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INTRODUCTION

During 2018, the Office of the Santa Clara Public Administrator Guardian Conservator (PAGC) continued to improve efficiencies and serve some of the most vulnerable populations in Santa Clara County (SCC). PAGC serves as conservator of person and/or estate of individuals needing protective intervention. We represent persons who are incapable of making decisions for themselves. The office works towards the Santa Clara County Social Services Agency’s goal to serve, empower and transform. Like the Social Services Agency mission, PAGC provides resources and opportunities in a culturally responsive manner to enhance the quality of life in our community by protecting, educating and empowering individuals and families. It has been a busy and rewarding year, with many improvements, efficiencies, collaborations and innovations, which are outlined and described in this Annual Report.

This report begins with PAGC thanking our Chief Deputy Public Guardian, Kristina Cunningham, as she embarks on a well-deserved retirement and highlights operational achievements and accomplishments. In addition, a glimpse into the PAGC’s daily work and distinctive cases will help describe and explain the work that staff does on a daily basis.

It is important to note that the PAGC Office actually contains three programs devoted to insuring the physical and financial wellbeing of our PAGC clients and the management of their estates. In other counties, these three programs may be divided among several departments, which makes SCC a particularly unique multifaceted and complex program. Our job is to create safe and healthy environments for all elders and severely mentally ill clients who are conserved. In addition, our staff investigates and administers the estates of people who die without a will or without an appropriate person willing or able to act as an administrator.

These services are made possible through the generosity of the Santa Clara County Board of Supervisors and through the dedication of the PAGC staff. Through close collaborative partnerships with County Counsel, Financial Management Services (FMS), Technology Services Solutions (TSS), Adult Protective Services (APS) and Behavioral Health (BH) we assist cognitively impaired and severely mentally ill residents who are at-risk and vulnerable in SCC.
LEAVING A LEGACY

Since September 2014, Kristina Cunningham has served as the Chief Deputy Public Administrator/ Guardian/Conservator. Initially appointed on an interim basis, Kristina willingly assumed the responsibilities of managing the program following the dismissal of the previous Public Guardian. Ms. Cunningham adeptly worked with the program’s leadership team and staff to regain and re-establish trust as well as formulate a plan to address numerous, long-standing issues and concerns that had leveled the program’s morale and reputation. Over the course of four years, Ms. Cunningham’s supportive and attentive leadership has transformed the program into a highly efficient, satisfying work environment where staff are valued and committed to supporting the most vulnerable members of our community.

Kristina Cunningham began her County career in January 2001 serving three years as a board aide to District 2 Supervisor Blanca Alvarado followed by five additional years as the Supervisor’s Chief of Staff. In 2009, Kristina transitioned from the political realm to work as a Program Manager II for the Office of the County Executive, managing community outreach for the Fairgrounds Revitalization Project. Shortly thereafter, Kristina joined the Department of Aging and Adult Services within the Social Services Agency and held several management positions including Estate Administration Manager in the Public Guardian’s Office and the manager of the Adult Protective Services (APS) program.

During her tenure, Kristina has worked collaboratively with management, staff, County and community partners to address issues regarding all facets of the PAGC division. She has utilized her extensive skill set to foster strong communication and teamwork throughout the program and lead efforts to respond to projects and initiatives timely and comprehensively. While her retirement is well earned, her legacy of transforming the Public Guardian’s Office into an efficient, responsive, compassionate organization is to be commended. Farewell Kristina, you will be missed.
OPERATIONAL HIGHLIGHTS AND ACCOMPLISHMENTS

Continuous Improvement Process (CIP)
Technology Services Solutions (TSS) has helped map the PAGC business process for all six major units: Public Administration (PA), Estate Administration, Probate Intake, Probate Ongoing, LPS Intake, and LPS Ongoing. This year’s review of the PAGC business process identified several process improvements. In May 2018, several of the PAGC units began to work with a workflow consultant from the SSA Directors Office on a Continuous Improvement Plan in their area of specialty. The goal of the CIP is to identify areas where there is a gap within the office processes and make improvements so staff has everything they need to do their job in an efficient and timely manner. The CIP’s that have been identified are:

1. Improve compliance of Inventory and Appraisal and Court Accounting,
2. Update requirements and inventory types in Panoramic so the system can automatically produce Inventory and Appraisal reports,
3. Review the Legal Secretary (LS) business process and create desk procedures,
4. Produce accurate and timely Court Accounting Reports using the Panoramic computer system, and
5. Improve internal case transfer process for units.

Risk Assessment of PAGC Inventory
In 2018, PAGC worked with the Controller’s Office on a Risk Assessment project related to our clients’ storage of personal property. The purpose was to evaluate risks and controls for tracking an accounting of our client’s assets. Three phases of risk assessment were identified: Intake of Assets, Tracking and Monitoring of Assets and Estate Administration. The goal of the risk assessment was to put in place any controls that can help the PAGC or FMS offices better manage clients’ assets and, specifically, whether maintaining the warehouse in its current use remained the most effective model allowing the PAGC to meet its legal responsibility.

During the course of the Risk Assessment, we reviewed the risks and the controls and identified if the controls existed, were applicable or desired. The impact of the risk assessment involved considering what the potential risk would be to the organization and on the conservatee/decedent assets. High, medium and
low impact of liability and failure to protect items or loss of items were also considered. The assessment is scheduled to continue until the beginning of 2019. Although this was a lengthy process, it was reassuring that PAGC had many of the controls already in place ensuring our client’s assets are well managed and secured. The Controller’s office suggested some future desired controls that will further improve the processes in the PAGC office. All of the recommendations will be considered and many will be implemented in the next few months.

**Systems Improvement Process (SIP)**

A SIP plan was agreed upon by PAGC and SSA Leadership continuing PAGC’s efforts to add meaningful structure and improved processes to serve clients and the community more efficiently and effectively. The three priorities identified last year that continued in 2018 were:

**Court Accounting Compliance**

PAGC is mandated to provide a Court accounting on all conserved clients and a final accounting on decedent estates. The accounting is a formal declaration of the trust or estate’s assets and liabilities, including income and expenses, of a particular period of time. California Probate Code section 1601 et seq. tells us exactly what an accounting needs to contain.

In 2018, Accounting staff from FMS and PAGC staff met to improve the timeliness and accuracy of Court Accountings. Several outcomes were developed and have been monitored by FMS and PAGC management. A few improvements to the process include:

- A new report was created that identifies the Court Accounting that is due based on the requirement provided by PAGC and FMS. This tracking tool identifies the Court Accountings that are out of compliance and has improved the time of compliance and the communication between, PAGC, FMS and County Counsel, and
- The completion of entries in Panoramic and the scanning of required documents for compliance.

**Closing Public Administrator (PA) Cases**

The PA unit is mandated by the State of California to administer the estates of Santa Clara County residents who have died with no one capable of closing the estate on their behalf. The PA unit is charged with the task of settling the estate from burial to distribution of assets, including finding heirs, marshalling assets, selling houses, liquidating securities, etc. Most cases take two years to close and the more complex may take three, but with staffing challenges and increased referrals, an unacceptable backlog developed. Hard to close cases lingered on the shelf and more and more cases over five years old resulted.

With the help of County Counsel, PA has been addressing this problem with weekly reviews of older cases to identify impediments to closure and initiate solutions. This effort has been very successful this year.
Last year at this time, the majority of PA’s cases were clients that had died before 2014, totaling 54% of the total number of cases in the unit. Now, the majority of cases are more recent deaths. Over the past year, PA has closed 58 of the oldest and some of the most challenging cases.

Warehouse and Inventory
The PAGC maintains a large warehouse to store and safeguard conservatee and decedent belongings. Clients are charged a fee that is calculated by the space, vault or shelf their belongings occupy. All inventory is documented by hand and entered into the Panoramic computer system and then verified on a yearly basis. If possible, storage fees are taken from the conservatorship/decedent account or may be waived because the client cannot afford to pay the fees. All fees are disclosed at the Probate Court Accounting.

A thorough review of the warehouse and the business processes validated that all warehouse inventory is entered into the Panoramic computer system according to the established procedures. All property is well organized and managed by our Estate Property Specialists (EPS) team. They also manage the sale of our clients’ property.

A team comprised of FMS, TSS and PAGC staff members visited Alameda and San Mateo counties to learn about their warehouse and inventory practices. The team identified some areas of improvements and validated Santa Clara County’s current warehouse and inventory business processes that are being successfully managed. Like the neighboring counties, inventory items are entered manually into the Panoramic computer system and can be verified, as needed.

New Real Estate Contract
Every 5 years, the PAGC initiates a Request for Qualifications (RFQ) to ensure that the responsibility of providing fair market values (for accounting purposes) and potential purchase and sales of properties is handled by the most qualified and able real estate agents/brokers. This year PAGC management worked with SSA’s Office of Contracts Management to create a new list of qualified real estate agents who will assist our office in the annual valuation of the homes and properties we are responsible for and assist in the sales of any client’s properties. The competitive application process took several months, and after careful review, 10 agents were selected.
SUPPORT FOR NEW HIRES

New Hire Induction
PAGC and SSA Staff Development have collaborated to develop a New Hire Induction for all new PAGC staff and interns. This eight-week induction is made possible because of the collaboration among the Supervising Estate Administrators, Supervising Deputy Public Guardians, County Counsel, Staff Development, Financial Management Services, benefits unit, and others. An overview of the office and each unit was provided to new staff members. The induction also presented topics such as: inventory, real and personal property, vendors and accounts receivable and payable, tax preparation, documentation, death of a client and final distributions. In addition, confidentiality, mandated reporting, and an overview of the PAGC computer system was provided.

New Hire Checklist
With the use of an extra help Management Analyst (MA), we are in the process of creating a new hire checklist for each unit. Since the units have very specific functions and follow different Probate and Welfare and Institutions codes, the MA is working closely with each unit supervisor to develop a checklist that can be used with new staff in their specific unit. The goal of the checklist is to help new staff acclimate to the job while still attending the New Hire Induction training, shadowing colleagues and attending meetings to continuously learn. On the job training is essential in this work and this checklist is intended to help guide new staff through processes, procedures, and providing good service.

PAGC Brochure
This year PAGC revised its brochure for the first time since 2000. The new improved brochure, What is Conservatorship? What is Public Administration? will be ready for print in FY 2019. We know brochures are among the most versatile tools we can use to inform and educate the community about our services and we are proud to have a new one. Our brochure highlights each program within the Public Guardian office and provides contact information. Our goal is to increase awareness about our services and what the office can offer.
e-Learning
Staff Development created an e-learning module for newly hired PAGC staff as well as community members who want more information or an overview of Conservatorships and the Office of the Public Administrator Guardian Conservator.

Topics in the e-learning include:
- Criteria for conserving an individual
- Referral process, including links to legal forms
- Types of conservatorships
- Legal codes and mandates governing conservatorships
- Definitions of relevant terminology
- Duties of conservators

An overview of the Santa Clara County Office of the Public Guardian Administrator Conservator (PAGC):
- Roles and duties within the Office
- Ethical and legal responsibilities
- Court oversight
- Contact information
COMMUNITY OUTREACH AND TRAINING

PAGC continues to have extensive contact with the community. Educating our community is critical to establishing an appropriate conservatorship. These contacts take many forms including phone calls to the PAGC as well as presentations and trainings by PAGC staff. The PAGC receives many calls from the community inquiring about conservatorship for a loved one, neighbor, patient or friend. The communication between our intake supervisors, community partners, and residents of Santa Clara County demonstrates transparency and collaboration in the process and promotes callers’ understanding of the basics and parameters of a conservatorship. This year we have documented over 400 community calls to our two Intake units.

Staff has been generous in their response to requests for presentations and trainings. PAGC’s Probate Intake Supervisor has visited several agencies to train staff on making a Probate conservatorship referral and how to complete a Capacity Declaration. The LPS Supervisors have also presented trainings for community agencies on what an LPS conservatorship is, how to make a referral and on a conservator’s role and responsibilities. In an attempt to educate internal County programs, such as Behavioral Health, the jail, and the County Executive’s office the PAGC Office prepared a power point presentation on the conservatorship process. These educational efforts aid our community in understanding the complexities of conservatorship and the processes involved with doctors, the court, family, and more.

The following are just a few of the community organizations that PAGC did training for:

- Regional Center
- County Geriatric Clinic
- Fidelity Investments
- Santa Clara Legal Professional’s Association
- Ombudsman Program
- Veterans Administration
- VA Palo Alto Health Care System Dementia/Memory Care Resource Fair
- Santa Clara County Office of Supportive Housing
- Reentry Network Committee
Santa Clara County Public Administrator/Guardian Hosts Takeshi Shimura

Professor Takeshi Shimura, from Kanto Gakuin Law School, Japan, visited the Santa Clara Public Administrator/Public Guardian on November 30, 2017, to learn about conservatorship laws and visit a Public Guardian’s office. The Ministry of Justice asked Professor Shimura to visit New York and California to investigate the adult guardianship laws in each state. This was part of a worldwide study that was recently published by the Ministry of Justice (www.moi.go/content/001266968 written in Japanese).

James Ramoni, Public Guardian, Kristina Cunningham, Chief Deputy Public Guardian, and Mark Gonzales, Lead County Counsel, hosted Professor Shimura and provided an overview of the state laws on conservatorship. Professor Shimura was also provided information on the PAGC office, copies of PAGC’s Annual Reports and information about the Financial Abuse Specialist Team (FAST).

Professor Shimura was interested in topics that included, how the Court system was organized, the role of the Court Probate Investigator, the types of conservatorship established in California, rights of the conservatee, the LPS act, the privacy of mail, funding for indigent individuals to access conservatorship services and Elder Abuse. He was surprised to learn of the civil damages imposed upon individuals who took advantage of seniors and thought the FAST model was excellent.

The information he gathered in both California and New York was included in his study mentioned above, and will be used to address the guardianship laws in Japan.

Regional Conference 2018

The Santa Clara County PAGC hosted the annual Northern California Regional Conference in May 2018 at the SCC Office of Child Support. Approximately 100 people attended each session representing 15 counties including Alameda, Contra Costa, El Dorado, Lake, Lassen, Marin, Mendocino, Monterey, Napa, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, and Tulare.

Santa Clara County had 46 attendees who earned a total of 642 continuing education units (CEU) hours combined. The CEUs are unique to the PAGC because the California State Association of Public Administrators, Public Guardians and Public Conservators (CAPAPGPC) requires Deputy Public Guardians and Estate Administrators to complete 40 credit hours of continuing education every four years. Our staff is on their way to meeting the requirements!
Topics covered at the conference were:

**Session 1:** Ethics in Making End-of-Life Arrangements. Rites and Rights of Passage.
**Session 2:** Estate and Financial Planning, and Modification under conservatorship
**Session 3:** Psychiatric Medications and their use in the elder population
**Session 4:** Managing Challenging Behaviors: A Basic Behavioral Health Guide
**Session 5:** Medi-Cal: An overview of eligibility, benefits, and managed care options
PAGC, Financial Management Services (FMS), and Technology Service Solutions (TSS) Work Together

Save Time and Improve Accuracy by Auto-Populating Court Inventory and Appraisal (I&A)

TSS, FMS and PAGC took on a large project to improve and auto populate Court Inventory and Appraisals, which include Attachment I and Attachment II, from the Panoramic computer system. To begin the project, PAGC identified each Attachment I and Attachment II item and matched them to the Probate Referee guide. FMS helped by reviewing PAGC’s inventory types and added input and suggestions based on the needs for future Court Accountings. From the identified matching and descriptions of each item, a procedure was written and staff was trained. TSS then worked with Panoramic to update the inventory types and condense several items into one category. Upon completion of that task, Panoramic has started the tedious job of producing the Attachments that will be able to populate from the system. Since this is a very new item, we look forward to improving the I&A accuracy, efficiency and communication.

Host Solano County

The PAGC and FMS hosted Solano County on 10/22/18 to share information including SCC electronic payment request process, our version of Health Records/Benefits/Claims sections in the Panoramic computer system and attaching documentation. In addition, we discussed the use of tasks in the computer system and how we handle the 1099 independent contract-reporting requirements. Lastly, we shared SCC Accounts Payable process/invoice payment and approval process. The three-hour meeting was very beneficial to both counties and much appreciated by Solano.

PAGC and Technology Service Solutions (TSS) Work Together

Panoramic Ticket Management

A workgroup was formed to review and discuss the Panoramic tickets submitted by PAGC and FMS. As a result, a new ticket management system was proposed and implemented. Tickets are submitted through a local Service Desk after being reviewed and approved by an assigned committee. After tickets are received a biweekly meeting is conducted to review priorities, monitor change requests and enhancements and
ensure the requests do not negatively impact the system functionality of each team. This system has improved the communication between PAGC and FMS and communication with Panoramic.

**Panoramic Security**
TSS led PAGC in an annual verification of all active Panoramic user accounts. They ensured that all users were in good standing with the PAGC office. A process for new users was approved for both FMS and PAGC. New user requests are submitted and processed by SSA TSS.

**PAGC and Financial Management Systems (FMS) Work Together**

**True Link**
This program is a financial services company that protects vulnerable individuals from becoming victim of fraud, scams and exploitation. The True Link card simplifies fund distribution and saves staff time by reducing administrative tasks. The company provides tools that can be self-managed by a conservatee or managed by the Deputy Public Guardian Conservator (DPGC). With True Link, PAGC staff is able to protect client’s independence and their assets. The card is easy to customize and meets the specific needs of each conservatee. Purchases at specific stores can be blocked while other stores can have approved expenditures for specific items. DPGC can disable the card and obtain alerts.

PAGC began using the True Link Services Program in 2016. Since the PAGC is responsible to monitor conservatees spending and provide them with personal needs money each month, True Link greatly benefits the relatively high functioning conservatees in independent settings. However, we have expanded the use of the True Link card to caregivers. Staff is able to load money weekly, biweekly or monthly and the conservatee’s caregiver can use the True Link card to make purchases on the conservatee’s behalf. In two years, PAGC has seen an increase from 10 to 61 clients using the True Link card. The amount of money placed on the card has tripled (see chart below).

<table>
<thead>
<tr>
<th>Year</th>
<th>Total True Link Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$254,916</td>
</tr>
<tr>
<td>2017</td>
<td>$81,478</td>
</tr>
</tbody>
</table>
**Unit Based Team**

Over the summer, PAGC, FMS and County Counsel, began work on a Unit Based Team (UBT). The team comprised of frontline staff, supervisors, and managers began to work collaboratively to solve problems, improve performance, and enhance the quality of service. The team is working together to achieve a common goal of improving our Inventory and Appraisals (I&A’s) Court filings more timely.

**Behavioral Health/Partners in Wellness**

Partners in Wellness (PWP) is operated by Telecare Corporation, a provider of intensive, community-based behavioral health care services to seriously mentally ill clients. The program offers intensive case management, comprehensive behavioral health treatment, substance use treatment and housing support. The program coordinates communication within the team and between providers to ensure implementation of the whole heath care plan. The program has capacity to serve 250 SCC behavioral health clients over six years. PAGC has had 44 clients participate in the program, with some clients having great success.

*Susie was admitted to the Partners in Wellness Program (PWP) in the summer of 2017 after multiple Emergency Psychiatric Services and crisis residential stays. At the time her conservator said she had burned many bridges in the county. The PWP transitioned her from SART to a board and care home and she has lived successfully in the community since then. The PWP partnership with Susie’s conservator has been an essential part of supporting her success. They have had case conferences with the conservator and others who support her which has helped ensure that all were agreeing to the same treatment plan. This included her family and boyfriend as well as the board and care operators. PWP worked with Susie to improve her coping skills and social skills to better express her needs. They worked with her family so they can support the board and care operators. PWP nursing staff helped keep her connected to her primary care physician and address her long standing heart condition.*

*John is no longer on conservatorship as of several weeks ago. John was in PWP for over a year after being at a locked psychiatric facility. When John was admitted into the PWP program he was actively using methamphetamine and dealing with symptoms of mental illness. After being evicted from a board and care home, he was jailed and then went to Emergency Psychiatric Services and an acute hospital. He was then put on probation in the community. One year ago, John set a goal to get off his psychotropic medication but showed little insight into his substance use or mental illness. The PWP team, in conjunction with the conservator worked with John to provide ongoing support. PWP supported him with substance abuse recovery through a harm reduction approach, motivational interviewing, and helped him make healthier choices. Over the last year, John has articulated his desire to get off probation and conservatorship and PWP supported him in this quest. He made commitments to decrease substance use, work with a psychiatrist and take prescribed psychotropic medications. John has moved from the board and care home to an unlicensed home and is living there successfully.*
Jail Diversion and the PAGC

The PAGC prepared a presentation with the County’s Chief Operating Officer for the Jail Diversion and Behavioral Health Subcommittee on April 25, 2018. The subcommittee requested a report on how LPS conservatorships, designed to protect those who are gravely disabled due to a severe mental illness, could be included in the County’s Jail Diversion Program. Data collected over the previous year reported 32 referrals from Santa Clara County jail, with the PAGC filing 27 temporary conservatorships (T-Cons) and not recommending conservatorship for 5 inmates who did not meet the Santa Clara County residency requirement.

It was also reported that 57 PAGC clients on LPS conservatorships were incarcerated in the past two years, mainly as a result of violent acts, disruptive behavior in public, or theft. A discussion took place related to the need for locked psychiatric beds for the most hard-to-serve and facilities that offer wrap-around services and life skills instruction. Proposed State legislation was examined that was intended to relax the definition of “gravely disabled” and ease the numbers of homeless mentally ill adults. The PAGC reaffirmed that it would continue to request conservatorships for jail referrals that meet LPS criteria and are residents of Santa Clara County. It was also recommended that there be increased strategic communication between PAGC and jail staff regarding release and placement. In addition, a process by which LPS conservatorship information can be updated in the Custody Health/Behavioral Health database is under review and it is hoped that sharing this data will help the County Jail identify PAGC conservatees quickly; all three County partners can collaborate on cases where a severely mentally ill adult has been incarcerated.
Embrace a Senior

PAGC is sponsoring its third annual special holiday project called “Embrace a Senior”. This project is specifically designed to collect donations and distribute holiday gifts to PAGC clients. Our goal is to provide a meaningful gift to our conservatees, who may not have family, may be estranged from their loved ones, and/or whose families are financially unable to provide presents. Last year PAGC raised over $6,535 in donations and were able to provide many gifts to our clients.

Donations Received

In December 2017, the committee placed a holiday giving tree with gift tags in the SSA lobby. All 50 tags were returned with beautiful new gifts. Some of the donated items included: night gowns, bath robes, slippers, blankets, sheet sets, makeup, purses, comforter sets, clothes, toiletries, puzzles, and much more. Our conservatees were so ecstatic to get a present or two or three. Some cried, some jumped for joy, and others gave their Deputies a big hug.
In 2017, we began working with Lucille Lyon, an expert on State Probate codes and regulations as well as PAGC “best practices” to update, revise and improve our Policies and Procedures. A former Chief Deputy Public Administration/Guardian/Conservator for Orange County and Riverside, Ms. Lyon has generously shared her expertise. PAGC reviewed, updated and improved many of our policies and procedures to ensure our policies are guided by the Probate Code and Welfare and Institutions Code. One of the highlights of working with Ms. Lyon is being able to produce updated policies for the PA and LPS units’ this year. This has been a joint effort combining Ms. Lyon’s skill with the knowledge and expertise of our Public Administration and LPS staff and supervisors who have been invaluable as subject matter experts. The outcome of all the hard work is a thoughtful and detailed collection of formal policies and procedures along with accompanying documents and forms. The review of Probate policies and procedures are underway with the expert help of supervisors and leads. PAGC is hopeful that in the near future, we will be able to add these Policies and Procedures to the PAGC Toolbox, where they will be easily accessible to staff and managed, as needed.

Coffee Hour
On the second Thursday of each month the CA Public Administrator/Public Guardian/Public Conservator (CA/PA/PG/PC) Association’s Executive Director leads shared conversations that are critical to our industry. Each county is welcome to call in and participate in the Coffee Hour or just listen.

Our Office continues to participate in the monthly “Coffee Hour” as it has been enlightening and helpful. These monthly video/phone conferences are an important way for all the counties in California to request and provide information to one another about various practices, resources and policies in different county offices. PAGC suggested topics including “what software programs for case management are being used by other counties?” and “how do other counties handle LPS referrals for minors.” Topics discussed have ranged from “legislative updates”, “regional conference”, and “after hours crisis calls”, to issues related to benefits for our conservatees, and placement issues.

One of the more significant topics discussed in the Coffee Hour this past year was the effort the Association
made on behalf of the PAPGC members in regards to legislation. The association acted and met with partners to form a powerful shared voice in opposition or support of the bills. This group met with legislators and their staff to educate them about the reality of these bills and their impact on the program staff. They also testified at hearings or wrote letters of opposition/support on behalf of the Association.

**New Legal Secretary Desk Procedures**

For the last decade, PAGC has had a Legal Secretary but no desk procedures for that position. We hired an extra help Management Analyst who was given the task of writing desk procedures for the Legal Secretary position. A standardized formal procedure was necessary to ensure business processes are well thought out and that each task in the process is performed uniformly. It was also important that legal data was recorded in the Panoramic computer system, and that job expectations were clarified and measurable. The desk procedures provide a guide for the legal secretary and anyone else in his/her absence in processing all the legal documents our office is responsible for such as Letters of Conservatorship or Letters of Administration or processing Legal Action requests.

**Updated Property Clerk Desk Procedures**

This year, desk procedures were reviewed and are being maintained to keep up with the current process. Two Office Specialists and their supervisor were trained on the Property Clerk procedures, to assist the Deputies and Estate Administrators in managing and protecting conservatee and decedent assets by maintaining and updating inventory records. An internal quality control process is completed on a revolving basis. A review of all client/estate inventory data is input into the Panoramic computer system, by the Property Clerks and is checked for accuracy and completeness.

**LPS Legislation**

The CAPAPGPC State Association did a great deal of legislative advocacy this year. Our PG office as well as the State Association monitored the bills that focused on legislation that could potentially impact the general business practices of the PAGC Office and the community. The bills addressed issues around changing the definition of grave disability to include medical consent, large counties being required to create a Medical Examiner’s Office and a procedure for the appointment of a conservator for a person who is incapable of caring for their own health and well-being due to a serious mental illness and/or substance abuse disorder. The advocacy and efforts focused mainly on three bills: AB 1971, SB 1303, and SB 1045.

In April, PAGC became familiar with San Francisco addressing the trend of homeless and mental health by opening a SF Healing Center. This center has 54 locked psychiatric beds for the most difficult cases of mentally ill homeless people. The goal is to prepare the most chronic transient mentally ill homeless people for housing placement through extensive wrap-around services and life skills instruction. SCC-PAGC, Behavioral Health, and Jail Diversion Committee were interested in seeing what SF was doing and possibly trying to replicate similar services in this county.
INNOVATION AND TECHNOLOGY

Online Toolbox
The Toolbox workgroup has been working together since March 2016 to improve communication, help organize the tools and resources in the program, revise and update forms and procedures, and improve the overall tools used by PAGC staff. Although the Toolbox went live in July 2017, the voluntary team continues to meet weekly and has updated more than 30 forms, added a Panoramic computer system module which alerts staff of any upgrades or revisions done in Panoramic, added a training module where past and present PowerPoint presentations can be viewed and continuously adds community resources. This workgroup is invaluable and is commended for their ongoing efforts with PAGC improvements and efficiencies.

Data Recovery Technology
Two years ago, the PAGC formed a team and established the Data Recovery Technology (DRT) program. Since then, California Probate Code 871, the Digital Access Act, became effective January 1, 2017 and the Santa Clara County PAGC became one of the first counties to formalize a DRT team. Because of this valuable tool, PAGC staff is able to routinely secure decedents computers and scan their contents for valuable information almost immediately. Increasingly, individuals are maintaining their bank accounts, paying their bills and engaging in personal correspondence on their computers. It is now becoming routine for Public Administration staff to locate information by gaining access to decedents’ computers, where they are finding documents such as wills and trusts, banking and retirement accounts, and gathering contact information for next of kin.
LPS Conservatee Honored
On November 9, 2018, the Morgan Hill Community Foundation (MHCF) welcomed a wide range of philanthropists and volunteers to be honored at its annual celebration. This year’s theme, “Celebrating People & Philanthropy in Our Community,” focused attention on people who made an important difference to the nonprofit organizations that they support. MHCF recognized one of our LPS conservatees for his outstanding contributions, exemplifying generosity and selflessness as a volunteer at the local library.

Caregiving Gone Too Far
John, a highly educated engineer, suffered from a couple of strokes making it difficult for him to speak and read. Unable to manage his own bills and make phone calls he obtained caregiving assistance from a fellow church member to help him with these tasks. Over a period of years John’s “helper,” convinced John to allow him to move into his home along with his wife, two kids, three sisters, and six pit bulls. The caregiver also convinced John to make payments on new cars for his family, in addition to paying the rent for the caregiver’s parents. Meanwhile, John’s helper allowed John’s home to deteriorate into shambles. The home became infested with rats and the floors were completely ruined. The caregivers maxed out John’s credit cards by purchasing Warriors playoff tickets, video game systems, fancy shoes, and jewelry. John’s caregiver also regularly took him to the bank and had him withdraw large sums of cash for the caregiver and his family to use. Over a three-year period, the caregiver and his family spent over 1.2 million dollars of John’s assets.

The Financial Abuse Specialist Team comprised of Adult Protective Services, the District Attorney’s office, and the Public Guardian office stepped in and was able to protect the rest of John’s assets. The caregiver and his family were evicted, and the caregiver and his wife were arrested, prosecuted for financial elder abuse, and ordered to pay restitution. The Deputy Public Guardian moved John to a beautiful assisted living facility while much-needed repairs to John’s home are being made. Currently, at the assisted living facility, John has made new friends. He has also been able to travel to see family he had not seen in years and attended a family member’s wedding.
Staff Goes the Extra Mile

Sometimes we don’t see the effects of our work. At times, it may even feel monotonous or routine, but when the work is put into perspective, the lightbulb may shine. Mr. L was a veteran who served in the Vietnam War and suffered from PTSD. When he passed, he had nothing to his name, except an older vehicle. The truck was left on his friend’s property and this friend was doing whatever he could to withhold the vehicle from the PAGC office. He even went to the extent of obstructing it by parking another car behind it, so that it could not be towed or driven off the property. With the help of the Estate Property Specialist (EPS) team, we were able to retrieve the vehicle and this was NOT an easy task. We are now able to use the funds from the sale of the vehicle to cover the cost of transporting his remains to the Veterans National Cemetery. This would have never happened without the EPS’s dedicated efforts. This would have been an indigent case, but now Mr. L will be honored and remembered forever. The Estate Administrator called Mr. L’s brother and let him know that his brother was placed in the VA National Cemetery, and he was so pleased. He stated that he and his other two brothers were planning a time to go out to the National Cemetery to visit.

What You See Is Not Necessarily What You Get, Even After Death

When he was alive, Don had worked at a printing press for a large Bay Area newspaper. He was able to buy himself a modest home in Mountain View. Over the years, he accumulated “a lot of stuff.” Around the time that he was diagnosed with dementia, an individual claiming to be a friend approached Don and offered to purchase his home. Ron agreed to the arrangement and purchased a very modest mobile home for himself in Mountain View.

As the dementia set in, Don did not realize that he had not been paid for the sale of his home. Ron died and the case was referred to the Public Administration unit as an “indigent case” (a case in which the cost of final arrangements and administering the estate would likely cost more than the assets in the estate). The assigned Estate Administrator (EA) happened to talk with one of Don’s neighbors at the mobile home park one day. It was through this conversation that it was discovered that Don had owned a house in Mountain View. The EA began an exhaustive search of the very cluttered mobile home and found information about the house and that the title was in the name of a realtor “friend.” Upon further research the EA found, through the Recorder’s Office and through the City of Mountain View, that the deed of trust between the decedent and the “friend” showed that no money had been transferred to the decedent. The transaction was therefore not carried out so the EA continued to look for the purchase agreement. The EA found the purchase agreement in the mobile home scattered throughout the mess. He pieced together the information and was able to determine that the terms of the purchase agreement were illegal. After reviewing the agreement and seeking County Counsel’s assistance, they reached out to the “friend” and demanded compensation. The “friend” delayed and tried to evade the demand but in the end, he paid what was due to the estate, including penalties and interest.
The EA also found a small retirement pension that Ron had received from Canada. With this information, the EA began searching for possible relatives in that country. With the assistance of a genealogist, the EA located a long-lost daughter who had been taken from her father at a young age. She had often wondered about her father, and had intended to look for him. The EA sent her a box of her father’s personal belongings, photos, etc. She doesn’t know it yet, but she will inherit what was due to Don – a sum of more than one million dollars.

What Matters to a Deputy Public Guardian Conservator

While obtaining her MSW, Deputy Public Guardian Jennifer Burkett was awarded the Senior Care Aging Matters Scholarship for 2018. Jennifer’s essay submission demonstrates why “Aging Matters” to her:

To be alive is to participate in the ongoing process of aging. It can be said that aging is the process of life itself, of being alive. We humans are very good at documenting the early stages of the life journey—first smile, first tooth, first step, first word, first day of school, graduations, marriage. We are not so comfortable with dealing with the final stages of our life. Suddenly it becomes about looking backwards, marking losses, and collecting ailments. Life markers become all about loss: our hair, our teeth, our mobility, our memory, our health. Generally, society’s focus is now on what we can no longer do, and who we no longer are, instead of who we are now and what we have yet to give.

I do not want to be old in the society that exists today. Shows on TV make fun of older people, motorists complain and make fun of older drivers, and shoppers get impatient at an elderly person taking too long in line at the grocery. Meanwhile, programs that provide services to the aging population are being cut while the older adult population is projected to double in the next 20 years. I see nurses and doctors speak to my aging clients as if they are children and too much focus is placed on what my older clients cannot do as opposed to what they can do.

Aging matters to me because I want to change the ageism prevalent throughout society and increase aging services, especially in my state and county before I need the services or become the target of ageism myself. I realize that rampant ageism exists in American society and I want this to change before I grow older and become a part of this marginalized population. I want to recognize the many benefits and positive aspects of aging and reject and oppose ageism when I encounter it in my day to day life.

Many years ago in an email from my grandfather, he noted that he did not think people cared what old people thought anymore. From that moment on, I knew that was something that I wanted to change about society. When did society stop caring? And more importantly, what could I do about it?

Another time a visit with my grandfather impacted me greatly was when he told me that when my grandmother was in the hospital, he would show the nurses a picture of her when she was younger, and
after that, the attitudes of the nurses changed greatly towards my grandmother. He said it was like she was not even human to them until he made them realize that she used to be a “younger” person, just like them.

Working with older adults has taught me so much about life. I’ve learned much about how I want to live my life, age, and die and I’ve learned not to be so attached to “things” instead of people. I’ve also gained a greater appreciation for my family and friends. In addition, I have learned about the importance of being able to adapt to change and the importance of being open to learning new things and discovering new interests.

I feel that when I help an older adult, I am helping the part of myself that will age and grow old. Society used to honor the aging with respect and regard. I hope that one day society will again value and cherish the aging population for what it brings to society as a whole. No community can survive with only youth. Society needs the wisdom and caring that comes with aging. Aging is an important piece of fabric that holds society and community together.

What if we treated old people as if they still mattered? What if we discussed current events and asked older adults to bring their life experience to seeking a solution to today’s social problems? We should not be doing this for them, but for us, because even if we don’t always like the answers they give, they can teach us a lot about the human experience and about how we ourselves wish to age.

I am grateful that I was able to have such a close relationship with my grandfather. His wisdom and love have inspired me to do the work that I do. I treasured every moment that I had with him until he passed just a few months after his hundredth birthday. I can’t think of a better way to honor his memory and love than to share his wisdom with others as we all age into an ever-changing and evolving future.

Aging matters because it will happen to me and to you. Take time to consider how you wish to be treated by society when you are 80 or 90 years old. Do you wish to be respected and relevant? Ask any older person. The answer will be loud and clear.

Facility Highlights

Care Agency Partners with PG

Ketan Shah, the owner of Home Helpers Care Agency of Santa Clara County has been a tremendously patient, supportive, and responsive partner to the PAGC. His agency has done a fantastic job providing quality care for our conservatees along with keeping a fundamental sense of professionalism that is essential when stepping into often challenging and unanticipated situations. After a previous caregiver abruptly quit because of Ms. G’s difficult behavior leaving her without full time care, the assigned deputy moved quickly and wisely to identify an agency with quality and committed caregivers who could transition quickly into a very stressful, chaotic and emotional period for this 95-year-old conservatee.
Within two days Home Helpers Care Agency was hired to provide 24-hour live-in care for our conservatee. Mr. Shah identified multicultural caregivers who could meet the language and cultural needs of Ms. G. along with the commitment to provide a quality level of care. Throughout the challenges, resistance, complaints and changes in caregivers, Mr. Shah remained committed to identifying the right match to meet Mrs. G’s needs.

Mr. Shah was instrumental in the recommendation and placement of additional in-home care services for Mrs. G. such as physical therapy, occupational therapy and a home health nurse who provided medication support, at no cost to our conservatee. When issues, concerns or problems arise, Mr. Shah works with our office to help address the issues and find an agreeable solution immediately. Home Helpers Care Agency must be commended for their patience and commitment in continuing to provide quality and uninterrupted caregiving services to our conservatee. Mr. Shah is patient and understanding of the conservatee’s needs as well as patient while waiting for funds to become available.

**Elder Care Home Owner Goes the Extra Mile**

Olga Atienza-Bilan, the owner of Olga’s Care Home opened her care home in 1995. Olga’s interest in owning a care home came from a friend in nursing school who had a care home. She then discovered it was her passion to take care of the elderly. Olga is very involved and hands on at her care home. Not only does Olga live at the care home, but she also provides caregiving services alongside the caregivers she employs.

Since starting her care home, the majority of the residents she has served have been Santa Clara County Public Guardian clients. Olga has established a great relationship with various Public Guardian deputies in both the Probate and LPS units. There is an LPS client that has been residing in her care home since 2008. In addition, Olga understands the Public Guardian client’s finances as there are times when the client’s funds are not immediately available. She has been open to various payment arrangements or even taking reduced rent for a period of time.

Recently, Olga assisted the Public Guardian Office with Mr. D, a probate conservatee and a hoarder with dementia. He lived in his car where he was also urinating and defecating because his home was uninhabitable. When Olga was contacted by PAGC, she met with Mr. D, at his home. At that point, she took Mr. D back to her care home to clean him up, feed him, and provide him with new clothing, and then returned him without being given any compensation. She continued to do this a few times until Mr. D was placed in her home. Once placed in her home, Olga transported Mr. D to check on his home a few times to put his mind at ease because he was concerned that no one was watching the home. They have built a strong rapport and Mr. D. is happy and healthy now.
FINANCIAL ABUSE SPECIALIST TEAM (FAST)

Referrals and Outcomes
After initial vetting by Adult Protective Services, 28 financial abuse cases were investigated by the FAST team in the past year. Each referral receives a thorough investigation, which typically includes multiple interviews, visits to financial institutions, researching legal documents, financial statements and reviewing other financial documents. FAST team members (Deputy Public Guardian, Estate Administrator, APS Social Worker, County Counsel, and the District Attorney/investigator) follow a twofold approach for each case. They determine if there has been fraud, theft, or other criminal activity; and determine if the victim needs a conservatorship. Both County Counsel and the District Attorneys are consulted and attend the monthly meetings to discuss each case in detail. Once fraud, theft, embezzlements, etc has been detected, the Team develops a plan to protect the victim’s remaining assets and an approach to recover stolen assets.

Total Probate Referrals, Nov. 2017 to Oct. 2018

- FAST, 28 (29%)
- Non-FAST, 67 (71%)
Asset Recovery
The investigation process, as well as the appointment of conservatorship and the managing of conservatees’ estate, may take weeks or months. In Financial Abuse cases, the Public Guardian may file an action to recover conservatee’s property or there may be a criminal prosecution and restitution ordered. In many cases, the assets are gone and the Public Guardian must develop a plan to pay for care and other needs a conservatee will have the rest of their life. This entails creative, conservative, case management and long-range planning.

In FY 2018, PAGC prevented the loss and recovered a total of $36,703,583 in assets, which are a combination of real property, liquid assets, stocks and bonds and restitution, recovery and settlements. Since the FAST program began in 1999, the team has prevented the loss and recovered assets totaling over $389,916,254.

<table>
<thead>
<tr>
<th></th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>Since 1999</th>
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<tbody>
<tr>
<td>Real Property</td>
<td>$25,768,251</td>
<td>$27,941,144</td>
<td>$242,511,194</td>
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<tr>
<td>Liquid Assets</td>
<td>$3,301,632</td>
<td>$2,015,035</td>
<td>$81,774,501</td>
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<tr>
<td>Stocks and Bonds</td>
<td>$110,000</td>
<td>$6,747,404</td>
<td>$40,262,000</td>
</tr>
<tr>
<td>Restitution/Recovery/Settlement</td>
<td>$1,000,000</td>
<td>-</td>
<td>$25,368,559</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$30,179,883</td>
<td>$36,703,583</td>
<td>$389,916,254</td>
</tr>
</tbody>
</table>

Although the FAST team intervened on a significant estate worth well over $200 million dollars, a conservatorship was not warranted. The team did a very thorough investigation so that the victim’s assets were protected and left with her trustee and attorneys.

FAST Makes a Difference

Mother’s Money Spent on Drugs
Joan is an elderly woman with a son, Wallie, who suffers from drug addiction and severe mental illness. Wallie regularly stole from her, going through her purse and frequently bullying and berating her into giving him large sums of money. Joan would give him so much money that she would not have enough left to provide for her own needs. The PAGC sought and was granted a temporary conservatorship of Joan, which allowed the PG to protect her and safeguard her assets until a private professional fiduciary was appointed to look into the thefts and ensure that her estate is used to provide for her needs. At the final hearing on this matter, Wallie was in rehab and was getting the psychiatric care that he needs.

Son’s Extravagant Lifestyle
Sally is an elderly woman who suffers from dementia. Her son, Mark, was her primary caretaker and managed her finances. Mark was very abusive to his mother. Instead of attending to her care and using her assets and income for her benefit, he used her money to finance his extravagant lifestyle. He purchased three
expensive cars, and took more than $800,000 in cash. In addition, approximately $1,200,000 in proceeds from a sale of Sally’s real property could not be found. Mark verbally abused her as well. Many witnesses came forward, reporting that he would scream at her, insulting her for her lack of capacity and inability to attend to her own needs. In addition, he neglected her care, frequently firing caregivers or hiring caregivers with no experience, some of whom had criminal histories and drug addictions. Lastly, he isolated his mother, screening her telephone calls, mail, and preventing her from visiting with family and communicating with her daughter. On behalf of the PAGC, County Counsel immediately filed an ex parte petition requesting a temporary conservatorship. PAGC served as temporary conservator and temporary trustee of Sally’s trust until an appropriate professional fiduciary was appointed. However, PAGC and the County Counsel Office has remained available to the fiduciary as he seeks to recover her assets.

Sold Mom’s House and Spent the Money
Prior to the PAGC’s involvement, Doris, an elderly woman, lived in her own home on a very small monthly income from social security. Other than her home, she had no assets. Her daughter, Maria, obtained a power of attorney for finances over her estate and used her authority as attorney-in-fact to sell Doris’ home for approximately $331,800. In less than seven months, Maria spent $146,890.46 on extravagant vacations, shopping sprees, and restaurant meals, with no regard for her mother’s future welfare and care. As Doris’ conservator, the Public Guardian sued Maria and prevailed at trial, obtaining a judgment for $146,890.46, enhanced damages of another $146,890.46, and attorney fees and costs of $38,344.00, for a total recovery of $332,124.92.

Mom Placed at Skilled Nursing Facility, Son Took Her Money
Daisy suffered from dementia and completely depended on her son, Louis, to manage her finances and pay her bills. For a while, he used her money to pay the monthly rent for the board and care facility where she lived. But after Daisy was taken to the hospital for emergent medical treatment, the board and care facility declined to take her back because they could no longer meet her care needs. Instead, she was placed at a skilled nursing facility. At that time, Louis began transferring 100% of his mother’s Social Security and pension income into his own bank account and refused to pay the costs of her care. For approximately two years, he took all of his mother’s income and failed to pay a single bill for her care, causing her to incur debt of approximately $30,000. After the PAGC was appointed conservator, the office filed a lawsuit against Louis for elder abuse. PAGC obtained a judgment for $138,026, consisting of compensatory damages of $33,405, enhanced damages of $33,405, and attorney’s fees and costs of $71,215.
The Office of the PAGC is comprised of 75 full time permanent employees. There are also seven extra help staff working 20-40 hours per week to support staff and the office. A new Estate Administrator Assistant code was created in Fiscal Year 2018.

The seven extra-help workers classifications and responsibilities vary. They have been essential in helping to close PA cases, entering court documentation into Panoramic in a timely manner, assist in writing desk procedures, assist with writing and updating policies and procedures, and assist with transporting conservatees to appointments, etc. These extra help workers, along with three efficient and energetic interns, have helped to relieve some of line staff’s workload and provided better oversight and contact with PAGC clients.

The LPS extra help Deputy Public Guardian Assistant (DPGA) has been assigned over 178 tasks since June 2018. This has been a tremendous help to the assigned deputies who do not have enough time in the day to get “it all done.”

The Estate Administrator extra help staff helped close cases in Public Administration and in Probate Conservatorship. They are instrumental in discovering and obtaining the minute details in many cases and in the disbursement of an estate to heirs.

The extra help Management Analyst has helped create a PAGC brochure, write desk procedures for the property clerks and legal secretary. She has assisted in developing office business processes and especially helpful in inventory projects.

The extra help Management Analyst Program Manager (MAPM III) helps us write and update our Policies and Procedures. She was a former Chief Deputy for the Public Guardian’s Office in Riverside County for 13+ years and former Division Chief for the Public Guardian in Los Angeles County. With her assistance, we have created many comprehensive and up-to-date Policies and Procedures.
The extra help Probate Social Workers were assigned over 400 tasks throughout the year and helped staff with transporting clients, shopping, ordering items for conservatees, visiting clients who required a welfare check, and accompanying clients to appointments.

The extra help Legal Clerk has helped tremendously with the legal backlog. She has many tasks including entry into the Panoramic legal section and distributing legal documents, preparing file folders for the I&As, tacking and checking I&As and entering data into Excel spreadsheets, processing Notice of Administration letters, overseeing mail for legal documents and photocopying legal documents.

**Work Study/Interns**

The position of Deputy Public Guardian Conservator is an extremely challenging and demanding position. Over the past year, we have welcomed three San Jose State Masters in Social Work (MSW) interns and three San Jose State MSW work study students. The students gain knowledge and experience, learn about the Courts and conservatorship, and gain field experience by working with our MSW Deputy Public Guardian volunteers. The PG field instructors have built a training curriculum specifically for the MSW students and spend countless hours training and explaining the job responsibilities. It is a wonderful opportunity for both the students and the Deputies.

**PAGC Staff Appreciation**

PAGC unofficially made March ‘PAGC Appreciation Month,’ following in the footsteps of March being Social Work month. On March 27, 2018, the PAGC hosted their annual staff appreciation event. The morning included a breakfast for staff members, team building activities and a welcome from the Chief Deputy PAGC, Kristina Cunningham, and Social Service Program Managers, Lisa Pate and Kathleen Clark. Each person received a favor, handmade by the committee, and a “You’re a Star Ribbon.” Small trophies and prizes were presented to winning teams.

**2018 Take Our Kids to Work Day**

PAGC hosted its first “Bring Your Kids to Work Day.” The half day event included: an orientation from the Chief Deputy PAGC, craft projects, a fitness break, and lunch. We had four children participate (ages 8-17).
## PAGC Staff

<table>
<thead>
<tr>
<th>Position</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Chief Deputy Public Administrator/Guardian/Conservator</td>
</tr>
</tbody>
</table>
| 12       | Estate Administrators  
  6 to manage real property trusts, securities, and assets of clients  
  6 to manage decedent estate cases |
| 3        | Estate Administrator Assistants |
| 4        | Estate Property Specialists |
| 2        | Deputy Guardian Assistants |
| 31       | Deputy Public Guardian Conservators |
| 1        | Office Management Coordinator |
| 1        | Executive Assistant |
| 1        | Administrative Assistant |
| 1        | Legal Secretary II |
| 1        | Office Specialist II |
| 9        | Office Specialist IIs |
| 1        | Social Services Program Manager II/I to oversee Estate and Public Administration |
| 1        | Social Services Program Manager III/II to oversee LPS and Probate Conservatorships |
| 4        | Supervising Deputy Public Guardians |
| 2        | Supervising Estate Administrators |
| 2        | Extra Help Estate Administrators to manage decedent estate cases |
| 1        | Extra Help Deputy Public Guardian Assistant |
| 1        | Extra Help Legal Clerk |
| 1        | Extra Help Management Analyst Program Manager III |
| 1        | Extra Help Associate Management Analyst |
| 3        | Masters of Social Work Student Interns |
| 1        | Extra Help Social Worker |
What Does the PAGC do?
The Office of the Public Administrator Guardian Conservator (PAGC) is under the Department of Aging and Adult Services (DAAS) in the Social Services Agency (SSA). The Public Guardian Conservator serves as conservator of a person and/or estate of individuals needing protective intervention. The two types of conservatorship, Lanterman-Petris-Short (LPS) and Probate, can only be established by order of the Superior Court. As probate conservator, Deputy Public Guardians Conservators are involved in all aspects of their clients’ lives, including financial management, housing, medical care, placement, and advocacy. As LPS conservator, Deputy Public Guardian Conservators are responsible for directing the mental health treatment and placement of their clients. Referrals for LPS conservatorship can only come from a psychiatrist who is affiliated with an acute hospital. Referrals for Probate conservatorship usually come from another community agency, institution, Adult Protective Services, hospitals or physician.

The Public Administration unit has Estate Administrators that are responsible for administering the estate of a county resident who dies without a will or family in California. Estate Administration may include marshaling all assets, selling real or personal property, performing heir searches, and overseeing the distribution of the estate. The activities are supervised by the Superior Court.

The PAGC is accountable to the Superior Court and is represented by SSA County Counsel. The Superior Court appoints the PAGC to act as primary decision maker for Conservatorship and Public Administration cases. The individual residence at the time of the commencement proceeding is often presumed to be the appropriate and least restrictive residence for the conservatee. Upon appointment, the PAGC shall determine the appropriate level of care, considering all of the circumstances of the client, including but not limited to the client’s financial means and medical needs.

Probate Conservatorships
A Probate Conservatorship may be appointed for individuals who experience significant impairments in cognitive function, which are due to dementia or other cognitive impairments, and who may also be victims of elder or dependent adult abuse or neglect. A capacity declaration must be completed by a
qualified physician; psychologist or religious healing practitioner, specifying cognitive impairment and/or the client’s inability to provide for their own physical health, food, clothing, shelter, medical needs, etc. In addition, the specialist will evaluate the client’s ability to manage their finances or resist fraud and undue influence.

The referral must also include documentation that there is no family, friend, or support system that is willing or able to act on behalf of the individual. It must also indicate whether the individual has the ability to make medical or financial decisions on their own.

The probate referrals come from several sources such as hospital, skilled nursing facility, community, or government agency such as Adult Protective Services. However, a petition for conservatorship can also be filed in Superior Court by a private individual on behalf of their own family members, companions or friends, without PAGC involvement. This year, Probate received 95 total referrals.

**Referrals by Source, Nov. 2017 to Oct. 2018**

<table>
<thead>
<tr>
<th>Source</th>
<th>Referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>APS</td>
<td>21</td>
</tr>
<tr>
<td>Community</td>
<td>12</td>
</tr>
<tr>
<td>Court</td>
<td>6</td>
</tr>
<tr>
<td>FAST</td>
<td>28</td>
</tr>
<tr>
<td>Hospital</td>
<td>12</td>
</tr>
<tr>
<td>Skilled Nursing Facility</td>
<td>16</td>
</tr>
</tbody>
</table>

The California Probate Code 2920 mandates that the PAGC must petition the Court to become probate conservator, if there is no one else to act and the mandates are:

- The PAGC shall apply for appointments as conservators of the person and/or estate, if there is an imminent threat to the person’s health, safety or estate
- The PAGC shall apply for appointment as conservator of the person and/or estate or both if the Court so orders
- The Superior Court may also appoint the PAGC in cases where the client is conserved under both LPS and Probate criteria. The cases are referred to as “combo” cases and may have an estate.
Upon appointment of a general conservatorship, the Probate Ongoing staff arranges for the conservatee’s placement, protection, and care. They also coordinate and oversee the delivery of medical and financial matters. As probate conservator, Deputy Public Guardians are involved in all aspects of the clients’ lives, including financial management, housing, medical care, placement, and advocacy.

**Lanterman Petris Short (LPS) Conservatorship**

A LPS Conservatorship is mandated by Welfare and Institutions Code for individuals who are diagnosed with a serious mental illness and are determined to be gravely disabled. The LPS process is mandated by the California Welfare and Institutions Code section beginning with 5000. The purpose is to arrange for the involuntary hospitalization and mental health treatment of individuals who meet the legal definition of grave disability as a result of a mental health disorder and who cannot provide for their own food, shelter and clothing. An individual is referred to the PAGC for a LPS conservatorship when a psychiatric hospitalization, assessment and treatment has determined a conservatorship is necessary. The request for a LPS conservatorship must come from a professional in charge of the local mental health facility, the local mental health director or the attending psychiatrist.

During an LPS conservatorship, some individual’s rights such as having an active driver’s license and owning a gun may be revoked. After the acute psychiatric hospitalization, an individual may be placed in a locked psychiatric facility to receive ongoing treatment and support. The goal is to help the client manage their symptoms and treatment independently. The California Welfare and Institutions Code mandates the least restrictive placement, prompt evaluation, and treatment and safeguard the individual’s rights through the California Superior Court, Probate Division. The individual has the right to free legal representation from the Public Defender’s office and may request a court hearing to contest a conservatorship. All LPS conservatorships are confidential.

**Estate Administration**

The Estate Administration (EA) unit manages and maintains the real and personal property of all individuals whom PAGC has been appointed as the LPS or Probate conservator of the estate. EA staff secures bank accounts and other monetary assets to ensure their use on behalf of the client. The EA administers trusts, insurance policies, securities, annuities and other client assets. They look for and examine wills and documents to decipher the client’s assets and wishes. Documents related to taxes and accountings are prepared and submitted to the SSA Financial Management Services (FMS) unit by the EA. An Estate Administrator may also, as part of an investigation of elder and dependent financial abuse examine records, interview witnesses or suspected abusers and determine the fiscal history and economic circumstances of the conservatee.

In financial abuse cases, where the PAGC intends to file for conservatorship and financial abuse appears eminent, Probate Code 2901 is used to allow the EA to freeze the financial assets from being transferred,
encumbered, or disposing of the client’s assets. This written certification is a huge help in protecting assets and preventing financial abuse.

**Total Asset Inventory, Nov. 2017 to Oct. 2018**

<table>
<thead>
<tr>
<th>Real/Personal Property Value</th>
<th>FY 2016</th>
<th>FY 2017</th>
<th>FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 82,886,459</td>
<td>$ 68,923,169</td>
<td>$ 85,412,399</td>
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<tr>
<td>Brokerage Statements</td>
<td>$ 11,856,985</td>
<td>$ 16,817,139</td>
<td>$ 17,163,934</td>
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<tr>
<td>TOTAL</td>
<td>$ 94,743,444</td>
<td>$ 85,740,308</td>
<td>$ 102,576,333</td>
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**Public Administration**

The Public Administrator (PA) is mandated by the California Probate Code to administer and provide estate closure services on behalf of deceased Santa Clara County residents when no one else is willing or able to execute the estate. California probate law states that if a person dies in a hospital, convalescent hospital or board and care facility without a known next of kin, the person in charge of the facility shall give immediate notice to the Public Administrator division in the PAGC office. If the deceased relatives are not United States, the PA is charged with closing the estate and assisting the family with burial preparation and final interment.

Referrals come from funeral directors, law enforcement, the Court, the community, or coroner’s office. Once a referral is received, the PA initiates an investigation, which includes securing the decedent’s home, identification of financial resources, locating wills, trust documents, and heirs of the estate. If a will is found, PAGC notifies the named executor. If a will and/or heirs are not found or the heirs are unable or unwilling to act, the PAGC has the responsibility to make burial arrangements as well as to take prompt control of the property and assets that are subject to loss, injury, waste or misappropriation.

Probate Court determines the process of settling the decedent estate and monitors the case. It includes the collection of valuing assets, notification of creditors, determination of debts and liabilities, filing and paying inheritances, final income tax preparation, and selling assets, as appropriate.

For the past few years, the PA unit did not have a full staff and extra help was used to close cases that lingered in the office; for a variety of reasons. Circumstances like properties in foreign countries, complex shares in business, uncooperative potential heirs, etc kept the cases in an open status. Cases over three years old were reviewed and systems were implemented to close the cases.
After Hours

Sometimes emergencies occur at times other than the normal working hours, 8:00 AM to 5:00 PM Monday through Friday. All calls received during normal business hours are referred to the “Officer of the Day” (OD), when the assigned worker is unavailable. Each unit has their own OD and calls are handled immediately by that person on behalf of their colleagues. However, for emergencies after 5:00 pm-8:00 am or on the weekends, PAGC has provided various facilities, including hospitals and community partners an emergency County cell phone contact list which has a Deputy Public Guardian Conservator, Estate Administrator, Lead Deputy or Supervisor contact information. An emergency may be medical/medication consent, a missing client, a conservatee’s emergency room visit, conservatee health decline, or an arrest. The emergency list provides detailed instructions on who to contact if the assigned Deputy or Estate Administrator is not available or unable to return the call within ten minutes; the caller is instructed to call the lead and then supervisor for emergency assistance.

After Hours Calls by Total Hours, Nov. 2017 to Oct. 2018
Referrals by Type, Nov. 2017 to Oct. 2018

- FAST: 28
- Probate (Non-FAST): 67
- PA: 160
- LPS: 295

Active Cases by Type, Nov. 2017 to Oct. 2018

- Trust: 95
- Probate: 471
- PA: 123
- LPS: 693
Demographics by Program Type

Age

<table>
<thead>
<tr>
<th>Age</th>
<th>LPS</th>
<th>PA</th>
<th>Probate</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 and under</td>
<td>2</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>18 to 30</td>
<td>69</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>31 to 65</td>
<td>445</td>
<td>29</td>
<td>101</td>
</tr>
<tr>
<td>Over 65</td>
<td>177</td>
<td>86</td>
<td>369</td>
</tr>
</tbody>
</table>

Ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>LPS</th>
<th>PA</th>
<th>Probate</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASIAN/PACIFIC ISLANDER</td>
<td>129</td>
<td>2</td>
<td>55</td>
</tr>
<tr>
<td>BLACK</td>
<td>65</td>
<td>0</td>
<td>23</td>
</tr>
<tr>
<td>HISPANIC</td>
<td>140</td>
<td>3</td>
<td>71</td>
</tr>
<tr>
<td>UNKNOWN</td>
<td>45</td>
<td>98</td>
<td>27</td>
</tr>
<tr>
<td>WHITE</td>
<td>314</td>
<td>20</td>
<td>295</td>
</tr>
</tbody>
</table>
Benefit Tasks
The PAGC office does much more than just takes care of people, keep them safe, and make medical and financial decisions. We also apply for benefits, retrieve pensions, and submit address changes, request birth certificates, complete and submit representative payee forms, follow up on status of SSI or SSA, and more. Our Office Clerks are busy helping the Deputies with benefit tasks and following up on next steps. This year the clerical staff processed approximately 848 benefit tasks.

Court Accountings and Other Fee Collection
The Probate Code authorizes the PAGC to collect fees when client resources are available to do so in the Conservatorship and Public Administration programs. Fees are collected through the Court Accounting, such as ordinary fees, bond fees, County Counsel fees, and extraordinary fees. These resources go directly into the General Fund to offset the cost of the PAGC program to county taxpayers. New fees not authorized by Probate Code are subject to board approval.

In conservatorship cases, the PAGC must file an inventory with the Court which lists all assets belonging to a conservatee. According to the guidelines of the Probate Court, the accounting must be filed after the first year of conservatorship and every two years thereafter.

The Court Accounting lists all known property and its value, the financial activity including assets, income, liabilities and property sold. At the time the accounting is presented to the Court, fee requests are approved, if appropriate. Once the Court has approved the collection of fees, the PAGC determines if a conservatee has the ability to pay. If fee payment causes a hardship, PAGC will defer the fee.

In the decedent estate cases, the Probate Code also provides statutory framework for the collection of fees. The fees are based on the value of the estate and may include extraordinary fees. The collection of fees owed to the PAGC and statutory fees owed to County Counsel take priority over distributions to heirs or beneficiaries.

Fees Collected, Nov. 2017 to Oct. 2018

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>County Counsel PA Ordinary</td>
<td>$405,893.08</td>
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<tr>
<td>PA Extraordinary</td>
<td>$308,908.48</td>
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<tr>
<td>PA Bond</td>
<td>$11,046.49</td>
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<tr>
<td>PG Ordinary</td>
<td>$112,800.89</td>
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<tr>
<td>PG Monthly</td>
<td>$212,889.04</td>
</tr>
<tr>
<td>PG Bond</td>
<td>$142,537.18</td>
</tr>
<tr>
<td>Tax Preparation</td>
<td>$159,854.25</td>
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<tr>
<td>IPS Monthly</td>
<td>$51,348.00</td>
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<tr>
<td>Storage</td>
<td>$64,268.34</td>
</tr>
<tr>
<td>All Other Fees</td>
<td>$50,739.19</td>
</tr>
<tr>
<td>Total</td>
<td>$230,689.60</td>
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</table>
Fee Increase
The PAGC prepares and files Federal and State income tax returns on behalf of conserved clients and the estates of deceased Santa Clara County residents. Tax preparation fees are assessed based on the type of returns and supporting schedules necessary for determining the client’s tax liability.

In the PAGC 2010 Audit, the Controller’s Office recommended periodic increases in fees charged to clients who are financially able to pay fees, for the purpose of offsetting costs to the County General Fund. The PAGC increased Income Tax Preparation fees in 2009 and based the increase on market conditions at the time. These fees are charged to clients based on the forms and schedules necessary to complete the tax return. The proposed new rates are based on a full cost recovery model, and represent an average increase of 38% over existing rates. In the last calendar year, PAGC has collected approximately $51,348 in Income Tax Preparation fees.

Vendor
The PAGC uses many vendors to oversee the safety of a conservatee or to administer a decedent estate. Staff completes a vendor form with detailed information about the vendor and attaches a W-9 for processing any current or future payments. Vendors are used for person issues such as caregiving, for estate issues such as home repairs or during a final distribution of assets. Vendors may be set up for a one time only payment or for ongoing payments. Because PAGC is responsible for the whole person, hundreds of vendors are used each year. Some common vendors include: heirs, doctors, caregivers, utilities, landscapers, house repairs, housing, funeral arrangements, and homeowner associations.

Total Vendors by Type, Nov. 2017 to Oct. 2018

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Person</td>
<td>172</td>
</tr>
<tr>
<td>For Estate Matters</td>
<td>158</td>
</tr>
<tr>
<td>Heirs</td>
<td>369</td>
</tr>
</tbody>
</table>
Urgent Needs Fund

The Urgent Needs Fund (UNF) is intended to assist in the event of an emergency or urgent situation when no other funding source is immediately available to the conservatee or the decedent estate. Emergency or urgent situations are unexpected events that have a significant impact and/or pose a threat to the person’s health, safety, welfare or loss of assets. The UNF addresses imminent needs that require payment within a week and is not intended to be ongoing financial support. The expectation is that the fund will be paid back with client funds in the future. No large withdrawals are made without a plan for reimbursement.

In 2016, the UNF was increased from $80,000 to $100,000. The additional funds provided more clients with emergency funds in urgent situations. Over the past two years, there has been a drastic increase in the cost of care for our clients. For example, 24/7 in-home care was about $9,000-$10,000 per month in 2015/2016 and now it is not uncommon to see $15,000-$18,000 a month. This increase in home care and a corresponding increase in the cost of assisted care in facilities, has necessitated large requests for advances from the Urgent Needs fund, until assets are marshalled and/or reverse mortgages are obtained or homes are sold. To exasperate the situation, banks and financial institutions are reluctant to recognize the PAGC’s authority and request additional documentation to marshal assets; hence staff is waiting for approval and this can take months. Even with these large requests and the bureaucracy encountered, monitoring by PAGC management has resulted in positive assistance to clients and no uncollectable debts.

Eligible requests for the utilization of the Urgent Needs Fund include, but are not limited to:

- Clothing
- Food
- Healthcare
- Personal care
- Essential housekeeping
- Urgent transportation
- Emergency shelter
- Delinquent rent or mortgage payment
- Delinquent caregiver payments
- Home insurance
- Taxes
- Home Owners Association Fees
- Delinquent Utility bills
- Emergency medical needs not covered by other funding sources
- Maintaining quality of life while waiting for funds to be available

### Urgent Needs Fund Activity

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Available 10/1/17</td>
<td>$52,633.54</td>
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<tr>
<td>Total Loaned Out</td>
<td>$131,885.30</td>
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<tr>
<td>Repayments Received</td>
<td>$135,181.27</td>
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<tr>
<td>Available 9/30/18</td>
<td>$56,842.72</td>
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Estate Planning Meetings

An Estate Planning Meeting is required to obtain group consensus, management approval, and/or legal advice on a case. Deputy Public Guardian Conservators, Estate Administrators, Supervisors, Managers, or County Counsel can schedule a case for review at an Estate Planning meeting when the situation warrants discussion. The following scenarios may require an Estate Planning Meeting:

- Transfer of a case to Public Administration (PA) and opening a full probate case
- All cases being transferred to PA (30 days after death)
- To receive management approval for an action affecting the conservatee or decedent estate
- Discuss alternatives when staff disagrees
- Discuss financial issue: e.g. a non-sustainable budget, no budget in place, lack of or limited resources for independent conservatees or other financial issues
- Sale of conservatee’s residence or liquidation of major asset
- Long-term planning
- When a SSI denial Notice of Action (NOA) is sent to DPGC and trust staff
- Need for an estate plan (to prepare a will or trust or for tax planning)
- Pending litigation/settlement authority or the need to file a legal action
- Occupancy issues (caregiving, rental situations, evicting tenants)
- Major projects requiring management approval/court orders (e.g. major remodeling projects, repair projects, reverse mortgages, purchase of residence, cars, annuities, etc.)
- Legal issues (e.g. divorce, death of spouse, child support issues, contracts, real property title issues, personal injury actions, insurance claims, financial abuse issues, inheritance, SNT, etc.)
- Post-mortem estate planning

Trust Reviews

PAGC continues the best practice of reviewing all trust accounts at least one time per year. In the PAGC office we are currently responsible for 94 trusts and have weekly meetings to review trusts. Similar to our weekly Estate Planning Meetings, this team approach (with DPGC and EA staff, management and County Counsel at the table) is essential in reviewing the cases, the client’s current needs, anticipating some of our client’s future needs and developing financial plans to ensure that the client’s assets are managed with the utmost care. On occasion, a more complex Trust is discussed as well as the enforcement of the trust, creation of a trust, the duties of the trustee and revocation issues. PAGC must ensure that the funds in a trust are used appropriately for the benefit of the conservatee.
FUTURE GOALS

The PAGC continues to make improvements and efficiencies in the programs. In the next year, we would like to explore, improve, revise or develop the following:

- Core competencies and performance indicators for each classification.
- Develop a method to improve quality assurance around personal and real property.
- Develop a scanning system which would allow clients documents to be scanned into one area and easily accessible to staff.
- Expand the current use of the Panoramic computer system – it can do much more.
- Add our holiday donation program, Embrace a Senior, to the County Giving Campaign
- Continue to grow and innovate with our partners to provide the best services available.

The PAGC Office focus, as always, is to provide the best service to our clients from appointment until the end of life. We will continue to provide care, advocacy and support which strengthens our mission while ensuring resources, tools and training for staff to do their job and meet the various needs of our diverse clients.