

AGING AND ADULT SERVICES AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: Brian E. Shiozawa

LONG TITLE

General Description:

This bill amends provisions related to the abuse, neglect, or exploitation of a vulnerable adult.

Highlighted Provisions:

This bill:

- clarifies and modifies the powers and duties of Adult Protective Services; and
- makes the vulnerable adult database and the adult protection case file available to city attorneys.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-3-303, as last amended by Laws of Utah 2008, Chapter 91

62A-3-312, as last amended by Laws of Utah 2008, Chapters 91 and 382

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-3-303** is amended to read:

62A-3-303. Powers and duties of Adult Protective Services.

In addition to all other powers and duties that Adult Protective Services is given under this part, Adult Protective Services:

- 30 (1) shall maintain an intake system for receiving and screening reports;
- 31 (2) shall investigate ~~[reports]~~ referrals that meet the intake criteria;
- 32 (3) shall conduct assessments of vulnerability and functional capacity as it relates to an
- 33 allegation of abuse, neglect, or exploitation of an adult who is the subject of a report;
- 34 ~~[(3)]~~ (4) shall perform assessments based on protective needs ~~[assessments]~~ and risks
- 35 for a vulnerable adult who is the subject of a report;
- 36 ~~[(4)]~~ (5) ~~[may coordinate with, or make referrals to, community resources]~~ may address
- 37 any protective needs by making recommendations to and coordinating with the vulnerable adult
- 38 or by making referrals to community resources;
- 39 ~~[(5)]~~ (6) may provide short-term, limited services to a vulnerable adult~~[, on a~~
- 40 ~~temporary basis,]~~ when family or community resources are not available to provide for the
- 41 protective needs of the vulnerable adult;
- 42 ~~[(6)]~~ (7) shall have access to facilities licensed by, or ~~[contracting]~~ contracted with, the
- 43 department or the Department of Health for the purpose of conducting investigations;
- 44 ~~[(7)]~~ (8) shall be given access to, or provided with, written statements, documents,
- 45 exhibits, and other items related to an investigation, including private, controlled, or protected
- 46 medical or financial records of a vulnerable adult who is the subject of an investigation if:
- 47 (a) for a vulnerable adult who does not lack ~~[the]~~ capacity to consent, the vulnerable
- 48 adult signs a release of information; or
- 49 (b) for a vulnerable adult who lacks ~~[the]~~ capacity to consent, an administrative
- 50 subpoena is issued by Adult Protective Services;
- 51 ~~[(8)]~~ (9) may ~~[institute]~~ initiate proceedings in a court of competent jurisdiction to seek
- 52 relief necessary to carry out the provisions of this chapter;
- 53 ~~[(9)]~~ (10) may require all persons, including family members of a vulnerable adult and
- 54 any caretaker, to cooperate with Adult Protective Services in carrying out its duties under this
- 55 chapter, including the provision of statements, documents, exhibits, and other items that assist
- 56 Adult Protective Services in conducting investigations and providing protective services;
- 57 ~~[(10)]~~ (11) may require all officials, agencies, departments, and political subdivisions

58 of the state to assist and cooperate within their jurisdictional power with the court, the division,
59 and Adult Protective Services in furthering the purposes of this chapter;

60 ~~[(H)]~~ (12) may conduct studies and compile data regarding abuse, neglect, and
61 exploitation; and

62 ~~[(H2)]~~ (13) may issue reports and recommendations.

63 Section 2. Section **62A-3-312** is amended to read:

64 **62A-3-312. Access to information in database.**

65 The database and the adult protection case file:

66 (1) shall be made available to law enforcement agencies, the attorney general's office,
67 city attorneys, and county or district attorney's offices;

68 (2) shall be released as required under Subsection [63G-2-202\(4\)\(c\)](#); and

69 (3) may be made available, at the discretion of the division, to:

70 (a) subjects of a report as follows:

71 (i) a vulnerable adult named in a report as a victim of abuse, neglect, or exploitation, or
72 that adult's attorney or legal guardian; and

73 (ii) a person identified in a report as having abused, neglected, or exploited a
74 vulnerable adult, or that person's attorney; and

75 (b) persons involved in an evaluation or assessment of the vulnerable adult as follows:

76 (i) an employee or contractor of the department who is responsible for the evaluation or
77 assessment of an adult protection case file;

78 (ii) a multidisciplinary team approved by the division to assist Adult Protective
79 Services in the evaluation, assessment, and disposition of a vulnerable adult case;

80 (iii) an authorized person or agency providing services to, or responsible for, the care,
81 treatment, assessment, or supervision of a vulnerable adult named in the report as a victim,
82 when in the opinion of the division, that information will assist in the protection of, or provide
83 other benefits to, the victim;

84 (iv) a licensing authority for a facility, program, or person providing care to a victim
85 named in a report; and

- 86 (v) legally authorized protection and advocacy agencies when they represent a victim
87 or have been requested by the division to assist on a case, including:
- 88 (A) the Office of Public Guardian, created in Section [62A-14-103](#); and
 - 89 (B) the Long-Term Care Ombudsman Program, created in Section [62A-3-203](#).