

Nancy Adams--TRUSTing the Process

Nancy Adams' expertise, tenacity, and discernment have been an asset to Contra Costa County DCSS for 23 years. Currently serving in the role of Attorney III, Nancy is known statewide as an expert on probate and trust collections. Here in Contra Costa, she has increased total distributed collections by seizing opportunities in probate and trust for families that have not received consistent support for many years. In addition, Nancy educates Contra Costa staff through training and individual support, as well as other child support professionals statewide through seminars and presentations in conference settings so that California DCSS can benefit from applying these enforcement remedies.

After receiving her first question about a probate case from a caseworker early in her career (admittedly as a pass off from one of Nancy's attorney colleagues), she began the laborious task of learning the basics and complexities of probate and trust to better serve our customers. Not all learning is from books, so Nancy's education and eventual expertise grew from working through the various obstacles that arise in these complex cases. Along the way, she simplified the process for internal staff and other child support agencies by developing procedures and standardizing practices.

To say probate and trust cases are complicated is an understatement; they require arduous legwork and in-depth research. Conducting a cost benefit analysis upon receiving details of the probate or trust is necessary, and Nancy developed standard language for caseworkers to apply in communication to parties when collection efforts would not be pursued. She has transformed her experience into practical training materials by consolidating common situations and their appropriate legal responses for other child support attorneys to proceed with collections through probate or trust. This includes standard practices for replying to common objections such as when it is argued that a trust contains the spendthrift clause, protecting the beneficiary from creditors. Spendthrift clauses are not applicable to child support creditors in California and Nancy has prevailed in these cases and paved the way for others to do the same.

Nancy has also standardized remedies for compliance barriers that child support attorneys may encounter when attempting to enforce a claim against a trust such as objections and non-cooperation from the trustee, including when the obligor is the trustee. A trustee may refuse to pay even when the court has issued an order to enforce against the trust beneficiary. Nancy has found ways to collect and has shared steps for others to follow, including joining the trustee to the family law action so that legal remedies such as contempt and subpoena power become available. In those difficult cases where the trustee is also the obligor and has self-interest to not comply, Nancy has demonstrated an ability to leverage the legal remedies available to her to make collections. In eleven such cases across a two-year period, Nancy helped collect \$837,501.40 for Contra Costa County families.

Nancy works shoulder-to-shoulder with our caseworkers in making sure probate and trust cases result in collections. She has helped caseworkers communicate with all parties involved in managing expectations of an often-lengthy process. One such partnership with a caseworker resulted in a stipulated settlement payment of \$107,000.00 on a case that lacked consistent collections for thirty years. By working with the caseworker and the involved parties, the team was able to negotiate a compromise and avoid lengthy legal processes. There is always a new case to be evaluated, and Nancy is currently working on redirecting \$15,000 per month trust payments in a complicated case where the initial trustee has passed away and the trust name has changed. Payments from the trust to the obligor have been stopped pending further court determination. Since the obligor on that case is active to Title XVI benefits and has no other attachable income, without this work on the trust, the case would close, and we would be unable to assist our customer.

After more than two decades developing her expertise as a child support attorney, Nancy's dedication to her work, including her contributions to the child support community in probate and trust, continue to impact the program. Not only does Nancy work closely with our caseworkers and other local child support agencies, she also assists child support professionals in other counties by appearing in probate court in Alameda, Santa Clara, and beyond. Nancy has had to familiarize herself with differing local rules as well as other counties' probate examiner offices. She has presented about probate and trust at CSDA and Attorney College and, in 2021, was an editor of the CSDA published Attorney Sourcebook. Lastly, Nancy supports the attorney team in Contra Costa as a trailblazer in technology, advocating for new efficiencies like the adoption of electronic files for use in court. All of this is in addition to Nancy's primary duties in appearing on and preparing for child support and health insurance establishment and modification cases.

From one of Nancy's earliest successful probate collections in June 2009 that resulted in a \$115,000 settlement payment, to her most recent success in 2022 that resulted in collections totaling \$210,658.18, Nancy Adams has added value to Contra Costa County and California DCSS consistently and directly. For balancing her work on probate and trust while masterfully handling a regular attorney workload, Nancy Adams is more than deserving of recognition as the most outstanding attorney.

