sealed records shall be destroyed upon court order five years after the records have been sealed under subdivision (d) of Section 781 of the Welfare and Institutions Code.

(3) Ward pursuant to Section 602 of the Welfare and Institutions Code: upon reaching 38 years of age under subdivision (a) of Section 826 of the Welfare and Institutions Code. Sealed records shall be destroyed upon court order when the subject of the record reaches 38 years of age under subdivision (d) of Section 781 of the Welfare and Institutions Code.

(4) Traffic and some nontraffic misdemeanors and infractions pursuant to Section 601 of the Welfare and Institutions Code: upon reaching 21 years of age, or five years after jurisdiction over the person has terminated under subdivision (c) of Section 826 of the Welfare and Institutions Code. Records may be microfilmed or photocopied.

(5) Marijuana infraction under subdivision (d) of Section 11357 of the Health and Safety Code in accordance with procedures specified in subdivision (a) of Section 11361.5 of the Health and Safety Code: upon reaching 18 years of age, the records shall be destroyed.

(f) Court records of the appellate division of the superior court: retain for five years.

(g) Other records:

(1) Bench warrant: retain for the same retention period as for records in the underlying case. For a bench warrant issued for a misdemeanor, retain records for the same retention period as for records in the underlying misdemeanor following issuance. If there is no return on the warrant, the court may dismiss on its own motion and immediately destroy the records.

(2) Body attachment: retain for same retention period as for records in the underlying case.

(3) Bond: retain for three years after exoneration and release.

(4) Court reporter notes:

(A) Criminal and juvenile proceedings: retain notes for 10 years, except as otherwise specified. Notes reporting proceedings in capital felony cases (murder with special circumstances when the prosecution seeks the death penalty and the sentence is death), including notes reporting the preliminary hearing, shall be retained permanently, unless the Supreme Court on request of the court clerk authorizes the destruction.

(B) Civil and all other proceedings: retain notes for five years.

(5) Electronic recordings made as the official record of the oral proceedings under the California Rules of Court may be destroyed or deleted as follows:

(A) Any time after final disposition of the case in infraction and misdemeanor proceedings.

- (B) After 10 years in all other criminal proceedings.
- (C) After five years in all other proceedings.
- (6) Electronic recordings not made as the official record of the oral proceedings under the California Rules of Court may be destroyed at any time at the discretion of the court.
- (7) Fee waiver applications: retain for the same retention period as for records in the underlying case.
- (8) Judgments within the jurisdiction of the superior court other than in a limited civil case, misdemeanor case, or infraction case: retain permanently.
- (9) Judgments in misdemeanor cases, infraction cases, and limited civil cases: retain for the same retention period as for records in the underlying case.
- (10) Juror proceedings, including sanctions: retain for one year.
- (11) Minutes: retain for the same retention period as for records in the underlying case.
- (12) Orders not associated with an underlying case, such as orders for the destruction of court records for telephone taps, orders to destroy drugs, and other miscellaneous court orders: retain for one year.
- (13) Naturalization index: retain permanently.
- (14) Index for cases alleging traffic violations: retain for the same retention period as for records in the underlying case.
- (15) Index, except as otherwise specified: retain permanently.
- (16) Register of actions or docket: retain for the same retention period as for records in the underlying case, but in no event less than 10 years for civil and small claims cases.
- (h) Retention of the court records under this section shall be extended by order of the court on its own motion, or on application of a party or an interested member of the public for good cause shown and on those terms as are just. A fee shall not be charged for making the application.
- (i) The record retention periods provided in this section, as amended effective January 1, 2014, apply to all court records in existence prior to that date as well as to records created on or after that date.

Gov. Code 70617(b)(10)

70617.

- (a) Except as provided in subdivisions (d) and (e), the uniform fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper, is sixty dollars (\$60). Papers for which this fee shall be charged include the following:

- (1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section 1005 of the Code of Civil Procedure.
- (2) A motion or application to continue a trial date.
- (3) An application for examination of a third person controlling defendant's property under Section 491.110 or 491.150 of the Code of Civil Procedure.
- (4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.
- (5) A motion for a new trial of a civil action or special proceeding.
- (6) An application for an order for a judgment debtor examination under Section 708.110 or 708.160 of the Code of Civil Procedure.
- (7) An application for an order of sale of a dwelling under Section 704.750 of the Code of Civil Procedure.
- (8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.
- (9) A motion for an order determining the need for a debtor to appear for a debtor's examination under Section 708.111 of the Code of Civil Procedure.
- (b) There shall be no fee under subdivision (a) or (c) for filing any of the following:
 - (1) A motion, application, demurrer, request, notice, or stipulation and order that is the first paper filed in an action and on which a first paper filing fee is paid.
 - (2) An amended notice of motion.
 - (3) A civil case management statement.
 - (4) A request for trial de novo after judicial arbitration.
 - (5) A stipulation that does not require an order.
 - (6) A request for an order to prevent civil harassment.
 - (7) A request for an order to prevent domestic violence.
 - (8) A request for entry of default or default judgment.
 - (9) A paper requiring a hearing on a petition for emancipation of a minor.
 - (10) A paper requiring a hearing on a petition for an order to prevent abuse of an **adult with a disability or** elder ~~or dependent adult~~.
 - (11) A paper requiring a hearing on a petition for a writ of review, mandate, or prohibition.

(12) A paper requiring a hearing on a petition for a decree of change of name or gender.

(13) A paper requiring a hearing on a petition to approve the compromise of a claim of a minor.

(c) The fee for filing the following papers not requiring a hearing is twenty dollars (\$20):

(1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.

(2) A stipulation and order.

(3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is five hundred dollars (\$500).

(e) (1) The fee for filing in the superior court an application to appear as counsel pro hac vice is five hundred dollars (\$500). This fee is in addition to any other fee required of the applicant. Two hundred fifty dollars (\$250) of the fee collected under this paragraph shall be transmitted to the state for deposit into the State Court Facilities Construction Fund, established in Section 70371. The remaining two hundred fifty dollars (\$250) of the fee shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(2) An attorney whose application to appear as counsel pro hac vice has been granted shall pay to the superior court, on or before the anniversary of the date the application was granted, an annual renewal fee of five hundred dollars (\$500) for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire fee collected under this paragraph shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(3) Fees imposed by this subdivision shall be waived when the applicant is an attorney representing a tribe in a child welfare matter under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

Health & Saf. Code 1569.885(f)

1569.885.

(a) When referring to a resident's obligation to observe facility rules, the admission agreement shall indicate that the rules must be reasonable, and that there is a facility procedure for suggesting changes in the rules. A facility rule shall not violate any right set forth in this article or in other applicable laws and regulations.

(b) The admission agreement shall specify that a copy of the facility grievance procedure for resolution of resident complaints about facility practices shall be made available to the resident or the resident's representative.

(c) The admission agreement shall inform a resident of the right to contact the State Department of Social Services, the long-term care ombudsman, or both, regarding grievances against the facility.

(d) In addition to any other notice a licensee is required by law to provide to residents, a written notice, including the current telephone number, internet website address, and email address for the local long-term care ombudsman and the internet website address for the Community Care Licensing Division of the State Department of Social Services shall be included in, or as an attachment to, all admission agreements. The written notice also shall state that the ombudsman is intended as a resource for both of the following purposes:

(1) Accessing additional information regarding resident care at the facility.

(2) Reporting resident care complaints.

(e) A copy of any applicable resident's rights specified by law or regulation shall be an attachment to all admission agreements.

(f) The statement of resident's rights attached to admissions agreements by a residential care facility for the elderly shall include information on the reporting of suspected or known **adult with a disability and** elder **~~and dependent adult~~** abuse, as set forth in Section 1569.889.

Health & Saf. Code 1569.889(a)

1569.889.

(a) The personal rights form made available by the department's Community Care Licensing Division to residential care facilities for the elderly shall include a statement regarding procedures for reporting known or suspected **adult with a disability and** elder **~~and dependent adult~~** abuse, including the toll-free telephone number of the State Long-Term Care Ombudsman's CRISISline and a blank space for the telephone number of the nearest approved organization for long-term care ombudsperson activities. A residential care facility for the elderly shall insert in the form's blank space the telephone number of the nearest approved organization for long-term care ombudsperson activities.

(b) The department's Community Care Licensing Division shall adopt or amend any regulation and revise any document or policy as necessary to implement this section.

Pen. Code 148.5(e)

148.5.

(a) Every person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, the Attorney General, or a deputy attorney general, or a district attorney, or a deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

(b) Every person who reports to any other peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

(c) Except as provided in subdivisions (a) and (b), every person who reports to any employee who is assigned to accept reports from citizens, either directly or by telephone, and who is employed by a state or local agency which is designated in Section 830.1, 830.2, subdivision (e) of Section 830.3, Section 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or 830.4, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the employee is engaged in the performance of his or her duties as an agency employee and (2) the person providing the false information knows or should have known that the person receiving the information is an agency employee engaged in the performance of the duties described in this subdivision.

(d) Every person who makes a report to a grand jury that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor. This subdivision shall not be construed as prohibiting or precluding a charge of perjury or contempt for any report made under oath in an investigation or proceeding before a grand jury.

(e) This section does not apply to reports made by persons who are required by statute to report known or suspected instances of child abuse, ~~dependent~~ adult with a disability abuse, or elder abuse.

(f) This section applies to a person who reports to a person described in subdivision (a), (b), or (c), that a firearm, as defined in subdivision (a) or (b) of Section 16520, has been lost or stolen, knowing the report to be false.

Pen. Code 186.12(d)(3)(C),(D)

186.12.

(a) (1) A felony for purposes of this section means a felony violation of subdivision (d) or (e) of Section 368, or a felony violation of subdivision (c) of Section 15656 of the Welfare and Institutions Code, that involves the taking or loss of more than one hundred thousand dollars (\$100,000).

(2) If a person is charged with a felony as described in paragraph (1) and an allegation as to the existence of those facts has been made, any property that is in the control of that person, and any property that has been transferred by that person to a third party, subsequent to the commission of any criminal act alleged pursuant to this subdivision, other than in a bona fide purchase, whether found within or outside the state, may be preserved by the superior court in order to pay restitution imposed pursuant to this section. Upon conviction of the felony, this property may be levied upon by the superior court to pay restitution imposed pursuant to this section.

(b) (1) To prevent dissipation or secreting of property, the prosecuting agency may, at the same time as or subsequent to the filing of a complaint or indictment charging a felony subject to this

section, file a petition with the criminal division of the superior court of the county in which the accusatory pleading was filed, seeking a temporary restraining order, preliminary injunction, the appointment of a receiver, or any other protective relief necessary to preserve the property. The filing of the petition shall commence a proceeding that shall be pendent to the criminal proceeding and maintained solely to affect the criminal remedies provided for in this section. The proceeding shall not be subject to or governed by the provisions of the Civil Discovery Act as set forth in Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. The petition shall allege that the defendant has been charged with a felony as described in paragraph (1) of subdivision (a) and shall identify that criminal proceeding and the property to be affected by an order issued pursuant to this section.

(2) A notice regarding the petition shall be provided, by personal service or registered mail, to every person who may have an interest in the property specified in the petition. Additionally, the notice shall be published for at least three successive weeks in a newspaper of general circulation in the county where the property affected by an order issued pursuant to this section is located. The notice shall state that any interested person may file a verified claim with the superior court stating the nature and amount of their claimed interest. The notice shall set forth the time within which a claim of interest in the protected property is required to be filed.

(3) If the property to be preserved is real property, the prosecuting agency shall record, at the time of filing the petition, a lis pendens in each county in which the real property is situated which specifically identifies the property by legal description, the name of the owner of record as shown on the latest equalized assessment roll, and the assessor's parcel number.

(4) If the property to be preserved are assets under the control of a banking or financial institution, the prosecuting agency, at the time of the filing of the petition, may obtain an order from the court directing the banking or financial institution to immediately disclose the account numbers and value of the assets of the accused held by the banking or financial institution. The prosecuting agency shall file a supplemental petition, specifically identifying which banking or financial institution accounts shall be subject to a temporary restraining order, preliminary injunction, or other protective remedy.

(5) Any person claiming an interest in the protected property may, at any time within 30 days from the date of the first publication of the notice of the petition, or within 30 days after receipt of actual notice, file with the superior court of the county in which the action is pending a verified claim stating the nature and amount of his or her interest in the property. A verified copy of the claim shall be served by the claimant on the Attorney General or district attorney, as appropriate.

(6) The imposition of restitution pursuant to this section shall be determined by the superior court in which the underlying criminal offense is sentenced. Any judge who is assigned to the criminal division of the superior court in the county where the petition is filed may issue a temporary restraining order in conjunction with, or subsequent to, the filing of an allegation pursuant to this section. Any subsequent hearing on the petition shall also be heard by a judge assigned to the criminal division of the superior court in the county in which the petition is filed. At the time of the filing of an information or indictment in the underlying criminal case,

any subsequent hearing on the petition shall be heard by the superior court judge assigned to the underlying criminal case.

(c) Concurrent with or subsequent to the filing of the petition pursuant to this section, the prosecuting agency may move the superior court for, and the superior court may issue, the following pendente lite orders to preserve the status quo of the property identified in the petition:

(1) An injunction to restrain any person from transferring, encumbering, hypothecating, or otherwise disposing of that property.

(2) Appointment of a receiver to take possession of, care for, manage, and operate the properties so that the property may be maintained and preserved. The court may order that a receiver appointed pursuant to this section shall be compensated for all reasonable expenditures made or incurred by him or her in connection with the possession, care, management, and operation of any property that is subject to this section.

(3) A bond or other undertaking, in lieu of other orders, of a value sufficient to ensure the satisfaction of restitution imposed pursuant to this section.

(d) (1) No preliminary injunction may be granted or receiver appointed by the court without notice that meets the requirements of paragraph (2) of subdivision (b) to all known and reasonably ascertainable interested parties and upon a hearing to determine that an order is necessary to preserve the property pending the outcome of the criminal proceedings. A temporary restraining order may be issued by the court, ex parte, pending that hearing in conjunction with or subsequent to the filing of the petition upon the application of the prosecuting attorney. The temporary restraining order may be based upon the sworn declaration of a peace officer with personal knowledge of the criminal investigation that establishes probable cause to believe that a felony has taken place and that the amount of restitution established by this section exceeds or equals the worth of the property subject to the temporary restraining order. The declaration may include the hearsay statements of witnesses to establish the necessary facts. The temporary restraining order may be issued without notice upon a showing of good cause to the court.

(2) The defendant, or a person who has filed a verified claim as provided in paragraph (5) of subdivision (b), shall have the right to have the court conduct an order to show cause hearing within 10 days of the service of the request for hearing upon the prosecuting agency, in order to determine whether the temporary restraining order should remain in effect, whether relief should be granted from any lis pendens recorded pursuant to paragraph (3) of subdivision (b), or whether any existing order should be modified in the interests of justice. Upon a showing of good cause, the hearing shall be held within two days of the service of the request for hearing upon the prosecuting agency.

(3) In determining whether to issue a preliminary injunction or temporary restraining order in a proceeding brought by a prosecuting agency in conjunction with or subsequent to the filing of an allegation pursuant to this section, the court has the discretion to consider any matter that it deems reliable and appropriate, including hearsay statements, in order to reach a just and equitable decision. The court shall weigh the relative degree of certainty of the outcome on the merits and the consequences to each of the parties of granting the interim relief. If the

prosecution is likely to prevail on the merits and the risk of dissipation of the property outweighs the potential harm to the defendants and the interested parties, the court shall grant injunctive relief. The court shall give significant weight to the following factors:

- (A) The public interest in preserving the property pendente lite.
 - (B) The difficulty of preserving the property pendente lite where the underlying alleged crimes involve issues of fraud and moral turpitude.
 - (C) The fact that the requested relief is being sought by a public prosecutor on behalf of alleged victims of **financial abuse of an adult with a disability or** elder ~~**or dependent adult financial abuse.**~~
 - (D) The likelihood that substantial public harm has occurred where a felony is alleged to have been committed.
 - (E) The significant public interest involved in compensating the **adult with a disability or** elder ~~**or dependent adult**~~ victim of financial abuse and paying court-imposed restitution.
- (4) The court, in making its orders, may consider a defendant's request for the release of a portion of the property affected by this section in order to pay reasonable legal fees in connection with the criminal proceeding, any necessary and appropriate living expenses pending trial and sentencing, and for the purpose of posting bail. The court shall weigh the needs of the public to retain the property against the needs of the defendant to a portion of the property. The court shall consider the factors listed in paragraph (3) prior to making any order releasing property for these purposes.
- (5) The court, in making its orders, shall seek to protect the interests of any innocent third persons, including an innocent spouse, who were not involved in the commission of any criminal activity.
- (6) Any petition filed pursuant to this section shall be part of the criminal proceedings for purposes of appointment of counsel and shall be assigned to the criminal division of the superior court of the county in which the accusatory pleading was filed.
- (7) Based upon a noticed motion brought by the receiver appointed pursuant to paragraph (2) of subdivision (c), the court may order an interlocutory sale of property identified in the petition when the property is liable to perish, to waste, or to be significantly reduced in value, or when the expenses of maintaining the property are disproportionate to the value thereof. The proceeds of the interlocutory sale shall be deposited with the court or as directed by the court pending determination of the proceeding pursuant to this section.
- (8) The court may make any orders that are necessary to preserve the continuing viability of any lawful business enterprise that is affected by the issuance of a temporary restraining order or preliminary injunction issued pursuant to this action.
- (9) In making its orders, the court shall seek to prevent any property subject to a temporary restraining order or preliminary injunction from perishing, spoiling, going to waste, or

otherwise being significantly reduced in value. Where the potential for diminution in value exists, the court shall appoint a receiver to dispose of or otherwise protect the value of the property.

(10) A preservation order shall not be issued against any assets of a business that are not likely to be dissipated and that may be subject to levy or attachment to meet the purposes of this section.

(e) If the allegation that the defendant committed a felony subject to this section is dismissed or found by the trier of fact to be untrue, any preliminary injunction or temporary restraining order issued pursuant to this section shall be dissolved. If a jury is the trier of fact, and the jury is unable to reach a unanimous verdict, the court shall have the discretion to continue or dissolve all or a portion of the preliminary injunction or temporary restraining order based upon the interests of justice. However, if the prosecuting agency elects not to retry the case, any preliminary injunction or temporary restraining order issued pursuant to this section shall be dissolved.

(f) (1) (A) If the defendant is convicted of a felony subject to this section, the trial judge shall continue the preliminary injunction or temporary restraining order until the date of the criminal sentencing and shall make a finding at that time as to what portion, if any, of the property subject to the preliminary injunction or temporary restraining order shall be levied upon to pay restitution to victims of the crime. The order imposing restitution may exceed the total worth of the property subjected to the preliminary injunction or temporary restraining order. The court may order the immediate transfer of the property to satisfy any judgment and sentence made pursuant to this section. Additionally, upon motion of the prosecution, the court may enter an order as part of the judgment and sentence making the order imposing restitution pursuant to this section enforceable pursuant to Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure.

(B) Additionally, the court shall order the defendant to make full restitution to the victim. The payment of the restitution ordered by the court pursuant to this section shall be made a condition of any probation granted by the court. Notwithstanding any other provision of law, the court may order that the period of probation continue for up to 10 years or until full restitution is made to the victim, whichever is earlier.

(C) The sentencing court shall retain jurisdiction to enforce the order to pay additional restitution and, in appropriate cases, may initiate probation violation proceedings or contempt of court proceedings against a defendant who is found to have willfully failed to comply with any lawful order of the court.

(D) If the execution of judgment is stayed pending an appeal of an order of the superior court pursuant to this section, the preliminary injunction or temporary restraining order shall be maintained in full force and effect during the pendency of the appellate period.

(2) The order imposing restitution shall not affect the interest in real property of any third party that was acquired prior to the recording of the lis pendens, unless the property was obtained from the defendant other than as a bona fide purchaser for value. If any assets or property affected by this section are subject to a valid lien, mortgage, security interest, or

interest under a conditional sales contract and the amount due to the holder of the lien, mortgage, interest, or contract is less than the appraised value of the property, that person may pay to the state or the local government that initiated the proceeding the amount of the difference between the appraised value of the property and the amount of the lien, mortgage, security interest, or interest under a conditional sales contract. Upon that payment, the state or local entity shall relinquish all claims to the property. If the holder of the interest elects not to make that payment to the state or local governmental entity, the interest in the property shall be deemed transferred to the state or local governmental entity and any indicia of ownership of the property shall be confirmed in the state or local governmental entity. The appraised value shall be determined as of the date judgment is entered either by agreement between the holder of the lien, mortgage, security interest, or interest under a conditional sales contract and the governmental entity involved, or if they cannot agree, then by a court-appointed appraiser for the county in which the action is brought. A person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract shall be paid the appraised value of his or her interest.

(3) In making its final order, the court shall seek to protect the legitimately acquired interests of any innocent third persons, including an innocent spouse, who were not involved in the commission of any criminal activity.

(g) In all cases where property is to be levied upon pursuant to this section, a receiver appointed by the court shall be empowered to liquidate all property, the proceeds of which shall be distributed in the following order of priority:

(1) To the receiver, or court-appointed appraiser, for all reasonable expenditures made or incurred by him or her in connection with the sale or liquidation of the property, including all reasonable expenditures for any necessary repairs, storage, or transportation of any property levied upon under this section.

(2) To any holder of a valid lien, mortgage, or security interest up to the amount of his or her interest in the property or proceeds.

(3) To any victim as restitution for any fraudulent or unlawful acts alleged in the accusatory pleading that were proven by the prosecuting agency as part of the pattern of fraudulent or unlawful acts.

(h) Unless otherwise expressly provided, the remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under all other laws of this state, except that two separate actions against the same defendant and pertaining to the same fraudulent or unlawful acts may not be brought by a district attorney or the Attorney General pursuant to this section and Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.

Pen. Code 273.6(h)(1)

273.6.

(a) Any intentional and knowing violation of a protective order, as defined in Section 6218 of the Family Code, or of an order issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

(b) In the event of a violation of subdivision (a) that results in physical injury, the person shall be punished by a fine of not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both that fine and imprisonment. However, if the person is imprisoned in a county jail for at least 48 hours, the court may, in the interest of justice and for reasons stated on the record, reduce or eliminate the 30-day minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.

(c) Subdivisions (a) and (b) shall apply to the following court orders:

(1) Any order issued pursuant to Section 6320 or 6389 of the Family Code.

(2) An order excluding one party from the family dwelling or from the dwelling of the other.

(3) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the order described in subdivision (a).

(4) Any order issued by another state that is recognized under Part 5 (commencing with Section 6400) of Division 10 of the Family Code.

(d) A subsequent conviction for a violation of an order described in subdivision (a), occurring within seven years of a prior conviction for a violation of an order described in subdivision (a) and involving an act of violence or “a credible threat” of violence, as defined in subdivision (c) of Section 139, is punishable by imprisonment in a county jail not to exceed one year, or pursuant to subdivision (h) of Section 1170.

(e) In the event of a subsequent conviction for a violation of an order described in subdivision (a) for an act occurring within one year of a prior conviction for a violation of an order described in subdivision (a) that results in physical injury to a victim, the person shall be punished by a fine of not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than six months nor more than one year, by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170. However, if the person is imprisoned in a county jail for at least 30 days, the court may, in the interest of justice and for reasons stated in the record, reduce or eliminate the six-month minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.

(f) The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders described in subdivisions (a), (b), (d), and (e).

(g) (1) Every person who owns, possesses, purchases, or receives a firearm knowing they are prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, shall be punished under Section 29825.

(2) Every person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (f) of Section 527.9 of the Code of Civil Procedure, or subdivision (h) of Section 6389 of the Family Code.

(h) If probation is granted upon conviction of a violation of subdivision (a), (b), (c), (d), or (e), the court shall impose probation consistent with Section 1203.097, and the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a domestic violence shelter-based program or to a shelter for abused adults with a disability or ~~elders persons or dependent adults~~, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097.

(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

(i) For any order to pay a fine, make payments to a domestic violence shelter-based program, or pay restitution as a condition of probation under subdivision (e), the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a domestic violence shelter-based program be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of their spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

Pen. Code 368.5(c)(2)(A)(i)

368.5.

(a) Local law enforcement agencies and state law enforcement agencies with jurisdiction have concurrent jurisdiction to investigate adults with a disability and ~~elders and dependent adults~~ abuse and all other crimes against elder victims and victims with disabilities.

(b) Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate adults with a disability and ~~elders and dependent adults~~ abuse and criminal neglect, and may assist local law enforcement agencies in criminal investigations at the law enforcement agencies' request, if consistent with federal law;

however, law enforcement agencies retain exclusive responsibility for criminal investigations, notwithstanding any law to the contrary.

(c) (1) Every local law enforcement agency shall, when the agency next undertakes the policy revision process, revise or include in the portion of its policy manual relating to adults with a disability and elders ~~and dependent adults~~ abuse, if that policy manual exists, the following information:

(A) The elements of the offense specified in subdivision (c) of Section 368.

(B) The elements of the offense specified in subdivision (f) of Section 368.

(C) The requirement, pursuant to subdivisions (a) and (b), that law enforcement agencies have the responsibility for criminal investigations of adults with a disability and elders ~~and dependent adults~~ abuse and criminal neglect; however, adult protective services agencies and long-term care ombudsman programs have authority to investigate incidents of adults with a disability and elders ~~and dependent adults~~ abuse and neglect and may, if requested and consistent with federal law, assist law enforcement agencies with criminal investigations.

(D) As a guideline to investigators and first responders, the definition of adults with a disability and elders ~~and dependent adults~~ abuse, as defined in subparagraph (A) of paragraph (2).

(2) As used in this subdivision, the following terms have the following meanings:

(A) (i) “~~Elder and dependent adult~~ Adult with a disability and elder abuse” means any of the following:

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

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

(III) Financial abuse.

(ii) For the purposes of this subparagraph, the terms “abandonment,” “abduction,” “financial abuse,” “goods and services necessary to avoid physical harm or mental suffering,” “isolation,” “mental suffering,” “neglect,” and “physical abuse” have the same meanings as in Article 2 (commencing with Section 15610) of Chapter 11 of Part 3 of Division 9 of the Welfare and Institutions Code.

(B) “Local law enforcement agency” means every municipal police department and county sheriffs’ department.

(C) “Policy manual” means any general orders, patrol manual, duty manual, or other written document or collection of documents that provides field or investigative personnel

with policies, procedures, or guidelines for responding to or investigating crimes, complaints, or incidents.

Pen. Code 368.7

368.7.

The Department of Justice shall develop and distribute an informational notice that warns the public about **adult with a disability and** elder ~~and dependent adult~~ fraud and directs them to information and resources necessary to determine whether they are victims of fraud. The notice shall provide information regarding how and where to file complaints. The notice shall also be made available on the Internet Web site of the Attorney General.

Pen. Code 803(c)

803.

(a) Except as provided in this section, a limitation of time prescribed in this chapter is not tolled or extended for any reason.

(b) The time during which prosecution of the same person for the same conduct is pending in a court of this state is not a part of a limitation of time prescribed in this chapter.

(c) A limitation of time prescribed in this chapter does not commence to run until the discovery of an offense described in this subdivision. This subdivision applies to an offense punishable by imprisonment in the state prison or imprisonment pursuant to subdivision (h) of Section 1170, a material element of which is fraud or breach of a fiduciary obligation, the commission of the crimes of theft or embezzlement upon an **adult with a disability or** elder ~~or dependent adult~~, or the basis of which is misconduct in office by a public officer, employee, or appointee, including, but not limited to, the following offenses:

(1) Grand theft of any type, forgery, falsification of public records, or acceptance of, or asking, receiving, or agreeing to receive, a bribe, by a public official or a public employee, including, but not limited to, a violation of Section 68, 86, or 93.

(2) A violation of Section 72, 118, 118a, 132, 134, or 186.10.

(3) A violation of Section 25540, of any type, or Section 25541 of the Corporations Code.

(4) A violation of Section 1090 or 27443 of the Government Code.

(5) Felony welfare fraud or Medi-Cal fraud in violation of Section 11483 or 14107 of the Welfare and Institutions Code.

(6) Felony insurance fraud in violation of Section 548 or 550 of this code or former Section 1871.1, or Section 1871.4, of the Insurance Code.

(7) A violation of Section 580, 581, 582, 583, or 584 of the Business and Professions Code.

(8) A violation of Section 22430 of the Business and Professions Code.

(9) A violation of Section 103800 of the Health and Safety Code.

(10) A violation of Section 529a.

(11) A violation of subdivision (d) or (e) of Section 368.

(d) If the defendant is out of the state when or after the offense is committed, the prosecution may be commenced as provided in Section 804 within the limitations of time prescribed by this chapter, and no time up to a maximum of three years during which the defendant is not within the state shall be a part of those limitations.

(e) A limitation of time prescribed in this chapter does not commence to run until the offense has been discovered, or could have reasonably been discovered, with regard to offenses under Division 7 (commencing with Section 13000) of the Water Code, under Chapter 6.5 (commencing with Section 25100) or Chapter 6.7 (commencing with Section 25280) of Division 20 of, or Part 4 (commencing with Section 41500) of Division 26 of, or Part 2 (commencing with Section 78000) of Division 45 of, the Health and Safety Code, or under Section 386, or offenses under Chapter 5 (commencing with Section 2000) of Division 2 of, Chapter 9 (commencing with Section 4000) of Division 2 of, Section 6126 of, Chapter 10 (commencing with Section 7301) of Division 3 of, or Chapter 19.5 (commencing with Section 22440) of Division 8 of, the Business and Professions Code.

(f) (1) Notwithstanding any other limitation of time described in this chapter, if subdivision (b) of Section 799 does not apply, a criminal complaint may be filed within one year of the date of a report to a California law enforcement agency by a person of any age alleging that the person, while under 18 years of age, was the victim of a crime described in Section 261, 286, 287, 288, 288.5, or 289, former Section 288a, or Section 289.5, as enacted by Chapter 293 of the Statutes of 1991 relating to penetration by an unknown object.

(2) This subdivision applies only if all of the following occur:

(A) The limitation period specified in Section 800, 801, or 801.1, whichever is later, has expired.

(B) The crime involved substantial sexual conduct, as described in subdivision (b) of Section 1203.066, excluding masturbation that is not mutual.

(C) There is independent evidence that corroborates the victim's allegation. If the victim was 21 years of age or older at the time of the report, the independent evidence shall clearly and convincingly corroborate the victim's allegation.

(3) Evidence shall not be used to corroborate the victim's allegation if that evidence would otherwise be inadmissible during trial. Independent evidence excludes the opinions of mental health professionals.

(4) (A) In a criminal investigation involving any of the crimes listed in paragraph (1) committed against a child, if the applicable limitations period has not expired, that period shall

be tolled from the time a party initiates litigation challenging a grand jury subpoena until the end of the litigation, including any associated writ or appellate proceeding, or until the final disclosure of evidence to the investigating or prosecuting agency, if that disclosure is ordered pursuant to the subpoena after the litigation.

(B) This subdivision does not affect the definition or applicability of any evidentiary privilege.

(C) This subdivision shall not apply if a court finds that the grand jury subpoena was issued or caused to be issued in bad faith.

(g) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing, if both of the following conditions are met:

(A) The crime is one that is described in subdivision (c) of Section 290.

(B) The offense was committed before January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than January 1, 2004, or the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than two years from the date of the offense.

(2) For purposes of this section, “DNA” means deoxyribonucleic acid.

(h) For any crime, the proof of which depends substantially upon evidence that was seized under a warrant, but which is unavailable to the prosecuting authority under the procedures described in *People v. Superior Court (Laff)* (2001) 25 Cal.4th 703, *People v. Superior Court (Bauman & Rose)* (1995) 37 Cal.App.4th 1757, or subdivision (c) of Section 1524, relating to claims of evidentiary privilege or attorney work product, the limitation of time prescribed in this chapter shall be tolled from the time of the seizure until final disclosure of the evidence to the prosecuting authority. This section does not otherwise affect the definition or applicability of any evidentiary privilege or attorney work product.

(i) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date on which a hidden recording is discovered related to a violation of paragraph (2) or (3) of subdivision (j) of Section 647.

(2) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date on which it is discovered that, but not more than four years after, an image was intentionally distributed in violation of paragraph (4) of subdivision (j) of Section 647.

(j) (1) Notwithstanding any other limitation of time described in this chapter, if a person flees the scene of an accident that caused death or permanent, serious injury, as defined in subdivision (d) of Section 20001 of the Vehicle Code, a criminal complaint brought pursuant to paragraph (2) of subdivision (b) of Section 20001 of the Vehicle Code may be filed within the applicable time period described in Section 801 or 802 or one year after the person is initially identified by law

enforcement as a suspect in the commission of the offense, whichever is later, but in no case later than six years after the commission of the offense.

(2) If, after committing the crime described in paragraph (1), a person is out of the state for the purpose of evading prosecution, the statute of limitations may be tolled for up to three years during any time the person is out of the state.

(k) Notwithstanding any other limitation of time described in this chapter, if a person flees the scene of an accident, a criminal complaint brought pursuant to paragraph (1) or (2) of subdivision (c) of Section 192 may be filed within the applicable time period described in Section 801 or 802, or one year after the person is initially identified by law enforcement as a suspect in the commission of that offense, whichever is later, but in no case later than six years after the commission of the offense.

(l) A limitation of time prescribed in this chapter does not commence to run until the discovery of an offense involving the offering or giving of a bribe to a public official or public employee, including, but not limited to, a violation of Section 67, 67.5, 85, 92, or 165, or Section 35230 or 72530 of the Education Code.

(m) Notwithstanding any other limitation of time prescribed in this chapter, if a person actively conceals or attempts to conceal an accidental death in violation of Section 152, a criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of that offense, provided, however, that in any case a complaint may not be filed more than four years after the commission of the offense.

(n) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint brought pursuant to a violation of Section 367g may be filed within one year of the discovery of the offense or within one year after the offense could have reasonably been discovered.

(2) This subdivision applies to crimes that were committed on or after January 1, 2021, and to crimes for which the statute of limitations that was in effect before January 1, 2021, has not run as of January 1, 2021.

Pen. Code 939.21(a)

939.21.

(a) Any prosecution witness before the grand jury in a proceeding involving a violation of Section 243.4, 261, 273a, 273d, 285, 286, 287, 288, 288.5, or 289, subdivision (1) of Section 314, Section 368, 647.6, or former Section 288a or 647a, who is a minor or a ~~dependent~~ **person with a disability**, may, at the discretion of the prosecution, select a person of his or her own choice to attend the testimony of the prosecution witness for the purpose of providing support. The person chosen shall not be a witness in the same proceeding, or a person described in Section 1070 of the Evidence Code.

(b) The grand jury foreperson shall inform any person permitted to attend the grand jury proceedings pursuant to this section that grand jury proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings. The foreperson also shall admonish that person not to prompt, sway, or influence the witness in any way. Nothing in this section

shall preclude the presiding judge from exercising his or her discretion to remove a person from the grand jury proceeding whom the judge believes is prompting, swaying, or influencing the witness.

Pen. Code 11161.2(a),(b)(1)(A),(B),(C),(D),(E)

11161.2.

(a) The Legislature finds and declares that adequate protection of victims of domestic violence and adult with a disability and elder ~~and dependent adult~~ abuse has been hampered by lack of consistent and comprehensive medical examinations. Medical evidentiary examinations, offered to victims free of charge, and enhanced examination procedures, documentation, and evidence collection will improve patient outcomes, investigation, and prosecution efforts.

(b) The Office of Emergency Services shall, in cooperation with the State Department of Public Health, the Department of Aging and the ombudsman program, the State Department of Social Services, law enforcement agencies, the Department of Justice, the California Association of Crime Lab Directors, the California District Attorneys Association, the California State Sheriffs' Association, the California Medical Association, the California Police Chiefs' Association, domestic violence advocates, the California Clinical Forensic Medical Training Center, the California Sexual Assault Forensic Examiner Association, Adult Protective Services, and other appropriate experts:

(1) Establish medical forensic forms, instructions, and examination protocol for victims of domestic violence and adult with a disability and elder ~~and dependent adult~~ abuse and neglect, including strangulation, using as a model the form and guidelines developed pursuant to Section 13823.5. The form should include, but not be limited to, a place for a notation concerning each of the following:

(A) Notification of injuries and a report of suspected domestic violence or adult with a disability or elder ~~or dependent adult~~ abuse and neglect to law enforcement authorities, Adult Protective Services, or the State Long-Term Care Ombudsmen, in accordance with existing reporting procedures.

(B) Obtaining consent for the forensic medical examination, treatment of injuries, collection of evidence, and written and photographic documentation of injuries. A victim shall be informed that they may refuse to consent to and may withdraw consent for an examination for evidence of domestic violence and adult with a disability and elder ~~and dependent adult~~ abuse and neglect, including the collection of physical evidence, but that refusal is not a ground for denial of treatment of injuries and disease, if the person wishes to obtain treatment and consents thereto.

(C) Taking a patient's history of domestic violence or adult with a disability or elder ~~or dependent adult~~ abuse and neglect, including any current or past strangulation history, and other relevant medical history.

(D) Performance of the physical examination for evidence of domestic violence or adult with a disability or elder ~~or dependent adult~~ abuse and neglect.

- (E) Collection of physical evidence of domestic violence or adult with a disability or elder ~~or dependent adult~~ abuse.
- (F) Collection of other medical and forensic specimens, as indicated.
- (G) Procedures for the collection and preservation of evidence, and submission to a local crime laboratory when appropriate.
- (H) Complete documentation of medical forensic exam findings.
- (I) When strangulation is suspected, documentation may be included on a supplemental strangulation form as part of the medical evidentiary exam.
- (2) The forms shall be made accessible for use in an electronic format.
- (3) The forms shall become part of the patient's medical record.
- (c) When strangulation is suspected, additional diagnostic testing may be necessary to prevent adverse health outcomes or morbidity.
- (d) Victims receiving forensic medical exams for domestic violence have the right to a qualified social worker, victim advocate, or a support person of the victim's choosing to be present during the examination, when available.
- (e) (1) A hospital, clinic, or other emergency medical facility where medical evidentiary examinations are conducted shall develop and implement written policies and procedures for maintaining the confidentiality of medical evidentiary examination reports, including proper preservation and disposition of the reports if the examination program ceases operation, in order to prevent destruction of the medical evidentiary examination reports.
- (2) On or before July 1, 2023, a hospital, clinic, or other emergency medical facility at which medical evidentiary examinations are conducted shall implement a system to maintain medical evidentiary examination reports in a manner that facilitates release of the reports as required or authorized by law.
- (3) This subdivision does not require a hospital, clinic, or other emergency medical facility to review a patient's medical records before January 1, 2023, in order to separate medical evidentiary examination reports from the rest of the patient's medical records.
- (f) The costs associated with the medical evidentiary examination of a domestic violence victim shall be separate from diagnostic treatment and procedure costs associated with medical treatment. Costs for the medical evidentiary portion of the examination shall not be charged directly or indirectly to the victim of the assault.
- (g) Each county's board of supervisors shall authorize a designee to approve the Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners to receive reimbursement through the Office of Emergency Services (Cal OES) for the performance of medical evidentiary examinations for victims of domestic violence and shall notify Cal OES of this designation. The costs associated with these medical evidentiary exams shall be funded by the state, subject to appropriation by the

Legislature. Each county's designated SART, SAFE, or other qualified medical evidentiary examiners shall submit invoices to Cal OES, who shall administer the program. A flat reimbursement rate shall be established. Within one year upon initial appropriation, Cal OES shall establish a 60-day reimbursement process. Cal OES shall assess and determine a fair and reasonable reimbursement rate to be reviewed every five years.

(h) Reimbursement shall not be subject to reduced reimbursement rates based on patient history or other reasons. Victims of domestic violence may receive a medical evidentiary exam outside of the jurisdiction where the crime occurred and that county's approved SART, SAFE teams, or qualified medical evidentiary examiners shall be reimbursed for the performance of these exams.

Pen. Code 11163.73(b)(2)(I)

11163.73.

(a) An organization represented on the homeless death review committee may share with other members of the committee information in its possession concerning the decedent who is the subject of the review or any person who was in contact with the decedent and any other information deemed by the organization to be pertinent to the review. Information shared by an organization with other members of a team is confidential. The intent of this subdivision is to permit the disclosure to members of the committee of any information deemed confidential, privileged, or prohibited from disclosure by any other law.

(b) (1) Written and oral information may be disclosed to a homeless death review committee established pursuant to this article. The team may make a request in writing for the information sought and any person with information of the kind described in paragraph (3) may rely on the request in determining whether information may be disclosed to the team.

(2) An individual or agency that has information governed by this article shall not be required to disclose information. The intent of this subdivision is to allow the voluntary disclosure of information by the individual or agency that has the information.

(3) The following information may be disclosed pursuant to this article:

(A) Notwithstanding Section 56.10 of the Civil Code, medical information.

(B) Notwithstanding Section 5328 of the Welfare and Institutions Code, mental health information.

(C) State summary criminal history information, criminal offender record information, and local summary criminal history information, as defined in Sections 11075, 11105, and 13300.

(D) Notwithstanding Section 11163.2, information pertaining to reports by health practitioners of persons suffering from physical injuries inflicted by means of a firearm or of persons suffering physical injury where the injury is a result of assaultive or abusive conduct.

(E) Information provided to probation officers in the course of the performance of their duties, including, but not limited to, the duty to prepare reports pursuant to Section 1203.10, as well as the information on which these reports are based.

(F) Notwithstanding Section 10850 of the Welfare and Institutions Code, public social services information for which grants-in-aid are received by this state from the United States government.

(G) Notwithstanding Section 14100.2 of the Welfare and Institutions Code, Medi-Cal information.

(H) Notwithstanding Section 17006 of the Welfare and Institutions Code, general relief information.

(I) Notwithstanding Sections 15633 and 15633.5 of the Welfare and Institutions Code, reports of suspected adult with a disability or elder ~~or dependent adult~~ abuse and the information contained therein, and information relevant to the incident of abuse, except the identity of persons who have made reports, which shall not be disclosed.

(c) Written and oral information may be disclosed under this section notwithstanding Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code, the lawyer-client privilege protected by Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the physician-patient privilege protected by Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, and the psychotherapist-patient privilege protected by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

Pen. Code 11174.7

11174.7.

(a) An oral or written communication or a document shared within or produced by an adult with a disability and elder ~~and dependent adult~~ death review team related to an elder or dependent adult death review is confidential and not subject to disclosure or discoverable by another third party.

(b) An oral or written communication or a document provided by a third party to an adult with a disability and elder ~~and dependent adult~~ death review team, or between a third party and an elder and dependent adult death review team, is confidential and not subject to disclosure or discoverable by a third party.

(c) Notwithstanding subdivisions (a) and (b), recommendations of an adult with a disability and elder ~~and dependent adult~~ death review team upon the completion of a review may be disclosed at the discretion of a majority of the members of the adult with a disability and elder ~~and dependent adult~~ death review team.

Pen. Code 13667(a)

13667.

(a) Each municipal police department and county sheriff's department, the Department of the California Highway Patrol, and the University of California and California State University Police Departments shall, on or before January 1, 2027, develop, adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protection and restraining orders that include firearm access restrictions, including, but not limited to, civil harassment restraining orders, criminal protective orders, domestic violence restraining orders, emergency protective orders, juvenile restraining orders, postsecondary school violence restraining orders, workplace violence restraining orders, and **adult with a disability or** ~~elder or dependent adult~~ abuse restraining orders other than orders described in paragraph (4) of subdivision (u) of Section 15657.03 of the Welfare and Institutions Code related to financial abuse.

(b) The policies and standards developed pursuant to this section shall ensure that the agency consistently complies with the requirements of California laws governing service and enforcement of protection and restraining orders and governing relinquishment of firearms by individuals who are armed and subject to those court orders, including new mandates and responsibilities placed on law enforcement agencies pursuant to Chapter 242 of the Statutes of 2023 and Chapter 544 of the Statutes of 2024.

(c) In developing these policies and standards, the law enforcement agency shall also review and update existing protocols, policies, or standards pertaining to protection or restraining orders and law enforcement responses to domestic violence incidents to ensure these relevant protocols, policies, and standards are consistent with one another and current law and to ensure that they provide consistent and accessible guidance to law enforcement officers.

(d) The policies and standards shall provide a standard agency process for law enforcement to serve the order against a restrained person in a timely manner and ensure the agency consistently complies with the requirements of California law governing service of protection and restraining orders, including pursuant to Section 6383 of the Family Code and Section 527.12 of the Code of Civil Procedure. These policies and standards shall ensure that officers who have served protection or restraining orders consistently accomplish all of the following steps as soon as possible and within one business day of serving the order:

(1) Completing the appropriate proof of service form developed by the Judicial Council for the protection or restraining order.

(2) Filing the proof of service form with the court.

(3) Ensuring proof of service information is entered into the California Restraining and Protective Order System through the California Law Enforcement Telecommunications System to record that the order has been served on the restrained person.

(e) The policies and standards shall ensure that officers effectuate firearm relinquishment at the time of service by requesting, at the time of service, that the restrained person immediately and safely relinquish to the officer's control any firearms, ammunition, body armor, and other prohibited items in the restrained person's possession or control, or subject to the restrained

person's possession or control. The policies and standards should ensure officers consistently accomplish the following steps upon serving a protection or restraining order:

- (1) Notify the restrained person that they are required to immediately transfer all firearms and prohibited items they possess or control to the officer serving the order.
- (2) Request that the restrained party immediately transfer to the officer, safely and unloaded, any firearms or other prohibited items they possess or control.
- (3) Conduct a lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search.
- (4) Complete the appropriate proof of firearm relinquishment form developed by the Judicial Council that serves as the receipt to document relinquished firearms and other prohibited items and issue the receipt form to the restrained person.
- (5) Ensure the Automated Firearms System is updated to record any firearms that the restrained person relinquished to the law enforcement officer.
- (6) Determine whether the restrained person possesses or controls other firearms that they have not relinquished to the officer. In making such a determination, the officer should be instructed to consider all relevant information, to the extent possible, including by reviewing the protection or restraining order to determine if the court made a finding that the restrained person has firearms, querying the Automated Firearms System to determine whether the restrained person is recorded as having legally acquired firearms in that database, and asking the restrained person or, if it is safe to do so, other persons present.

(f) The policies and standards shall do all of the following:

(1) (A) Provide a standard agency process for officers to promote firearm relinquishment compliance in circumstances where a restrained person owns, possesses, or controls firearms but credibly indicates that they cannot relinquish all firearms at the time of service, including circumstances where those firearms are stored in another location.

(B) The process in subparagraph (A) shall instruct officers to provide accessible local information about how the restrained person can lawfully comply with the court order by relinquishing possession or control of all firearms and other prohibited items, unloaded and in a safe manner, to a local law enforcement agency or to a licensed firearm dealer within 24 hours of being served with the order and by providing the proof of relinquishment compliance receipt form to the court and to the law enforcement agency within 48 hours or being served with the order to verify that the restrained person sold or transferred all firearms and other prohibited items that they possess or control.

(2) Instruct officers to inform the restrained person that failure to comply with the requirements and timelines in paragraph (1) may result in fines, arrest, and criminal penalties.

(3) Require officers to encourage restrained individuals to relinquish any firearms they cannot immediately relinquish to the officer through a designated third party or with law enforcement

supervision to reduce the risk that the restrained person will access the firearms or other items to threaten or harm individuals protected by the court order or to otherwise harm themselves or others. The policies and standards shall encourage officers to proactively follow up with the restrained person to confirm that the restrained person relinquished all firearms and provided receipt forms verifying relinquishment within the required timeline.

(4) Instruct officers about how to respond if the restrained person credibly indicates that they do not possess or control firearms that had been associated with the restrained person in the Automated Firearms System, the court order, or other sources, including informing the restrained person to complete and submit to the court a standard form developed by the Department of Justice that declares under penalty of perjury that the restrained person is no longer in possession of one or more firearms, along with their response to the protection or restraining order and any other supporting documentation to verify that the restrained person no longer possesses or controls firearms.

(g) (1) The policies and standards shall provide a process for the agency, in coordination with court staff and other law enforcement agencies and stakeholders, to proactively identify restrained persons who are illegally armed in violation of the court order and state law.

(2) The policies and standards shall instruct officers to take one or more of the following steps, as appropriate for the circumstances, to ensure firearm relinquishment compliance and the safety of any individuals protected by the court order, if the agency receives credible information indicating that the restrained person has not relinquished all firearms or other prohibited items as required:

(A) Contact the restrained person to facilitate and verify immediate firearm relinquishment compliance.

(B) Take custody of firearms or other prohibited items at a location where there is probable cause to believe those items are located, including through a lawful search or by requesting a search warrant to search for and seize these items.

(C) Notify appropriate partners, such as court clerks, prosecutors, and petitioners or protected parties who may be in danger, that the restrained person has violated the protection or restraining order's firearm relinquishment requirements.

(D) Arrest the restrained person for violating the court order and state law.

(h) The law enforcement agency shall make the standards and policies developed pursuant to this section available to the public upon request and shall post information on the agency's website about how petitioners may request service of protection or restraining orders by that agency and how prohibited persons and other community members may relinquish firearms to the custody of the agency.

(i) In developing and updating the standards and policies developed pursuant to this section, law enforcement agencies are encouraged to consult and collaborate with domestic violence service providers and survivor advocates, gun violence prevention experts, local court staff, and guidance, technical assistance, or recommendations issued by the Department of Justice.

Pen. Code 13823.93(b)(1), (c)(1),(4),(12), (d)(2),(5),(6),(10)

13823.93.

(a) For purposes of this section, to “perform a medical evidentiary examination” means to evaluate, collect, preserve, and document evidence, interpret findings, and document examination results as described in Sections 13823.5 to 13823.11, inclusive.

(b) (1) To ensure the delivery of standardized curriculum, essential for consistent examination procedures throughout the state, one hospital-based training center shall be identified as the California Clinical Forensic Medical Training Center and established through a competitive bidding process, to train qualified health care professionals on how to perform medical evidentiary examinations for victims of child abuse or neglect, child sexual abuse, intimate partner violence, sexual assault, sex trafficking, domestic violence, adult with a disability or elder ~~or dependent adult~~ abuse, and abuse or assault perpetrated against persons with disabilities. The center also shall provide training for investigative and court personnel involved in dependency and criminal proceedings, on how to interpret the findings of medical evidentiary examinations.

(2) The training provided by the training center shall be made available to qualified health care professionals, law enforcement, and the courts throughout the state.

(c) The training center shall meet all of the following criteria:

(1) Recognized expertise and experience in providing medical evidentiary examinations for victims of child abuse or neglect, child sexual abuse, intimate partner violence, sexual assault, sex trafficking, domestic violence, adult with a disability or elder ~~or dependent adult~~ abuse, and abuse or assault perpetrated against persons with disabilities.

(2) Recognized expertise and experience implementing the protocol established pursuant to Section 13823.5.

(3) History of providing training, including, but not limited to, the clinical supervision of trainees and the evaluation of clinical competency.

(4) Recognized expertise and experience in the use of advanced medical technology and training in the evaluation of victims of child abuse or neglect, child sexual abuse, intimate partner violence, sexual assault, sex trafficking, domestic violence, adult with a disability or elder ~~or dependent adult~~ abuse, and abuse or assault perpetrated against persons with disabilities.

(5) Significant history in working with professionals in the field of criminalistics.

(6) Established relationships with local crime laboratories, clinical laboratories, law enforcement agencies, district attorneys’ offices, child protective services, victim advocacy programs, and federal investigative agencies.

(7) The capacity for developing a telecommunication network between primary, secondary, and tertiary medical providers.

(8) History of leadership in working collaboratively with forensic medical experts, criminal justice experts, investigative social worker experts, state criminal justice, social services, health and mental health agencies, and statewide professional associations representing the various disciplines, especially those specified in paragraph (8) of subdivision (d).

(9) History of leadership of and capability for developing and providing training and technical assistance for sexual assault forensic examination teams, and recognition of the nexus between the sexual assault forensic examination teams and completion of the mandated medical evidentiary examination forms.

(10) History of working collaboratively with state and local victim advocacy organizations, especially those addressing sexual assault and domestic violence.

(11) History and experience in the development and delivery of standardized curriculum for forensic medical experts, criminal justice professionals, and investigative social workers.

(12) History of research, particularly involving databases, in the area of child abuse and neglect, child sexual abuse, intimate partner violence, sexual assault, sex trafficking, **adult with a disability or** elder ~~or dependent adult~~ abuse, abuse or assault perpetrated against persons with disabilities, or domestic violence.

(d) The training center shall do all of the following:

(1) Develop and implement a standardized training program for qualified health care professionals that has been reviewed and approved by a multidisciplinary peer review committee.

(2) Develop and maintain updated standardized medical evidentiary examination forms, both paper and electronic, develop and maintain protocols for examination of child abuse and neglect, child sexual abuse, intimate partner violence, sexual assault, sex trafficking, domestic violence, **adult with a disability or** elder ~~or dependent adult~~ abuse, or abuse or assault perpetrated against persons with disabilities, including supplemental forms and protocols for medical evaluation of strangulation injuries for all types of interpersonal violence.

(3) Advance the field with scientific evidence-based curriculum through standardized form development and data analysis for compliance, quality assurance, and curriculum development.

(4) Develop a telecommunication system network between the training center and other areas of the state, including rural and mid-sized counties. This service shall provide case consultation to qualified health care professionals, law enforcement, and the courts and provide continuing medical education.

(5) Provide ongoing basic, advanced, and specialized training programs for qualified health care professionals on child abuse and neglect, child sexual abuse, intimate partner violence, sexual assault, sex trafficking, domestic violence, **adult with a disability or** elder ~~or dependent adult~~ abuse, and abuse or assault perpetrated against persons with disabilities,

including training on best practices for all abused patients, including patients who suffer from strangulation injuries.

(6) Develop guidelines for the reporting and management of child abuse and neglect, child sexual abuse, intimate partner violence, domestic violence, sexual assault, sex trafficking, **adult with a disability or** ~~elder or dependent adult~~ abuse, and abuse or assault perpetrated against persons with disabilities.

(7) Provide training and technical assistance for sexual assault forensic examination teams on the science of medical evidentiary examinations, emerging trends, and sound operational practices, and conduct annual training needs assessments for sexual assault forensic examination teams.

(8) Develop recommended guidelines for evaluating the results of training for qualified health care professionals performing examinations.

(9) Provide standardized training for law enforcement officers, district attorneys, public defenders, investigative social workers, and judges on medical evidentiary examination procedures and the interpretation of findings. This training shall be developed and implemented in collaboration with the Peace Officer Standards and Training Program, the California District Attorneys Association, the California Peace Officers Association, the California Police Chiefs Association, the California State Sheriffs' Association, the California Association of Crime Laboratory Directors, the California Sexual Assault Investigators Association, the California Alliance Against Domestic Violence, the Statewide California Coalition for Battered Women, the Family Violence Prevention Fund, child victim advocacy organizations, the California Welfare Directors Association, the California Coalition Against Sexual Assault, the Department of Justice, the agency, the Child Welfare Training Program, and the University of California extension programs.

(10) Promote an interdisciplinary approach in the assessment and management of child abuse and neglect, child sexual abuse, intimate partner violence, sexual assault, sex trafficking, domestic violence, **adult with a disability or** ~~elder or dependent adult~~ abuse, and abuse or assault against persons with disabilities.

(11) Provide training in the dynamics of victimization, including, but not limited to, rape trauma syndrome, intimate partner battering and its effects, the effects of child abuse and neglect, the effects of child sexual abuse, and the various aspects of elder abuse. This training shall be provided by individuals who are recognized as experts within their respective disciplines.

(12) Provide training on the use of the standardized sexual assault forensic examination kit.

(13) Provide continuing education through publications, including, but not limited to, training videos, webinars, and telecommunications.

(e) Nothing in this section shall be construed to change the scope of practice for any health care provider, as defined in other provisions of law.

Prob. Code 259(a)(1)

259.

(a) Any person shall be deemed to have predeceased a decedent to the extent provided in subdivision (c) where all of the following apply:

(1) It has been proven by clear and convincing evidence that the person is liable for physical abuse, neglect, or financial abuse of the decedent, who was an adult with a disability or elder ~~or dependent adult~~.

(2) The person is found to have acted in bad faith.

(3) The person has been found to have been reckless, oppressive, fraudulent, or malicious in the commission of any of these acts upon the decedent.

(4) The decedent, at the time those acts occurred and thereafter until the time of his or her death, has been found to have been substantially unable to manage his or her financial resources or to resist fraud or undue influence.

(b) Any person shall be deemed to have predeceased a decedent to the extent provided in subdivision (c) if that person has been convicted of a violation of Section 236 of the Penal Code or any offense described in Section 368 of the Penal Code.

(c) Any person found liable under subdivision (a) or convicted under subdivision (b) shall not (1) receive any property, damages, or costs that are awarded to the decedent's estate in an action described in subdivision (a) or (b), whether that person's entitlement is under a will, a trust, or the laws of intestacy; or (2) serve as a fiduciary as defined in Section 39, if the instrument nominating or appointing that person was executed during the period when the decedent was substantially unable to manage his or her financial resources or resist fraud or undue influence. This section shall not apply to a decedent who, at any time following the act or acts described in paragraph (1) of subdivision (a), or the act or acts described in subdivision (b), was substantially able to manage his or her financial resources and to resist fraud or undue influence within the meaning of subdivision (b) of Section 1801 of the Probate Code and subdivision (b) of Section 39 of the Civil Code.

(d) For purposes of this section, the following definitions shall apply:

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

(2) "Neglect" as defined in Section 15610.57 of the Welfare and Institutions Code.

(3) "False imprisonment" as defined in Section 368 of the Penal Code.

(4) "Financial abuse" as defined in Section 15610.30 of the Welfare and Institutions Code.

(e) Nothing in this section shall be construed to prohibit the severance and transfer of an action or proceeding to a separate civil action pursuant to Section 801.

Prob. Code 859

859.

If a court finds that a person has in bad faith wrongfully taken, concealed, or disposed of property belonging to a conservatee, a minor, an elder, ~~a dependent-an~~ adult with a disability, a trust, or the estate of a decedent, or has taken, concealed, or disposed of the property by the use of undue influence in bad faith or through the commission of financial abuse of an adult with a disability or elder ~~or dependent adult financial abuse~~, as defined in Section 15610.30 of the Welfare and Institutions Code, the person shall be liable for twice the value of the property recovered by an action under this part. In addition, except as otherwise required by law, including Section 15657.5 of the Welfare and Institutions Code, the person may, in the court's discretion, be liable for reasonable attorney's fees and costs. The remedies provided in this section shall be in addition to any other remedies available in law to a person authorized to bring an action pursuant to this part.

Prob. Code 1812

1812.

(a) Subject to Sections 1810, 1813, and 1813.1, the selection of a conservator of the person or estate, or both, is solely in the discretion of the court and, in making the selection, the court is to be guided by what appears to be for the best interests of the proposed conservatee.

(b) Subject to Sections 1810, 1813, and 1813.1, of persons equally qualified in the opinion of the court to appointment as conservator of the person or estate or both, preference is to be given in the following order:

(1) The conservatee or proposed conservatee's stated preference, including preferences expressed by speech, sign language, alternative or augmentative communication, actions, facial expressions, and other spoken and nonspoken methods of communication.

(2) The prior conservator's preference, if known, if the selection of a successor conservator is being made pursuant to the provisions of Article 2 (commencing with Section 2680) of Chapter 9.5 of Part 4 and the prior conservator is a person described in paragraphs (3) to (6), inclusive, unless either of the following apply:

(A) The reason for the appointment of a successor conservator is due to the prior conservator's removal pursuant to the provisions of Article 1 (commencing with Section 2650) of Chapter 9 of Part 4.

(B) The prior conservator or prior conservator's preference for a successor conservator has been found criminally, civilly, or administratively liable for abuse, neglect, mistreatment, coercion, or fraud with respect to the conservatee or any adult with a disability or elder ~~or dependent adult~~.

(3) The spouse or domestic partner of the proposed conservatee or the person nominated by the spouse or domestic partner pursuant to Section 1811.

(4) An adult child of the proposed conservatee or the person nominated by the child pursuant to Section 1811.

(5) A parent of the proposed conservatee or the person nominated by the parent pursuant to Section 1811.

(6) A sibling of the proposed conservatee or the person nominated by the brother or sister pursuant to Section 1811.

(7) Any other person or entity eligible for appointment as a conservator under this code or, if there is no person or entity willing to act as a conservator, under the Welfare and Institutions Code.

(c) The preference for any nominee for appointment under paragraphs (4), (5), and (6) of subdivision (b) is subordinate to the preference for any other parent, child, or sibling in that class.

(d) For any conservatorship petition filed on or after January 1, 2023, a regional center, as provided in Chapter 5 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions Code, or any employee or agent acting on a regional center's behalf, shall not act as a conservator, but may act as the designee of the Director of Developmental Services, subject to Section 416.19 of the Health and Safety Code.

Welf. & Inst. Code 4648.12(b), (c)(1)(A)

4648.12.

(a) The Legislature finds and declares that under federal and state law, certain individuals and entities are ineligible to provide Medicaid services.

(b) An individual, partnership, group association, corporation, institution, or entity, and the officers, directors, owners, managing employees, or agents thereof, that has been convicted of any felony or misdemeanor involving fraud or abuse in any government program, or related to neglect or abuse of an **adult with a disability** or elder or ~~dependent adult~~ or child, or in connection with the interference with, or obstruction of, any investigation into health care related fraud or abuse, or that has been found liable for fraud or abuse in any civil proceeding, or that has entered into a settlement in lieu of conviction for fraud or abuse in any government program, within the previous 10 years, shall be ineligible to be a regional center vendor. The regional center shall not deny vendorization to an otherwise qualified applicant whose felony or misdemeanor charges did not result in a conviction solely on the basis of the prior charges.

(c) In order to ensure compliance with federal disclosure requirements and to preserve federal funding of consumer services, the department shall do all of the following:

(1) (A) Adopt emergency regulations to amend provider and vendor eligibility and disclosure criteria to meet federal participation requirements. These emergency regulations shall address, at a minimum, disclosure requirements of current and prospective vendors, including information about entity ownership and control, contracting interests, and criminal convictions or civil proceedings involving fraud or abuse in any government program, or abuse or neglect of an **adult with a disability**, elder, ~~dependent adult~~, or child.

(B) Adopt emergency regulations to meet federal requirements applicable to vouchered services.

(C) The adoption, amendment, repeal, or readoption of a regulation authorized by this paragraph is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.9 of the Government Code, and the department is hereby exempted from that requirement. For purposes of subdivision (e) of Section 11346.1 of the Government Code, the 120-day period, as applicable to the effective period of an emergency regulatory action and submission of specified materials to the Office of Administrative Law, is hereby extended to 180 days.

(2) Adopt nonemergency regulations to implement the terms of paragraph (1) through the regular rulemaking process pursuant to Sections 11346 and 11349.1 of the Government Code within 18 months of the adoption of emergency regulations pursuant to paragraph (1).

Welf. & Inst. Code 10850(e)

10850.

(a) Except as otherwise provided in this section, all applications and records concerning any individual made or kept by a public officer or agency in connection with the administration of this code relating to any form of public social services, including protective services provided through public social services agencies, for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of that program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of that program. The disclosure of information that identifies, by name or address, an applicant for, or recipient of, these grants-in-aid to any committee or legislative body is prohibited, except as provided in subdivision (b).

(b) Except as otherwise provided in this section, a person shall not publish or disclose or permit or cause to be published or disclosed a list of persons receiving public social services. Any county welfare department in this state may release lists of applicants for, or recipients of, public social services, to any other county welfare department or the State Department of Social Services, and these lists or any other records shall be released when requested by any county welfare department or the State Department of Social Services. These lists or other records shall only be used for purposes directly connected with the administration of public social services or to notify a public social service recipient of their potential eligibility for other benefits and services not administered by the State Department of Social Services, including, but not limited to, education and access to critical public health services and poverty-alleviating benefits, as determined by the State Department of Social Services. Except for those purposes, a person shall not publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient.

(c) Any county welfare department and the State Department of Social Services shall provide any governmental entity that is authorized by law to conduct an audit or similar activity in connection with the administration of public social services, including any committee or

legislative body so authorized, with access to any public social service applications and records described in subdivision (a) to the extent of the authorization. Those committees, legislative bodies, and other entities may only request or use these records for the purpose of investigating the administration of public social services, and shall not disclose the identity of any applicant or recipient except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.

(d) This section does not prohibit the furnishing of this information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services, or to county superintendents of schools or superintendents of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind or services directly to individuals on the basis of need. Any person knowingly and intentionally violating this subdivision is guilty of a misdemeanor.

(e) This section does not prohibit employees of a county's adult protective services agency or a county's child welfare agency from disclosing information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect or abuse or neglect of an **adult with a disability or** ~~elder or dependent adult~~.

(f) In the context of a petition for the appointment of a conservator for a person who is receiving, or has received, aid from a public agency, as indicated above, or in the context of a criminal prosecution for a violation of Section 368 of the Penal Code both of the following shall apply:

(1) An adult protective services employee or ombudsperson may answer truthfully at any proceeding related to the petition or prosecution, when asked if the employee or ombudsperson is aware of information that they believe is related to the legal mental capacity of that aid recipient or the need for a conservatorship for that aid recipient. If the adult protective services employee or ombudsperson states that they are aware of such information, the court may order the adult protective services employee or ombudsperson to testify about personal observations and to disclose all relevant agency records.

(2) The court may order the adult protective services employee or ombudsperson to testify about personal observations and to disclose any relevant agency records if the court has other independent reason to believe that the adult protective services employee or ombudsperson has information that would facilitate the resolution of the matter.

(g) The State Department of Social Services may make rules and regulations governing the custody, use, and preservation of all records, papers, files, and communications pertaining to the administration of the laws relating to public social services under its jurisdiction. The rules and regulations shall be binding on all departments, officials, and employees of the state, or of any political subdivision of the state, and may provide for giving information to, or exchanging information with, agencies, public or political subdivisions of the state, and may provide for giving information to, or exchanging information with, agencies, public or private, that are engaged in planning, providing, or securing social services for, or on behalf of, recipients or applicants; and for making case records available for research purposes, provided that making these case records available will not result in the disclosure of the identity of applicants for, or recipients of, public social services and will not disclose any personal information in a manner

that would link the information disclosed to the individual to whom it pertains, unless the department has complied with subdivision (t) of Section 1798.24 of the Civil Code.

(h) A person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for, or who have been granted, any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

(i) This section does not prohibit an employee of a county welfare department from disclosing confidential information concerning a public social services applicant or recipient to a state or local law enforcement agency investigating or gathering information regarding a criminal act committed in a welfare department office, a criminal act against a county or state welfare worker, or a criminal act witnessed by a county or state welfare worker while involved in the administration of public social services at any location. Further, this section does not prohibit an employee of a county welfare department from disclosing confidential information concerning a public social services applicant or recipient to a state or local law enforcement agency investigating or gathering information regarding a criminal act intentionally committed by the applicant or recipient against an off-duty county or state welfare worker in retaliation for an act performed in the course of the welfare worker's duty when the person committing the offense knows, or reasonably should know, that the victim is a state or county welfare worker. These criminal acts shall include only those that are in violation of state or local law. Disclosure of confidential information pursuant to this subdivision shall be limited to the applicant's or recipient's name, physical description, and address.

(j) The provisions of this section shall be operative only to the extent permitted by federal law and shall not apply to, but exclude, Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14200) of Part 3, and for which a grant-in-aid is received by this state from the United States government pursuant to Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.).

(k) (1) Public social services, as defined in Section 10051, includes publicly funded health care services administered or supervised by the department or the State Department of Health Care Services, except that, as used in this section, it does not include the Medi-Cal program. This subdivision does not affect or alter the exclusions contained in subdivision (j) or the confidentiality provisions contained in Section 14100.2.

(2) This subdivision clarifies existing law.

Welf. & Inst. Code 11325.9

11325.9.

(a) The department shall develop three-year pilot projects in Alameda County, San Bernardino County, and Ventura County, at the option of each county, to create an integrated and coordinated case management system for delivery of services to CalWORKs families who face multiple barriers to employment. This pilot program shall permit the exchange of information and records between members of a multidisciplinary services team for the purpose of coordinating services relevant to the prevention, identification, and treatment of the family's barriers to employment. Information shared between members of the multidisciplinary services

team shall be maintained in a manner to ensure maximum protection of the family's privacy. Information shall not be shared between the team or otherwise disclosed, except as otherwise authorized by law, once an individual and his or her family no longer receive CalWORKs benefits or services.

(b) For purposes of this section and Sections 11325.91 to 11325.96, inclusive:

(1) "Multidisciplinary service team" or "team" means a team of two or more persons trained and qualified to provide one or more of the services listed in paragraph (2) who are assigned the responsibility, within an integrated welfare system, for identifying the educational, health, and social service needs of a member of an assistance unit, and for developing a plan to address those needs. Team members may include any of the following:

(A) Representatives of public employment services agencies under contract with the CalWORKs program.

(B) Psychiatrists, psychologists, or other trained counseling personnel involved in mental health treatment.

(C) Providers of substance abuse treatment.

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

(E) Any public or private school teacher, administrative officer, supervisor of child welfare and attendance, or certificated public personnel employee.

(F) Representatives of a domestic violence shelter.

(G) Probation officers.

(H) Social workers with experience or training in child abuse or abuse of **adults with a disability or** ~~elders or dependent adults~~.

(I) Representatives from public housing agencies.

(J) Other team members may be added if necessary and if approved by the client if the team member agrees to abide by the confidentiality requirements in Section 11325.93.

(2) "Integrated welfare system" means programs established by the state or by the pilot project county governments to provide two or more of the following services to households in which recipients of benefits under this chapter reside:

(A) Child welfare services.

(B) Employment services.

(C) Health care services.

(D) Mental health services.

(E) Substance abuse prevention and treatment.

(F) Child abuse prevention, identification, and treatment.

(G) Adult with a disability or elder ~~Elder or dependent adult~~ abuse prevention, identification, and treatment.

(H) Public housing services.

(I) Domestic violence counseling services.

(J) Juvenile probation services. However, representatives of juvenile probation may provide information to other team members, but may not receive information, records, or copies of records, from other team members.

(K) Educational services for children and adults.

(L) Nutrition services.

(M) Child care and development services.

(N) Learning disability evaluation.

(3) “Targeted population” means long-term welfare-dependent families with multiple barriers to employment, including, but not limited to, substance abuse, mental illness, child abuse and neglect, and domestic violence.

Welf. & Inst. Code 15633(b)(2)A)

15633.

(a) The reports made pursuant to Sections 15630, 15630.1, 15630.2, and 15631 shall be confidential and may be disclosed only as provided in subdivision (b). Any violation of the confidentiality required by this chapter is a misdemeanor punishable by not more than six months in the county jail, by a fine of five hundred dollars (\$500), or by both that fine and imprisonment.

(b) Reports of suspected abuse of an adult with a disability or ~~elder or dependent adult~~ and information contained in the report may be disclosed only to the following:

(1) Persons or agencies to whom disclosure of information or the identity of the reporting party is permitted under Section 15633.5.

(2) (A) Persons who are trained and qualified to serve on multidisciplinary personnel teams may disclose to one another information and records that are relevant to the prevention, identification, or treatment of abuse of elderly or dependent persons.

(B) Except as provided in subparagraph (A), any personnel of the multidisciplinary team or agency who 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.

(3) A trusted contact person, as specified in subdivision (h) of Section 15630.2.

(c) This section does not allow disclosure of any reports or records relevant to the reports of abuse of an adult with a disability or elder ~~or dependent adult~~ if the disclosure would be prohibited by any other provisions of state or federal law applicable to the reports or records relevant to the reports of the abuse, nor does it prohibit the disclosure by a financial institution, broker-dealer, or investment adviser of any reports or records relevant to the reports of abuse of an elder or dependent adult if the disclosure would be required of a financial institution, broker-dealer, or investment adviser by otherwise applicable state or federal law or court order.

(d) This section does not prohibit employees of a county's adult protective services agency or a county's child welfare agency from disclosing information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of the abuse or neglect of a child or abuse or neglect of an adult with a disability or elder ~~or dependent adult~~.

Welf. & Inst. Code 15670(a)

15670.

The Legislature finds and declares all of the following:

(a) Instances of adult with a disability and elder ~~and dependent adult~~ abuse are on the rise, with the majority of the abuse occurring in the home of elderly or dependent person by noncertified caregivers.

(b) This state has a responsibility to protect these persons and to see that they are safeguarded from individuals who may pose a threat to their well-being.

(c) Criminal background checks of individuals who provide personal care services to elder and dependent adults, while not ending all occurrences of abuse, will serve as a factor in reducing some of these occurrences and giving senior citizens, ~~dependent~~ adults with a disability, and their families a sense of security that care is not being administered by individuals with dangerous criminal backgrounds.

(d) An effective background check program will be timely, affordable, and encompass caregivers in domestic and institutional settings.

(e) Individuals providing personal care services to adults with a disability and elders ~~elder and dependent adults~~ should be well trained and appropriately compensated for their services to foster the creation of a long-term, professional work force.

(f) Therefore, it is the intent of the Legislature in enacting this article that certified nurse assistants and certified home health aides shall be subject to a criminal background check.

(g) It is the intent of the Legislature that the State Department of Social Services prepare a plan by January 1, 1996, to implement a program of criminal background checks for in-home care providers employed under the In-Home Supportive Services program (Article 7 (commencing

with Section 12300) of Chapter 3 of Part 3). The plan shall be made available to the Legislature upon request.

Welf. & Inst. Code 15754(a)

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 **persons with a disability or elders** ~~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.

Welf. & Inst. Code 17001.9

17001.9.

(a) Notwithstanding any other provision of this part:

(1) As a condition of providing nonemergency medical care to an indigent and ~~dependent~~ adult **with a disability who is a** resident of the county, other than an involuntary detainee or prisoner, who is a sponsored person who is not a citizen or national of the United States, a county may require that the legal sponsor of the person sign a written agreement to repay any aid provided to the person during the period of time during which the sponsor has agreed, in writing, to provide for the person who is not a citizen or national of the United States.

(2) To the extent not inconsistent with federal law, if a county has provided emergency medical care to an indigent and ~~dependent~~ adult **with a disability who is a** resident of the county, other than an involuntary detainee or prisoner, who is a sponsored person who is not a citizen or national of the United States and that care was provided during the period during which the sponsor has agreed, in writing, to provide for the person, the county may recover the reasonable cost of that care from the sponsor of that person. If the county is required to take legal action to enforce this right to recovery, the written promise to provide for the person shall be considered, under state law, to be the equivalent of a written contract to pay for that medical care.

(3) No county shall be required to provide medical care to any sponsored person who is eligible, with or without a share of cost, for participation in the California Medical Assistance (Medi-Cal) program.

(b) This section shall not apply if the sponsoring person dies or the sponsoring organization ceases to exist.

(c) This section shall not apply with respect to any person who is not a citizen or national of the United States who is:

(1) Admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of Section 1153 (c) of Title 8 of the United States Code.

(2) Admitted to the United States as a result of the application, after March 31, 1980, of Section 1157(c) of Title 8 of the United States Code.

(3) Paroled into the United States under Section 1182(d)(5) of Title 8 of the United States Code.

(4) Granted political asylum by the United States Attorney General under Section 1158 of Title 8 of the United States Code.

(5) A Cuban or Haitian entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422).

(6) A minor and the sponsor or the sponsor's spouse is the parent of the child.

(d) This section shall become operative on the effective date of federal law that prohibits providing Medi-Cal assistance to sponsored persons who are not citizens or nationals of the United States, and shall remain operative only as long as federal law remains in effect. The Director of Health Services shall determine the operative dates of this section pursuant to this subdivision and shall execute a declaration, that shall be retained by the director, that sets forth the operative date or termination date.

Welf. & Inst. Code 17401(a)

17401.

No lien taken by a county pursuant to Section 17109 for care provided to a person in a county hospital shall be enforced against the home of that person (1) during his lifetime or that of his spouse, or (2) during the minority of his children if they reside in the home, or (3) during the lifetime of any ~~dependent~~ adult child who resides in the home and who is incapable of self-support because of mental or physical disability.

Any lien taken by a county for county hospital care shall be released immediately when the amount owing the county for that care is paid. The county shall render to a person to whom care has been provided in a county hospital a statement setting forth the charges upon which its claim for reimbursement is based. No interest or carrying charge shall be charged in connection with any debt incurred for county hospital care.

If a person against whose home a lien has been imposed for county hospital care desires to sell his home, the county shall release its lien against the original home and transfer it to the new home, provided that it finds that its security will not be impaired. If the person desires to borrow money for the purpose of making improvements to his home, using his home for security, the county shall subordinate its lien to the mortgage or other security interest given for the loan, if the county finds that its security will not be impaired.

If a person against whose home a lien has been imposed for county hospital care has the home acquired by a public entity for public use, the county shall release its lien against the original home and transfer it to any new home the person acquires.

No lien shall be taken pursuant to Section 17109 against the home of a person for care provided him in a county hospital, if he was confined to the county hospital as the result of a diagnosis of tuberculosis.

No lien shall be taken pursuant to this part against the home or other property of any relative, except for a parent of a minor or a spouse, liable for the support of a person confined in a county hospital or otherwise receiving aid under this part.

In no way do the authorizations and limitations expressed in this section enlarge upon the power of counties to take or impose liens under existing law. Nothing contained in this section shall be construed to permit a county to impose a lien for aid or other assistance granted under any public assistance program established by this code for which federal funds are received by this state, or under the aid to the potentially self-supporting blind program.