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LEGISLATIVE COUNSEL'S DIGEST

AP 23: ELDER-FRIENDLY COURTS.

UNDER EXISTING LAW, THERE IS A SUPERIOR COURT IN EACH COUNTY IN CALIFORNIA. THESE COURTS HANDLE VARIOUS CRIMINAL AND CIVIL CASES, INCLUDING FAMILY LAW, PROBATE, AND JUVENILE MATTERS.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD REQUIRE AN ELDER-FRIENDLY COURT TO BE ESTABLISHED IN EACH COUNTY IN CALIFORNIA.

VOTE: MAJORITY.

AP 23: RELATING TO COURTS: ELDER-FRIENDLY COURTS

WHEREAS, IN THE ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT (CHAPTER 11 (COMMENCING WITH SECTION 15600) OF PART 3 OF DIVISION 9 OF

THE WELFARE AND INSTITUTIONS CODE) THE LEGISLATURE ACKNOWLEDGES THAT THE ELDERLY CONSTITUTE A SIGNIFICANT AND IDENTIFIABLE SEGMENT OF THE POPULATION, THAT THEY ARE MORE SUBJECT TO RISKS OF ABUSE, NEGLECT, AND ABANDONMENT, THAT THE STATE HAS A RESPONSIBILITY TO PROTECT THESE PERSONS, AND THAT INFIRM ELDERLY PERSONS AND DEPENDENT ADULTS ARE A DISADVANTAGED CLASS; AND

WHEREAS, A 2013 BRIEF BY THE CENTER OF EXCELLENCE ON ELDER ABUSE AND NEGLECT STATES THAT THE CALIFORNIA ATTORNEY GENERAL ESTIMATES THAT 200,000 VULNERABLE CALIFORNIA ADULTS ARE ANNUALLY ABUSED; AND

WHEREAS, MANY OLDER ADULTS FIND THE SUPERIOR COURT SYSTEM INTIMIDATING AND DIFFICULT TO NAVIGATE, CREATING AN ACCESS BARRIER TO LEGAL REMEDIATION OF ISSUES, INCLUDING PHYSICAL, PSYCHOLOGICAL, AND FINANCIAL ABUSE, LANDLORD-TENANT DISPUTES, CONSERVATORSHIP, PROBATE, KINSHIP CARE, AND SMALL CLAIMS; AND

WHEREAS, MANY COURT BUILDINGS ARE IN HARD-TO-ACCESS URBAN LOCATIONS WITH LARGE COURTROOMS THAT ARE CHALLENGING FOR HEARING-IMPAIRED SENIOR CITIZENS, AND ELDER ABUSE VICTIMS HAVE UNIQUE NEEDS, INCLUDING, BUT NOT LIMITED TO, AGE-RELATED HEALTH CONDITIONS THAT MAY NEED TO BE ADDRESSED IN THE COURT SETTING; AND

WHEREAS, THE FEDERAL ELDER JUSTICE ACT OF 2010 CALLS FOR NEW AND IMPROVED MEASURES TO ADDRESS ELDER ABUSE AND RECOGNIZES THAT ELDER

ABUSE OFTEN REQUIRES THE INVOLVEMENT OF THE CRIMINAL AND CIVIL JUSTICE SYSTEM; AND

WHEREAS, THE AMERICAN BAR ASSOCIATION AND THE NATIONAL CENTER FOR STATE COURTS HAVE FOUND THAT IMPLEMENTING ELDER-FRIENDLY PRACTICES IN THE COURT PROCESS INCREASES SENIOR ACCESS TO JUSTICE; AND

WHEREAS, THE CALIFORNIA SUPERIOR COURTS IN THE COUNTIES OF ALAMEDA, CONTRA COSTA, AND VENTURA HAVE SUCCESSFULLY IMPLEMENTED PROGRAMS DESIGNED TO ADDRESS ELDER ABUSE, PROVIDE MORE COMPREHENSIVE ELDER-FRIENDLY REMEDIES, AND INTEGRATE SERVICES WITH THE RESOURCES OF COMMUNITY PROVIDERS; AND

WHEREAS, THE JUDICIAL COUNCIL OF CALIFORNIA/ADMINISTRATIVE OFFICE OF THE COURTS, IN A 2008 REPORT FUNDED BY THE ARCHSTONE FOUNDATION, RECOMMENDED ACCESS IMPROVEMENTS SUCH AS MAKING VICTIM AND WITNESS ADVOCATES AVAILABLE AND INVOLVED IN ASSISTING OLDER ABUSED PERSONS THROUGHOUT THE JUDICIAL PROCESS, LINKING ABUSED PERSONS TO APPROPRIATE SERVICES, PROVIDING TRAINING TO JUDGES AND COURT STAFF TO RECOGNIZE AND APPROPRIATELY RESPOND TO ELDER ABUSE, SCHEDULING SPECIFIC TIME FRAMES THAT ARE ACCOMMODATING TO THE ELDERLY FOR COURT APPEARANCES, USUALLY MIDMORNING, ALLOWING ELDER LITIGANTS TO APPEAR FIRST, FACILITATING THE USE OF TELEPHONIC APPEARANCES FOR ELDER VICTIMS WHO HAVE DIFFICULTY WITH TRAVEL, PROVIDING A FLOOR LEVEL WITNESS BOX, MAKING ENHANCED COMMUNICATION

DEVICES AND LARGE FONT PLEADINGS AVAILABLE, AND PRIORITIZING SWIFTLY MAKING THE VICTIM WHOLE THROUGH RESTITUTION AND THE RETURN OF PROPERTY; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR ASSEMBLY AND THE SENIOR SENATE, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2014 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA APPROPRIATE THE FUNDING NECESSARY TO ESTABLISH AND MAINTAIN IN EACH COUNTY OF THE STATE AT LEAST ONE ELDER-FRIENDLY COURT THAT ELDER VICTIMS CAN EASILY ACCESS; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE SPEAKER OF THE ASSEMBLY, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.