



California Elder and Disability Justice Coordinating Council

2/14/2023 1:00pm – 4:00pm



Meeting Logistics



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Public Comment

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Council Purpose

The goal of the Elder and Disability Justice Coordinating Council is to increase coordination and develop recommendations to prevent and address the abuse, neglect, exploitation, and fraud perpetrated against older adults and adults with disabilities.

Today's Agenda

- 1:00 – 1:15** Welcome, Opening Remarks
- 1:15 – 1:25** Master Plan for Aging Updates
- 1:25 – 1:55** Conservatorship Workgroup
- 1:55 – 2:10** Public Comment
- 2:10 – 2:20** Break
- 2:20 – 2:50** Legal Services Workgroup
- 2:50 – 3:05** Public Comment
- 3:05 – 3:35** Adult Protective Services Workgroup
- 3:35 – 3:50** Public Comment
- 3:50 – 4:00** Closing & Next steps



Welcome

Susan DeMarois

Director, California Department of Aging
EDJCC State Co-Chair

Eric Dowdy

Alzheimer's Association
EDJCC State Co-Chair

Acknowledgement



Governor Gavin Newsom
Cabinet Workgroup
Secretary Ghaly
Department of Justice (DOJ)



Advancing the MPA: 2023- 2024 MPA Initiatives



- **Legal Services Resources Development - Initiative 66:** Develop resources, in partnership with the California Elder & Disability Justice Coordinating Council, to build capacity among California's legal services providers that serve older adults and people with disabilities to prioritize equity and the rights of older adults and people with disabilities.
- **APS Resources - Initiative 67:** Provide resources to all 58 county Adult Protective Services (APS) programs to facilitate financial institutions reporting potential financial abuse to county APS offices across the state.
- **APS Training - Initiative 68:** Train APS social workers on how to assess an individual's decision-making abilities.
- **Probate Guardianship Funding - Initiative 69:** Explore dedicated funding opportunities for probate guardianship with caseload standards based on acuity levels. This effort may align with AB 1663 (Chapter 894, Statutes of 2022) (Maienschein), which reforms California's probate conservatorship system to enable people with disabilities and older adults to pursue supported decision-making as a less restrictive alternative to conservatorship.

Continued Partnership in 2023



Our Commitment:

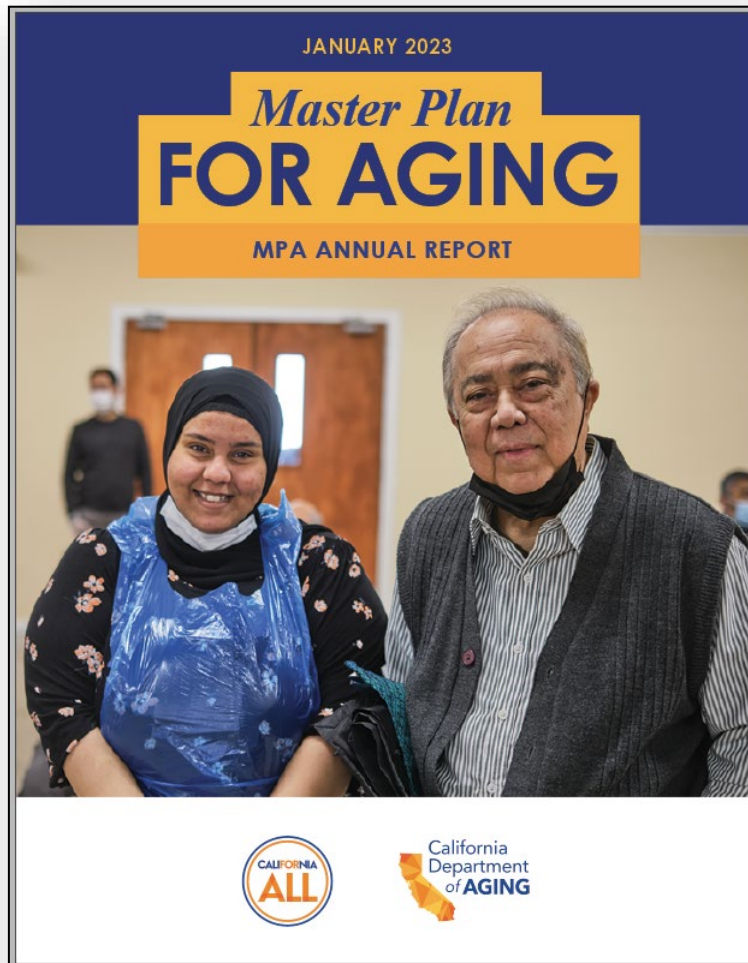
- Elevate elder and disability justice issues
- Active listening and learning
- Continued partnership and engagement



Jackie Tompkins

Master Plan for Aging, Senior Strategist
California Department of Aging

Embarking on Years 3 & 4 of California's 10-year Plan



California's Master Plan FOR AGING 2023-24 INITIATIVES

Delivering Results for Older Adults, People with Disabilities, and Caregivers

State of California Master Plan for Aging Implementation Tracker

The Master Plan for Aging (MPA) is comprised of Five Bold Goals, twenty-three strategies, and over 200 initiatives to drive action across California in the pursuit of building the most age- and disability-friendly state in the nation.

The MPA Implementation Tracker is a publicly available resource for monitoring the implementation activities of the Master Plan. You are invited to search for progress updates on each of the MPA initiatives using the Search Box or Filters below. If you would like to download a copy of your search results, click "Download" from the options in the upper right corner.

SEARCH: Housing for All Ages ...

Filter by Goal, Strategy, Agency (BCSH), Department, Tag.

GOAL	STRATEGY	INITIATIVE	DESCRIPTION	YEAR
1	A	1	Identify ways to bolster production of more housing options to age well in all California sub...	2021-2022
1	A	2	Provide tax credits and pursue other strategies to continue to prioritize the types of housing units...	2021-2022
1	A	3	Further facilitate affordable housing production by using monitoring, technical assistance, and...	2021-2022
1	A	4	Advance fair housing and equity by conducting outreach, education, and surveys, as well as...	2021-2022
1	A	5	Review housing planning and data indicators with Strategic Growth Council for older adult...	2021-2022
1	A	6	Review current housing program definitions with Strategic Growth Council for inclusion of older...	2021-2022

Visit: <https://mpa.aging.ca.gov>

Advancing the MPA: 2023-24 MPA Initiatives

California's Master Plan FOR AGING 2023-24 INITIATIVES

Delivering Results for
Older Adults, People with
Disabilities, and Caregivers



1

Goal One: Housing for All Ages & Stages

"We will live where we choose as we age in communities that are age-, disability-, and dementia-friendly and climate- and disaster-ready."



2

Goal Two: Health Reimagined

"We will have access to the services we need to live at home in our communities and to optimize our health and quality of life."



3

Goal Three: Equity & Inclusion, Not Isolation

"We will have lifelong opportunities for work, volunteering, engagement, and leadership and will be protected from isolation, discrimination, abuse, neglect, and exploitation."



4

Goal Four: Caregiving That Works

"We will be prepared for and supported through the rewards and challenges of caring for aging loved ones."



5

Goal Five: Affording Aging

"We will have economic security for as long as we live."



Strategy A: End Older Adult Homelessness

NEW! MPA Implementation Tracker

State of California
Master Plan for Aging
Implementation Tracker



The **Master Plan for Aging (MPA)** is comprised of Five Bold Goals, twenty-three strategies, and over 200 initiatives to drive action across California in the pursuit of building the most age- and disability-friendly state in the nation.



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Publicly accessible resource to monitor the [MPA's progress](#)

Search MPA Initiatives & Updates by Goal, Strategy, Topic, Agency/Dept. and more

Developed in partnership with West Health Institute

NEW! MPA Implementation Tracker

The screenshot shows the MPA Implementation Tracker interface. On the left, there are several filter sections: SEARCH, FILTER BY GOAL (with '1: Housing for All Ages a...' selected), FILTER BY STRATEGY (with '1A: More Housing Options' selected), FILTER BY AGENCY (with 'BCSH' selected), FILTER BY DEPARTMENT (with 'HCD' selected), and FILTER BY TAG (with 'Housing' and 'Homelessness' selected). Below these are two checkboxes: 'Only include reports with corresponding legislation' and 'Only include reports with corresponding budgets'. At the top right, there are options for 'Show 10 Initiatives', 'Share', 'Download' (circled in red), 'Edit Columns', and 'Expand'. The main table displays a list of initiatives with columns for GOAL, STRATEGY, INITIATIVE, DESCRIPTION, and YEAR. Each row includes a house icon, a goal number, a strategy letter, an initiative number, a description, and a year range (2021-2022).

GOAL	STRATEGY	INITIATIVE	DESCRIPTION	YEAR
1	A	10	Identify innovative models and solutions to enhance technology in housing options for aging...	2021-2022
1	A	6	Review current housing program definitions with Strategic Growth Council for inclusion of older...	2021-2022
1	A	5	Review housing planning and data indicators with Strategic Growth Council for older adult...	2021-2022
1	A	4	Advance fair housing and equity by conducting outreach, education, and surveys, as well as...	2021-2022
1	A	3	Further facilitate affordable housing production by using monitoring, technical assistance, and...	2021-2022
1	A	2	Provide tax credits and pursue other strategies to continue to prioritize the types of housing units...	2021-2022
1	A	1	Identify ways to bolster production of more housing options to age well in all California sub...	2021-2022

- MPA State Partners are invited to upload updates throughout the year on new initiatives.
- Includes 2021 & 2022 annual updates.
- Users can search & filter updates and download the results.

Local Aging & Disability Action Planning Grant Program

- [\\$4.5 million](#) to provide competitive grants to support local communities in developing aging- and disability-friendly action plans.
- Grant Program Priorities:
 - Equity, cultural competency, and community engagement principles and practices.
- Request for Applications (RFA) Release:
 - Mid-February (anticipated)



[Grant Webpage](#)



Conservatorship Workgroup

Regina Wright

State Public Guardian Liaison, California Department of Aging

Aaron Carruthers

Executive Director, CA State Council on Developmental Disabilities

Catherine Blakemore

Chair of the Alzheimer's Disease and Related Disorders Advisory Committee

Elder & Disability Justice Coordinating Council (EDJCC) Conservatorship Workgroup AB 1663 (Maienschein, 2022)



Aaron Carruthers, Executive Director
February 14, 2023

Conservatorship Fundamentals

Two types of conservatorship:

- ▶ Probate (focus of AB 1663):
 - Most likely for people with IDD, dementia, or other age-related disabilities
 - Can be imposed over the person
 - To make choices about food, clothing, shelter, health care
 - Or the estate
 - Finances
 - Complete or Limited
 - Very difficult to end
 - Allow a conservator to make a wide range of decisions affecting the conservatee's life

- ▶ Lanterman-Petris Short (LPS):
 - For people with psychiatric disabilities
 - Allow a person to be placed in a psychiatric facility involuntarily
 - Temporary

AB 1663 (Maienschein, 2022)

Probate Conservatorship Reform Act

Introduced by Assemblymember Maienschein Jan 19, 2022

Passed by Legislature September 19, 2022

Signed by Governor September 30, 2022.

Values (AB 1663 finding and declarations):

- ▶ Adults with disabilities and older adults presumed competent to make decisions regarding their day-to-day health, safety, welfare, and social and financial affairs, unless otherwise determined through legal proceedings.
- ▶ Adults, to the best of their ability and with supports they choose, should be able to be informed about and participate in the management of their affairs.
- ▶ May use a range of voluntary supports around decisions

AB 1663 (Maienschein, 2022)

Probate Conservatorship Reform Act

Four probate conservatorship reforms:

- ▶ Deflect
- ▶ Divert
- ▶ Dissolve
- ▶ Decide

AB 1663 (Maienschein, 2022)

Probate Conservatorship Reform Act

Four probate conservatorship reforms:

▶ Deflect

- Establish Supported Decision Making in law
- SDM as less restrictive option
- Create SDM-Technical Assistance Program
 - Grants, training, technical assistance to promote SDM
 - Note: accomplished through budget

AB 1663 (Maienschein, 2022)

Probate Conservatorship Reform Act

Four probate conservatorship reforms:

▶ Divert

- Require alternative to be considered by Courts before establishing a conservatorship and assess a person's abilities and capacity with supports, not in isolation

AB 1663 (Maienschein, 2022)

Probate Conservatorship Reform Act

Four probate conservatorship reforms:

- ▶ Dissolve
 - Provide conservatees with understandable information that describes their rights and who to contact if they wish to change or end the conservatorship
 - Allow Courts to terminate a conservatorship without a hearing if both the conservator and conservatee agree to the termination

AB 1663 (Maienschein, 2022)

Probate Conservatorship Reform Act

Four probate conservatorship reforms:

▶ Decide

- Require conservators to consult with and make decisions aligned with the conservatee's communicated wishes
- Apply the “order of preference” to all conservators to ensure the Court first considers family members or other trusted individuals as conservators

AB 1663 (Maienschein, 2022)

Probate Conservatorship Reform Act

Supported Decision Making (SDM)

- ▶ Define:
 - An individualized process of supporting and accommodating an adult with a disability to enable the adult to make life decisions without impeding their self-determination
- ▶ May choose an SDM agreement
 - Voluntary, non-binding written agreement
 - Plain language & accessible to the adult with a disability
 - In addition to the written version, may include images, be read aloud, or be video or audio recorded

Probate Conservatorship Reform Act

SDM-TAP Enacted Through Budget

Supported Decision Making – Technical Assistance Program (SDM-TAP)

- ▶ \$5 million
 - \$3 million community grants, including:
 - Guidance, assistance and training to educational entities, families, service providers, professionals, PWD, courts, attorneys, mediators
 - Technical assistance (TA) on alternatives to conservatorships
 - Trainings and supports on the use of SDM considering:
 - tailored access, non-verbal, complex and significant disabilities, those lacking networks, and from disadvantaged communities
 - \$2 million establishment and operations, including:
 - Best practices
 - Statewide resources
- ▶ Administered by State Council on Developmental Disabilities

Thank you





EDJCC Committee Member Comments and Discussion

Public Comment

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BREAK
(10 minutes)



Legal Services Workgroup

Ranjana Maharaj

Elder Justice Specialist, California Department of Aging

Vivianne Mbaku

Director, Equity and Elder Justice, Justice in Aging

Sil Vossler

Attorney, The Vossler Law Group



Elder Justice Through the Lens of Legal Services

Vivianne Mbaku
Director, Equity in Elder Justice
Justice in Aging

Sil Vossler
Attorney
The Vossler Law Firm



What are Legal Services?

- Generally, low-income Californians can receive free legal assistance from legal aid organizations
- Older adults and adults with disabilities can receive legal assistance through local civil legal aid organizations and their local Area Agency on Aging
- **Civil legal aid organizations** can help older adults who have experienced abuse by assisting with obtaining protective orders, revoking misused powers of attorney, obtaining stolen funds, and more.
 - Civil legal aid programs are funded by a variety of sources, but many who are providing services to victims of elder abuse receive Title III-B funding and/or funding from the Legal Services Corporation (LSC). Civil legal aid programs are also generally equipped to handle other legal issues such as Medicaid, housing, and consumer issues.

What are AAA's?

- An Area Agency on Aging (AAA) is an agency designated by a state to address the needs and concerns of all older adults at the regional and local levels. AAA is a general term—names of local AAAs vary and can be structured differently by state. Their geographic coverage can be a city, a single county, or a multi-county district. Many AAA's are responsible for contracting with legal assistance providers to provide legal assistance to older adults pursuant to Title III-B of the Older Americans Act.
- **Who can get these services?**
 - Persons 60 years of age or older regardless of income level
- **What types of legal services are provided?**
 - Debt and consumer rights (identity theft, scams, debt collection, financial and physical elder abuse.
 - General Estate planning (Advance healthcare directives, Powers of Attorney, wills, etc.)
 - Healthcare (Medicare, Medi-Cal, eligibility, access, medical bills)
 - Pension and retirement issues

Where Can I Find Legal Aid In My Area?

- [Administration for Community Living \(ACL\) Eldercare Locator](#)



[Home](#) [About](#) [Resources](#)

1-800-677-1116 

Find help in your community by entering your zip code OR city and state.

Zip Code

City/State

Enter zip code

Search

Challenges Facing Legal Services

- **Challenges Faced by Clients**
 - Geographic Limitations
 - Language Barriers
 - Client Access
 - Knowledge of Legal Issues
- **Challenges Faced by Organizations**
 - Limitations on areas of law
 - Staffing
 - Funding
 - Geographic Limitations
 - Outreach
 - Need to increase knowledge of working with those with cognitive impairments
 - Inadequacies in Pro Bono/Referral Networks

Services Needed for Older Adults

- Comprehensive estate planning
- Restraining orders
- Housing (eviction and foreclosure)
- Financial abuse litigation
- Probate, conservatorship, alternatives to conservatorship

Supports Needed for Attorneys

- Funding
- Trainings the Develop Legal Skills in relevant areas of law
- Restorative Justice and alternatives to litigation
- Working with diminished capacity clients

California Elder Justice Coalition's Elder Justice Blueprint

- The California Elder Justice Coalition (CEJC) is a cross discipline group of professionals serving older Californians with the goal of addressing the most pressing needs in elder justice and supporting services providers to enhance their services and strengthen the network of services available to older adults.
 - The Blueprint represents a cross discipline effort of CEJC to create a report that highlights where California has made progress in addressing a wide variety of issues relevant to elder abuse prevention. It also highlights recommendations in these areas to further enhance services provided to older adults.
- ▶ Please go to the address below to access the full Blueprint document.
- ▶ [CEJC Publications \(elderjusticecal.org\)](https://elderjusticecal.org)





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Adult Protective Services Workgroup

Ranjana Maharaj

Elder Justice Specialist, California Department of Aging

Akiles Ceron

APS Program Director

San Francisco Human Services Agency

*San Francisco
Human Services
Agency (SFHSA)
& San Mateo
County District
Attorney's Office*

*Gap Analysis
Overview*

Akiles Ceron

Adult Protective Services Program
Director

&

Andrea Higgins

Criminal Elder Abuse Investigator



SAN FRANCISCO HUMAN SERVICES AGENCY
Department of Disability
and Aging Services





Gap Analysis 2022

In July 2022, the Gap Analysis regarding systemic challenges and opportunities was presented to the Elder Justice Coordinating Council.

Person centered scenarios were used in identifying gaps and would help in making policy recommendations. The three scenarios are:

- Report of suspected financial abuse of a community dwelling older adult.
- Report of suspected physical abuse of a person with a disability in a licensed care facility.
- Report of possible self-neglect by community dwelling older adult.



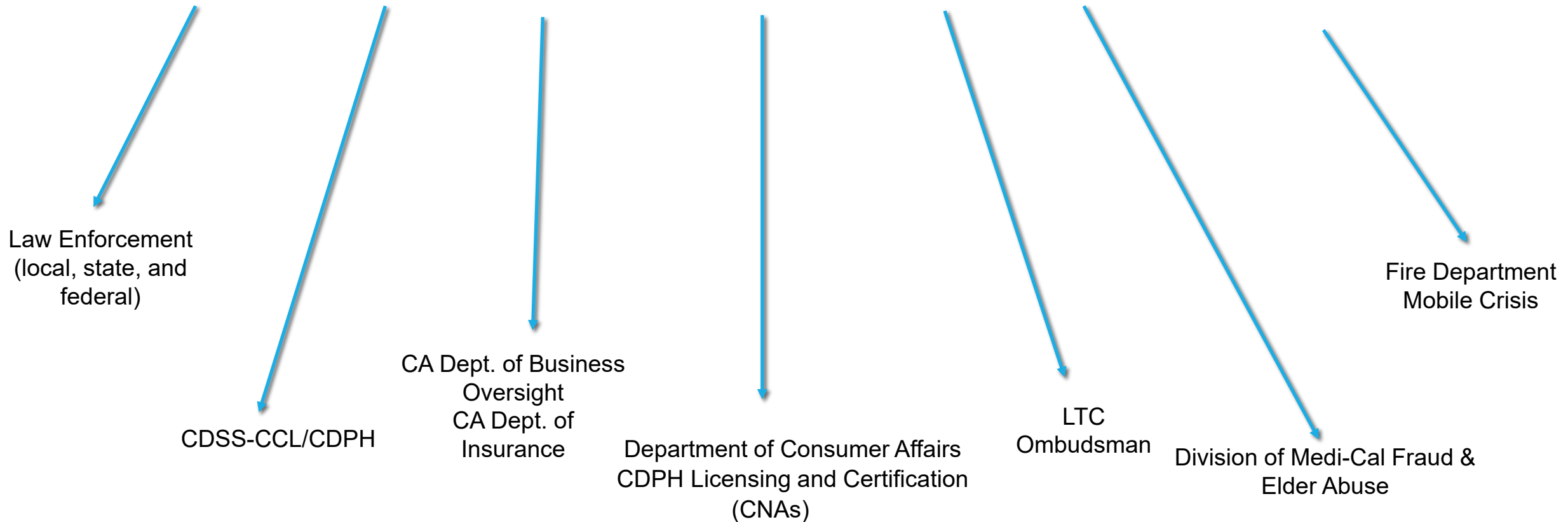
Gap Analysis Recommendations 2023

All reports of suspected abuse in a community dwelling, care home, hospital, board and care are made to the local APS agency.

Enhance a collaborative system of protection that supports timely and effective interventions.

No wrong door because there is only **ONE DOOR**

APS reviews, triages, and routes the reports to the appropriate agency



Gap Analysis Recommendations 2023

Expand

- Expanded Multidisciplinary Teams (MDT) collaboration among network agencies.

Interagency Collaboration

- Empower public agencies to work as a Task Force
- Strengthen Memorandum of Understanding (MOU) with agencies within MDTs.
- Involve Legal Aid in MDTs and enable them to help clients with questionable Decisional Capacity.
- Bring in Legal Aid to help client or family protect themselves from fraud.

POST

- Enhance existing vulnerable adult abuse curriculum in the Peace Officer Standards and Training (POST) academy for new officers, along with best practices for law enforcement response in the field.

Gap Analysis Recommendations 2023 continued....

Courts

- Capacitate the Probate Court System to understand ANE and Self-Neglect.
- Fund the Probate Court to accept, hear, and expedite Temporary Conservatorships (TCON).
- Empower the public conservatorship system to provide timely interventions.
- Create consistency across court systems and funding to address the backlogs.

Budget

- Staff and Train APS triage units receiving the ONE DOOR reports.
- Increase budget for hiring and training APS social workers and Deputy Public Guardian's (DPGs).

Restraining Orders

- Enhance the effectiveness and transitions of EPOs, TROs, and ROs.
- Collaborating with all the elder justice partners to assess the need for protective orders, what orders might already be in place, plan for other orders as needed, and support clients in reporting violations.

Explore Additional Timely Interventions



To expeditiously protect endangered adults from abuse, neglect, and self neglect

Timely interventions to protect real and personal property



EDJCC

Committee Member Comments and Discussion



Cal OES

GOVERNOR'S OFFICE
OF EMERGENCY SERVICES





Cal OES

GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



VICTIM SERVICES BRANCH

VICTIM SERVICES BRANCH MISSION

Provide financial and technical assistance and support to victim service providers to ensure all victims and survivors in California receive the services they need.

- Create programs that are trauma-informed and victim-centered
- Provide timely and consistent technical assistance to Subrecipients
- Ensure California complies with all federal and state requirements

ELDER ABUSE (XE) PROGRAM

Total Number of Subrecipients: 24

Number Focusing Specifically on Serving People over sixty: 24

Program Description: The purpose of the XE Program is to continue to enhance the safety of elder and dependent adult victims of crime by providing direct services to victims and bridging the gap between elder justice service providers and victim service providers.

Total Annual Funding: \$4,600,000

Next anticipated competitive process: June 2023

INNOVATIVE RESPONSE TO MARGINALIZED VICTIMS (KI) PROGRAM

Total Number of Subrecipients: 41

Number Focusing Specifically on Serving People over sixty: 0

Program Description: The purpose of the KI Program is to support innovative services for marginalized victims of crime, including services that: respond to the victims emotional, psychological, or physical needs, assist with understanding the criminal justice process, restore a measure of safety and security, and assist with completing compensation claims.

Total Annual Funding: \$9,000,000

Next anticipated competitive process: June 2023

VICTIMS LEGAL ASSISTANCE (XL) PROGRAM

Total Number of Subrecipients: 57

Number Focusing Specifically on Serving People over sixty: 0

Program Description: The purpose of the XL Program is to increase the availability of holistic civil and criminal legal assistance needed to effectively aid adult and youth victims of crime, including those who live in rural or isolated communities, who are seeking relief in legal matters related to that crime at no cost to the victim. Funds may not be used to provide criminal defense services.

Total Annual Funding: \$11,100,000

Next anticipated competitive process: March 2023

OTHER RELEVANT CAL OES PROGRAMS

Program	Next Anticipated Competitive Solicitation
Unserved/Underserved Advocacy & Outreach (UV)	June 2027
Specialized Emergency Housing (KE)	March 2027
Transitional Housing (XH)	May 2027

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**Closing
Remarks
and
Next Steps**

Susan DeMarois

Director, California Department of Aging

EDJCC State Co-Chair

Eric Dowdy, Alzheimer's Association

EDJCC State Co-Chair



2023 EDJCC Committee Meeting Dates

June 20: 1 pm - 4 pm

October 17: 1 pm - 4 pm

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