

ORANGE COUNTY
OFFICE OF THE PUBLIC GUARDIAN

FISCAL YEAR 2021-2022
ANNUAL REPORT



MISSION VISION VALUES

Mission/Vision:

The Orange County Office of the Public Guardian shares the OC Health Care Agency’s vision in quality health for all. Its mission, in partnership with the community, is delivering sustainable and responsive services that promote health and equity.

VALUES

RESPECT

COMPASSION

COURTESY

DIVERSITY

EQUITY

EFFICIENCY

INITIATIVE

WORTH

TOGETHERNESS

INTEGRITY

DIGNITY



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PUBLIC GUARDIAN'S MESSAGE

I am pleased to present the first Orange County Office of the Public Guardian's Annual Report outlining what the department does and whom it serves, as well as highlighting the department's accomplishments and current goals.

Our dedicated employees are committed to improving the lives of our clients by managing their affairs, protecting their assets and advocating for their care and treatment in the least restrictive settings. Individuals that need conservatorship are often without friends or family that are able or willing to take on the responsibility of their care.

I hope this Annual Report provides useful information to the community by learning more about what our Public Guardian's Office employees handle on a daily basis. I encourage you to visit our website (<http://www.ochealthinfo.com/bhs/pg>) for more information about our department and the services we provide.

Thank you to all the employees of the Public Guardian's Office for your ongoing hard work and dedication to the most vulnerable residents of Orange County.



A handwritten signature in blue ink that reads "Jenny Qian".

Jenny Qian, M.A.
Public Guardian, Orange County

PUBLIC GUARDIAN OVERVIEW

About Conservatorships

Conservatorship is a legal proceeding in which a conservator is appointed by an Orange County Superior Court judge to manage the financial affairs and/or daily living of another due to cognitive impairment or mental health issues. A person who is conserved is referred to as the “conservatee.”

The conservator may also be appointed by the court to manage and protect the finances and assets (money, property, income and business affairs) of the conservatee. This is referred to as the Conservatorship of the Estate.

If the conservatorship is established, the individual loses many civil rights including, but not limited to, where to live, what medical treatment to accept or refuse, the right to control their assets, or manage their income. Through court appointment, Public Guardian assumes the responsibility for these matters, becoming legally accountable to the court. Conservatees do retain certain undeniable rights. Patient’s Rights Advocacy is appointed in Orange County to provide oversight and protect the constitutional and statutory rights of individuals receiving mental health services.

There are three types of conservatorships established in Orange County: Probate, Lanterman-Petris-Short (also known as LPS/mental health), and Murphy Conservatorships (criminal).

Probate Conservatorship is a conservatorship most often established for older adults with dementia or other cognitive impairment. Those referred may have issues with financial abuse or neglect. Referrals for probate conservatorships can come from anyone in the community. Once the conservatorship is established it is usually for the remainder of the individual’s life.

Protecting those Conserved: Sandra’s Story

One day, Sandra’s board and care operator called the assigned deputy at the Public Guardian’s Office to inform that Sandra’s brother had come to the facility with a notary to request his sister sign off on her interest in their mother’s home. The assigned deputy was quick to follow-up on Sandra’s behalf and discovered that Sandra’s mother had passed away earlier in the year and confirmed real property in her mom’s name. The deputy also discovered Sandra’s brother had listed the mother’s home with the sale pending. With the support of County Counsel, Public Guardian was able to halt the sale and ensure that Sandra received her half of her mother’s estate.

Advocating for Vulnerable Adults: Harold's Story

During 2021 the Public Guardian received a referral on Harold from Adult Protective Services (APS). Harold was the subject of self-neglect and undue influence. Harold had a neighbor from his condominium complex befriend him and subsequently move in with him after learning of his cognitive impairment. The Public Guardian Deputy investigating the case learned that the alleged roommate worked for N.Y. Life insurance and had sold Harold an annuity after gaining control of his finances and posing as his "health care manager". The Public Guardian Deputy reported the financial transaction to the roommate's employer, N.Y. Life, who ultimately terminated her employment and opened an investigation with the California Department of Insurance. This led to her arrest on multiple felony accounts of financial elder abuse, grand theft of an elder, and forgery totaling more than \$90,000.

LPS Conservatorship serves adults who are unable to provide for their own basic personal needs due to a severe mental disorder. Referrals for LPS conservatorship can only come from a County of Orange (County) designated psychiatric facility. The individual must be diagnosed with a mental illness under the Diagnostic and Statistical Manual of Mental Disorders. Once a LPS Conservatorship is established it lasts for one year and must be renewed annually.

A Murphy Conservatorship is a conservatorship arrangement specially designed out of public safety concerns. Murphy conservatorships are established for individuals who have been charged with a violent felony, found incompetent to stand trial, and present as being currently dangerous. The criminal court refers to the Public Guardian in the county where the crime was committed. Murphy conservatorships are established for one year and are reviewed annually for renewal until there is a restoration to competency (ability to stand trial). Individuals conserved under this type of conservatorship are generally placed in state hospitals.

Public Guardian Core Services

The Orange County Office of the Public Guardian (OCPG) provides important mandated conservatorship and estate administration services to individuals across the county as specified by the Probate and Welfare and Institution's Code. This includes the duty to investigate and petition for conservatorship in the appropriate cases, decide on the placement of the conservatee, make medical decisions if the person lacks capacity, collect benefits, pay bills, engage in contracts, leases, purchases, and investments. This responsibility and authority also covers estate planning, preparing and filing tax returns, and hiring private counsel on behalf of an estate.

Conservatorship is a serious matter where once established, the individual loses many civil liberties. When the Public Guardian receives a referral for conservatorship, a thorough investigation is conducted to determine if there are any viable alternatives to conservatorship.

Additionally, Public Guardian staff engage the community at a variety of public events sharing information about the different types of conservatorships in addition to providing in-service trainings for its community partners.

The Public Guardian holds quarterly workshops for private LPS conservators providing guidance with the reappointment process. The workshops are held in collaboration with the Community Legal Aid Southern California.

Educational support is provided to individuals recommended as private conservators for LPS (mental health). The support continues through the annual reappointment process.

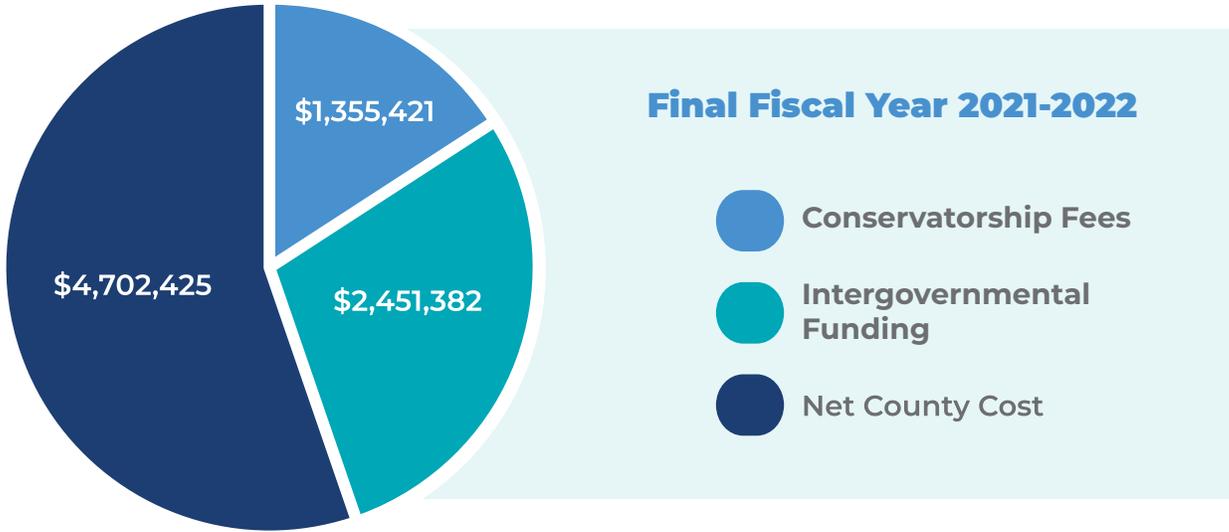
The Public Guardian is comprised of professional staff who provide conservatorship investigation and administrative services to county residents. Upon hire, new deputies undergo extensive training and are generally deputized to perform duties following six to twelve months of thorough training. In accordance with Probate Code Section 2923, deputy staff are required to obtain certification through the California Association of Public Administrators, Public Guardians and Public Conservators (CAPAPGPC) and maintain that certification through attendance at the CAPAPGPC's conferences where educational credits are earned.



REVENUE

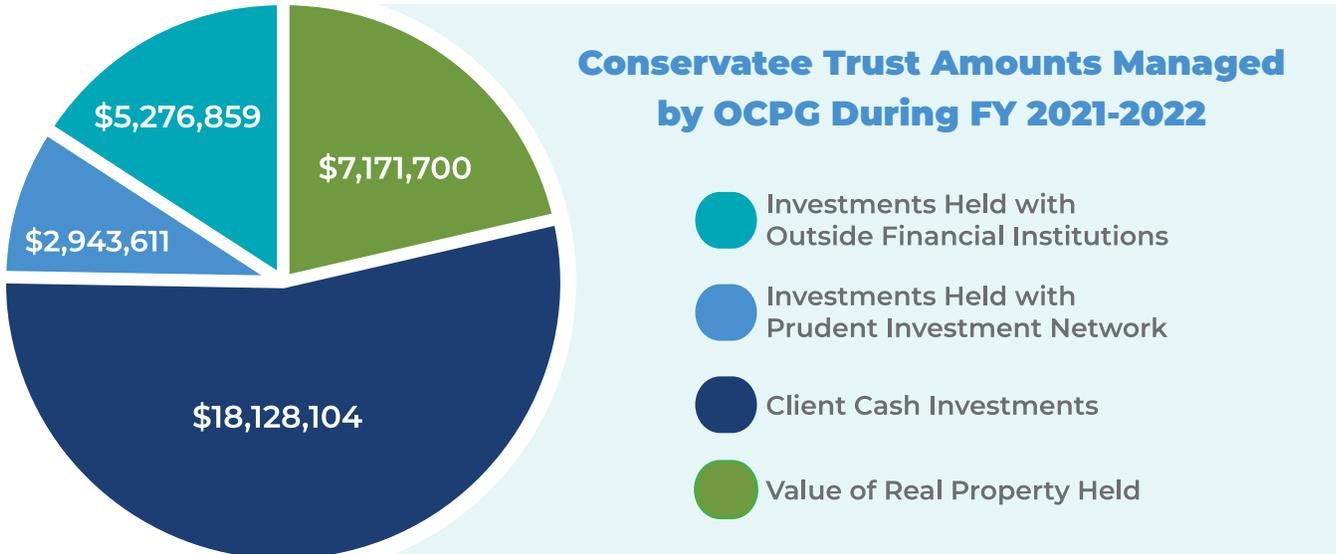
FUNDING AND ASSETS

The main sources of Public Guardian funding are largely from Orange County General Funds, followed by fees for administering OCPG client estates and other County and State funding sources. The following pie chart highlights the type and amounts of the total \$8,509,228 budget categories managed by the OPG office in Fiscal Year 2021-2022.



CONSERVATEE ASSET MANAGEMENT

The pie chart shows the type and amounts of the \$33,520,274 conservatee funds managed by the OCPG in FY 2021-2022:



FISCAL YEAR 2021-2022 ACCOMPLISHMENTS

While COVID-19 required significant attention and resources to adjust business operations, OCPG remained invested in continuing the momentum on key projects and initiatives.

613 referrals investigated to determine if a client needed a conservator, if the Public Guardian should act as conservator, or if the court should appoint a third party to act as conservator.

43.8% Increase in Criminal referrals from Fiscal Year 2020-2021 (n=32) to Fiscal Year 2021-2022 (n=46).

1,027 living conservatees were provided services.

519 terminated cases finalized.

154 decedent estates administered.

34,000 financial transactions processed, totaling more than \$31 million.

\$29 million conservatee trust assets managed.

900+ mental health related hearings on behalf of the LPS conservatees.

3 personal property auctions and real estate auctions to benefit conservatee estates and closed escrow on sales of \$3.58 million in property.

25 tax returns prepared and filed, including individual, fiduciary, and estate on the behalf of conservatee estates.

2,200 Federal and state stimulus payments processed on behalf of those conserved with efforts on utilizing funds to the client's benefit.



In addition to the numbers served, the OCPG had several significant accomplishments related to improving the services to conservatees:

- ➔ Established a Quality Improvement Committee that aims to create efficiencies and improve the way we provide services while keeping clients a priority and, at the same time, being responsible in how we use taxpayer money.
- ➔ Received a \$50,000 Grant from the University of California, Irvine to address reoccurrence of clients referred for Probate conservatorship.
- ➔ Continue to enhance the newly implemented Conservator Information Management System (CIMS) to become the only electronic record utilized by OCPG staff for more than 90% of ongoing business needs.
- ➔ Adapted employee trainings from in-person modalities to an online virtual format during the pandemic. OCPG staff developed and integrated Desk Procedures to adapt to new COVID guidelines.
- ➔ Increased collaboration and coordination with other federal, County and local agencies including police, fire departments, County Counsel, Mental Health and Recovery Services, Public Health Services, Social Services Agency, Adult Protected Services, Veterans Affairs and Social Security Agency.
- ➔ Maintained delivery of core services to Orange County's most vulnerable populations during the height of COVID outbreaks. OCPG ensured that conserved clients received fair and equitable health care treatment, communicated with facilities for their COVID safety protocols. Living arrangements were also stabilized for conserved individuals during the pandemic.
- ➔ During COVID, used technology to best support the clients and facilities to safely provide services. The technology allowed OCPG staff to conduct interviews remotely via video conference with facility staff and clients. Worked closely with County Counsel to implement and expand remote hearings ensuring each facility was equipped for remote participation.

CHALLENGES

Suitable placement for conservatees continues to be a challenge as there is an extreme shortage of housing with the appropriate level of care. Conservatees are often met with steep waiting times for placement in the appropriate level of care.

California is developing a new program, CARE court, (Community Assistance, Recovery and Empowerment) aimed at connecting those struggling with untreated mental health with a court-ordered care plan for up to 24 months. The planned rollout of these services will potentially generate additional referrals to the OCPG from the CARE court. The process may pose a challenge that would adversely affect the workload of the OCPG without any additional funding.

GOALS FOR FISCAL YEAR 2022-2023

The Orange County Public Guardian expects to complete the following goals in Fiscal Year 2022-2023:

- ➔ Continue to provide information to the public concerning the role of Public Guardian in the protection of exploited or neglected residents.
- ➔ Continue to focus on workforce development through on-going technical support and training to build skills of the workforce.
- ➔ Continue to develop the quality assurance and quality improvement measures to streamline conservatorship, accounting and asset management process including the usage of data dashboards and metrics.
- ➔ Continue to revise and develop policies and desktop procedures.
- ➔ Continue to engage and partner with the communities.



APPENDIX A

RESOURCES

Conservatorship is a lengthy legal process and is not intended for immediate emergency intervention. **IF THERE IS AN IMMEDIATE CONCERN REGARDING AN ELDER OR DEPENDENT ADULT**, please contact the Adult Protective Services office at (800) 451-5155 (24-hour hotline).



Orange County Public Guardian OC Health Care Agency



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<http://www.ochealthinfo.com/bhs/pg>
<http://ochealthinfo.com/about-hca-special-projects/office-public-guardian>

Hours:

Monday - Friday
8 a.m. – 5 p.m.

Referral Criteria:

LPS (mental health) may only be made by a County designated facility.

Referrals for Probate:

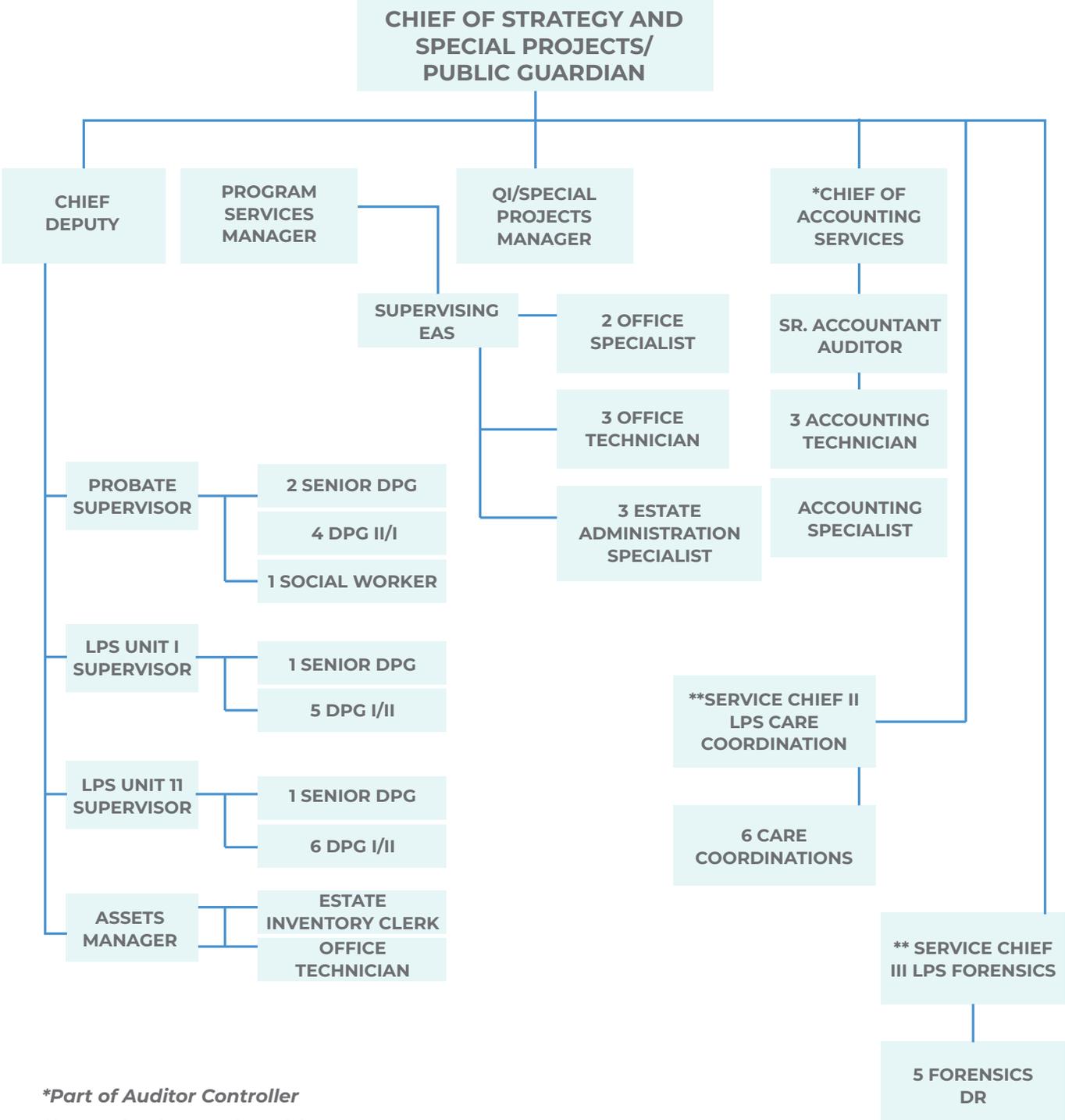
Please call the OCPG's main line to speak with an Officer of the Day in the Probate unit.

ADA Access:

Please contact facility for accessibility information.

APPENDIX B

PUBLIC GUARDIAN ORGANIZATIONAL CHART



*Part of Auditor Controller

**Part of Behavioral Health

