

MEMORANDUM 2025-51

Terminology Relating to Persons with Disabilities (Substitute Terminology)

In 2024, the Legislature directed the Commission¹ to study and recommend replacement throughout California codes of two terms – “dependent adult” and “dependent person” – whose existing statutory definitions include people with disabilities.² The rationale for the directed replacement was a legislative finding and declaration that the two terms are demeaning to people with disabilities, who may live independently, and can mislead law enforcement officers, social workers, and others.³

The enacted bill also assigned the Commission several more specific directives:

(1) “[I]dentify all existing California code sections regarding persons who meet the definition of ‘dependent adult’ and ‘dependent person’ that should be amended in accordance with [the assignment].”⁴

(2) Replace the terms “dependent adult” and “dependent person” in California codes “with updated terminology that describes these adults in a respectful way.”⁵

(3) Recommend that change in terminology “in a consistent and comprehensive manner.”⁶

(4) Recommend the change in terminology in a manner “that does not substantively alter existing law.”⁷

(5) Recommend the change in terminology in a manner “that would preserve the legal rights and protections of both of the following groups of persons, in a comprehensive and consistent manner:

(A) Persons who meet the definition of “dependent adult” and ‘dependent person’ as currently recognized in statute, regulation, and case law.

(B) Persons who do not meet the definition of ‘dependent adult’ and ‘dependent person’ but are described in conjunction with such persons, including

¹ Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

² [2024 Cal. Stat. ch. 233](#) (AB 1906, Gipson).

³ Gov’t Code § [8290.7\(a\)\(1\)](#).

⁴ Gov’t Code § [8290.7\(c\)\(3\)](#).

⁵ Gov’t Code §§ [8290.7\(b\)](#).

⁶ *Id.*

⁷ *Id.*

elders who are protected by laws governing ‘elder and dependent adult abuse.’”⁸

(6) Convene and obtain input from a working group composed of representatives from the state protection and advocacy agency,⁹ the State Department of Social Services, persons described by the definitions of “dependent adults” and “dependent persons,” and groups representing those persons.¹⁰

OVERARCHING STUDY CONSIDERATION

The legislative assignment in this matter requires that the terminology substitution described be made in a “consistent and comprehensive manner,”¹¹ while also made in a manner that “does not substantively alter existing law.”¹²

A search of an online database indicates there are 192 existing code sections in which the term “dependent adult” or “dependent person” appears.¹³ Five of those code sections contain statutory definitions of the term “dependent adult,”¹⁴ and two contain statutory definitions of the term “dependent person.”¹⁵ The two definitions of the term “dependent person” are effectively identical to each other, but the five definitions of the term “dependent adult” all differ from each of the others in at least one material respect.

Most of the references in the existing code sections to the term “dependent adult or “dependent person” are defined by one of the seven definitional provisions, typically based on text expressly stating that the term as used in the section is defined in an identified definitional provision.¹⁶

In each of the code sections in which these terms are defined, the directed “consistent and comprehensive” substitution of whatever new term the Commission selects to replace these terms can be easily accomplished without substantively altering existing law. Assuming the Commission recommends substitution of the new term in these sections without recommending any other change, the new term would have exactly the same defined meaning as the former term, and each section containing the new term would have exactly the same meaning as the former section.

In contrast, the staff has also identified as many as 50 code sections containing references to the term “dependent adult” or “dependent person” in which the term does not

⁸ Gov’t Code § [8290.7\(c\)\(4\)](#).

⁹ Disability Rights California.

¹⁰ Gov’t Code § [8290.7\(c\)\(1\), \(2\)](#).

¹¹ Gov’t Code § [8290.7\(b\)](#).

¹² *Id.*

¹³ See <https://www.westlaw.com/SharedLink/84db611b3cad487bb448f5c4a0a22123?VR=3.0&RS=cb1t1.0>.

¹⁴ Penal Code §§ [368\(h\)](#), [1336\(c\)](#); Prob. Code § [21366](#); Welf. & Inst. Code §§ [15610.23](#), [15750\(b\)\(1\)\(A\), \(B\)](#).

¹⁵ Evid. Code § [177](#), Penal Code § [288\(f\)\(3\)](#).

¹⁶ EX 1.

appear to have been clearly defined,”¹⁷ and another seven code sections in which the term is used in a context in which its intended definition can be only reasonably inferred.¹⁸

Again, “consistent and comprehensive” substitution of whatever replacement term the Commission selects would appear to require substitution of that term in these code sections as well. However, if the terms “dependent adult” and “dependent person” as used in these code sections are currently undefined, replacing those terms with any new term could create a risk of substantively altering existing law.¹⁹

WORKING GROUP

The staff began work on this study by convening the working group described in the legislation to gain as much input as possible from persons who are familiar with the issues presented.²⁰ The staff is grateful to the working group participants for their time and thoughtful contributions.

The working group was formed with representatives, including persons with disabilities, from each of the following organizations:

Association of Regional Center Agencies
California Advocates for Nursing Home Reform
California Council of the Blind
California Department of Developmental Services
California Department of Rehabilitation
California Department of Social Services
California Department on Aging
California Disability Services Organization
California Long-Term Care Ombudsman Association
Californians for Disability Rights
Coelho Center for Disability Law, Policy, and Innovation
Disability Rights California

¹⁷ Bus. & Prof. Code §§ [28\(a\),\(e\),\(f\)](#), [2915.5\(a\)](#), [4980.36\(d\)\(2\)\(B\)\(iii\)](#), [4980.37\(b\)\(3\)](#), [4980.39\(a\)](#), [4980.43\(c\)\(11\)](#), [4980.72\(d\)\(1\)](#), [4980.78\(b\)\(2\)\(A\)](#), [4980.81\(a\)\(4\)\(A\)\(ii\)\(I\)](#), [4996.17.1\(d\)\(1\)](#), [4996.17.2\(d\)\(2\)\(F\)](#), [4996.25\(a\)](#), [4996.26\(b\)](#), [4999.32\(e\)\(6\),\(7\)](#), [4999.33\(d\)\(10\)](#), [4999.60\(a\)\(4\)\(A\)](#), [4999.62\(b\)\(1\)\(D\)\(ii\),\(iv\)](#), [6175.3](#); Civ. Code §§ [52.7\(c\)\(2\),\(3\),\(g\)](#), [1941.5](#); Code Civ. Proc. §§ [706.023\(d\)\(1\),\(2\),\(3\)](#), [706.121\(d\)](#), [706.125\(d\)](#); Fin. Code § [2043\(a\)](#); Gov’t Code §§ [997.2](#), [6209.5\(a\)\(4\)](#), [6209.6](#), [6209.7\(c\)](#), [7480\(b\),\(c\),\(e\)\(1\)](#), [8699.01\(j\)\(1\)](#), [12528\(h\),\(i\)](#), [68152\(a\)\(6\)](#), [70617\(b\)\(10\)](#); Health and Safety Code §§ [1569.885\(f\)](#), [1569.889\(a\)](#); Penal Code §§ [148.5\(e\)](#), [186.12\(d\)\(3\)\(C\),\(D\)](#), [273.6\(h\)\(1\)](#), [803\(c\)](#), [11161.2\(a\),\(b\)\(1\)\(A\),\(B\),\(C\),\(D\),\(E\)](#), [11163.73\(b\)\(2\)\(I\)](#), [11174.7](#), [13823.93\(b\)\(1\),\(c\)\(1\),\(4\),\(12\),\(d\)\(2\),\(5\),\(6\),\(10\)](#); Prob. Code §§ [859](#), [1812](#); Welf. & Inst. Code §§ [4648.12\(b\)](#), [\(c\)\(1\)\(A\)](#), [10850\(e\)](#), [11325.9](#), [17001.9](#), [17401](#).

¹⁸ Bus. & Prof. Code §§ [4982\(x\)](#), [4992.3\(y\)](#), [4999.90\(x\)](#); Penal Code §§ [368.5](#), [368.7](#), [13515\(a\)\(2\),\(4\),\(5\),\(6\),\(7\)](#); Prob. Code § [259](#).

¹⁹ The staff will analyze the issue at greater length in a memorandum presented to the Commission at a subsequent meeting. One possibility that may address this problem would be to add a definition indicating that the new term is intended to have the same meaning as the term “dependent adult” or “dependent person” in the former section.

²⁰ See Terminology Relating to Persons with Disabilities Study [page](#).

Disability Rights Education and Defense Fund
Disability Voices United
Educate Advocate
Justice in Aging
Reach San Diego
Statewide Disability Advisory Council
The Arc and United Cerebral Palsy California Collaboration (AB 1906 bill sponsor)
The Arc of California
USC Center for Elder Justice

Working group's progress

The staff has convened four working group meetings,²¹ with varying attendance levels at each meeting ranging from 13 to 20 individuals.²²

Each of the meetings were primarily focused on identifying appropriate terms to be substituted in existing code sections for the defined terms “dependent adult” and “dependent person.”

While the group was not able to reach consensus on a particular term, it narrowed its preferred terms to a few possible candidates.

Working group views on substitute term

Following group discussion at the first three meetings, the members were informally polled at the fourth meeting on a total of eight suggested substitute terms, one of which was suggested by a working group member after the third meeting, and two that were suggested by a working group member at the fourth meeting.

The members’ first choices for a substitute term were as follows, in descending order of preference:

“(Person/adult) with a disability, as defined in Section [section defining term]”
“(Person/adult) with a support need” (tie)
“(Person/adult) with a functional support need” (tie)
“Supported (person/adult)”

²¹ The meetings were all publicly noticed, and minutes and video recordings of each meeting are available on the [study page](#) of the Commission’s website.

²² A total of 25 individuals agreed to participate in the meetings, but not all individuals were able to attend every meeting.

The remaining four terms considered were not the first choice of any member polled:

- “(Person/adult) with a functional limitation”
- “(Person/adult) needing functional support”
- “(Person/adult) needing functional accommodation”
- “(Person/adult) who is supported”

The staff also asked for those same members’ second choices, which in order of preference were:

- “(Person/adult) with a support need”
- “(Person/adult) with a disability, as defined in Section [section defining term]”
- “(Person/adult) with a functional support need”
- “(Person/adult) with a functional limitation” (tie)
- “(Person/adult) who is supported” (tie)

The following terms were not the second choice of any member polled:

- “(Person/adult) needing functional support”
- “(Person/adult) needing functional accommodation”
- “Supported (person/adult)”

Working group concerns about preferred terms

As indicated above, the working group members indicated a relatively strong preference for the three terms below, listed in order of overall preference:

- “(Person/adult) with a disability, as defined in Section [section defining term]”
- “(Person/adult) with a support need”
- “(Person/adult) with a functional support need”

However, some working group members also expressed concerns about these terms.

The term “person/adult with a support need,” which had been identified as a top choice by several group members at earlier meetings, was also objected to by a number of other members. The chief concern expressed was that the term was insufficiently specific, and would likely be problematic for law enforcement officers or other similarly situated individuals who would have difficulty in stressful circumstances determining whether a particular individual was a person with a “support need.”

That expressed concern may have been somewhat ameliorated by a modification to the term suggested by the staff — “person/adult with a functional support need” — but the length and complexity of that term may have been off-putting to some members.

The term “person/adult with a disability” — *without* the “as defined in” cross-reference — seemed to be an early favorite of several members of the group at its first meeting, until it was pointed out that “person with a disability” was already a defined term in the codes,

with a definition notably different from any statutory definition of “dependent person” or “dependent adult.”²³ A suggestion was also made that the term “person/adult with a disability” had a commonly understood meaning that was to some extent inconsistent or less inclusive than the existing definitions of “dependent person” or “dependent adult.”²⁴

A working group member thereafter suggested following the group’s third meeting that those issues could be addressed by adding the cross-reference directing a reader to the section containing the appropriate definition. This suggestion was apparently attractive to members, as at the fourth meeting, half of the 18 members polled at or immediately after the meeting identified that term — with the cross-reference — as their first choice.

Staff Analysis

After hearing various comments from working group members over four meetings, it appears unlikely the Commission will arrive at a “perfect” substitute term the Commission can recommend to the Legislature. As a result, the task of the Commission will instead effectively be to recommend to the Legislature a substitute term that is both respectful and least problematic.

The working group discussions to date suggest that any substitute term is likely to be perceived by a number of persons as either having some negative connotation relating to its commonly understood meaning, or some other shortcoming (e.g., too lengthy or confusing). And this would appear to be true notwithstanding an assigned statutory definition addressing any such issues.

For example, after two meetings, two possible substitute terms had each garnered significant support from working group members, but both also produced passionate opposition. “Person/adult with a support need” had been the tentative first choice of a significant number of working group members, but other members felt the term was too vague, and were concerned it could dangerously confuse law enforcement officers in scenarios in which legal research to find the intended meaning of the term was unrealistic.

A second term that was a strong second choice after the second meeting, “person/adult with a functional limitation,” was viewed by other members as misfocused and demeaning. A repeated comment was that terminology is intrinsically important, and the focus of the selected term should be on what is not being appropriately provided to the defined person by society (e.g., “person with a support need”), rather than alleging a deficiency on the part of the defined person (e.g. “person with a functional limitation”).

²³ See Welf. & Inst. Code §§ [9653](#), [19404\(b\)](#).

²⁴ Six of the existing statutory definitions of the two existing terms include an “inpatient to a 24-hour health facility.”

The staff believes that analysis of legal implications of the phrase “person/adult with a disability as defined in Section XXX,” ultimately the preferred term of the working group, should now be conducted and provided to the Commission. Likewise, the staff believes the Commission would benefit from further analysis of the legal implications of the other three terms most preferred by the working group.

These analyses will be provided to the Commission in a memorandum at a subsequent meeting.

Respectfully submitted,

Steve Cohen
Senior Staff Counsel

CODE SECTIONS WITH DEFINED REFERENCES TO “DEPENDENT ADULT”

Group One

Definition of “dependent adult” applicable to the sections below:

“[D]ependent adult” means a person, regardless of whether the person lives independently, who is between the ages of 18 and 64, who has physical or mental limitations which restrict their ability to carry out normal activities or to protect their rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent adult” includes a person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. ([Penal Code Section 368\(h\)](#))

[Business and Professions Code Section 7099.9\(g\)\(4\)](#)

[Evid. Code Section 1380](#)

[Gov’t Code Section 7282.5\(a\)\(3\)\(X\)](#)

[Labor Code Section 230.5\(a\)\(2\)\(E\)](#)

[Penal Code Section 166\(c\)\(1\)\(C\)](#)

[Penal Code Section 237](#)

[Penal Code Section 243.25](#)

[Penal Code Section 368\(b\), \(c\), \(d\), \(e\), \(f\), \(i\)](#)

[Penal Code Section 368.6\(b\)\(3\), \(b\)\(8\), \(b\)\(12\)\(B\), \(b\)\(13\)\(A\), \(b\)\(13\)\(C\), \(b\)\(13\)\(D\), \(b\)\(13\)\(H\), \(b\)\(14\), \(b\)\(15\), \(c\), \(c\)\(1\), \(c\)\(4\), \(c\)\(18\), \(c\)\(22\), \(e\)](#)

[Penal Code Section 653c\(a\)](#)

[Penal Code Section 666.1](#)

[Penal Code Section 859.1](#)

[Penal Code Section 868.5](#)

[Penal Code Section 1048\(b\)](#)

[Penal Code Section 11174.5\(c\)](#)

[Penal Code Section 13750](#)

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## **Group Two**

### **Definition of “dependent adult” applicable to the section below:**

“**[D]ependent adult**” means a person, regardless of whether the person lives independently, who is between the ages of 18 and 65, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. “Dependent adult” includes any person between the ages of 18 and 65, who is admitted as an inpatient to a 24-hour facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. ([Penal Code Section 1336\(c\)](#))

[Penal Code Section 1336\(a\)](#)

[Penal Code Section 1337](#) (very strong inference, as section immediately follows and is written as continuation of section containing definitional provision)

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Group Three

Definition of “dependent adult” applicable to the sections below:

(a) “**Dependent adult**” means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.

(b) “**Dependent adult**” includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. ([Welf. & Inst. Code Section 15610.23](#))

[Business & Professions Code Section 6580\(a\)\(2\)\(B\)](#)

[Civil Code Section 1798.97.1](#)

[Civil Code Section 1946.7\(a\)\(5\), \(b\)\(1\)](#)

[Civil Code Section 1948\(a\)\(5\)\(B\)](#)

[Code of Civil Procedure Section 706.011\(c\)](#)

[Code of Civil Procedure Section 1002\(a\)\(4\)](#)

[Code of Civil Procedure Section 1161.3\(a\)\(1\)](#)

[Code of Civil Procedure Section 2017.310\(a\), \(b\)\(2\)](#)

Code of Civil Procedure Section 2017.320(a),(b)(f)(2), (g)
Family Code Section 6228(a)(5), (d)
Family Code Section 6250(d)
Family Code Section 6251(a), (b)
Financial Code Section 4056(b)(8)
Government Code Section 6205(a)
Government Code Section 6205.5(a)(6)
Government Code Section 6206(a), (a)(1)(A), (a)(2), (a)(2)(C), (a)(2)(D), (a)(7)
Government Code Section 6208.5(a)
Government Code Section 53165(a)(7)(B)
Health & Safety Code 1796.42(e)
Probate Code Section 859
Probate Code Section 4231.5(c)
Public Utilities Code Section 779.1(c)
Public Utilities Code Section 10010.1(c)
Public Utilities Code Section 12823.1(c)
Public Utilities Code Section 16482.1(c)
Welf. & Inst. Code 4900
Welf. & Inst. Code 4901
Welf. & Inst. Code 4903
Welfare and Institutions Code 5328(a)(21)
Welf. & Inst. Code Section 5328.5
Welf. & Inst. Code Section 5981
Welf. & Inst. Code Section 10850.1

Per Sections 15610 and 15610.23, definition also applicable to the following sections:

Welf. & Inst. Code Section 15600(a), (d), (e), (g), (h), (i), (j)
Welf. & Inst. Code Section 15601(a)
Welf. & Inst. Code Section 15610.05
Welf. & Inst. Code Section 15610.06

[Welf. & Inst. Code Section 15610.07](#)
[Welf. & Inst. Code Section 15610.10](#)
[Welf. & Inst. Code Section 15610.13](#)
[Welf. & Inst. Code Section 15610.17](#)
[Welf. & Inst. Code Section 15610.19](#)
[Welf. & Inst. Code Section 15610.30\(a\), \(a\)\(1\), \(a\)\(2\), \(a\)\(3\), \(b\), \(c\), \(d\)\(1\), \(d\)\(2\)](#)
[Welf. & Inst. Code Section 15610.37](#)
[Welf. & Inst. Code Section 15610.39](#)
[Welf. & Inst. Code Section 15610.40](#)
[Welf. & Inst. Code Section 15610.43\(a\)\(1\), \(a\)\(2\), \(a\)\(4\), \(b\)](#)
[Welf. & Inst. Code Section 15610.45](#)
[Welf. & Inst. Code Section 15610.53](#)
[Welf. & Inst. Code Section 15610.55](#)
[Welf. & Inst. Code Section 15610.57\(a\)\(1\), \(a\)\(2\), \(b\)\(5\), \(b\)\(6\), \(c\)](#)
[Welf. & Inst. Code Section 15610.63](#)
[Welf. & Inst. Code Section 15630\(a\), \(b\)\(1\), \(b\)\(2\), \(b\)\(2\)\(A\), \(b\)\(2\)\(B\), \(b\)\(2\)\(C\), \(b\)\(3\)\(A\)\(i\),
\(b\)\(3\)\(A\)\(iii\), \(c\)\(1\), \(d\), \(e\), \(h\), \(i\)](#)
[Welf. & Inst. Code Section 15630.1\(a\), \(d\)\(1\), \(d\)\(2\), \(d\)\(3\), \(e\)\(1\), \(e\)\(2\), \(h\), \(i\), \(j\)\(1\), \(j\)\(2\)](#)
[Welf. & Inst. Code Section 15630.2\(a\)\(4\), \(b\)\(1\), \(b\)\(2\), \(b\)\(3\), \(c\), \(c\)\(1\), \(c\)\(2\), \(d\), \(f\), \(g\),
\(h\)\(1\), \(h\)\(2\), \(i\)\(1\), \(i\)\(2\), \(j\)\(1\), \(j\)\(1\)\(A\), \(j\)\(1\)\(B\), \(j\)\(2\)\(A\), \(j\)\(4\), \(k\)](#)
[Welf. & Inst. Code Section 15631](#)
[Welf. & Inst. Code Section 15633](#)
[Welf. & Inst. Code Section 15633.5\(a\)\(1\), \(a\)\(2\)\(A\), \(a\)\(2\)\(B\)](#)
[Welf. & Inst. Code Section 15634\(a\), \(b\), \(c\)](#)
[Welf. & Inst. Code Section 15636](#)
[Welf. & Inst. Code Section 15640](#)
[Welf. & Inst. Code Section 15650](#)
[Welf. & Inst. Code Section 15653](#)
[Welf. & Inst. Code Section 15654](#)
[Welf. & Inst. Code Section 15655](#)
[Welf. & Inst. Code Section 15655.5 \(intro\), \(a\), \(b\)](#)

[Welf. & Inst. Code Section 15656\(a\), \(b\), \(c\), \(d\)](#)

[Welf. & Inst. Code Section 15657.01](#)

[Welf. & Inst. Code Section 15657.03](#)

[Welf. & Inst. Code Section 15657.1](#)

[Welf. & Inst. Code Section 15657.3](#)

[Welf. & Inst. Code Section 15657.5](#)

[Welf. & Inst. Code Section 15657.6](#)

[Welf. & Inst. Code Section 15657.7](#)

[Welf. & Inst. Code Section 15657.8](#)

[Welf. & Inst. Code Section 15658](#)

[Welf. & Inst. Code Section 15659](#)

[Welf. & Inst. Code Section 15670](#)

Per Section 15701, also applicable to the following sections (15700-15705.40):

[Welf. & Inst. Code Section 15700](#)

[Welf. & Inst. Code Section 15701.05](#)

[Welf. & Inst. Code Section 15701.25](#)

Per Section 15750, also applicable to the following sections (15750-68):

[Welf. & Inst. Code Section 15750](#)

[Welf. & Inst. Code Section 15751](#)

[Welf. & Inst. Code Section 15754](#)

[Welf. & Inst. Code Section 15755](#)

[Welf. & Inst. Code Section 15762](#)

[Welf. & Inst. Code Section 15763\(a\), \(b\), \(c\), \(d\)](#)

[Welf. & Inst. Code Section 15766](#)

[Welf. & Inst. Code Section 15768\(b\), \(d\), \(e\)](#)

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## **Group Four**

### **Special definition of “dependent adult” for Adult Protective Services provided in Sections 15750-68:**

(A) “**Dependent adult**” means any person residing in this state between 18 and 59 years of age, inclusive, who resides in this state, and who has a combination of a disability and the inability to protect their own interest, or who has an inability to carry out normal activities to protect their rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.

(B) “**Dependent adult**” includes any person between 18 and 59 years of age, inclusive, who is admitted as an inpatient to a 24-hour facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. ([Welf. & Inst. Code Section 15750\(b\)\(1\)\(A\), \(B\)](#))

[Welfare and Institutions Code 15770\(a\)\(2\), \(b\)](#)

[Welfare and Institutions Code 15771\(a\)](#)

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Group Five

Definition of “dependent adult” applicable to the sections below:

“**Dependent adult**” means a person who, at the time of executing the instrument at issue under this part, was a person described in either of the following:

- (a) The person was 65 years of age or older and satisfied one or both of the following criteria:
 - (1) The person was unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter.
 - (2) Due to one or more deficits in the mental functions listed in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 811, the person had difficulty managing his or her own financial resources or resisting fraud or undue influence. ([Probate Code Section 21366](#))

Note: Referenced Section 811(a)(4) lists the following mental functions:

- (1) Alertness and attention, including, but not limited to, the following:
 - (A) Level of arousal or consciousness.
 - (B) Orientation to time, place, person, and situation.
 - (C) Ability to attend and concentrate.
- (2) Information processing, including, but not limited to, the following:
 - (A) Short- and long-term memory, including immediate recall.
 - (B) Ability to understand or communicate with others, either verbally or otherwise.
 - (C) Recognition of familiar objects and familiar persons.

(D) Ability to understand and appreciate quantities.

(E) Ability to reason using abstract concepts.

(F) Ability to plan, organize, and carry out actions in one's own rational self-interest.

(G) Ability to reason logically.

(3) Thought processes. Deficits in these functions may be demonstrated by the presence of the following:

(A) Severely disorganized thinking.

(B) Hallucinations.

(C) Delusions.

(D) Uncontrollable, repetitive, or intrusive thoughts.

(4) Ability to modulate mood and affect. Deficits in this ability may be demonstrated by the presence of a pervasive and persistent or recurrent state of euphoria, anger, anxiety, fear, panic, depression, hopelessness or despair, helplessness, apathy or indifference, that is inappropriate in degree to the individual's circumstances.]

[Probate Code Section 21611\(d\)\(1\)\(A\)](#)

[Probate Code Section 23162\(a\), \(b\)](#)

[Probate Code Section 23180\(a\)\(3\)](#)

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## CODE SECTIONS WITH DEFINED REFERENCES TO “DEPENDENT PERSON”

### **Group Six (4 code sections, plus section with definition)**

**Definition of “dependent person” applicable to the sections below:**

“**Dependent person**” means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. “**Dependent person**” includes any person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. ([Evidence Code Section 177](#))

[Evidence Code Section 710](#)

[Evidence Code Section 765\(b\)](#)

[Evidence Code Section 767\(b\)](#)

[Evidence Code Section 1109\(a\)\(2\), \(d\)\(1\)](#)

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Group Seven (10 code sections)

Definition of “dependent person” applicable to the sections below:

“**Dependent person**” means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. “**Dependent person**” includes a person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. ([Penal Code Section 288\(f\)\(3\)](#))

[Penal Code Section 288\(a\)\(2\), \(c\)\(2\), \(d\), \(f\)\(1\), \(f\)\(1\)\(E\), \(f\)\(1\)\(O\), \(h\)](#)

[Penal Code Section 368.6\(b\)\(4\), \(b\)\(14\)](#)

[Penal Code Section 502.9](#)

[Penal Code Section 515](#)

[Penal Code Section 525](#)

[Penal Code Section 859.1\(a\), \(b\)\(2\)](#)

Penal Code Section 861.5

Penal Code Section 868.7(a)(1)

Penal Code Section 13515(b)(2)

Welf. & Inst. Code Section 15654(b)(2)

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