

# MEETING MATERIAL (5/27/25)

## Introduction

A bill from the California Legislature, [AB 1906](#) (Gipson, Chapter 233, Statutes of 2024), directs the California Law Revision Commission to study and recommend consistent and comprehensive updating of the terms “dependent adult” and “dependent person” currently used in California codes, by substituting new terminology that describes the persons referenced by those terms “in a respectful way,” without substantively altering existing law.

As part of the study, the Commission was also directed to convene this working group.

The term “dependent adult” appears in 174 different California code sections, and the term “dependent person” in 23 code sections. Both terms appear in six sections.

As both of these terms on their face could be understood to have multiple meanings, updating either term in any given code section without altering existing law requires first identifying the intended meaning of the term, *as used in that code section*.

For example, a reference in a code section to a “dependent person” might have been intended to refer to a person who is financially dependent, e.g., could be claimed as a “dependent” on a financial form. Or, simply to a person who is unable to live independently, regardless of reason.

The best way to determine the intended meaning of any term as used in a particular code section is to refer to a *statutory definition* of the term that is made applicable to that usage. And many usages of the terms “dependent adult” and “dependent person” in existing code sections have such corresponding statutory definitions.

Therefore, as a first step in this study, the working group is being asked to help identify the most appropriate substitute terms for the terms “dependent adult” and “dependent person,” in code sections in which the term is used with a corresponding statutory definition.

How to best replace those terms when used in code sections *without* corresponding definitions will require further Commission consideration.

## Requested Preparation for the First Meeting

In the pages that follow, existing code sections in which the terms “dependent adult” or “dependent person” are used with a corresponding definition have been arranged in seven groups. At the top of each grouping is the statutory definition applicable to all code sections in the group, followed by a list of the sections in the group, each hyperlinked to the section text.

Prior to the first meeting of this working group, each working group member is requested to (1) read the statutory definition corresponding to each group of sections, (2) click on each hyperlinked code section that follows each definition to see how the term “dependent adult” or “dependent person” is used in that section, and (3) with that information in mind, consider what would be the most appropriate updated term to be substituted in those code sections.

As the Legislature has requested that this updating be done in a “consistent” manner, it would be ideal if the working group could reach consensus on a single term to replace the term “dependent adult” in *all* sections in this Appendix in which that term is used, and a second term to replace “dependent person” as used in all sections in which that term is used. However, please note that there are slight variations between each of these seven definitions, so any single term chosen would need to be broad enough to not be plainly inconsistent with any of the definitions.

~~~~~

## 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\(g\)\(4\)](#)

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

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

[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 1048\(b\)](#)

[Penal Code Section 13515\(b\)\(2\)](#)

[Welfare & Institutions Code Section 15654\(a\), \(b\)\(2\)](#)

~~~~~

### **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\(a\)](#)

~~~~~

## **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. ([Welfare & Institutions Code Section 15610.23](#))

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

[Government Code Section 12528\(h\), \(i\)](#)

[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\(c\)](#)

[Welfare & Institutions Code Section 15600\(a\), \(d\), \(e\), \(g\), \(h\), \(i\), \(j\)](#)

[Welfare & Institutions Code Section 15610.30\(a\), \(a\)\(1\), \(a\)\(2\), \(a\)\(3\), \(b\), \(c\), \(d\)\(1\), \(d\)\(2\)](#)

[Welfare & Institutions Code Section 15610.43\(a\)\(1\), \(a\)\(2\), \(a\)\(4\), \(b\)](#)

[Welfare & Institutions Code Section 15610.57\(a\)\(1\), \(a\)\(2\), \(b\)\(5\), \(b\)\(6\), \(c\)](#)

[Welfare and Institutions Code Section 15630\(a\), \(b\)\(1\), \(b\)\(2\), \(b\)\(2\)\(A\), \(b\)\(2\)\(B\), \(b\)\(2\)\(C\), \(b\)\(3\)\(A\)\(i\), \(b\)\(3\)\(A\)\(iii\), \(c\)\(1\), \(d\), \(e\), \(h\), \(i\)](#)

[Welfare & Institutions Code Section 15630.1\(a\), \(d\)\(1\), \(d\)\(2\), \(d\)\(3\), \(e\)\(1\), \(e\)\(2\), \(h\), \(i\), \(j\)\(1\), \(j\)\(2\)](#)

[Welfare & Institutions Code Section 15630.2\(a\)\(4\), \(b\)\(1\), \(b\)\(2\), \(b\)\(3\), \(c\), \(c\)\(1\), \(c\)\(2\), \(d\), \(f\), \(g\), \(h\)\(1\), \(h\)\(2\), \(i\)\(1\), \(i\)\(2\), \(j\)\(1\), \(j\)\(1\)\(A\), \(j\)\(1\)\(B\), \(j\)\(2\)\(A\), \(j\)\(4\), \(k\)](#)

[Welfare & Institutions Code Section 15633.5\(a\)\(1\), \(a\)\(2\)\(A\), \(a\)\(2\)\(B\)](#)

[Welfare & Institutions Code Section 15634\(a\), \(b\), \(c\)](#)

[Welfare & Institutions Code Section 15655.5 \(intro\), \(a\), \(b\)](#)

[Welfare & Institutions Code Section 15656\(a\), \(b\), \(c\), \(d\)](#)

[Welfare & Institutions Code Section 15657.6](#)

[Welfare & Institutions Code Section 15751](#)

[Welfare & Institutions Code Section 15755](#)

[Welfare & Institutions Code Section 15762](#)

[Welfare & Institutions Code Section 15763\(a\), \(a\)\(2\), \(a\)\(3\), \(b\)\(1\), \(b\)\(2\), \(c\), \(d\), \(e\)\(2\)](#)

[Welfare & Institutions Code Section 15766](#)

[Welfare & Institutions Code Section 15768\(b\), \(d\)\(5\), \(e\)](#)

~~~~~

## **Group Four**

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

(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. ([Welfare & Institutions Code Section 15750\(b\)\(1\)\(A\), \(B\)](#))

[Welfare and Institutions Code 5328\(a\)\(21\)](#)

[Welfare and Institutions Code 15751](#)

[Welfare and Institutions Code 15755](#)

[Welfare and Institutions Code 15762](#)

[Welfare and Institutions Code 15763\(a\), \(a\)\(2\), \(a\)\(3\), \(b\)\(1\), \(b\)\(2\), \(c\), \(d\), \(e\)\(2\)](#)

[Welfare and Institutions Code 15766](#)

[Welfare and Institutions Code 15768\(b\), \(d\)\(5\), \(e\)](#)

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

~~~~~

## **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\(a\)\(3\)](#)

~~~~~

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

### **Group Six**

#### **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\(d\)](#)

~~~~~

### **Group Seven**

#### **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)

Welfare & Institutions Code Section 15654(b)(2)

~~~~~