

**BOARD OF SUPERVISORS RESPONSE TO
GRAND JURY REPORT NO. 0904:
THE LOST GENERATION THE ELDERLY CITIZENS
OF CONTRA COSTA COUNTY**

FINDINGS

1. According to the US Census, almost 11% of the thirty-six million residents in California are 65 or older. Its most recent estimate is that Contra Costa County residents over age 65 constitute 11.5 % of the County's population, or about 118,000 individuals.

Response: Agree

2. The fastest growing segment of the population in Contra Costa County is the 85+ age group. Over the next ten years, this group is predicted to skyrocket by 55%. The 65+ age group is expected to increase 37%.

Response: Partially agree.

According to the U.S. Census Year 2000 projections, in 2010 there were 128,029 persons 65 years and older living in Contra Costa County. Ten years hence, in 2020, there will be approximately 187,168 persons 65 years and older living in Contra Costa County. This represents a 46% growth. From 2010 to 2020, it is anticipated that there will be a 68% growth in the 65+ population in Contra Costa County.

According to the U.S. Census Year 2000 projections, in 2010 there will be 19,514 persons 85 years and older living in Contra Costa County. Twenty years hence, in 2030, the 85+ population in Contra Costa County will grow to 24,524 representing an increase of 26% in this age group.

3. During the fiscal years 2006-2008, more than 3500 reports of elder abuse in all forms, were reported to Contra Costa County's Adult Protective Services, a division of Contra Costa County Health and Human Services. Of the reports made in 2006-2007, 486 dealt with elder financial abuse. The number increased to 528 in 2007-2008, an increase of 9.2%.

Response: Agree.

4. The legislature recognizes that elders and dependent adults may be subjected to abuse, neglect, or abandonment, and that this state has a responsibility to protect these persons.

Response: Neither agree nor disagree. We have no direct knowledge of what the Legislature may or may not recognize. However, in 1999 the Legislature passed Senate Bill 2199. This bill amended the Elder Abuse and Dependent Adult Civil Protection Act and requires county adult

protective services agencies to provide a program of services to maintain the safety of elders and dependent adults in the home and in the community.

5. Contra Costa County elderly residents, who lack financial, physical or mental health support, have little or no protective options provided by their local government

Response: Partially disagree. Adult Protective Services is mandated to provide protective services to Contra Costa County residents 65 years and older, as well as dependent adults. As of January 1, 2009, due to significant budget reductions impacting Adult Protective Services' staffing, protective services involving an investigation have been prioritized to focus primarily on perpetrator abuse, specifically physical and financial abuse cases involving Contra Costa County elderly residents and dependent adults.

6. The State mandates that Contra Costa County provide financial protective services to its most fragile citizens under the Elder Abuse and Dependent Adult Civil Protective Act.

Response: Agree.

7. Paid or unpaid individuals responsible for caring for elderly adults are mandated to report elder abuse. These mandated reporters include but are not limited to administrators, supervisors and licensed staff providing care and services to the elderly, APS employees, health practitioners (such as physicians and nurses), police officers, clergy members, employees of financial institutions, and elder or dependent adult care custodians. Care custodians include, for example, home health agency administrators and staff, and fire department members.

Response: Agree.

8. If a mandated reporter fails to report to an appropriate government agency, incidents of known or suspected abuse, he or she may incur a civil penalty in an action by the Attorney General, District Attorney or County Counsel.

Response: Agree. In addition there could be criminal penalties.

9. SB 1018 (The Financial Abuse Reporting Act of 2005), effective on January 1, 2007, requires Contra Costa County's APS agency to provide mandated reporters of suspected financial abuse of an elder or dependant adult with instructional materials. These materials define elder and dependent adult abuse and neglect, and also describes mandated reporters' obligation to report such abuse.

Response: Agree.

10. About 25% of elder abuse cases are referred to law enforcement for possible criminal investigation.

Response: Agree.

11. Perpetrators of elder abuse include spouses and adult children, grandchildren, other relatives, caregivers, parents, siblings, service providers or caregivers, unknown persons or friends, and others.

Response: Agree.

12. Recognized experts estimate that only one in five cases of elder abuse in California is reported.

Response: Agree.

13. Adult Protective Services lost the following staff as of January I, 2009; one Public Health Nurse, one Mental Health Clinical Specialist, nine Social Workers, and two Social Work Supervisors.

Response: Agree.

14. Due to staff reductions, APS will no longer be able to provide case management services for the elderly victims of abuse and neglect in Contra Costa County.

Response: Partially disagree with this finding. Due to staff reductions, APS will prioritize investigation and case management capability to reports involving perpetrator abuse such as physical abuse and financial abuse. With limited social worker staff, APS will not be able to offer case management services to dependent and older adults suffering from self-neglect.

15. The protective net that APS has provided to the elderly will be reduced to referral of cases to police departments, hospitals, mental health and the public guardian's office.

Response: Partially disagree. Protective services will be provided by Contra Costa County APS to elder and dependent adult victims of abuse involving a perpetrator. Due to significant budget reductions, APS response to reports of victims of self neglect will be very limited and, as a result, many of these cases will surface in police departments, hospital emergency rooms, mental health clinics and the public guardian's office.

16. Outreach to the community regarding elder abuse and neglect, mandatory reporting, and elder financial abuse will no longer be provided due to APS staff reductions.

Response: Partially disagree. We are in agreement that outreach to the community regarding elder abuse and neglect, mandatory reporting and elder financial abuse will no longer be provided by APS due to APS staff reductions.

However, there is a countywide effort to train volunteers to reach out to the community regarding elder financial abuse. A training of volunteers was held on April 9, 2009. Partners in this effort include: Contra Costa District Attorney, Area Agency on Aging, Advisory Council on Aging, JFK University Elder Law Clinic, Elder Financial Protection Network, California Department of Consumer Affairs, Contra Costa for Every Generation, Amazing Solutions Foundation, East County Senior Coalition, City of Richmond Commission on Aging.

17. The Contra Costa County Conservatorship/Guardianship (C/G) Program (which is within the Mental Health Division of the Department of Health Services), deals with elderly persons with and without dementia and dependent adults who need assistance in managing their financial affairs. Current referrals come primarily from APS, local hospitals, skilled nursing facilities, the courts, friends and family members.

Response: Agree.

18. California law (Probate Code Section 2920) specifies that, if a court order is issued requiring a conservator be appointed, and no one else is available, a Public Guardian shall be appointed.

Response: Agree.

19. Each case accepted by the C/G program requires consultation with, and the support of, legal counsel. Within the County Counsel's Department there is no designated attorney to serve the C/G Program.

Response: Disagree. The County Counsel's Office is available for consultation, representation and legal research upon request; however, neither the Welfare and Institutions Code nor the Probate Code contains a requirement legally obligating the C/G Program to consult with and obtain the support of legal counsel with respect to every case accepted. The County Counsel's Office currently has a deputy county counsel assigned as primary legal counsel to the C/G Program. Other deputies provide backup assistance as required and also assist in litigation matters on behalf of the C/G Program in Contra Costa County Superior Court. This arrangement ensures that legal counsel is available to assist the C/G Program when needed.

20. Ongoing probate conservatorship services to qualifying elderly persons, including money management services, are provided only as a last resort and only if a private or personal alternative is not available.

Response: Agree.

21. Elderly persons without sufficient financial resources are not eligible for assistance from the existing C/G Program and ultimately get lost in the system.

Response: Disagree The majority of persons served are indigent/below the poverty line.

22. The C/G Program currently manages with 20 staff members the funds (estates) of over 500 people who need money management and conservatorship services.

Response: Partially disagree. Case managers assist in money management as well.

23. Of the 20 staff members, there are four designated probate conservators in the C/G Program to serve elderly people needing probate conservatorship services.

Response: Partially disagree. The program serves elderly **and** dependent persons. There is a Program Manager, a Supervisor who triages/assigns and diverts all cases, and a Properties Trust Officer that does primarily Probate work.

24. Due to the lack of designated staff, the legal needs of the C/G Program are not being met.

Response: Disagree. The Program is currently meeting its mandates as outlined in regulation. Staff and managers are being cross trained to create redundancies in the unit.

RECOMMENDATIONS:

The County Shall:

1. Either: (a) Obtain from the State a waiver of its mandate to provide adequate resources to Adult Protective Services and the C/G Program, or (h) Obtain from the State adequate funding to pay for the required services, or (c) Choose to adequately fund the appropriate agencies providing the required services.

Response: The recommendation will not be implemented because it is not reasonable. The State does not adequately fund APS. There is currently no mechanism to obtain a waiver from the State to provide adequate resources for APS. The county does not have adequate funds to enhance APS.

2. Designate a specific legal support person(s) in the County Counsel's office to assist the C/G Program to provide legal advice, representation and research requirements.

Response: The recommendation has already been implemented. The County Counsel's Office currently has a deputy county counsel assigned to the C/G Program.

3. Develop realistic long term solutions to determine which services could be enhanced with restructuring.

Response: The recommendation will not be implemented because it is not warranted. The Lanterman-Petris-Short Intake functions were transferred from the Employment and Human Services Department to the Health Services Department after an extensive review. Further restructuring is not warranted.

4. Restore the essential staff positions, such as the Public Health Nurse, the Mental Health Specialist and at least four of the Social Workers, to APS that were lost as of Jan 1,2009.

Response: The recommendation will not be implemented because it is not reasonable. Given the current economic climate, the maximum staffing level is currently being provided. Additional funding is not available to provide additional staff.