

# PAGC

PUBLIC ADMINISTRATOR GUARDIAN CONSERVATOR

# 2019

ANNUAL REPORT

COUNTY OF SANTA CLARA SOCIAL SERVICES AGENCY  
DEPARTMENT OF AGING AND ADULT SERVICES



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# INTRODUCTION

The Office of the Public Administrator, Guardian Conservator (PAGC) is housed within the Department of Aging and Adult Services within the Social Service Agency. The PAGC is a multifaceted program which serves adults who are unable to care for themselves due to serious mental illness and/or cognitive impairments, such as dementia or traumatic brain injury. Additionally, the Public Administrator manages the estates of Santa Clara County residents when no one else is willing or capable of administering. The Superior Court appoints the PAGC to act as the primary decision-maker in Conservatorship and decedent cases.

The vision of the PAGC, as part of the Social Services Agency, is to serve our clients and their families, empower our staff, and transform the lives of our clients. The PAGC staff is responsible for providing these services to vulnerable adults to ensure they have access to food, clothing, shelter and appropriate medical care. The work the PAGC staff and community partners perform directly impacts each client.

# PROGRAM DESCRIPTIONS

## Public Administrator

The Santa Clara County Public Administrator serves the public by managing the estates of persons who die without a will or without an appropriate person willing or able to act as executor. The Public Administrator must petition the Superior Court to be appointed as executor/administrator or trustee of an estate if the value of the estate is more than \$150,000. Cases that are valued under that threshold may be administered without Court supervision.

When it appears that no one is acting to handle the decedent's estate, it is the duty of the Public Administrator to make a diligent search for a will and the names and addresses of heirs. If a will is found, the named executor is notified. If no will is found, then the Public Administrator will attempt to contact heirs of the decedent to determine if they are able and willing to administer the estate. If there are no heirs, or the heirs are unable or unwilling to act, the Public Administrator oversees the administration of the disposition of the estate pursuant to the provisions of the California Probate Code.

Referrals to the Public Administrator are made by the coroner, mortuaries, court, Skilled Nursing Facilities (SNFs) and hospitals. The Public Administrator determines if the case is accepted for administration within 30 days of the referral. During this period, the Public Administrator is searching for next of kin, funds to make burial arrangements and determining if there are assets at risk.

The Public Administrator, through County Counsel, files a petition to open a Probate proceeding with the Court. The Court then sets a hearing on the petition and determines who should be appointed to administer the decedent's estate.

The Court may appoint the Public Administrator under the following circumstances:

- When no executor, personal representative or administrator has been appointed and the decedent's property is uncared for, or subject to loss, injury or waste
- When ordered by the Court;
- When heirs nominate the Public Administrator or the decedent's will names the Public Administrator as executor;
- When there are no known heirs of the estate; or
- When the named executor fails to act and no other person has a preferred right.

The Court issues Letters of Administration which constitute legal authority for the appointed personal representative to take over all aspects of the decedent's estate.

The Public Administrator collects the decedent's assets, important documents and personal property. The Public Administrator also mails notices to family members, creditors and other interested parties. The Public Administrator's staff search through the decedent's residence, car, mail, safe deposit boxes, and storage units, looking for all leads to the decedent's assets. This may include contacting the decedent's friends, family members, and associates.

The Public Administrator may make necessary funeral arrangements, either at the family's request or in the absence of relatives or heirs. Arrangements will be made commensurate with any pre-need (pre-arranged) plans of the decedent or the ability of the estate to pay.

The Public Administrator evaluates claims against the decedent's estate, pays any expenses, sells assets as needed, determines entitlement to the remaining estate, if any, and concludes all matters affecting the estate. As the administrator of an estate, they file the estate's tax returns as appropriate.

Creditors of the estate must file a Creditor's Claim with documents supporting the claim within four (4) months after the appointment of the Public Administrator. When an estate has insufficient funds to satisfy the decedent's debts, claims are paid on a priority basis with debts owed to the U.S. or the State having first preference. Thereafter, claims are paid on a prorated basis.

The Probate Code requires the Public Administrator to file with the Court a detailed accounting of all client assets, debts, payments, obligations, and any other relevant fact regarding the estate. The Court will review and approve the final accounting. Estate distribution occurs upon completion and approval of the final accounting. The Public Administrator maintains all estate funds in insured interest-bearing accounts until needed to pay claims and other expenses of the estate. All property is marshalled and safeguarded in the Public Administrator's secure warehouse and/or vault until sold or distributed. Once the accounting is approved and distributions made, the Public Administrator is discharged and the Probate proceeding is concluded.

When there are missing heirs (cannot be located at the time of distribution) or unknown heirs, the monies are deposited with the County Treasurer. If monies from estates with missing or unknown heirs remain unclaimed within one year of the deposit with the County Treasurer, the funds are transferred to the California State Controller's Office.

Small estates that do not require court supervision require up to 18 months for administration. Depending on the complexity of the estate, the administration time for full probate (court-supervised) varies, generally between two and four years.

## **Public Guardian/Conservator**

### **Probate Conservatorships**

The Public Guardian Probate Conservator serves adults with cognitive impairments by overseeing and managing their basic personal and financial needs, such as locating appropriate housing and developing a care plan.

Probate Conservatorships are primarily established for adults who are incapable of making decisions for themselves or managing their own finances or resisting fraud and undue influence. Most often, the adults served by the Probate Division cannot care for themselves due to dementia, traumatic brain injury, or other cognitive impairments.

The Public Guardian operates under the authority and direction of the California Probate Code and the Superior Court to provide conservatorship of persons and estates. The Superior Court determines whether a conservatorship should be established. The process includes petitioning the court and notifying the proposed conservatee and their family of the proceedings. A conservatorship is only established as a last resort when there are no other alternatives available. The Superior Court can appoint the Public Guardian as a conservator of the person only, estate only, or both. A Probate Conservatorship may be terminated by the Court upon request or by death of the conservatee. Often, a Probate Conservatorship lasts for the lifetime of the adult.

Referrals are made to the Public Guardian Office through Adult Protective Services or may be made directly to the Public Guardian by a physician, hospital, skilled nursing facility, or the court. In order to be conserved by the PAGC, a medical declaration must be completed by a licensed physician and submitted to the PAGC referral team for investigation prior to submission to the Court. Prior to granting conservatorships, the Court requires an evidentiary showing that all other less restrictive alternatives have been considered and are not available.

A Deputy Public Guardian Conservator is assigned to investigate the new referral and to meet the proposed conservatee face-to-face. In order to move forward with the conservatorship, the investigation must show that the proposed conservatees are:

- Unable to manage their own estate;
- Unable to make decisions in their own best interest;
- Unable to resist fraud and/or undue influence;
- Lacking legal or medical capacity; or
- Unable to identify alternative family members.

During the investigation period, the Deputy searches for any lesser restrictive alternatives; these may include:

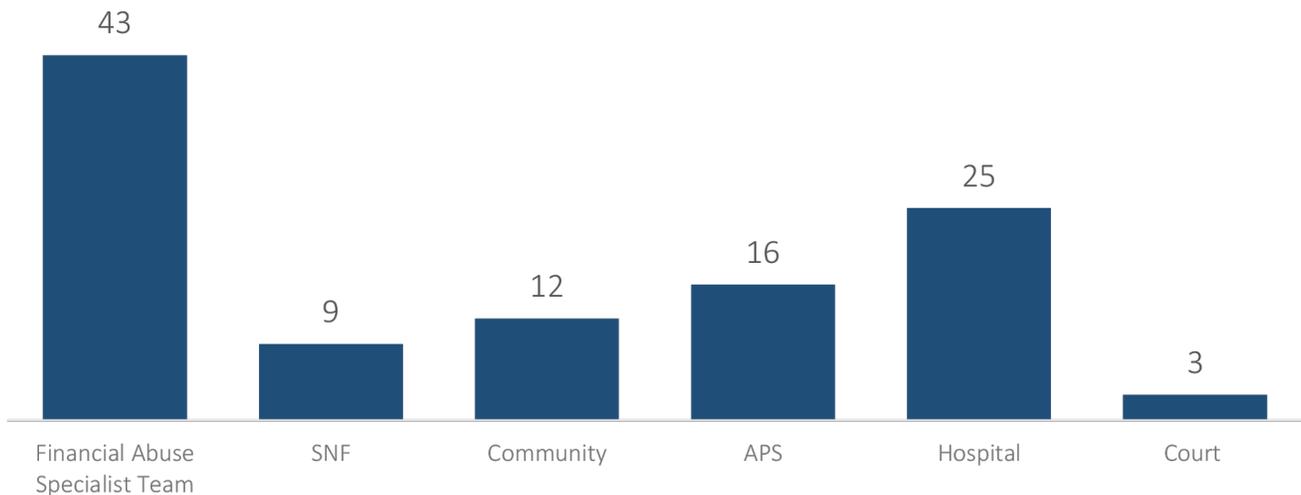
- Trusts;
- Powers of Attorney;
- Having fit and willing family members act (alternative plan);
- Receiving case management services; or
- Receiving money management or representative payee services.

If deemed appropriate, the Deputy Public Guardian Conservator then makes a recommendation to County Counsel to proceed with the conservatorship. County Counsel prepares and files a petition with the Probate Division of the Superior Court. The petition may include powers to become the Conservator of Person (allows the PG to manage decisions that impact the quality of life of the conservatee) and/or Conservator of the Estate (allows the PG to manage the conservatee's finances and assets, including real property). Additional powers, including medical decision-making, placement in secure facilities and powers to provide psychotropic medications for dementia are sought separately. If necessary, County Counsel may petition for a temporary conservatorship; this requires evidence of an urgent need, including necessity for a medical procedure or the need to safeguard assets in imminent danger of loss.

Upon appointment by the Probate Court, the Public Guardian is responsible for:

- Assessing the physical, mental, medical, and financial needs of the conservatee;
- Ensuring appropriate medical care, housing, nursing care, case management-services, caregiving, money management services, and budgeting;
- Analyzing legal and financial issues, including elder financial abuse;
- Locating, directing or applying for all benefits including Social Security benefits, veterans' benefits, Medicare, private pensions and other income;
- Developing a comprehensive plan encompassing both immediate and long-term care (this includes a consistent and thorough review of independent living situations, assisted housing, and long-term care facilities);
- Locating all assets and income and arranging for the storage, sale, and/or disposal of real and personal property;
- Managing the estate real property, including residences and rentals, personal effects, intangible personal property and securities;
- Advising, collaborating, conferring, and advocating on behalf of the conservatee with government agencies, private parties, relatives, and any other individuals or entities; and
- Securing the client's overall well-being.

### Probate Referrals by Source



## **LPS Conservatorships**

Mental health conservatorships, also known as LPS conservatorships, are established to provide mental health services for Santa Clara County residents who are gravely disabled (unable to provide for their food, clothing or shelter) due to serious mental illness. These individuals have been found by the Court to be unable or unwilling to accept voluntary treatment. Mental health conservatorships are also known as Lanterman-Petris-Short conservatorships (LPS), named after the state Assemblyman and Senators who wrote the legislation. The law went into effect in 1972. This procedure is established in the California Welfare and Institutions Code (WIC).

Mental health conservatorship is a legal procedure through which the Superior Court appoints a conservator of the person to authorize psychiatric treatment, including the use of psychotropic medications and placement in a locked facility. The conservatee must meet the narrow definition of grave disability due to a serious mental disease.

LPS conservatorships may only be initiated by a psychiatrist while a patient is in an acute psychiatric setting. Only psychiatric facilities (including jail psych) may make referrals for conservatorships. Clinicians have discretion about when to refer; the treating physician may choose not to refer if it is believed that a patient will recover or stabilize before the hold expires. If a person reaches the 17-day limit for a hospital hold, they must be released unless a conservatorship is in place.

LPS conservatorships start with a 72-hour psychiatric hold (also known as a WIC Section 5150 hold). If patients continue to be considered gravely disabled and need additional intensive treatment, a psychiatric clinician may file for a 14-day hold (WIC Section 5250 hold). Under these WIC provisions, a patient can be held for a maximum of 17 days without conservatorship. After the first three days, the patient has the right to a hearing and representation by the Public Defender.

Upon receiving a referral, the Public Guardian Conservator determines if the referral is appropriate (that the client is a Santa Clara County resident and is on an involuntary hospital hold). If deemed appropriate, the Public Guardian Conservator works with County Counsel to petition the Superior Court to grant a temporary conservatorship (T-con). This ensures that the client will continue to receive appropriate care during the judicial process. Once the T-con is granted, the Public Conservator completes an investigation, including consulting with the psychiatrist, reviewing medical records and meeting with family (if appropriate). The Public Guardian Conservator then works with County Counsel to file a petition with the Court for continued conservatorship. If the T-con expires before the petition is ready, the Court may grant a 30-day extension.

Proposed conservatees are appointed representation by an attorney from the Office of the Public Defender. If the Court determines that the client is gravely disabled due to serious mental illness and are unable or unwilling to accept voluntary treatment, the client is placed on a general conservatorship, which lasts up to one year. The client has a right to appeal the conservatorship and may request a trial.

The Public Guardian Conservator works with the Behavioral Health Department–24-hour care team to place the client in treatment, which generally includes finding an appropriate residential facility based on the doctor’s recommendation and the needs of the client. The Public Guardian Conservator:

- Prepares reports for the Court;
- Recommends appropriate level of placement, seeking the best and most independent living environment available, within the conservatees’ abilities and resources;
- Monitors psychiatric care in collaboration with treatment team;
- Consents to medical treatment and psychiatric medications when authorized;
- Advocates on behalf of Conservatees; and
- Provides case management for clients.

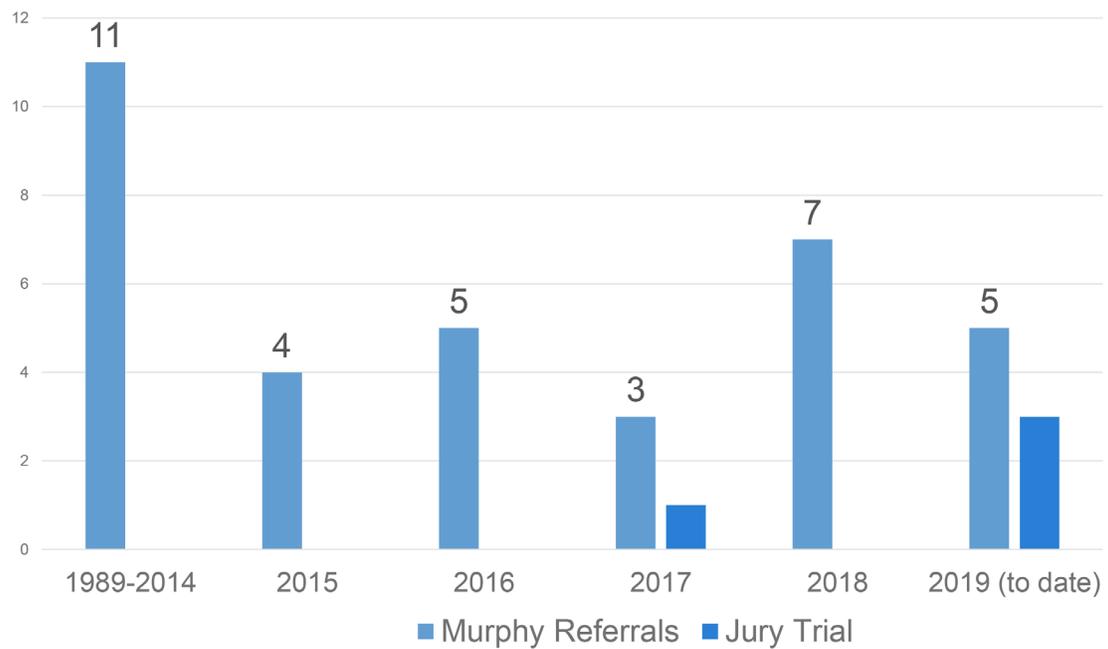
A general LPS conservatorship lasts for a year or until it is determined that the conservatee no longer meets the legal criteria for conservatorship. At the end of the year, if the conservatee continues to meet the criteria for conservatorship, County Counsel files a petition for renewal of conservatorship.

The Office of the Public Guardian Conservator LPS division also oversees Murphy Conservatorships. In these cases, the conservatee:

- Is charged with felonies involving death, great bodily harm or a serious threat to the physical well-being of another person
- Is unable to understand the nature and purpose of proceedings taken against him or her and to assist counsel in the conduct of their defense in a rational manner
- Represents a substantial danger of physical harm to others by reason of a mental disease, defect or disorder.

The number of referrals for Murphy Conservatorships is increasing dramatically. Between 1989 and 2014, there were only 11 referrals. Since 2015, there have been 24 referrals and there are currently 25 conservatees on Murphy Conservatorships. The Public Guardian Conservator continues to partner with Behavioral Health to have UCSF assess Murphy Conservatees for the level of dangerousness. UCSF, Behavioral Health and PAGC are currently working together to have Murphy Conservatees reassessed more often than once per year. This will ensure that individuals are being held at the appropriate level of care and are not being held on conservatorship longer than necessary.

## Murphy Conservatorship Referrals



In July 2019, the Office of the Public Administrator Guardian Conservator to provided read-only access to our internal database (Panoramic) to community partners. The information available includes:

- Conservatee name,
- Alias,
- Date of birth,
- Date of temporary and/or permanent conservatorship,
- Date of conservatorship termination,
- Name and phone number of LPS conservator.

There are currently thirteen (13) registered users from EPS, Mobile Crisis, Jail Mental Health, and Behavioral Health. With our partners' ability to access the database, shared clients can be identified quickly, and partners are able to contact the assigned LPS staff member for immediate needs and questions. This inevitably leads to better coordination of services for individuals served by all County entities. Although data is not yet available to determine the impact of database sharing, it is certain that the number of after-hours calls received by LPS staff members has been reduced.

The Public Guardian Conservator continues to provide trainings to County partners, including the Adult and Older Adult Division of Behavioral Health.

# CREATING BEST PRACTICES: MEETINGS AND COLLABORATIONS

PAGC strives to continuously improve our ability to provide the best care and consideration to our clients. One of the best practices implemented by the PAGC is a series of regular meetings where department staff come together to support and learn from each other. Additionally, PAGC partners with other departments from the Department of Aging and Adult Services, other county departments, outside agencies and community-based organizations.

## INTERNAL MEETINGS

### Estate Planning Meetings

Estate Planning Meetings are held weekly to discuss issues and obtain group consensus, management approval, and/or legal and tax advice on cases. Deputy Public Guardian Conservators, Estate Administrators, Supervisors, Managers, and County Counsel may schedule a case for review at an Estate Planning meeting to discuss case details and make decisions regarding clients' estates.

The following scenarios may require an Estate Planning Meeting:

- To develop a client management plan, including placement and sale of real or personal property;
- Case transfer to Public Administration (PA) and opening a full probate case;
- To receive management and County Counsel approval for actions effecting the conservatee or decedent estate;
- Discussions regarding options when staff disagrees;
- Discussions regarding financial issues, 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 DPGC and trust staff receive SSI denial Notices of Action (NOA);
- Preparing 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.);
- Review any tax issues including property sales, asset liquidation, overdue taxes, etc.; or
- Post-mortem estate planning.

## **Trust Reviews**

PAGC continues the best practice of reviewing all trust accounts at least one time per year. The PAGC is currently responsible for 94 trusts; bi-weekly meetings are held to review each one.

Similar to our weekly Estate Planning Meetings, this team approach (with DPGC and EA staff, management and County Counsel attending) is essential in reviewing the cases, the clients' current needs, anticipating some of our clients' future needs and developing financial plans to ensure that the clients' assets are managed with the utmost care. As necessary, the group reviews 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.

## **Case Conference Meetings**

Case Conference meetings are held as needed to discuss issues regarding a case. Issues may include legal matters, health and medication, end of life decision making, distribution to heirs, or inventory of personal property. Depending on the circumstances, County Counsel, Adult Protective Services and outside caregivers or agencies may be asked to attend.

## **Online Toolbox**

In July 2017, PAGC added the Toolbox to the intranet as a receptacle for updated information, policies, links to relevant forms and services. The Toolbox workgroup continues to meet 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. The voluntary team updates forms and links to community resources, alerts staff of any upgrades or revisions done in the Panoramic database and adds PowerPoint presentations for trainings that were held throughout the year. This workgroup is invaluable and is commended for their ongoing efforts with PAGC improvements and efficiencies.

# DAAS COLLABORATIONS

## **Financial Abuse Specialist Team (FAST)**

It is the policy of the PAGC to respond to all FAST referrals within seven days and to begin a thorough investigation within 30 days. Super FAST cases are responded to in one to two days as the financial abuse is imminent. PAGC works diligently with APS to ensure a smooth transition and that the referring party and the client does not experience a gap in services.

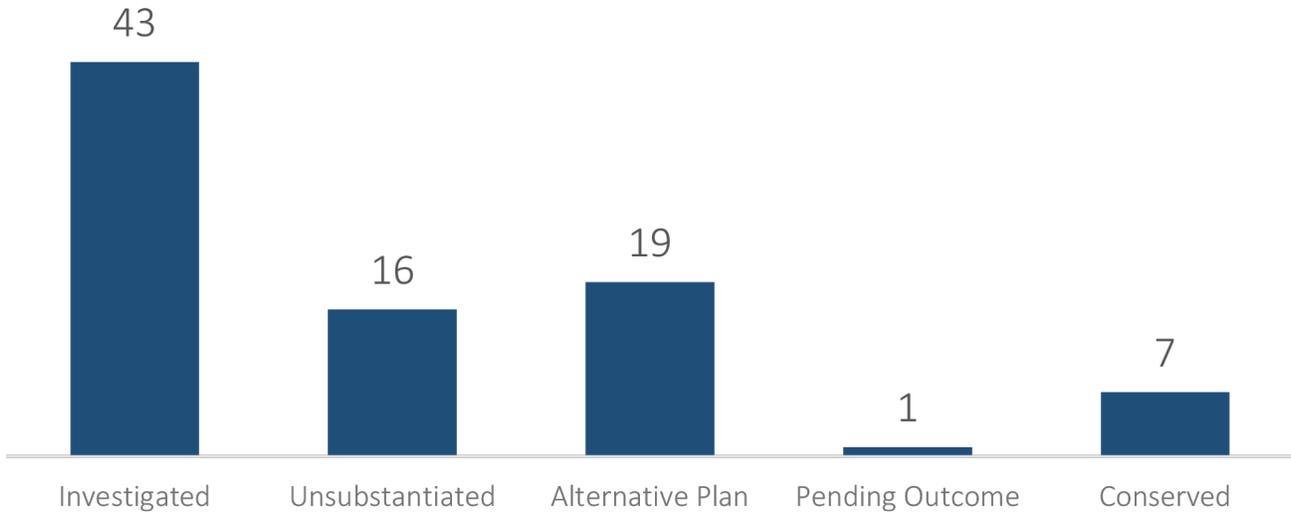
FAST meetings are held monthly to discuss financial abuse case. Team members at each meeting include:

- Deputy Public Guardian Conservator and Supervisor,
- PAGC and APS Management,
- Estate Administrator and Supervisor,
- APS Social Worker,
- County Counsel,
- Sherriff's Office, and
- District Attorney/investigator.

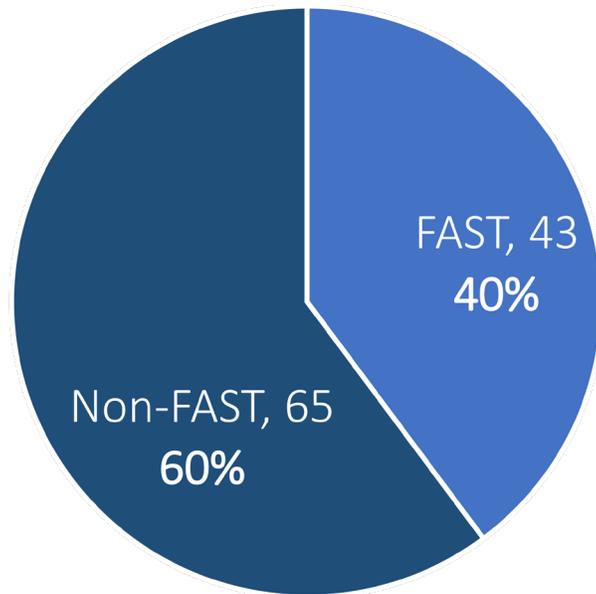
After an initial vetting by Adult Protective Services, financial abuse cases are thoroughly investigated jointly by APS and PAGC staff. The investigation typically includes multiple interviews, visits to financial institutions, researching legal documents, financial statements and reviewing other financial documents. Fast team members use a twofold approach for each case. They determine if there has been fraud, theft, elder abuse, or other criminal activity and determine if a conservatorship is warranted. Once fraud, theft, or financial abuse has been detected, the team develops a plan to protect the victim's remaining assets and an approach to recover stolen assets.

During 2019, 43 cases were discussed at FAST meetings and referred to the Public Guardian for investigation. Of these, 16 claims of financial abuse were unsubstantiated, 19 did find financial abuse, but lesser restrictive alternatives were put in place and seven have been conserved. One case still pending determination.

### FAST Cases



### Total Probate Referrals, July 2018 to June 2019



## Asset Recovery

The investigation process, as well as the subsequent appointment of conservatorship and the managing of conservatees' estate, may take weeks or months, or years. In Financial Abuse cases, County Counsel on behalf of the Public Guardian Conservator, may file an action to recover conservatee's property or there may be a criminal prosecution by the District Attorney office and a restitution ordered. In many cases, the abuser has squandered or hidden the assets and the Public Guardian Conservator must develop a creative plan to pay for care and other needs a conservatee will have the rest of their life. The Public Guardian Conservator staff is innovative, creative and conservative in providing effective case management and long-range planning as well as very successful in keeping individuals in their own home as long as possible.

In FY 2019, PAGC prevented the loss and recovered a total of \$45,092,574 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 \$435,008,828.

	FY 2017	FY 2018	FY 2019	Since 1999
Real Property	\$25,768,251	\$27,941,144	\$29,848,764	\$272,359,958
Liquid Assets	\$3,301,632	\$2,015,035	\$1,718,063	\$83,492,564
Stocks and Bonds	\$110,000	\$6,747,404	\$13,525,747	\$53,787,747
Restitution/Recovery/Settlement	\$1,000,000			\$25,368,559
Total	\$30,179,883	\$36,703,583	\$45,092,574	\$435,008,828

## Internal Controller Office Risk Assessment (FMS and PAGC)

FMS and PAGC staff met throughout the year to develop tools to evaluate and minimize risks in overseeing and administering our client's estates. PAGC management/staff and County Counsel consider clients' financial status, net worth, and type of assets when making decisions regarding caregiving, housing, placements, personal spending, investments, benefits, and expenses. PAGC requests Court authority to act when required by statute (e.g., sale of an asset valued at over \$5000).

PAGC, FMS staff and the Controller's office examined current policy and procedures to ensure that PAGC and FMS are maintaining complete financial records of money received and money payable. In addition, the Controller's office reviewed policy and procedures to ensure that PAGC collects all appropriate assets on behalf of clients. The teams also monitored and evaluated risks and controls over receipts and spending of clients' assets, which are disbursed for client's needs (e.g., food, clothing, shelter, monthly expenses, care facility, personal needs, etc.).

Lastly, the team reviewed the PAGC's inventory verification system. PAGC maintains a large warehouse to store and safeguard conservatee and decedent belongings. All inventory is documented by hand and entered into the Panoramic computer system and then verified on a yearly basis. A physical count of all property occurs annually.

A thorough review of the warehouse, the on-site property room and the business processes validated that all warehouse inventory is entered into the Panoramic computer system according to the established procedures. Marshaled assets are categorized by locations: "at residence", "at warehouse", "at Locked Room", etc. Assets are monitored and tracked in Panoramic. Two property clerks and their supervisor have access to the Panoramic Inventory module and can enter and change an item's location with supporting documentation and supervisor approval. Clerks update the Panoramic system for property when it is sold, discarded or donated. All property is well organized and managed by the Estate Property Specialists (EPS) team, who also manage the sale of clients' property.

Clients are charged a fee that is calculated by the space, vault or shelf their belongings occupy. If possible, storage fees are taken from the conservatorship/decedent account but fees may be waived if the client cannot afford to pay the fees. All fees are disclosed at the Probate Court Accounting.

### **Continuous Quality Improvement**

In FY 2019, PAGC and the CQI team continued its work on mapping the PAGC business process for all six major units: Public Administration (PA), Estate Administration, Probate Intake, Probate Ongoing, LPS Intake, and LPS Ongoing. Last year, areas where there was a gap within the office processes were identified and improvements are still being made to ensure that staff has all the tools and resources required to do their job in an efficient and timely manner. The CQI's that were identified included:

- Improve compliance of Inventory and Appraisal and Court Accounting;
- Update requirements and inventory types in Panoramic, write procedures and train staff so the system produces Inventory and Appraisal reports;
- Review the Legal Secretary (LS) business process and create desk procedures;
- Produce accurate and timely Court Accounting Reports using the Panoramic computer system; and
- Improve internal Probate case transfer process.

To the credit of the PAGC staff, improvements have been made in each of these areas. Compliances with Court deadlines are improved, though not entirely on time and we continue to strive for more timely filings. We continue our work with Panoramic to develop and improve reports and systems that will allow us to prepare court-ready reports from the database. The Legal Secretary desk procedures have been created and distributed and are being followed. The case transfer process has become a regular meeting with efficiencies built into the system; a new checklist has been created to provide clarity and transparency. Additionally, PAGC continues to update and revise policies and procedures as needed.

### **Technology Support**

In FY 2019, PAGC began using DocuSign for receipts from heirs in decedent estates. This has proven to be a quick and efficient way of getting receipts from heirs, which means the heirs are receiving their distributions more quickly. The digital documentation reduces paperwork and time spent mailing documents.

The Social Services Agency also updated its website this fiscal year. PAGC programs are listed under the Protective Services page. The new site is user-friendly, easy to read, and provides ample information and links to relevant resources. The new site will be available to the public early in 2020.

### **Seniors' Agenda**

In FY 2019, PAGC staff supported and attended the Seniors' Agenda Network Summits which were held in January and August. The Summit brings together nearly 200 professionals, aging advocates, and elected officials to actively engage in meaningful learning to strengthen our community for older adults. PAGC staff also recognized Falls Prevention Awareness Day in September and enjoyed the Senior Safaris at Happy Hollow Park and Zoo.

# OPERATIONAL HIGHLIGHTS AND ACCOMPLISHMENTS

## Court Accountings and Fee Collection

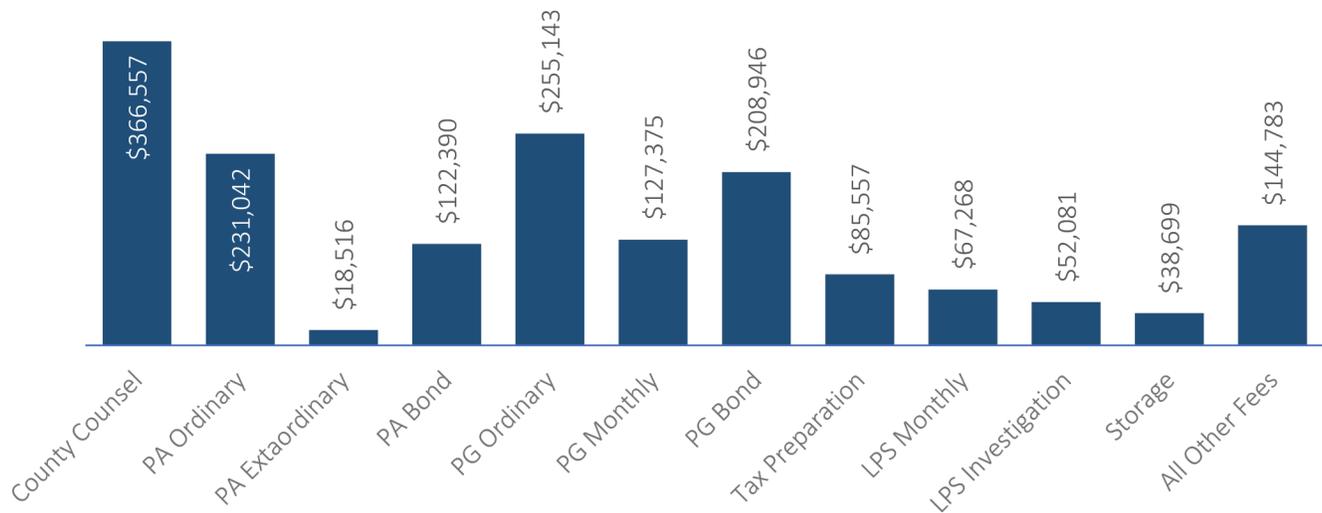
The Probate Code requires that the PAGC must file an accounting for each estate. For the Public Guardian and Public Conservator, the first accounting is due no later than one year after appointment, every two years thereafter, and when the conservatorship ends. PAGC staff coordinates the filing of the accounting with County Counsel and Financial Management Services. The petition includes a detailed accounting of all transactions in the conservatee's estate that occurred in the period covered by the report. Accountings include:

- The value of assets on hand at the start of the reporting period,
- The amount of any supplemental appraisals during the reporting period,
- All income received by the conservatee during the reporting period,
- Gains and losses from sale of assets or investing of assets during the reporting period,
- All expenditures of conservatorship funds during the reporting period, and
- The value of assets on hand at the end of the reporting period.

The Probate Code authorizes the PAGC to collect fees when the client has the resources to pay. Fees are collected through the accounting. These include ordinary PA fees, bond fees, County Counsel fees and extraordinary fees. At the time of the accounting, PAGC requests fees based on the number of hours worked, the hourly rate and the work that had been completed. In the Public Administrator, there are statutory fees. The Court must approve a fee request prior to any payments being collected. Upon receiving approval from the Court, PAGC determines if the conservatee has the ability to pay. If a fee payment will cause a hardship to the conservatee, PAGC will defer the fee. During FY 2019, PAGC collected \$1,178,357 in fees.

In decedent cases, the Probate Code provides statutory framework for fee collection, based on the value of the estate. Extraordinary fees may be sought by the PAGC. No fees may be collected without Court authority. Fees owed to the PAGC and County Counsel have priority over distributions to heirs, beneficiaries and some other creditors.

## Fees Collected



## Storage Fee Increase

The PAGC requested approval from the Board of Supervisors to increase the amount of fees being charged for items being stored at the PAGC warehouse and locked room. PAGC stores and safeguards the personal property of conserved individuals when necessary. It also stores and safeguards the personal property of deceased individuals while seeking authority from the Superior Court to administer these estates, identify heirs, and gain permission to distribute, discard, sell, or liquidate personal property. Larger items, such as furniture, household items, wheelchairs, etc., are stored at the PAGC warehouse. Vehicles are stored in a fenced parking lot adjacent to the warehouse. Smaller items, including jewelry, coin collections, firearms, and important documents, are stored in a locked room at the PAGC office.

Probate Code 2902 states: A public guardian who takes possession or control of property pursuant to this chapter is entitled to reasonable costs incurred for the preservation of the property.

The current storage fees do not fully cover the total cost of storage and the PAGC has not increased storage fees in the last 10 years. These fees are charged to clients based on the space used to store personal belongings and may be waived following an evaluation of client assets, income, and ability to pay.

In the last calendar year, PAGC collected \$50,739 in storage fees from clients that were financially able to pay. With the recommended increase of approximately 10%, the PAGC expects to collect approximately \$55,813 in Fiscal Year 2019-2020. This 10% increase will bring collected fees closer to current rates charged by private storage facilities and will meet the standard cost recovery calculation.

The PAGC and Controller-Treasurer Department performed a thorough evaluation of current storage fees and concluded that a full-cost recovery is supported by an increase of approximately 10% in storage fees (for clients who can afford to pay the fee).

## **Training and Community Outreach**

### **Certification/Training Committee**

The PAGC training committee meet regularly with Staff Development to ensure appropriate, innovative, and necessary training is offered to staff members throughout the year.

The PAGC staff is required to be certified by the California Association of Public Administrators, Public Guardians, and Public Conservators (CA PA|PG|PC), a non-profit association representing government officials and employees who provide services to the citizens of California through the Public Administrator, Public Guardian and Public Conservator offices in each of California's 58 counties.

In order to be certified, a member must earn forty (40) credit hours of continuing education every 4 years. The training must be given by a provider who has been approved by the Association. 100% of current staff (with the exception of new employees) are certified by Association.

### *New Hire Induction*

PAGC offers support for new hires and interns by offering a New Hire Induction at least twice a year. This eight-week induction is made possible by 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, courses on confidentiality, mandated reporting, and an overview of the PAGC computer system were provided. New staff members have the opportunity to earn up to 35 units toward certification (if they attend every session).

### *Internal Trainings*

As a result of the meetings between PAGC and staff development, multiple trainings are offered throughout the year. Courses in 2019 included:

- Probate Referee
- Elder Abuse: So Much More than “Just a Civil Matter”
- Compassionate Communication & Successful Strategies for Alzheimer’s Disease and Dementia Related Disorders
- Medi-Cal Refresher
- Worker Safety: Understanding, Managing and De-Escalating Confrontation
- Senior Bullying Workshop: Understand and Respond to Older Adults who Bully

### *E-learning*

All PAGC staff members are able to access additional courses via e-learning. 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

### *Regional Conference 2019*

The Santa Clara County PAGC hosted the annual Northern California Regional Conference in June 2019 at West Valley Community College in Saratoga. Approximately 120 people in all attended the 2-and-a-half-day conference. Eighteen counties were represented including Alameda, Contra Costa, El Dorado, Lake, Lassen, Marin, Mendocino, Monterey, Napa, San Benito, San Joaquin, San Mateo, Santa Clara, San Francisco, Santa Cruz, Solano, and Tulare.

Topics Covered included:

- Antisocial Personality Disorder
- Compassion Fatigue & Vicarious Trauma in Helping Professions
- Trauma and Death Notification
- Creating Safe and Healthy Home Environments

There was also a session for networking on regional issues and concerns. Attendees self-selected from various topics regarding Public Guardian, Public Administrator, Estate Administration and LPS. The sessions were held for 90 minutes and discussions were lively and robust. The opportunity for staff to meet with peers from other counties is rare and many ideas were shared and connections made.

Santa Clara County had 52 attendees who earned a total of 610 cumulative continuing education units (CEU) hours.

### **Outside Trainings**

PAGC continues to have extensive contact with the community. Continuing to educate our community is critical to ensure our mutual clients are receiving the most appropriate services. PAGC staff provides presentations and trainings for our community partners. PAGC also receives numerous calls from the community inquiring about conservatorship for a loved one, neighbor, patient or friend. The communication between our intake supervisors, unit leads, 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 in our two Intake units.

Staff continues to be generous in their response to requests for presentations and trainings. PAGC's Probate Intake Supervisor has visited several agencies to train staff on determining if a conservatorship is warranted and if so, how to make a 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 the role and responsibilities of a conservator. The PAGC Office has prepared a PowerPoint presentation on the conservatorship process to share with our County partners, including Behavioral Health. 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 for whom PAGC provided training:

- IHSS
- NAMI
- Behavioral Health
- VMC discharge planners
- In-House Training (new employees and interns)
- Mountain View Senior Center

## Urgent Needs Fund

The Urgent Needs Fund (UNF) is available in case of an emergency or urgent situation in which no other funding source is immediately available to the conservatee or decedent estate. These are events that are considered to have a significant impact and/or pose a threat to a person's health, safety, welfare or loss of assets. The UNF is available for imminent needs that requires payment within seven days. The UNF is not intended for any ongoing financial support. It is expected that the fund will be reimbursed from client funds in the near future. All withdrawals are made with a plan for reimbursement.

In 2019, PAGC made its ongoing annual requests to the Board of Supervisors to replenish the PAGC UNF. The Social Services Agency (SSA), Financial Management Services (FMS) conducts a monthly reconciliation of the Urgent Needs Funds account balance and works with PAGC to ensure fund advancements are recovered where possible. PAGC identified a total of \$10,198.49 in uncollectible fund advancements. These funds are deemed uncollectable because clients have no available estate/assets, or cases have been dismissed or terminated.

As the cost of living increases for all county residents, the clients of the PAGC are severely impacted. The cost of care continues to increase dramatically. This has led to an increase in requests for large advances from the UNF. The PAGC works diligently to marshal assets and/or obtain reverse mortgages or, sell the home and recover assets to pay back the UNF.

UNF Activity 7/1/18 – 6/30/19

Funds Available 7/1/18	\$60,374.07
Total Loaned	\$161,378.29
Repayments Received	\$131,334.99
Available 6/30/19	\$30,330.77

# Embrace a Senior

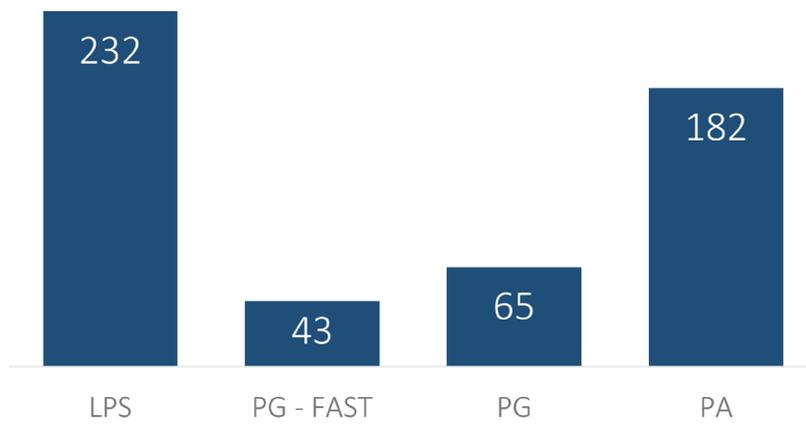
PAGC is sponsoring its fourth annual special holiday project called “Embrace a Senior”. This project is specifically designed to collect donations and distribute holiday gifts to PAGC clients. The goal is to provide a meaningful gift to our conservatees, who may not have family, may be estranged from their loved ones, and/or whose families are financially unable to provide presents. Last year PAGC raised nearly \$15,000 in donations and were able to provide over 400 gifts to our clients.

This year, we honored our Embrace a Senior Service Partners during an all-staff meeting in March. Representatives from Veterans of Foreign Wars, Post 6309 of Gilroy California, Veterans of Foreign Wars, Post 3982 of Santa Clara and Fidelity National Title Administration received an accommodation for their participation and kind donations.

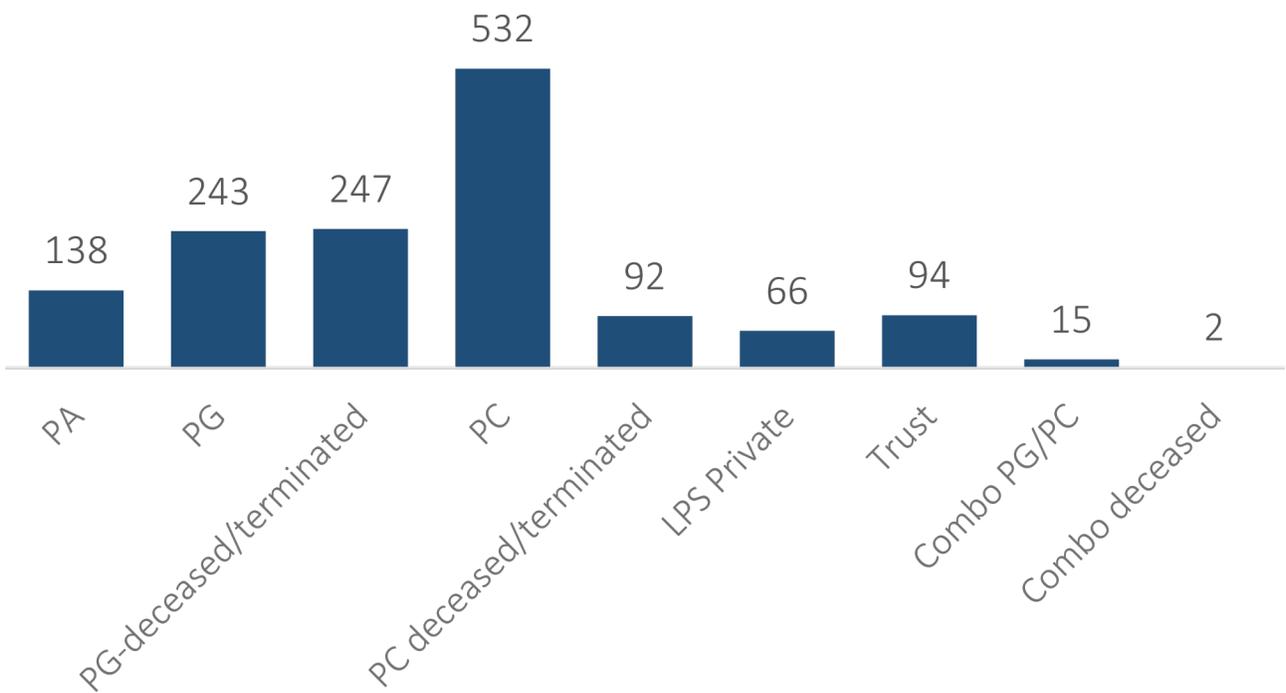


# STATISTICS

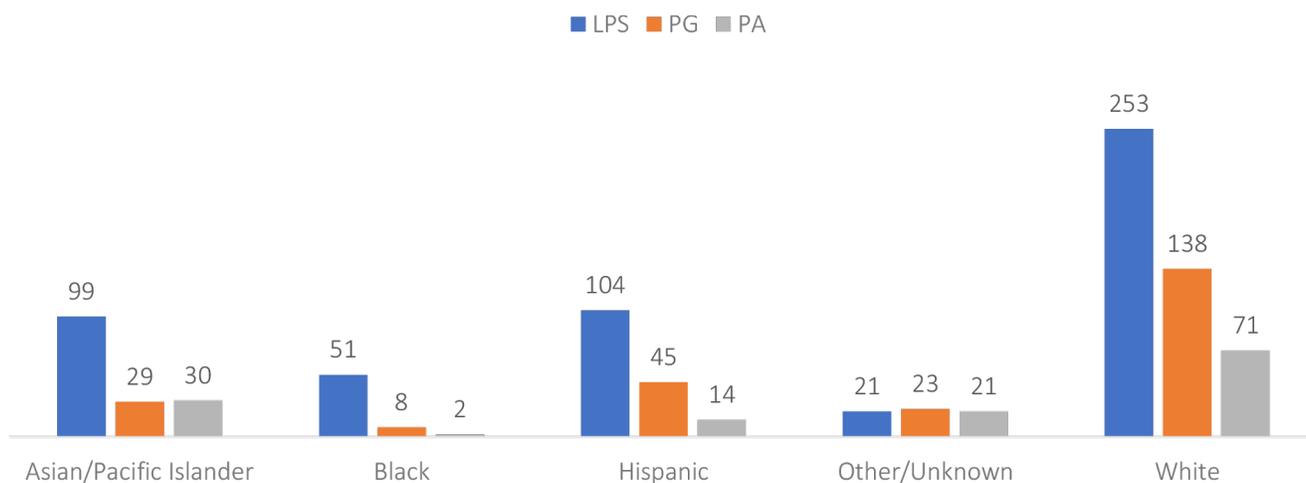
## Referrals by Program



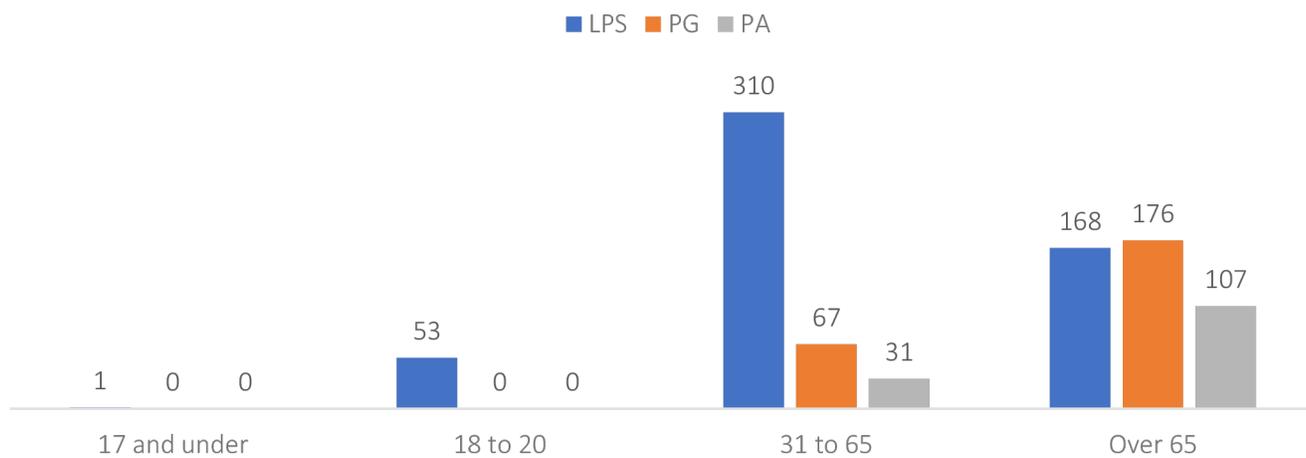
## Open/Active Cases



### Client Ethnicity



### Client Age



### Assets Held in Inventory

	FY 17	FY 18	FY 19
Real/Personal Property	\$68,923,169	\$85,412,399	\$76,673,959
Brokerage Accts	\$16,817,139	\$17,163,934	\$17,554,126
<b>TOTAL</b>	<b>\$85,740,308</b>	<b>\$102,576,333</b>	<b>\$94,228,085</b>

# PAGC STAFF

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, clients, and the office.

The 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, assisting in writing and updating policies and procedures, and providing transportation for conservatees to appointments, etc. These extra help workers, along with efficient and energetic interns, have helped to relieve some of line staff's workload and helped provide better oversight and contact with PAGC clients.

The LPS extra help Deputy Public Guardian Assistant (DPGA) and the extra help Probate Social Workers continue to help the assigned deputies who do not have enough time in the day to "get it all done." They help staff with transporting clients, shopping, ordering items for conservatees, visiting clients who required a welfare check, and accompanying clients to appointments.

The Estate Administrator extra help staff helped close cases in Public Administration and in Probate Conservatorship. They are instrumental in discovering and obtaining the small details in many cases and in making distributions to heirs.

The extra help Senior Management Analyst has helped write desk procedures for the property clerks and legal secretary. She has assisted in developing office business processes and especially helpful in inventory projects. She has also organized policies and procedures and continues to work on improving the system. The extra help Management Analyst Program Manager continues to write and update our Policies and Procedures. She was a former Chief Deputy for the Public Guardian's Office in Riverside County for more than 13 years and former Division Chief for the Public Guardian in Los Angeles County. With her assistance, we continue to create many comprehensive and up-to-date Policies and Procedures.

## *Work Study/Interns*

The position of Deputy Public Guardian Conservator is an extremely challenging and demanding position. Again this year, we have welcomed student interns from the San Jose State Masters in Social Work (MSW) program. The students gain knowledge and experience, learn about the Courts and conservatorship, and gain field experience by working with our MSW Deputy Public Guardian staff volunteers. The PG field instructors have built a training curriculum specifically for the MSW students and spend numerous 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. In March, the PAGC hosted their annual staff appreciation event. The morning included a breakfast for staff members, team building activities and a welcome from the leadership team. Each person received a favor, handmade by the committee, and small trophies and prizes were presented to winning teams.



# PAGC STAFF

1	Chief Deputy Public Administrator/Guardian/Conservator
12	Estate Administrators
	6 manage real property trusts, securities, and assets of clients
	6 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 IIIs
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 Management Analyst Program Manager III
1	Extra Help Senior Management Analyst
3	Masters of Social Work Student Interns
2	Extra Help Social Worker I & II

# FUTURE GOALS

The PAGC persists in continuous improvement and developing efficiencies in each program. During the next year, we will continue to explore, improve and develop:

- Defining Core Competencies and performance indicators for each employee classification
- Monitor quality assurance
- Explore database systems to ensure we are using the best available option.
- If our current database program, Panoramic, is determined to be the best option, explore making it more robust and better suited to our needs
- Develop innovations with our partners to continue to provide best services

The goals and focus of the PAGC will continue to be to provide the best service to our diverse clients in ways that empower them and transform their lives. We will continue to care, advocate and support, following our mission, while ensuring resources, tools and training for staff empower and transform them as well.

# CLIENT STORIES

## **Two Brothers with a Love for Collecting**

Joe, a single veteran with the special forces, was in a nursing home receiving care when he received the legal documents from the city in which he lived, which was taking legal action against Joe. The city was attempting to place Joe's home in receivership, which would likely result in Joe losing his home. Joe's brother, John, also a single veteran, lived in the home in Sunnyvale with his brother for decades, before Joe needed to go to a nursing home for intensive care. Unfortunately, despite assisting Joe with the mortgage until the home was paid off, John was never added to the title of the home. As a result, the city would not allow John to advocate for his brother in court regarding their home. Due to Joe's medical issues, he was unable to complete legal documents that would authorize his brother or anyone else to act on his behalf. On behalf of Joe, the nursing home reached out to the PAGC for help, hoping that through a conservatorship, the PAGC would have the authority to advocate for Joe in court and save his home.

The PAGC obtained an expedited conservatorship and attended court on behalf of Joe to put a stay on the receivership. The PAGC agreed to address the code violations within the home to negate the need for receivership, and the judge allotted the PAGC additional time to address the city's concerns with the home.

However, Joe and his brother loved collecting items. As a result of decades of collecting, the home was overly filled with belongings. Items spilled out onto the driveway and front yard, making the home unsafe for habitation. In addition, due to years of neglect, the home had developed toxic mold, which was extremely hazardous to John who was still living in the home. The PAGC arranged for a motel for John while the home was cleaned and the mold was abated. For months, the PAGC worked collaboratively with the city to address decades of code violations. Ultimately the City and the court agreed that receivership was no longer necessary, thus saving the home for Joe and his brother.

## **Helping Family Care for Each Other**

The case of James J. was referred to the Public Guardian by Probate Court assignment in March 2018, but it had been in the courts since 2015. James needed care and protection and did have family, but they were not working well together. The family proved to be extremely challenging to work with due to infighting, allegations of financial abuse, and complex family dynamics. More than a year after the Public Guardian was assigned the case by the Court, the assigned Deputy Public Guardian was able to stabilize the living and the care situation for James. The deputy continued to work with the family for months after the appointment of the Public Guardian as temporary conservator. Knowing that the family members were well-intentioned, but untrained, the deputy was able to identify the client's son as an appropriate proposed conservator. After several months of court drama and a trial run as Temporary Conservator, the son was eventually named a General Conservator. This eliminated the need for the Public Guardian to be appointed. Although it would have been far easier for the Public Guardian to just conserve James permanently, the deputy's diligence, persistence, and hope paid off and the family is able to provide James the care he needs.

## **Working Together to Avoid Placement in a Locked Facility**

Richard is a 64-year old man with schizoaffective disorder that was on an LPS Temporary Conservatorship for about six weeks this year. Richard has a long-history of mental illness and had been previously conserved after his last major hospitalization in 2000. Earlier this year, Richard was found in his apartment unable to care for himself and was taken to Emergency Psychiatric Services. His apartment had food and trash everywhere. He was subsequently admitted to Barbara Arons Pavilion (BAP), an acute inpatient psychiatric unit for individuals in need of acute hospitalization for further treatment. At that time, Richard was placed on the LPS Temporary Conservatorship. Richard was given more time for treatment and medication adjustment at BAP. His condition dramatically improved. After five weeks of treatment, Richard was stable and was discharged back to his apartment under the care of a family friend, a referral to IHSS and connection to outpatient services with Narvaez Mental Health Outpatient Clinic.

## **Husband Nearly Loses Home After Wife Dies**

Anne (86), her husband Elliott, and their son had been removed from their home after it was deemed unsafe due to decades of hoarding. She was referred to APS after a bed had fallen on Elliott. He was found unconscious and trapped underneath the bed. All three were transported to the hospital for care. Elliott was admitted with pneumonia and then moved to a convalescent home, their son (who is schizophrenic) was placed at Momentum for Mental Health, and Anne checked into a skilled nursing facility.

The plan was for Anne to stay until the house was clean and safe for them all to return. Unfortunately, shortly after, Anne died, and the Public Administrator received a referral from the Office of the Medical Examiner-Coroner. The Public Administrator was told that Anne's husband and son were her only family and that they both lacked capacity and were unable to act. During an investigation by the Public Administrator, it was discovered that Elliott did in fact have capacity. Because he was weakened due to his physical condition, he had some mild cognitive impairment which caused him to be easily influenced.

The assigned Estate Administrator worked with Momentum to contact their son and to make funeral arrangements. During the investigation, the Estate Administrator was approached by a neighbor who said that he had spoken with Elliott about buying his home. The Estate Administrator told him that while Elliott was in such a frail condition it was not the time to pursue any action regarding the house. The neighbor persisted and the Estate Administrator told him that he was walking a fine line and that a case could be made for undue influence, a form of elder abuse. During a conversation with Elliott the next day, the Estate Administrator learned that the neighbor had brought a realtor to his room and he had signed a contract to sell his home. The Estate Administrator immediately referred the matter to APS and an investigation was started.

The Estate Administrator worked with Elliott to help access funds to pay bills, locate his trust and to hire a private fiduciary to help him with his personal care and finances. When Elliott recovered, he temporarily moved into an assisted living community. Elliott and his son are both thriving in their new situations. His house is being cleaned and now it is his decision whether he moves back in or sells it. Because of collaboration with agencies within our Department and our wonderful community partners, PAGC is able to serve some of the most vulnerable members of our community and provide them the dignity they deserve.