

Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Cheryl Brown, Chair

AB 2721 (Rodriguez) – As Introduced February 19, 2016

SUBJECT: Elder and dependent adult fraud: informational notice.

SUMMARY: Requires the Department of Justice (DOJ) to develop and distribute an informational notice that warns the public about elder and dependent adult fraud and provides information regarding how and where to file complaints. The bill also requires the notice to be made available on the Internet Web site of the Attorney General.

Specifically, **this bill:**

- 1) Requires the California Department of Justice develop and distribute an informational notice that warns the public about elder and dependent adult fraud.
- 2) Requires the DOJ information notice to direct elder and dependents to information and resources necessary to determine whether they might be victims of fraud.
- 3) Requires the notice to provide information regarding how and where to file complaints and that the notice be made available on the Internet Web site of the Attorney General.

EXISTING LAW:

- 1) Defines “elder” as “any person who is 65 years of age or older.”
- 2) States that California has the responsibility to protect elders and dependent adults who may be subjected to abuse, fraud, neglect, or abandonment.
- 3) Directs those with reasonable cause such as public or private agencies or mandated reporters to know if the welfare of an elder or dependent adult is endangered, to report their concerns.
- 4) Directs agencies such Adult Protective Services agencies, Long-Term Care Ombudsman (LTCO) programs, and local law enforcement agencies to receive referrals or complaints of abuse from those with reasonable cause to know that the welfare of an elder or dependent adult is endangered.
- 5) Provides guidelines to specify when county adult protective service agencies are to investigate allegations of abuse of elders and dependent adults.
- 6) Provides guidelines regarding the appropriate role of local law enforcement in order to ensure that a minimum level of protection is provided to elders and dependent adults in each county.
- 7) Directs law enforcement, the LTCO, and Adult Protective Services (APS) to take actions considered necessary to protect the elder or dependent adult and ensure the individual’s safety.

- 8) Provides that adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect, and may assist local law enforcement agencies in criminal investigations at the law enforcement agencies' request, provided, however, that law enforcement agencies shall retain exclusive responsibility for criminal investigations.

FISCAL EFFECT: Unknown

COMMENTS: The United States Census Bureau projected in 2000 that California's elderly population will have doubled by 2025 to 6.4 million - a larger growth rate than any other state.

As of 2010, there were 4.2 million people aged 65 years or older in California. The California Department of Finance projects that the number of California residents aged 65 and older - those who are most likely to need nursing homes or other long term care services and supports - will nearly double between 2010 and 2030. Based on monthly reports sent by local Adult Protection Services offices, the Attorney General estimates that 200,000 elders or dependent adults are abused each year. The California Commission on Aging states that "studies show that elderly and dependent adult victims of financial abuse have a decreased lifespan, suffer emotional trauma, and often face impoverishment."

Author's statement: According to the author, "Each year, thousands of California senior citizens find that they have become victims of various types of fraud. In some of these cases the crime is reported, but most are not because many seniors are simply too humiliated to report the fraud or may not know where to turn to for help.

"The common thread that runs through almost all telemarketing and other scams is the demand for payment upfront. While California cannot constantly be there to keep our citizens safe, we can create an informational brochure to be distributed to retail outlets and banks that access money or sell financial instruments.

"AB 2721 will place vital information in locations where seniors typically access their funds when they are being scammed. The brochure will serve as a resource for seniors before they lose scarce retirement dollars and a source of information to let them know where to report fraud and scams."

PREVIOUS LEGISLATION

AB 518 (Wagner) of 2011, would have removed the repeal date of section 15630.1 of the Welfare and Institutions Code. By doing so, AB 518 would extend the requirement that officers and employees of financial institutions act as mandated reporters of known or suspected financial elder abuse indefinitely, a mandate which currently sunsets on January 1, 2013. By making section 15630.1 of the Welfare and Institutions Code permanent, it would continue the protection of elders and dependent adults from financial abuse. Failed in Senate Banking and Financial Institutions Committee.

AB 140 (Dickinson), Chapter 668, Statutes of 2013 established in the Elder Abuse and Dependent Adult Civil Protection Act a new definition of undue influence that focuses on excessive persuasion causing another person to act or refrain from action, by overcoming that person's free

will, resulting in inequity. This bill also provided a list of considerations for a court to utilize in determining whether an action constituted excessive persuasion.

AB 1623 (Atkins), Chapter 85, Statutes of 2014 authorized a local government or nonprofit organization to establish a Family Justice Center to assist crime victims.

SB 196 (Hancock), Chapter 285, Statutes of 2015 authorized a county adult protective services agency to file a petition for a protective order on behalf of an elder or dependent adult, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Public Authorities

Opposition

None on file.

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