

AD HOC COMMITTEE – PUBLIC GUARDIAN GJ 04-014

Reason for the Report

A complaint was received requesting the policies and procedures of the Public Guardian's office. Should be investigated in view of what was perceived as mistreatment of a neighbor who was taken into conservatorship in 2004.

Scope of the Investigation

People Interviewed

- The Public Guardian
- The Chief Deputy Public Guardian
- Three Deputy Public Guardians
- A practicing attorney in the South Lake Tahoe area

Documents Reviewed

- After El Dorado County Courts approved Grand Jury access to the Public Guardian's confidential files, four active case files were reviewed. The case files included reports by private investigators hired by the Court, some medical records including evaluations of the mental and physical conditions of the conservatees, wills, trusts, court petitions and orders, statement and depositions by witnesses, notes of interviews by the Deputy Guardians and financial records.
- Correspondence by attorneys representing both the conservatees and conservators.

Background

The office of Public Guardian exists in 57 of California's 58 counties. Their duty is to take into conservatorship adults who are unable to care for themselves and are being abused by friends, neighbors, relatives, or others. The County Adult Protective Services, doctors, friends, attorneys, and bankers make most of the referrals to the Public Guardian. El Dorado County currently has three Deputy Public Guardians who make preliminary investigations of the referrals and, if warranted, request County Counsel to petition the Court for conservatorship. The Court usually hires a private investigator who interviews the person, relatives, acquaintances, etc., to determine the abilities of the person and whether there is evidence of abuse. The Court, if warranted, then issues an Order appointing the Public Guardian as conservator. The Guardian's office takes control of the finances and the person may be placed in a 24 hour care facility if warranted by inability to care for themselves and when friends or relatives are unable to adequately care for the person. When possible, 24 hour care is provided in the person's home. Expenditures by the Public Guardian from the estates under conservatorship are controlled by the Court and the Guardian makes regular financial reports to the Court.

Findings/Recommendations

1a. **Finding:** The Public Guardian's actions were warranted by the facts of the four cases the Grand Jury reviewed. The friends and relatives of the elderly conservatees were abusing them financially. Examples of the abuse:

- The relatives elected to no longer care for their elderly parent with dementia and left him at the local hospital emergency room after they had changed the title to the parent's home into their names.
- An attorney and later a neighbor became substantial beneficiaries of various revocable living trusts executed after an elderly woman with no children developed dementia.
- A demented person's home was very cluttered and people came by offering to pay her \$100,000 for her Tahoe lakefront property which was later valued at over \$2,000,000.

In all four cases reviewed the conservatorship resulted in better care for the elderly persons and the financial abuse was resolved thereby providing financial and physical security until death. The Public Guardian charges a nominal conservatorship fee, about \$150 a month to manage the finances and oversee the caregivers. In some cases where extraordinary services by the Public Guardian are required, extra fees are charged to the estate. In cases of poverty, fees are adjusted downward and sometimes none are collected. Each of the three Deputy Public Guardians is assigned about 85 conservator cases to work. Some cases require only minimal accounting services, while others take considerable time.

1b. **Commendation:** The Grand Jury commends the Public Guardian on the service they offer to the County.

2a. **Finding:** The Public Guardian has requested the Board of Supervisors authorize an increase in staffing of two more Deputies due to the heavy workloads and increasing referrals of elder abuse.

2b. **Recommendation:** Due to the high current and projected case loads the Grand Jury recommends the staff increase as requested by the Public Guardian.

A response is required by the Board of Supervisors within 90 days. See Table of Contents, "*Notice to Respondents*".