

137 File
SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: COUNTY EXECUTIVE OFFICE

SUBMITTAL DATE: February 16, 1999

SUBJECT: Response to Grand Jury Report: Public Guardian

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve, with or without modifications, the attached response to the Grand Jury's recommendations regarding the Public Guardian; and
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and to the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On December 22, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Public Guardian.

Section 933 of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of the Consolidated Courts within 90 days after the report was issued.

Attachment

THOMAS M. DeSANTIS
Deputy County Executive Officer

FINANCIAL DATA:

CURRENT YEAR COST \$
NET COUNTY COST \$

ANNUAL COST \$
IN CURRENT YEAR BUDGET:
BUDGET ADJUSTMENT: FOR FY:

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION: APPROVE

County Executive Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Venable, seconded by Supervisor Mullen and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Mullen
Noes: None
Absent: None
Date: February 16, 1999

Gerald A. Maloney
Clerk of the Board
By:

xc: E.O., Public Guardian, Grand Jury, County Clerk-Recorder Deputy
Prev. Agn. ref. 3.8, 12/22/98 Mental Health Dist. Human Resources AGENDA NO.

3.5

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

SPECIFIC FINDINGS AND RECOMMENDATIONS

HEALTH AND HUMAN RESOURCES

Department of Mental Health - Public Guardian

RECOMMENDATION - Director of Mental Health:

1. *Consider other staff members in the Mental Health Department to fill the vacant positions of investigators and registered nurses, even on a fill-in basis.*

RESPONSE:

Concur. The Department has filled the Investigator position by utilizing the TAP Program during the period when the Investigator position was vacant, as well as the temporary assignment of Terry Flynn, as the Acting Chief Deputy Public Guardian. The use of other Department staff or TAP Program will be utilized in order to maintain service levels, until permanent positions are filled.

RECOMMENDATION - Director of Mental Health:

2. *The Court should consider that the office of the Public Guardian should receive first consideration before the appointment of private conservatorships if there is no available relative.*

RESPONSE:

Probate Code Section 1812 sets the order of preference for appointment as conservator. The Probate Judge interprets the Code and, in the majority of situations where the conservatee has a large estate, the Court will appoint a private conservator. This would be more appropriate for the Court to respond to.

RECOMMENDATION - Director of Mental Health:

3. • *Expand the investigator and registered nurse positions to two full-time employees for each category.*

RESPONSE:

The annualized costs to add the Investigator and Registered Nurse will require additional County funds for the Probate Program in the amount of \$91,623. The Board will continue to carefully weigh all funding priorities as the County proceeds along a multi-year plan to balance ongoing expenditures with ongoing revenues.

- *Chief Deputy Public Guardian should develop a volunteer program to assist with the payee staff function of collection and payment.*

RESPONSE:

Do not concur. The Department currently utilizes two volunteers in the Sub-Payee Program who provide clerical assistance (20 hours per week). Although neither the collection nor payment of monies should be handled by volunteers, the Department will continue to utilize volunteers in other areas as much as possible.

RECOMMENDATION - Board of Supervisors:

4. • *Assign a permanent Chief Deputy to head the Public Guardian program. This will provide solid leadership and a commitment to excellence not normally found in temporary leaders.*

RESPONSE:

Concur. The Chief Deputy Public Guardian position became vacant effective March 19, 1998. The recruitment was initiated shortly after the vacancy, and the interviews were conducted in May. At that point, it was determined that a larger pool

of candidates was needed. A request was also made to Human Resources to evaluate the salary structure of the Chief Deputy Public Guardian. A new recruitment has been initiated.

- ***Create a board of consultants composed of representatives from the Public Guardian, Public Defender, County Counsel, Adult Protective Services, Superior Court Probate Officers and Ombudsmen to enhance a more unified, professional service for the elderly or mentally ill patient.***

RESPONSE:

We agree that a more unified, professional service to the elderly is promoted by interagency communication and cooperation. Recently two C.A.R.E. (Curtailling Abuses Related to the Elderly) teams have arisen in Riverside County. These teams consist of representatives from numerous agencies, including those mentioned by the Grand Jury as well as many others. The Public Guardian's Office believes that the C.A.R.E. teams address the intent of this recommendation.

RECOMMENDATION - Human Resources Department and Chief Deputy Public Guardian:

5. • ***Establishing additional training courses for all conservators and investigators and providing two-day in-service training at least once a year will assure quality and quantity of client care.***

RESPONSE:

The Department is developing a training program for new Deputies. This training program will incorporate material developed by the National Guardianship Association. In addition, staff now attend quarterly meetings of the State Association of Public Administrators, Public Guardians and Public Conservators, as well as the State-wide conference, which includes training programs for its members. This State association has a certification program for the Deputy Public Guardians.

- *Increasing staff will increase the client base which will increase income.*

RESPONSE:

The Government Code specifies that the Public Guardian can bill for the costs of providing services but cannot set rates above the cost of providing these services.