



## New Policies Impacting California Family Caregivers Starting January 1, 2023

Happy New Year! In addition to being a common time of reflection and goal setting, January 1<sup>st</sup> is often the start date for new laws passed in the previous legislative session.

Here are six changes in California laws affecting family caregivers in 2023:

- 1. New Leave Benefit Options to Care for Chosen Family ([AB 1041](#))**- You may now take 12 weeks of unpaid leave, or use paid sick leave, to care for extended or chosen family. Extended or chosen family is defined as “any individual related by blood or whose association with the employee is the equivalent of a family relationship.” To use these benefits, you may request leave directly from your employer.
- 2. Designating Health Care Surrogates ([AB 2338](#))** - If your care recipient lacks the capacity to make a health care decision *but does not have a legally recognized health care decisionmaker* ([Information on how to appoint yourself legally](#)), a health care provider may choose a surrogate to make health care decisions on the patient’s behalf. The patient’s surrogate shall be an adult who has demonstrated special care and concern for the patient, is familiar with the patient’s personal values and beliefs to the extent known, and is reasonably available and willing to serve. A surrogate may be chosen from any of the following persons:
  - The spouse or domestic partner of the patient.
  - An adult child of the patient.
  - A parent of the patient.
  - An adult sibling of the patient.
  - An adult grandchild of the patient.
  - An adult relative or close personal friend.
- 3. Probate Conservatorship Reforms ([AB 1663](#))**- This bill established supported decision-making as an alternative to probate conservatorship. This is a process in which adults with intellectual or developmental disabilities or dementia, who need support to care for themselves or their finances, can consult with trusted supporters while making choices about their life, without jeopardizing their self-determination. The bill also requires that alternatives to

conservatorship are included for consideration in a petition for conservatorship and requires courts to provide conservatees with information regarding the rights that they retain. Under AB 1663, courts are also allowed to terminate a conservatorship without a hearing if both the conservatee and conservator agree to termination.

Source: <https://www.gov.ca.gov/2022/09/30/governor-newsom-signs-legislation-to-protect-civil-rights-support-community-living-for-californians-with-disabilities/>

4. **Nursing Home Grievances (AB 895)**- If you are looking at skilled nursing facilities or intermediate care facility options, these facilities are required to provide written contact information for the ombudsman program and related websites so that you can learn more about residential care in the facility and find out how to report a compliant.
5. **Long Term Care Insurance Premiums (AB 2604)**- Policyholders and certificate holders must be offered various options, if a premium increases, including the option to reduce the daily benefit.
6. **Bereavement Leave (AB 1949)**- Employees at companies with five or more employees are now required to receive five days of bereavement leave, with at least three days paid.

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