**Summary**

This bill improves Adult Protective Services (APS) financial abuse investigations and better protects the assets of California’s growing population of older and dependent adults by: (1) simplifying criteria to access financial records, (2) extending the time frame of accessible records, and (3) expanding the information APS can receive.

**Existing Law**

County APS investigators are granted access to certain financial records under current law. However, a law enforcement agency, district attorney or special agent of the Department of Justice must first certify that a crime report has been filed before APS can access the information of a potential victim of abuse. This typically requires APS, once notified of alleged financial abuse from a mandated reporter, to file a police report prior to submitting a request to a bank or financial institution for access to an individual’s financial records.[[1]](#footnote-1)

Existing law also limits APS investigators’ access to only financial records dating from a period of 30 days before and after the date of any alleged illegal activity (60 days total). The law further specifies the types of information that APS can access, including basic account information and balances, current signatures and addresses, potentially fraudulent transactions and surveillance footage.[[2]](#footnote-2)

**Requirements Limit Effective Investigations**

The requirement to file a police report to access records that are needed in order to fully investigate reports of financial abuse is a barrier to access. Even when APS has reasonable suspicion of abuse, a police report must first be filed to proceed further with the investigation. This requirement makes it more difficult to protect older and dependent adults in a timely manner. No comparable requirement exists for the other types of abuse APS is tasked with investigating.

A thorough financial abuse investigation requires that an investigator be able to identify normal spending habits of the alleged victim over a period of time. The current 60 days limits this ability and should be longer to enable a more thorough investigation. Finally, APS investigators cannot currently view types of information that counties have identified as potentially critical to uncovering financial abuse.

**Solutions**

1. Amend the law to allow an APS report of abuse to suffice as a certification that a crime report has been filed that involves financial abuse.
2. Extend the period for which APS can request records to 90 days prior and 90 days following the alleged illegal act.
3. Expand the types of items APS can request from a bank or financial institution to include information regarding newly issued cards, changes of addresses and information regarding trusts or Power of Attorney.

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1. [California Government Code, Chapter 20, Section 7480(b)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=7480) [↑](#footnote-ref-1)
2. [California Government Code, Chapter 20, Section 7480(b)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=7480) [↑](#footnote-ref-2)