

1 SB536
2 135008-2
3 By Senator Irons (N & P)
4 RFD: Local Legislation No. 1
5 First Read: 19-APR-12

1 SB536

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Lauderdale County; to create the
8 Lauderdale County Council for the Prevention of Elder Abuse;
9 to provide for the membership and duties of the council; and
10 to allow the council to adopt rules for its internal
11 operations.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This act shall only apply in Lauderdale
14 County.

15 Section 2. This act shall be known and may be cited
16 as the Lauderdale County Elder Abuse Prevention Act.

17 Section 3. The following words are defined for the
18 purposes of this act:

19 (1) COORDINATED SYSTEM OF CARE. The total effort in
20 the county, inclusive of service coordination/case management,
21 that is directed at meeting the needs of individuals who are
22 at risk of elder abuse.

23 (2) COUNCIL. The Lauderdale County Council for the
24 Prevention of Elder Abuse.

1 (3) ELDER ABUSE. The maltreatment of an older
2 person, age 60 or above, by any person, including the
3 following:

4 a. Emotional/Psychological Abuse. The intentional
5 infliction of mental or emotional anguish by threat,
6 humiliation, intimidation, or other verbal or non-verbal
7 abusive conduct. Examples of psychological abuse include name
8 calling, insulting, ignoring for extended periods of time,
9 frightening, intimidating, and isolating from friends and
10 family.

11 b. Material Exploitation. The unauthorized use of
12 funds or any resources of an elderly individual; the misuse of
13 power of attorney or representative payee status for one's own
14 advantage or profit. Examples include stealing jewelry or
15 other property and obtaining the elderly person's signature
16 for transfer of property or for a will through duress or
17 coercion.

18 c. Neglect. The intentional or unintentional failure
19 by the caregiver to obtain adequate goods or services for the
20 elderly person's maintenance and well-being. Examples include
21 a caregiver who fails to buy groceries or prescription
22 medications.

23 d. Physical Abuse. The intentional use of physical
24 force that results in bodily injury, pain, or impairment.
25 Examples of physical abuse include beating, slapping,

1 bruising, cutting, burning, pushing or shoving, excessively
2 restraining, force-feeding, and physical punishment.

3 e. Self-neglect. Behavior of an elderly person that
4 threatens his or her own health or safety. Examples are
5 failure to provide oneself with adequate food, clothing,
6 shelter, medication, safety and proper hygiene.

7 f. Sexual Abuse. The non-consensual sexual contact
8 of any kind with an elderly individual. Examples include
9 fondling of the breast or genitals, rape, coerced nudity, and
10 sexually explicit photographing.

11 (4) LEAD AGENCY. A participating department or
12 agency designated by the council to be the lead agency for the
13 council.

14 (5) PARTICIPATING DEPARTMENT. A department,
15 commission, council, board, division, community service
16 provider, or an office or other entity which may provide
17 services to individuals at risk of elder abuse and their
18 families.

19 (6) POLICIES. Directives by the lead agency,
20 participating departments, or the executive committee, or
21 other written documents that represent the position of the
22 council concerning any matter within the purview of this act.

23 Section 4. (a) There is hereby created the
24 Lauderdale County Council for the Prevention of Elder Abuse.

1 The members of the council shall include, but are not limited
2 to, the following:

3 (1) Each member of the local legislative delegation,
4 or his or her designee.

5 (2) Members of the Alabama Silver-Haired
6 Legislature, representing state legislative districts in
7 Lauderdale County.

8 (3) A member, chosen by the local legislative
9 delegation, from each of the following communities:

10 a. The faith-based community.

11 b. The banking community.

12 c. The financial planning community.

13 d. The mental health community.

14 (4) The Sheriff of Lauderdale County, or his or her
15 designee.

16 (5) The Judge of Probate of Lauderdale County, or
17 his or her designee.

18 (6) The District Attorney of the 11th Judicial
19 District, or his or her designee.

20 (7) The Mayor of the City of Florence, or his or her
21 designee.

22 (8) The President of the Lauderdale County Bar
23 Association, or his or her designee.

24 (9) The Director of the Lauderdale County Department
25 of Human Resources, or his or her designee.

1 (10) The chief executive officer, or his or her
2 designee, of the following departments and organizations:

3 a. The Lauderdale County Health Department.

4 b. The Lauderdale County Department of Veterans'
5 Affairs.

6 c. The Lauderdale County 911 Network.

7 d. North Alabama Council of Local Governments.

8 (11) The Director of Safeplace, Inc., of Florence,
9 Alabama, or his or her designee.

10 (12) The Lauderdale County Coroner, or his or her
11 designee.

12 (13) The Lauderdale County Circuit Court Clerk, or
13 his or her designee.

14 (b) The membership of the council shall be inclusive
15 and reflect the racial, gender, geographic, urban/rural, and
16 economic diversity of the county.

17 (c) The council shall meet at least bi-monthly and
18 the meetings shall be open to the public.

19 (d) No member of the council shall cast a vote on
20 any matter which would provide direct financial benefit to
21 that member or otherwise give the appearance of a conflict of
22 interest under county or state law.

23 (e) The council shall appoint a chair from among the
24 members of the council at its first called meeting.

1 Section 5. The council shall have the following
2 duties and authority:

3 (1) Define the roles and responsibilities of all
4 participating departments.

5 (2) Adopt rules for the internal operation of the
6 council.

7 (3) Recommend to the lead agency the appointment of
8 additional members to serve on the council as seemed necessary
9 and appropriate.

10 (4) Develop a long-range plan, reviewed
11 semi-annually, for a comprehensive countywide system of care,
12 which, to the extent practical, is derived from scientific
13 based research and nationally recognized best practices. The
14 council shall provide a copy of the plan and a detailed
15 summary of any progress toward implementation of the plan to
16 the lead agency annually. The plan should include, but not be
17 limited to, all of the following:

18 a. The elimination of barriers to identifying and
19 reporting elder abuse such as duplicative or fragmented
20 policies which may require modification.

21 b. The development of a coordinated program of
22 services for victims of elder abuse to include the
23 identification, intervention, prevention, and prosecution of
24 the crime of elder abuse.

1 c. A comprehensive fiscal review and analysis with
2 recommendations for county spending on programs and services
3 for elder abuse prevention.

4 d. The identification of annual action steps toward
5 implementation.

6 (5) Ensure council collaboration, public
7 participation, and mutual sharing of information to facilitate
8 policy decisions and the implementation of a plan for a
9 comprehensive countywide system of care to those at risk for
10 elder abuse.

11 Section 6. The lead agency shall be responsible for
12 the general administration, supervision, and monitoring of all
13 council activities.

14 Section 7. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB536

Senate 03-MAY-12

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 09-MAY-12

By: Senator Irons