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June 13, 2017

Presiding Judge, Madera County Grand Jury
Madera, County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2016-17 Grand Jury Report entitled "Madera County Public Guardian/Conservator/Public Administrator."

Honorable Presiding Judge:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2016-17 Madera County Grand Jury report entitled "Madera County Public Guardian/Conservator/Public Administrator." See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

Finding 1:

The Chief Deputy Public Guardian oversees the operation of the office and shares casework with the Deputy Public Guardian.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 2:

The Program Assistant functions as "representative payee"; most client referrals come from the Social Security Administration.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 3:

The clerical position included in the Behavioral Health budget has not been posted for hiring as of February 6, 2017. Until the hiring process is completed, the Public Guardian employs a temporary extra-help person.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 4:

Being under the management of Social Services allows the Public Guardian to tap into additional resources.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 5:

Public Guardian caseworkers are in compliance with certification requirements as mandated by the continuing education statute.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 6:

As Public Administrator, the Public Guardian manages the estates of intestate county residents under the supervision of the Superior Court, performs heir searches, marshals assets, and oversees the distribution of the estate.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 7:

Caseworkers diligently search for family or others qualified and willing to manage affairs of those who are unable to do so. The Public Guardian is the agency of last resort for vulnerable county residents.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 8:

Upon the completion of a thorough investigation by the Public Guardian, a hearing is set in Superior Court. With the assistance of County Counsel attorneys, the Public Guardian prepares the legal paperwork that starts the conservatorship process in court.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 9:

If a judge finds a person unable to properly care for themselves and/or their finances, and there is no able person to assist, the Public Guardian is appointed as conservator.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 10:

Client fees collected for services are held in a trust account.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 11:

A regular accounting of clients' funds is made to the court. An independent auditor audits the office annually and Social Security audits beneficiaries' accounts.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 12:

Most of the Public Guardian clients are poor with negligible estates. Many have dementia, are elderly and frail, reside in nursing homes and have no family.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 13:

The number of cases managed by the Public Guardian increased 8% in the first six months of this fiscal year.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 14:

The Public Guardian caseload is increasing and will likely continue to increase.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 15:

The framework for Public Guardian policy is the California Probate Code and the Welfare and Institutions Code.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 16:

The Public Guardian Policy and Procedure Manual is out of date.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 17:

Office procedures for performing tasks change often. Updating written procedures is time consuming and a drain on resources. Hands-on training takes place as soon as a procedure changes.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Recommendation 1:

That the Madera County Public Guardian remain under the management of the Department of Social Services.

Response

The recommendation has been implemented. There are currently no plans to change the management structure of the Public Guardian.

Recommendation 2:

That the Madera County Board of Supervisors fund the current unfunded permanent position in the 2017-18 budget to add another Deputy Public Guardian to handle casework.

Response

The recommendation requires further analysis. Requests for increased staffing will be considered in conjunction with the development of the 2017-18 budget.

Recommendation 3:

That Human Resources complete the recruitment process to fill the clerical position funded by Behavioral Health in the 2016-17 budget.

Response

The recommendation has been implemented. The Human Resources/Operations Division received a requisition to permanently fill the Office Assistant II position on Friday, April 28, 2017. The requisition was approved and assigned on Tuesday, May 2, 2017. The appointing authority will receive names for hiring consideration by Friday, May 5, 2017.

Recommendation 4:

That the Public Guardian review the Policy Procedure Manual by the end of this 2016-17 fiscal year and update as needed.

Response

The recommendation has not yet been implemented, but will be implemented in the future. The Department assigned an Administrative Analyst II, as of March 2017, who will be updating Public Guardian policies as needed. This will be an ongoing process, and not likely completed by 2017-17 fiscal year.

Recommendation 5:

That the Public Guardian review the fee schedule for services by the end of this 2016-17 fiscal year and update as needed.

Response

The recommendation has not yet been implemented, but will be implemented in the future. Under separate cover, the Director of Social Services has responded to this finding and stated:

"The Department agrees to begin updating the fee schedule in Fiscal Year 2017-18. This task has previously taken the Department twelve months due to the fact that there are many factors to be considered."

The Board acknowledges the Grand Jury's review and time involved in this matter, and appreciates the opportunity to respond to the findings and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Rodriguez", with a stylized flourish at the end.

Max Rodriguez
Chairman of the Board of Supervisors