



# Elder Abuse Victims: What the Public Guardian can Do

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# Public Guardian overview

- ▶ Mission Statement
- ▶ County Officer
- ▶ Organization structure – varies county to county
- ▶ Unique powers



# Adult Protective Services Team

- ▶ Statutory authority –FAST/MDT; VAST
- ▶ Team Membership
- ▶ What the team does
- ▶ Referrals to the Public Guardian



# MDT Discussion

- ▶ Referral Source
- ▶ Client assessment
- ▶ APS Findings
- ▶ Who receives assignment
  - Public Guardian



# Public Guardian Investigation

- ▶ Referral Screening
- ▶ Initial investigation steps
- ▶ Face-to-face meeting with client
- ▶ Interviewing medical staff and/or caregiving services
- ▶ Locating family
- ▶ Exploring viable alternatives



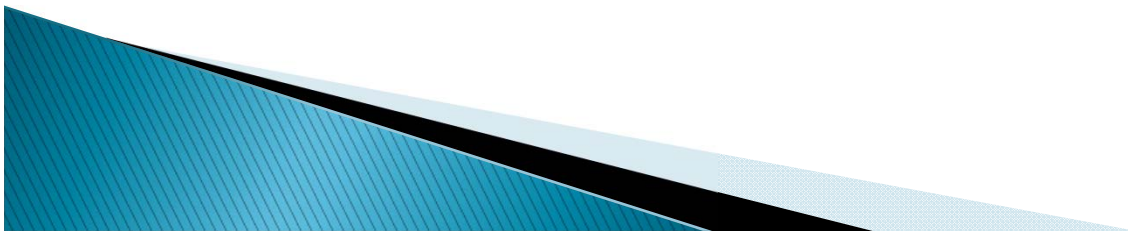
# Record review

- ▶ Social Security Administration
- ▶ Additional Benefits (VA, Pension)
- ▶ Real Property Information
- ▶ Bank Accounts
- ▶ Investment Accounts
- ▶ Estate Plan
  - Living Trusts
  - Last Will and Testament
- ▶ Tax records



# Public Guardian's Decision

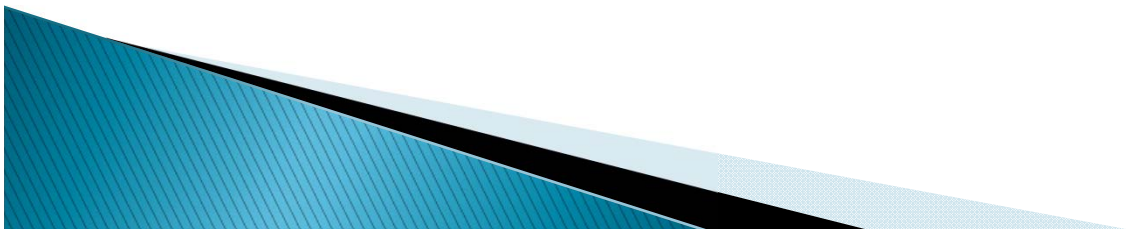
- ▶ Public Guardian decides to act
- ▶ Certificate of Authority
- ▶ Obtaining nomination and/or declinations
- ▶ Request completion of capacity declaration by physician
- ▶ Completing petition
- ▶ Temporary Letters of Conservatorship



# Certificate of Authority

## CA PC 2901 / 2901.5

- ▶ Freeze bank account
- ▶ Cancel ATM card
- ▶ Freeze investment account
- ▶ Obtain detailed financial information from all institutions





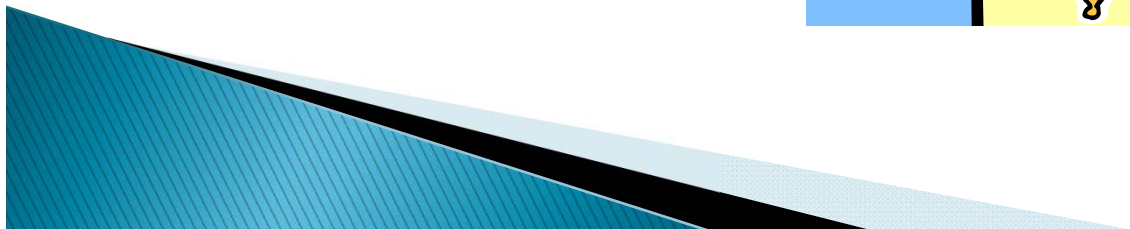
# What happened to Nancy

- ▶ Temporary powers–kept in her home
- ▶ Continued with caregiving services
- ▶ Paid her bills for food, clothing and shelter
- ▶ Advanced money to pay for condo and insurance



# Law Enforcement Actions

- ▶ Arrested prior caregiver, husband and daughter
- ▶ Seized car, Britney Spears concert tickets, baby crib, jewelry, furnishings, collectibles, computer, musical instruments and parrot
- ▶ Found a variety of promissory notes



# Case Administration

- ▶ Marshaled assets
- ▶ Redirected income
- ▶ Cash flow issues
- ▶ Filed claim against Home Health Care Agency
- ▶ Appointed successor trustee on trust
- ▶ Obtained court authorization to dissolve charitable trust
- ▶ Authorization to sell principal residence
- ▶ Demanded accounting from prior trustee
- ▶ Moved Nancy to Board and Care facility
- ▶ Negotiated debts
- ▶ IRS problem – Still pending to date



# What happens to the thieves

- ▶ Caregiver pleaded guilty to 3 felony counts
- ▶ Sentenced to 13 years in state prison
- ▶ Ordered to pay restitution \$642,000 and fined \$1,285,000
- ▶ Husband convicted on 1 felony count and sentenced to 1 year in county jail and 3 years probation
- ▶ Daughter convicted on 1 felony count and sentenced to 93 days in county jail and 3 years formal probation



# Where we are today

- ▶ Sheriff will sell everything and provide proceeds to Nancy
- ▶ What to do with the parrot
- ▶ Trust issue still outstanding
- ▶ Nancy passed away 4/2012
- ▶ Tax issues unresolved



# Elder Abuse Trends

- ▶ Elder Abuse is under-reported
- ▶ Neglect is most often reported
- ▶ Number of referrals does not indicate severity of abuse
  - 2011 – 272 referrals
  - 2012 – 202 referrals
  - 2013 – 115 referrals (to date)
- ▶ Most difficult referrals are financial abuse committed by adult children
- ▶ PG Recovered Assets:
  - 2010 approximately \$12,400,000
  - 2011 approximately \$ 3,602,000
  - 2012 approximately \$ 4,000,000



# Questions

