



EL DORADO COUNTY GRAND JURY 2009-2010

REVIEW OF PUBLIC GUARDIAN AND PUBLIC ADMINISTRATOR

Case No. GJ 09-023

REASON FOR REPORT

The Orange County Grand Jury requested assistance from this Grand Jury securing legislation that would require all county grand juries to conduct an annual review of the offices of Public Administrator and Public Guardian. Specifically, they requested we review their report and send letters requesting passage of this legislation to our state senator and assemblyman.

BACKGROUND

The 2008-2009 Orange County Grand Jury conducted an extensive investigation into the workings of both the Orange County Public Guardian and Orange County Public Administrator. The resultant report entitled "Guardian of Last Resort" described many areas of both departments that were not in compliance with county policy. They described poor management practices, unnecessary exposure of employees to multiple contacts with hazardous waste, and a failure to deliver on a promise to save Orange County taxpayers' money. The report also stated that upper management was bloated; creating a situation where line staff were overworked and morale was low. Finally, the Orange County Grand Jury concluded a move combining the Public Administrator and Public Guardian in 2005 had not provided the cost savings anticipated. The report did not address why the anticipated cost savings never materialized.

Currently, the El Dorado County Public Guardian reports to the Human Services Director. The Public Guardian provides services to indigent people who are unable to care for themselves and have no immediate family capable of providing care. The Public Guardian has five deputies, one program manager and two program assistants. They currently manage 285 cases, some dating back 20 years. Breakdown of cases:

- Child with estate 2
- LPS (mental health) 41
- Open referrals 11
- Probate 138
- Represented payee (manage social security funds) 76
- Trust only 17

In the case of a conservator, a public defender is appointed to represent the indigent person. When a client of the Public Guardian passes away, the property is referred to the Public Administrator for disposition.

The El Dorado County Sheriff is currently the Public Administrator. An employee of the Support Services Division, Coroner's Office, is assigned halftime to perform the Public Administrator duties. The Public Administrator handles the estate liquidation of cases where:

- No legal disputes exist;
- No will or next of kin can be located;
- Value of the estate is under \$30,000.

The Public Administrator currently has 11 active cases.

METHODOLOGY

In 2004, the El Dorado County Grand Jury investigated the Public Guardian's Office. The investigation was based on a complaint regarding perceived mistreatment of a neighbor who was under guardianship. They interviewed six people and reviewed four active cases. This investigation found no errors or wrongdoing and, in fact, ended in a commendation for the Public Guardian's Office.

The 2009-2010 El Dorado County Grand Jury interviewed personnel of the offices of the Public Guardian and Public Administrator. Documents forwarded to us by the 2008-2009 Orange County Grand Jury and the report of the 2004 El Dorado County Grand Jury were reviewed. The El Dorado County District Attorney's Office was contacted regarding any possible complaints against either the Public Administrator or the Public Guardian.

FINDINGS

The Orange County Grand Jury report identified seven items that needed attention:

- Antiquated computer system
- Chain of evidence not followed
- Failure to follow existing written procedures
- In the absence of a public guardian, no one is designated to make life and death decisions for those under a conservator
- No clear organizational chart
- Poor case management
- Unnecessary exposure of employees to hazardous waste

The El Dorado County Grand Jury found none of these conditions to exist in either the Public Administrator or Public Guardian Offices of El Dorado County.

No recorded active complaints were found in either office. The District Attorney's Office advised they had received no complaints during the last two years. Therefore, this Grand Jury sees no grounds to support Orange County's request for yearly audits of these offices.

In the opinion of the El Dorado County Grand Jury, combining the Public Guardian and Public Administrator under one department might benefit both offices and the County.

RECOMMENDATIONS

None

RESPONSES

A response to this report is not required.