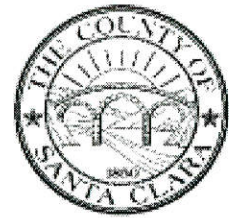


# County of Santa Clara

Office of the Clerk of the Board of Supervisors  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110-1770  
(408) 299-5001 FAX 298-8460 TDD 993-8272



Lynn Regadanz  
Clerk of the Board

September 15, 2014

**FILED**  
SEP 15 2014

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY BREITNEY HUELSIG DEPUTY

The Honorable Brian C. Walsh  
Presiding Judge  
Santa Clara County Superior Court  
191 North First Street  
San Jose, CA 95113

RE: Grand Jury Report: Probate Conservatorship: A Safety Net in Need of Repair

Dear Judge Walsh:

At the September 9, 2014 meeting of the County of Santa Clara Board of Supervisors (Item No. 14), the Board adopted the response from the County Administration to the Final Grand Jury Report and recommendations relating to Probate Conservatorship: A Safety Net in Need of Repair.

As directed by the Board of Supervisors and on behalf of the Board President, our office is forwarding to you the enclosed certified copy of the response to the Final Grand Jury Report. This response constitutes the response of the Board of Supervisors, consistent with provisions of California Penal Section 933(c).

If there are any questions concerning this issue, please contact our office at 299-5001 or by email at [michele.holscher@cob.sccgov.org](mailto:michele.holscher@cob.sccgov.org).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michele Holscher".

Michele Holscher  
Deputy Clerk, Board of Supervisors  
County of Santa Clara

Enclosures

# County of Santa Clara

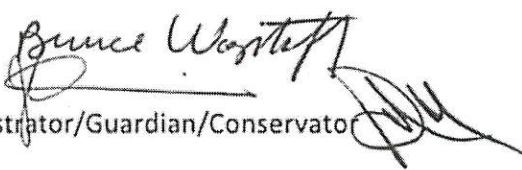

Social Services Agency



333 West Julian Street  
San Jose, California 95110-2335

DATE: July 30, 2014

TO: Gary Graves, Chief Operations Officer

FROM: Bruce Wagstaff, Agency Director   
James Ramoni, DAAS Director  
Donald R. Moody, Public Administrator/Guardian/Conservator 

SUBJECT: Response to Civil Grand Jury Report titled "Probate Conservatorship: A Safety Net in Need of Repair."

## Introduction

Please accept the Social Services Agency's (Agency) response to the Civil Grand Jury (Grand Jury) Report dated June 17, 2014. The Office of the Public Administrator/Guardian/Conservator (PAGC) has reviewed the recommendations from the report and has already implemented or is close to fully implementing most of the recommendations in the report.

## Response to the Report

The Agency is grateful for the thorough review of our PAGC, Probate units. We appreciate the professional and fair approach with which the Grand Jury completed its examination of our processes for conservatorship. We agree with the vast majority of the findings and recommendations made in the report. What follows are some clarifications to specific findings within the report.

On Page 7, section entitled *Process for Receiving, Formally Recording, and Accepting Referrals*, paragraph 2, the Grand Jury references a new process involving a three-person panel to review new referrals to Probate Intake. The three-person panel consists of three supervisory staff: the Supervising Deputy Public Guardian/Conservator of both the Probate Intake unit and the Probate Continuing unit as well as the Supervising Estate Administrator of the Probate Estate Administration unit. Further, this process is not a one-year trial project, but rather a permanent procedure and the panel meets twice weekly rather than bi-weekly as written.

On page 8, section entitled *Staff Training*, paragraph 1 references that the PAGC has made only minimal progress towards resolving issues related to formal training for employees. This is an inaccurate statement as numerous training opportunities have been offered following release of last year's Grand Jury report in which the Agency concurred with the recommendation that certain staff be certified via the California Association of Public Administrators, Public Guardians, and Public

Conservators. During the past 10 months, significant progress has been made to afford all PAGC staff relevant job-related training. Moreover, the Agency has entered into a new contractual agreement with the Silicon Valley Bar Association to continue to provide professional training throughout FY 14-15.

On Page 11, section entitled *Inadequate Statistics*, paragraph 4 cites a discrepancy between the number of Probate Intake referrals reported to the Children, Seniors, and Families Committee (CSFC) in September 2013 and the same statistic reported to the Grand Jury in February 2014. The number cited in the CSFC report was indeed an error and will be corrected in the PAGC Annual Report scheduled to be presented in October 2014.

**Responses to Findings and Recommendations**

<b>Grand Jury - Findings and Recommendations (Rec)</b>		<b>Agency - Responses</b>
<b>Finding 1</b>	By not assigning account/case numbers immediately upon receipt of referrals, PAGC does not follow Procedure 709.1 updated January 21, 2014, "Screening of Referrals," of the PAGC's Policies and Procedures Manual.	<u>Agree</u> . PAGC was not consistently entering probate referral information into the Panoramic Case Management System (PANO).
<b>Rec 1</b>	The County should require PAGC to follow its new Procedure 709.2 dated May 20, 2014, "Probate Unit Referral Process," in PAGC's Policies and Procedures Manual.	<u>Complete</u> . Effective 07/01/14, PAGC is following Procedure 709.2 as all referrals are entered into PANO.
<b>Finding 2</b>	Acceptance of referrals to PAGC for evaluation for conservatorship, which removes a person's civil liberties, is decided by one person with the concurrence of upper management.	<u>Agree</u> . The decision to accept a referral for conservatorship was determined by a Supervising Deputy Public Guardian/Conservator (SDPGC) with oversight from the Public Administrator/Guardian/Conservator.
<b>Rec 2</b>	The County should implement the proposed pilot project of a three-person panel for evaluation of conservatorship referrals in accordance with the new Procedure 709.2 dated May 20, 2014.	<u>Complete</u> . Effective 07/01/14, referrals are entered into PANO. The Probate SDPGs and the Supervising Estate Administrator (SEA) convene twice a week to review all referrals for conservatorship and collectively decide whether to accept or deny a referral.  If a referral is denied, a letter is generated explaining the reason(s) for denial. This new process is outlined in Procedure 709.2.

<b>Finding 3</b>	Poor communication and incomplete information sharing from Adult Protective Services (APS) to PAGC in non-(Financial Abuse Specialist Team) FAST cases result in inefficiencies and duplication of work.	<u>Agree.</u> Poor communication between APS and PAGC exists due to confusion over the level of information that could be shared without breaching client confidentiality.
<b>Rec 3</b>	The County should require APS and the PAGC to develop efficient and effective methods of communication and information sharing.	<p><u>Partially complete.</u> Staff from APS, PAGC and the Department of Aging and Adult (DAAS) Administration have been actively participating in a project under the Center for Leadership and Transformation (CLT) model for the purpose of creating a Memorandum of Understanding (MOU) to identify responsible parties, timelines and protocols to enhance accountability, communication, and information sharing.</p> <p>The MOU is currently being reviewed by DAAS Management and County Counsel. Once the MOU is ratified, APS and PAGC will have developed efficient and effective methods of communication and information sharing that will improve the level of service to our clients.</p> <p>Anticipated complete date: 07/31/14</p>
<b>Finding 4</b>	In non-FAST cases, PAGC does not always inform APS about the status of the referral after acceptance of the referral for conservatorship investigation.	<u>Agree.</u> PAGC has been inconsistent with keeping APS abreast of the statuses of referrals for conservatorship.
<b>Rec 4</b>	The County should require PAGC to inform APS of any pertinent changes in the client's status and when conservatorship is granted.	<p><u>Partially complete.</u> Staff from APS, PAGC and the Department of Aging and Adult (DAAS) Administration have been actively participating in a project under the Center for Leadership and Transformation (CLT) model for the purpose of creating a Memorandum of Understanding (MOU) to identify responsible parties, timelines and protocols to enhance accountability, communication, and information sharing.</p> <p>The MOU is currently being reviewed by DAAS Management and County Counsel. Once the MOU is ratified, APS and PAGC</p>

		<p>will have a document with work flow charts to ensure that APS is provided updates on to the status of a referral for conservatorship. Updates will be provided 30 days after the acceptance of a referral for conservatorship and every 14 days thereafter.</p> <p>Anticipated complete date: 07/31/14</p>
<b>Finding 5</b>	The Capacity Declaration, a mandatory Judicial Council of California form, is not always completed correctly by the attending physician, resulting in the delay of the conservatorship process.	<u>Agree.</u> The capacity declaration is not always filled out correctly by the requesting accredited practitioner.
<b>Rec 5</b>	The County should devise a process to improve identification of errors and omissions on the Capacity Declaration prior to the acceptance of it.	<p><u>In process.</u> DAAS will form a workgroup comprised of PAGC management, APS management, County Counsel, and other stakeholders, to devise a process to improve the submission of a Capacity Declaration-Conservatorship form that is free of errors and omissions.</p> <p>Anticipated complete date: 08/31/14</p>
<b>Finding 6</b>	As of March 1, 2014, there are no formalized written training programs for new and current PAGC staff.	<u>Agree.</u> PAGC does not have formalized written training programs for new and current PAGC staff.
<b>Rec 6a</b>	The County should develop and implement a formal written case management training program for new and current PAGC staff.	<p><u>Complete.</u> Depending on the classification within PAGC, staff is hired with case management experience. In lieu of a manual on how to manage a case, PAGC enhances the staffs' existing experience by providing:</p> <ol style="list-style-type: none"> <li>1. On- the-job training with PAGC Supervisors and Leads, and</li> <li>2. Policies and Procedures online that is readily available to assist staff with their work.</li> </ol> <p>Furthermore, PAGC offers a host of training opportunities throughout the year (refer to Exhibit A for a list of 2013-2014 PAGC</p>

		trainings) to ensure staff receives the knowledge and skills needed to successfully deliver services to our clients.
<b>Rec 6b</b>	The County should develop and implement a formal written training program for the use of Panoramic Case Management System (PANO) for new and current PAGC staff.	<p><u>Partially complete.</u> PANO has a help function to allow users to self-navigate and perform work.</p> <p>Additionally, PAGC has begun working with Panoramic Inc. to develop a <i>Train the Trainer</i> program that will ensure we have staff on hand to provide classroom style training on how to use PANO for new and current PAGC staff.</p> <p>Lastly, PAGC is working with an internal Information Systems (IS) Project Manager to identify training gaps and create training modules for all staff.</p> <p>Anticipated complete date: 12/31/14</p>
<b>Finding 7</b>	The current PAGC Policies and Procedures Manual does not reflect current job titles and responsibilities.	<u>Partially Agree.</u> Some PAGC Policies and Procedures are not current.
<b>Rec 7</b>	The County should require PAGC to correct its Policies and Procedures Manual to reflect current job titles and responsibilities.	<p><u>In process.</u> PAGC is reviewing all of its policies and procedures for inaccurate information and making updates to ensure they are current.</p> <p>Anticipated complete date: 09/30/14</p>
<b>Finding 8</b>	Background checks of prospective APS personnel, prior to the time of hire into the department, do not include Live Scan screening.	<u>Agree.</u> APS does not include a Live Scan (Digitally Scanned Fingerprints) screening as part of its background check prior to offering a job.
<b>Rec 8</b>	The County should require all prospective personnel of APS to receive Live Scan screening prior to the time of hire into the department.	<u>Substantially Agree.</u> SSA will work with County Employee Services Agency (ESA) which is responsible for the human resources administration, to determine an appropriate standard which may include Live Scan amongst the available tools, for background screening of prospective APS program employees. To the extent that

		there are changes to the existing standards, County will notice the bargaining unit representative, and will implement new screening standards upon completion of meet and confer with such representative and adoption of changes by the Board of Supervisors.
<b>Finding 9</b>	Background checks of prospective PAGC personnel, prior to the time of hire into the department, do not include Live Scan screening.	<u>Agree.</u> PAGC does not include a Live Scan (Digitally Scanned Fingerprints) screening as part of its background check prior to offering a job.
<b>Rec 9</b>	The County should require all prospective personnel of PAGC to receive Live Scan screening prior to the time of hire into the department.	<u>Substantially Agree.</u> SSA will work with ESA to determine an appropriate standard which may include Live Scan amongst the available tools, for background screening of prospective PAGC program employees. To the extent that there are changes to the existing standards, County will notice the bargaining unit representative, and will implement new screening standards upon completion of meet and confer with such representative and adoption of changes by the Board of Supervisors.
<b>Finding 10</b>	PAGC case management statistics are often incomplete, limited in scope, and inaccurate, leading to SSA management's inability to make effective management and budget decisions.	<u>Agree.</u> The tracking of PAGC case management statistics can be improved to allow for better management of client services.
<b>Rec 10</b>	The County should require PAGC to research, identify, and report complete, comprehensive, and accurate case management statistics.	<u>In process.</u> Measures are being put in place to ensure the tracking and reporting of accurate case management statistics. Procedure 709.2 reinforces the timely documentation of referrals for conservatorship into PANO.  PAGC continues to work with our internal Information Systems (IS) team to develop ad-hoc reports directly in PANO to report out case management statistics. Meanwhile, IS has created ad-hoc reports within Business Objects/InfoView to extract

		<p>data from PANO for reporting purposes.</p> <p>Lastly, a Probate Intake spreadsheet (refer to Exhibit B) has been developed to track case management statistics and is updated and monitored by the PAGC leadership team.</p> <p>Anticipated complete date: 09/30/14</p>
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**Conclusion**

The PAGC, in keeping with the Social Services Agency’s mission to provide residents of Santa Clara County with high quality, professional financial and protective services, welcomes the constructive findings and recommendations of the Civil Grand Jury. Two separate reports submitted in the past two years have provided both the Agency and the Department of Aging and Adult Services with recommendations to improve office policies, procedures and practice to best serve our community’s most vulnerable clients. The Agency will move to incorporate the remaining recommendations provided by the Grand Jury.



Course Title	Sponsor/Instructor	Date	CEUs
1 Fiduciary Ethics	Los Angeles County Public Guardian	09/27/13	3.5
2 Starting From the Basics: Conservatorship Law, Ethics, and Duties	Silicon Valley Bar Association	11/21/13	2
3 Patients' Rights Under Probate and LPS Conservatorships	Silicon Valley Bar Association	01/10/14	3
4 Effective Communication and Reasonable Accommodation for SSA Clients	Teresa Hayes, Civil Rights Coordinator	01/27/14	1.5
5 Investigation Basics	Silicon Valley Bar Association	01/31/14	2.5
6 Balancing Customer Care with Self Care	Sandra Monsees	02/05/14	3.5
7 Understanding and Accessing Public Benefits	Silicon Valley Bar Association	02/10/14	2
8 Temporary and General Conservatorships: Powers, Responsibilities and Limitations	Silicon Valley Bar Association	02/28/14	2
9 Maintaining a Respectful and Harmonious Work Environment	Marie Dupras	03/10/14	3.5
10 Public Guardian New Hire Training: Operations and Ethics	Donald Moody	03/21/14	N/A
11 Public Guardian New Hire Training: Probate Intake	Victoria Fedor-Thurman	03/21/14	N/A
12 Public Guardian New Hire Training: Estate Administration PA	Judy Cardoza	03/25/14	N/A
13 Public Guardian New Hire Training: Estate Administration PG	Barbara Herlthy	03/25/14	N/A
14 Public Guardian New Hire Training: LPS Intake	William Griffith	03/25/14	N/A
15 Public Guardian New Hire Training: LPS Ongoing	Mary Clarke	03/25/14	N/A
16 Public Guardian New Hire Training: Probate Ongoing	Carlotta Royal	03/25/14	N/A
17 Taxation Issues in Estate Planning	Silicon Valley Bar Association	03/28/14	2
18 Personal Property and Real Property Management	Silicon Valley Bar Association	04/04/14	2
19 Understanding Basic Mental Health Issues for Conservators	Silicon Valley Bar Association	04/23/14	2
20 Trust Management: Special Needs Trusts and Trusts Established by the Court	Silicon Valley Bar Association	05/02/14	2
21 Mental Health Parity Basics	Mental Health Advocacy Project	05/05/14	1.5
22 2014 Regional Training: Gay and Gray: Aging and Long-Term Care	Center for Human Services, UC Davis Extension	05/08/14	6
23 2014 Regional Training: Complete Geriatric Assessment	Center for Human Services, UC Davis Extension	05/09/14	6
24 Planning for Your Future: Advance Care Planning Workshop	Hospice of the Valley	05/19/14	2
25 Trust Administration	Bettie Baker Marshall, J.D.	05/22/14	12
26 Bloodborne Pathogens Safety	Michael Hall	06/02/14	2
27 Estate Management After Death: Conservatorship Estates and Decedent Estates	Silicon Valley Bar Association	06/27/14	2
28 Conservator of the Person: Initial Duties, Health, Placement, and Dementia Powers	Silicon Valley Bar Association	06/30/14	2
29 Visitation, Mail, and Telephone Calls	County Counsel	07/24/14	N/A

The foregoing instrument is a correct copy of the original.  
 ATTEST: Lynn Regadan, Clerk of the Board

By:   
 Deputy Clerk

Date:  \_\_\_\_\_