

**THE LOST GENERATION
THE ELDERLY CITIZENS OF CONTRA COSTA COUNTY**

TO: Contra Costa County Board of Supervisors

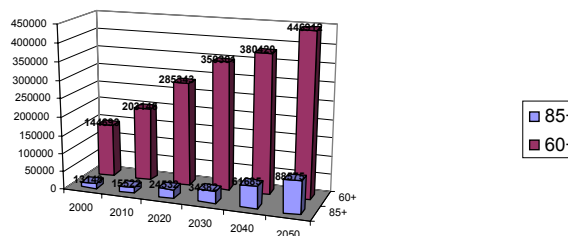
SUMMARY:

The County finds itself in a dilemma when the State of California mandates that Contra Costa County provide potentially extensive services while the State does not provide funding to accompany the mandate. How should the County make painful decisions on how to allocate its scarce and declining resources? One example is the State's mandate requiring that Contra Costa County provide financial protective services to its most fragile elderly citizens. The County's current allocation of funds is not sufficient to comply with the State's requirements. Based on California law, elderly County residents with dementia should have a reasonable expectation that they will be able to obtain financial probate services. However, the resources offered by the County appear to be woefully short of being sufficient to allow the County to meet State requirements. It is a grim picture.

BACKGROUND:

Due to the escalating problems with elder financial abuse and the current national attention focused on this matter, the Contra Costa County 2008-2009 Grand Jury decided to assess the magnitude of the problem in Contra Costa County. Interviews began in August, 2008, with senior officials of Adult Protective Services (APS), the Elder Law Clinic of John F. Kennedy University School of Law, the Contra Costa County Health Services Conservatorship/Guardianship Program and obtaining information from the District Attorney's office. The actual number of cases of elder financial abuse reported by these entities is staggering and the situation is only going to get worse as the elderly population projections for the County are realized.

**Contra Costa County Elderly Population
Projection by Age**



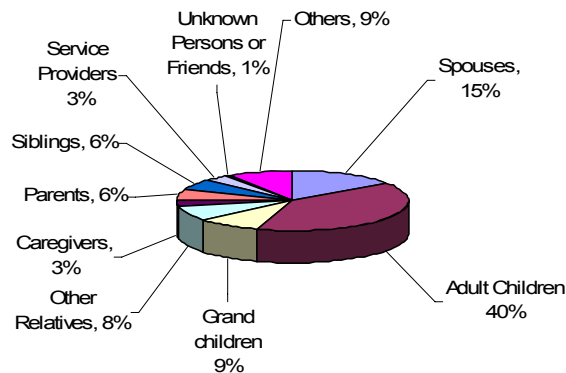
Population Source: California Department of Finance, Population Projections by Race / Ethnicity, Gender and Age for California and Its Counties 2000-2050. July 2007

Although a very small percentage of the elderly need to be hospitalized for psychiatric care, most financial abuse is suffered by elderly persons. These people are unable to provide for their own care and maintenance in a responsible manner. In order for a probate conservator to be appointed, a court hearing must be held and a judge make a determination that conservatorship/guardianship is necessary.

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.
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%.
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%.
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.
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.
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.
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.
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.

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



12. Recognized experts estimate that only one in five cases of elder abuse in California is reported.
13. Adult Protective Services lost the following staff as of January 1, 2009; one Public Health Nurse, one Mental Health Clinical Specialist, nine Social Workers, and two Social Work Supervisors.
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.
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.
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.
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.

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

CONCLUSIONS:

The Grand Jury recognizes that the County has very difficult decisions to make with respect to the use of its diminishing resources. The State has the power to mandate that the County provide services to some of its most vulnerable citizens; however, this does not appear to be adequately enforced. The question raised by the Grand Jury is how the obligation imposed by the State to offer services to the elderly is reconciled with the inability of the County to provide those services. The question then arises, should the State be requested to provide a waiver to the County that would allow it to cease serving its elderly population? Or should the County restructure its priorities to allocate sufficient resources so as to allow it to comply with the State's mandate? Currently, Contra Costa County elderly residents who lack financial, physical or mental health support have little or no protective options provided by their local government.

Under current conditions, vulnerable elderly persons suffering financial abuse may not receive the services to which they are entitled by law.

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

REQUIRED RESPONSES

Findings:

Contra Costa County Board of Supervisors: 1 through 24

Employment and Human Services (Adult Protective Services): 1 through 16

Health Services Department: 17 through 24

REQUIRED RESPONSES

Recommendations:

Contra Costa County Board of Supervisors: 1 through 4

Employment and Human Services (Adult Protective Services): 1, 3 and 4

Health Services Department: 1 through 4