

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

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A BILL

10 TO BE ENTITLED

11 AN ACT

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13 Relating to Lauderdale County; to create the
14 Lauderdale County Council for the Prevention of Elder Abuse;
15 to provide for the membership and duties of the council; and
16 to allow the council to adopt rules for its internal
17 operations.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall only apply in Lauderdale
20 County.

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

23 Section 3. The following words are defined for the
24 purposes of this act:

25 (1) COORDINATED SYSTEM OF CARE. The total effort in
26 the county, inclusive of service coordination/case management,

1 that is directed at meeting the needs of individuals who are
2 at risk of elder abuse.

3 (2) COUNCIL. The Lauderdale County Council for the
4 Prevention of Elder Abuse.

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

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

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

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

d. Physical Abuse. The intentional use of physical force that results in bodily injury, pain, or impairment. Examples of physical abuse include beating, slapping, bruising, cutting, burning, pushing or shoving, excessively restraining, force-feeding, and physical punishment.

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

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

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

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

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

Section 4. (a) There is hereby created the 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.

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

- a. The Lauderdale County Health Department.
- b. The Lauderdale County Department of Veterans' Affairs.

- c. The Lauderdale County 911 Network.
- d. North Alabama Council of Local Governments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The identification of annual action steps toward implementation.

(5) Ensure council collaboration, public participation, and mutual sharing of information to facilitate

1 policy decisions and the implementation of a plan for a
2 comprehensive countywide system of care to those at risk for
3 elder abuse.

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

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