

A REPORT BY
THE 2014-2015 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1506

Office of the Public Guardian

Caring for Those Who Can No Longer Care for Themselves

APPROVED BY THE GRAND JURY:

Date: May 26, 2015

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JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1506

Office of the Public Guardian

Caring for Those Who Can No Longer Care for Themselves

TO: Board of Supervisors

SUMMARY

The 2014-2015 Contra Costa County Civil Grand Jury conducted a review and assessment of the Contra Costa County (County) Office of Public Guardian (Public Guardian) to determine whether it was acting in accordance with its statutory responsibilities.

The Public Guardian, a division of the Contra Costa Department of Health Services, serves people who lack ability to care for themselves and have no one who are able and willing to become their conservator. The Public Guardian provides both Lanterman-Petris-Short and probate conservatorships. This report focuses on probate conservatorships.

Probate conservatees are typically elderly persons. They may be physically frail and have some degree of dementia. As a result of physical disabilities and/or cognitive impairment, they may become victims of elder abuse. The assumption that the only person in need of the services of the Public Guardian is an elderly person without a family is incorrect. Ninety percent of those who abuse the elderly are members of the victim's family. The need for Public Guardian probate conservatorships will grow as Contra Costa County's population ages.

Based on its investigation, the Grand Jury has concluded that the Public Guardian may not be in compliance with state law, the California Judicial Council's best practices, and its own policies and procedures. The Grand Jury further discovered that the Public Guardian has not updated or revised its Policy and Procedure Manual since the implementation of the Omnibus Guardianship and Conservatorship Reform Act of 2006. The Grand Jury also found deficiencies in the relationship between the Public Guardian and Adult Protective Services (APS) that work against the best interests of those people who cannot take care of themselves and have no trusted person in their life who can.

Because of these and other deficiencies, the Grand Jury makes several recommendations, including that the Public Guardian revise its policies and procedures to comply with California law and best practices established by the California Judicial Council, and that the Probate Conservatorship program be removed from the Department of Health Services and placed in the Aging and Adult Services division of the Employment and Human Services Department to better serve this at-risk population.

METHODOLOGY

Members of the Grand Jury interviewed staff members of the County Health Department, staff members of the County Mental Health Department including the Office of the Public Guardian, staff members of the County Employment and Human Services Department, a private fiduciary, and a member of the Board of Directors of the California Public Administrator Public Guardian Public Conservator Association (CPAPGPCA). They reviewed a number of documents provided by the County Health Department, materials received from CPAPGPCA, information and statistics from other government agencies, and articles written by non-profit organizations and associations regarding this topic. The committee members also reviewed pertinent California laws regarding probate conservatorship.

BACKGROUND

The Public Guardian serves people who cannot provide basic services for themselves and do not have family, friends or others who are willing or able to initiate conservatorship proceedings on their behalf. In Contra Costa County, the Office of the Public Guardian (Public Guardian) is a department within the Behavioral Health Division of Contra Costa Health Services. As Public Guardian, the Health Department administers both Lanterman-Petris-Short (LPS) and probate conservatorships.

- LPS conservatees are severely mentally ill and/or gravely disabled (usually defined as being unable to provide basic human needs such as food and shelter for themselves). LPS conservatees typically have been formally diagnosed as suffering a medically-recognized mental health condition.
- Probate conservatees are often seniors who cannot care for themselves or their finances and who are at risk of elder abuse (physical, emotional or financial abuse). While often suffering varying levels of dementia, probate conservatees are not usually clinically diagnosed as mentally ill.

In addition to distinguishing between conservatorships for mental-health and non-mental-health reasons, the law recognizes a difference between a conservator of a person and a conservator of the person's estate:

- A Conservator of a Person is responsible for making decisions about personal matters for the conservatee, including decisions about residence and health care.
- A Conservator of the Estate is responsible for handling the conservatee's financial affairs, including collecting the conservatee's assets, paying the bills and making investments. The conservator must seek court approval for major transactions, such as the purchase or sale of real property, borrowing money, and the gifting of assets.

The Public Guardian can petition the Court to become the conservator of the person, the person's estate, or both. In most instances, the Public Guardian only seeks to be appointed conservator of the person, but the Public Guardian will seek appointment as conservator of the estate if the person has assets, such as real estate. If the person's only income is from Social Security and/or Supplemental Security Income, the conservator usually applies to the Social Security Administration to become the "representative payee," a person authorized under Social Security rules to receive benefits for someone who is unable to manage his or her money.

The Contra Costa County Grand Jury has not issued any report focused specifically on the Public Guardian Office since the implementation of the Conservatorship and Guardianship Reform Act of 2006. However, the Grand Jury has issued two reports during the past dozen years that include recommendations targeting the Public Guardian:

- In a 2008/2009 report, the Grand Jury recommended that the County increase funding for Public Guardian and that County Counsel designate a specific legal support person to assist the Public Guardian.
- A 2003 report recommended that the Public Administrator, Public Conservator, and Public Guardian be incorporated into the District Attorney's Office and that the Public Guardian file for conservatorships for those persons who were not institutionalized.

This report will focus on probate conservatorships undertaken by the Contra Costa County Office of the Public Guardian and examines whether the Public Guardian is in compliance with the law, including the California Omnibus Conservatorship and Guardianship Reform Act of 2006, and whether it follows best practices for public guardians.

DISCUSSION

1. The Need for Public Guardian Conservatorships.

Most of those persons referred to the Public Guardian for probate conservatorships are elderly and have dementia. Dementia, in general, is a condition marked by cognitive decline that interferes with daily life and often includes Alzheimer's disease. People suffering dementia have difficulty managing their personal finances and issues affecting their quality of life. Alzheimer's and dementia victims are at greater risk of elder abuse than others. Family members, including adult children, spouses, and partners, comprise ninety percent of the abusers of seniors. Older adults are also the victims of self-abuse and abuse from unrelated caregivers and strangers who have befriended them.^{i ii iii}

As the probate conservator, the Public Guardian primarily acts as the court-appointed surrogate decision-maker for persons who have diminished capacity to care for themselves but who are not mentally ill. A deputy probate conservator assigned to a case is responsible for managing the estate's assets, filing a detailed inventory of the conservatee's estate, keeping records of each financial transaction, deciding the least restrictive living situation that allows the conservatee as much independence as possible, assessing the conservatee's needs, and ensuring the conservatee's receives healthcare.

The need for the Public Guardian in Contra Costa will increase in the future as the population ages. It is projected that the elderly population in California will grow more than twice as fast as the general population.^{iv} One source estimated 580,000 California seniors, age 65 and older, were living with Alzheimer's disease in 2014 and projects that that figure will rise to 840,000 by 2025 (an increase of 45 percent).^v

2. Conservatorship Problems and Legal Reform.

Many publications have criticized conservatorship oversight as being deficient, insufficient, or lacking.^{vi vii} The Omnibus Conservatorship and Guardianship Reform Act of 2006 was a four-bill package that made comprehensive reforms to California's probate system. To improve judicial oversight of probate cases, the law imposes a variety of new duties on the courts and the Judicial Council, as well as the Public Guardian. The bill, which became effective January 1, 2007, makes the following changes:

- Requires the Public Guardian to apply for appointment as guardian or conservator if there is an imminent threat to a person's health, safety or the person's estate. (Prob.Code, § 2920(a)(1).)
- Allows the Public Guardian to apply for appointment in all other cases. (Prob. Code, §2920(a)(2).)

- Requires the Public Guardian to apply for appointment if a court so orders, subject to the following new conditions: Prob Code § 2920 (b)
 - The court must determine that there is no one else who is qualified and willing to act and that the appointment of the public guardian to serve as guardian or conservator appears to be in the best interests of the person.
 - However, if, before the petition for appointment is filed, the court determines there is someone else who is qualified and willing to act as guardian, or conservator, the court shall relieve the public guardian of the duty under the order.

- Requires the Public Guardian to begin investigations within two business days of receiving a referral for guardianship or conservatorship.
 - (Prob.Code, § 2920(c))

- Requires the Public Guardian, by January 1, 2008, to meet continuing education requirements established by the California Public Administrators, Public Guardians, and Public Conservators Association. Prob.Code, § 2923)

- Establishes a presumption that the personal residence of the conservatee at the time of commencement of the conservatorship proceeding is the least restrictive appropriate residence for the conservatee. Provides that in any hearing to determine if removal of the conservatee from his or her personal residence is appropriate, that presumption may be overcome by a preponderance of evidence. (Prob.Code, § 2352.5(a).)

- Requires a conservator, upon appointment, to determine the appropriate level of care for the conservatee, as follows:
 - The determination must include an evaluation of the level of care existing at the time of commencement of the proceeding and the measure that would be necessary to keep the conservatee in his or her personal residence. (Prob.Code, § 2352.5(b)(1).)
 - If the conservatee is living at a location other than his or her personal residence at the time of commencement of the proceeding, the determination must include either a plan to return the conservatee to his or her personal residence or an explanation of the limitations or restrictions on a return of the conservatee to his or her personal residence.
 - (Prob.Code, § 2352.5(b)(2).)

3. Qualifications and Organization of the County Public Guardian.

The Contra Costa County Office of Public Guardian is a part of the Behavioral Health Division of the Health Services Department. The Public Guardian staff consists of an Adult/Older Adult Program Chief, a Conservatorship Program Manager, a Conservatorship Program Supervisor, 12 Deputy Conservators, one Property Trust Clerk, two Account Technicians, two Community Support Workers (Transport Drivers),

and two Office Clerks. See Appendix 1, "Attachment C Contra Costa Conservatorship/Public Guardian" for an organization chart of the Public Guardian Office.

Entry-level deputy public guardians are required by state law to complete 40 credit-hours of training in coursework approved by the California Association of Public Administrators, Public Guardians and Public Conservators (CAPAPGPC) within a 4-year period immediately preceding certification. The credit requirement for recertification is 20 hours of training, approved by CAPAPGPC, within a 2-year period commencing with certification or recertification. Provisional Status may be awarded to a deputy public guardian who is satisfactorily progressing towards certification. Contra Costa County pays for Public Guardian employees to attend training and certification conferences provided by CAPAPGPC.

CAPAPGPCA conducts training at annual statewide training and certification conferences hosted at sites in northern and southern California in alternate years. Deputy Conservators can also earn credits towards certification by attending CPAPGPCA regional training, completing on-line training, and attending conferences sponsored by the National Guardianship Association (NGA) and the Professional Fiduciary Association of California (PFAC). No more than 12 credits towards initial certification and 8 credits toward recertification can be obtained from outside sources approved by the CPAPGPCA.

Only three of the twelve the deputy conservators, and the Conservatorship Program Supervisor, have met the credit requirements to either be certified or to qualify for recertification. No deputy conservator has provisional status.

In February 2015, the Conservatorship Program Manager's position and one of the Community Support Worker positions were vacant. The Conservatorship Program Supervisor has been performing some of the Conservatorship Program Manager's duties for the past two and one half years.

4. Funding for Public Guardian Activities

The Public Guardian's work investigating referrals and filing for and maintaining both Probate and LPS conservatorships is funded primarily by the County General Fund. The budget recommended for the Public Guardian for FY 2014/2015 is \$3,163,958, comprised of \$2,760,099 in County general funds, \$264,327 in state assistance, and \$139,492 in other local revenue. In addition to this income, the Probate Public Guardian currently manages estate funds valued at \$2,797,791: \$1,767,033 held in liquid pooled accounts and \$1,030,758 invested in segregated individual accounts. The law allows the Public Guardian to petition the court for fees relative to conservatorship services, but because people conserved often have limited resources, the Public Guardian generally does not do so. See Appendices 2 and 3 for detailed financial and budget information for the Office.

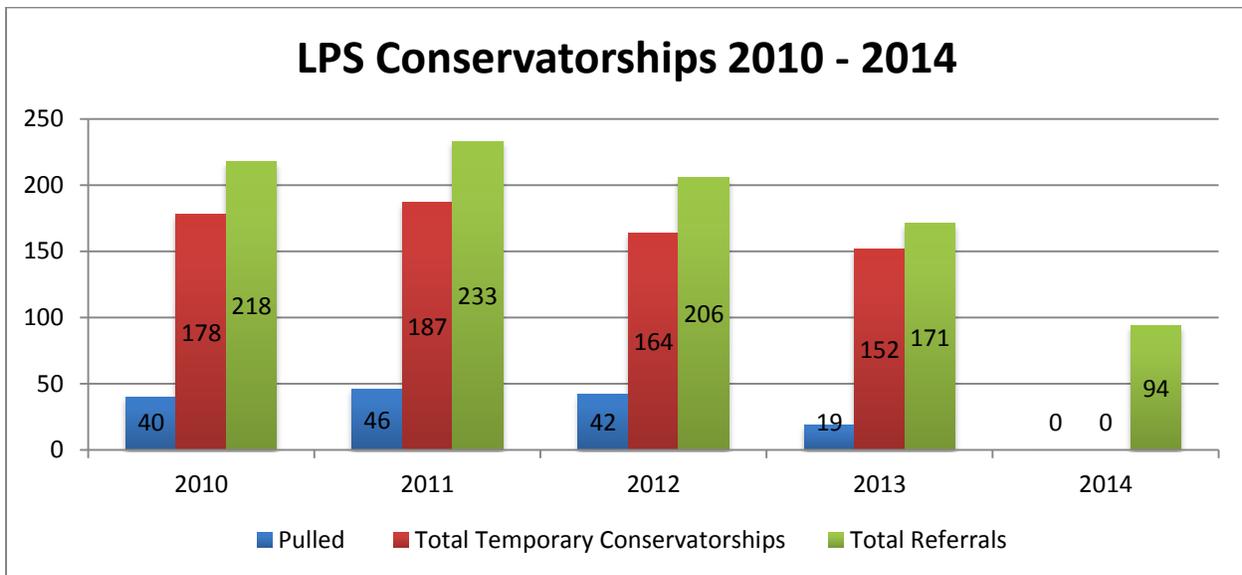
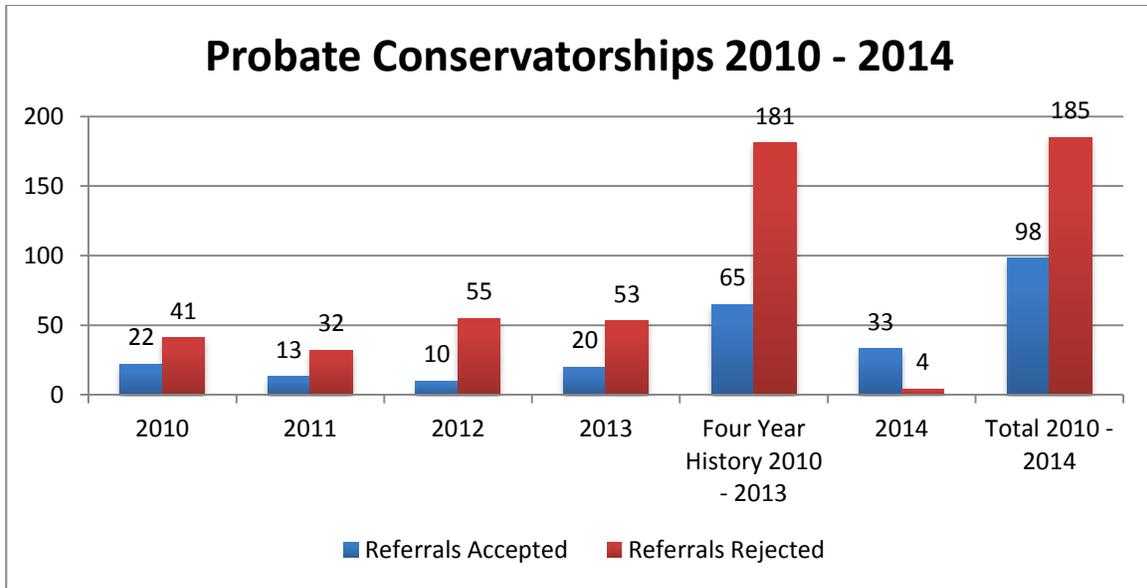
Any would-be guardian, public or private, who wishes to use his or her ward's own assets on the ward's behalf must first be appointed conservator by the Superior Court. Once conservatorship has been approved, the conservator may access the conservatee's assets. The Public Guardian has no public funds available to repair a conservatee's home or store the conservatee's personal property prior to the conservatee's real or personal property being sold. The result is that the Public Guardian may decline to file a petition for conservatorship if it determines that a proposed conservatee does not have the liquid resources to pay these expenses. The Public Guardian may attempt to refer the case to a for-profit conservator (private fiduciary) who may be willing to pay expenses from his or her own funds in anticipation of being reimbursed from the estate after the sale of the property.

Like probate conservatorships, LPS conservatorships are also mainly funded by the County General Fund and by court-awarded fees. They also receive funding not available for probate conservatorships from various sources including the Bronzon-McCorquodale Act (state's tax and vehicle license fees), the 2005 Mental Health Services Act (money from a 1% income tax surcharge on incomes over one million dollars), Substance Abuse and Mental Health Administration grants, and Medi-Cal Mental Health waivers.

The Public Guardian provides accountings of all conservatorship activities and transactions to the Superior Court annually for LPS accounts and biennially for probate accounts. A court investigator, an attorney from County Counsel's Office, a probate examiner, and a Superior Court judge review the accountings. Additionally, the Contra Costa County Auditor-Controller's Office audits all individual accounts annually.

5. Volume of Public Guardian Probate Conservatorships.

The Public Guardian accepted nearly 35 percent of the probate cases referred to it from 2010 through 2014. That period includes a six to eight month "partial referral freeze" in 2014 when the Public Guardian stopped accepting referrals due to insufficient staff. If the number of accepted referrals from 2014 is removed from the figures, the accepted referrals ratio drops to barely over 26 percent.



“Pulled” cases are referrals the Public Guardian has begun to investigate but stopped or withdrew because a family member willing to serve as conservator has been found, the proposed conservatee was found to not meet the need for conservatorship, or the proposed conservatee does not live in Contra Costa County.

The Public Guardian was responsible for a total of 273 conservatorships as of February 2015, of which 66 (approximately 25 percent) were probate conservatorships. All twelve deputy conservators have caseloads that include both probate and LPS conservatorships. The average caseload for each of the twelve deputy conservators is 23 cases, but the individual caseload depends on the complexity of the cases and the experience level of the deputy conservator. Deputy conservators spend the majority of

their time on LPS conservatorships; probate conservatorships are often more time consuming in the beginning than LPS conservatorships because of the complexity of the person's estate, but Deputy Conservators ultimately devote more time to LPS clients.

6. Absence of County Referrals from Adult Protective Services Agencies.

Public Guardian offices in other California counties receive a majority of their referrals from their Adult Protective Services (APS) agencies. In Contra Costa County, APS is a unit of Aging and Adult Services, a division of the Employment and Human Services Department. There is no record of APS referring any cases to the Public Guardian during 2014. The Contra Costa County Long Term Care Ombudsman Program, a non-profit program designated by state law to be the legal advocate for all Contra Costa residents of nursing homes, assisted living facilities, board-and-care homes, and other adult care facilities, made no referrals in 2014. Contra Costa Regional Medical Center (CCRMC) or skilled nursing homes make the majority of referrals for probate conservatorships.^{viii}

CCRMC charges \$3,061.00 a day to care for an LPS conservatee with acute symptoms. Contra Costa County contracts with facilities outside the county to place mental health patients in sub-acute facilities once the patient is stable. With the exception of Napa State Hospital, all facilities under contract to the County cost less than CCRMC's daily rate, with some of the those facilities charging less than \$500.00/day. Once the court approves a conservatorship by the Public Guardian's office, the County Department of Health Services transfers the conservatee to a contracted facility outside the County. This transfer creates a vacancy for a new psychiatric patient and saves the County money. There are no sub-acute facilities operating within the County. This creates an incentive for the Public Guardian to accept a referral for an LPS conservatorship before accepting a referral for a probate conservatorship.

California's "mandated reporter" law requires those who provide services to the elderly, such as medical professionals, clergy, all employees of healthcare facilities, and any individual responsible for the care or custody of an elderly person, to notify APS if they suspect an imminent threat to their client's health or to the safety of the client's estate. These service providers frequently assume that APS will follow-up on a report and make a referral to the Public Guardian; however APS workers have not been making referrals to the Public Guardian in such cases because they understand that the Public Guardian does not accept probate referrals for persons who are living independently,. The result is a serious gap in protection for individuals who are currently living independently but could benefit from being under a probate conservatorship.

Communication between the Public Guardian and APS has decreased in recent years. The Public Guardian notified APS its freeze on filing conservatorships in 2014 by leaving a voice message on a telephone number in an APS office. The Public Guardian never discussed this new policy (or the rationale behind it) with APS. When the Public

Guardian lifted the freeze, it failed to inform APS. In the spring of 2015 there has been an effort by the Public Guardian and APS to reopen a dialogue.

The Grand Jury was advised by multiple people who provide services to seniors that people with diminished capacity would benefit if the Probate Conservatorship program could be located in the same County department as Adult Protective Service and the other programs that serve senior and disabled persons.

7. Procedures not in Compliance with Law and Best Practices.

The Public Guardian Probate Policies and Procedures Manual was developed in 1985. Some sections were updated in 1987, 1989, 1990, 1999 and 2005. The manual has not been updated since the Omnibus Conservatorship and Guardianship Reform Act of 2006 was enacted.

Sections of the Contra Costa County Public Guardian's Policy for Public Guardian Probate Referrals, issued in 1990 and revised in 1999, are not in compliance with the Omnibus Reform Act. For example, the Policy states that the Public Guardian will only accept a conservatorship referral if the person:

- Is unable to make responsible decisions for themselves or provide for their own care,^{ix}
- Has no one else willing or able to be responsible for them;
- Is in or going to be placed in a supervised living arrangement.
- Is a resident of Contra Costa County.

The Public Guardian's Policy and Procedure Manual also lacks guidelines for the length of time between receiving a conservatorship referral and beginning an investigation. The informal goal of the Public Guardian appears to be that the investigation should begin within one week of receiving the referral. That goal is not in compliance with the Omnibus Bill, which requires an investigation to begin within two days of receipt of the referral. After a deputy conservator performs an initial investigation and finds the person qualified for guardianship, the Conservatorship Program Supervisor decides which cases to accept for filing for a probate conservatorship. The longer it takes to make these determinations, the longer the person may go without receiving care.

The California Judicial Council's report on best practices states that a deputy conservator should visit the conservatee once a month. Despite this guideline, sources familiar with Public Guardian operations told the Grand Jury that a deputy conservator may sometimes visit a conservatee as seldom as once a quarter. More frequent visits, rather than less frequent, may be required to determine that a conservatee's basic living and healthcare needs are and continue to be met.

FINDINGS

- F1. The Omnibus Conservatorship and Guardianship Reform Act of 2006, which became effective on January 1, 2007, changed California laws pertaining to conservatorships and the offices of public guardians.
- F2. The policies and procedure manual of the Contra Costa County Public Guardian was written in 1987 with revisions in 1990, 1999, and 2005.
- F3. The policies and procedures manual of the Contra Costa County Public Guardian may not comply with the Omnibus Conservatorship and Guardianship Reform Act of 2006.
- F4. California Probate Code section 2920 (a)(1) requires the Public Guardian to apply for appointment as guardian or conservator if there is an imminent threat to the person's health or safety of the person's estate.
- F5. The policy and practice of the Contra Costa County Public Guardian of only accepting probate conservatorship referrals on behalf of those persons who are in or going to be placed in a supervised living arrangement may not comply with California law.
- F6. California Probate Code section 2920(c) requires the Public Guardian to begin an investigation within two business days of receiving a referral alleging that a person's health is in imminent danger or that a person's estate is not safe.
- F7. The Contra Costa County Public Guardian has no formal policy regarding the timeliness of initiating an investigation after receiving a referral alleging that a person's health is in imminent danger or that a person's estate is not safe.
- F8. The Contra Costa County Public Guardian has an informal policy of initiating an investigation within one week of receiving a referral alleging that a person's health is in imminent danger or there is imminent harm to a person's estate.
- F9. California Probate Code section 2352.5(a) presumes that the personal residence at the time preceding the conservatorship is the least restrictive residence for the conservatee and requires a hearing prior to removing the conservatee from his/her personal residence. (§ 32; Pro. Code 2352.5 (a).)
- F10. The Contra Costa County Public Guardian has no policy concerning keeping a conservatee in his or her personal residence.
- F11. The majority of deputy conservators in the Contra Costa County Public Guardian's Office are out of compliance with certification requirements mandated by California Law.

- F12. The Contra Costa County Public Guardian's Office may give higher priority to LPS conservatorships than probate conservatorships because of the availability of supplemental funding for LPS conservatees and the ability to place LPS conservatees in less expensive out of county facilities.
- F13. Due to poor communication between the Public Guardian and APS departments, the Public Guardian's Office has failed to timely and adequately convey information to APS that could affect potential conservatees.
- F14. In some instances, deputy conservators visit a probate conservatee as infrequently as once a quarter.
- F15. The California Judicial Council's report on best practices recommends that a deputy conservator should visit a conservatee under his or her supervision monthly.
- F16. Contra Costa County's budget does not include a line item for funds for the Public Guardian to use to preserve a conservatee's personal and/or real property until the property has been sold.
- F17. At times, the Court grants the Public Guardian permission to use the conservatee's own assets to preserve a conservatee's personal and/or real property until the property has been sold.

RECOMMENDATIONS

- R1. The Contra Costa County Public Administrator should update its Public Guardian Policy and Procedures Manual to comply with California law and California Judicial Council's report on best practices by June 30, 2016.
- R2. To comply with California law, the Contra Costa County Public Guardian should accept all referrals for probate conservatees when there is an imminent threat to the person's health or the safety of the person's estate, regardless of whether the person is in or going to be placed in a supervised living arrangement.
- R3. To comply with California law, the Contra Costa County Public Guardian should begin an investigation within two business days after receiving a referral alleging that a person's health is in imminent danger or that there is an imminent threat to the safety of a person's estate.
- R4. To comply with California law, the Contra Costa County Public Guardian should establish a policy of keeping a probate conservatee in his or her own residence if that is the least restrictive living arrangement in which the conservatee can be safe.

- R5. To comply with California law, the Contra Costa County Public Guardian should ensure that all deputy conservators meet certification requirements, as required by the State of California, by June 30, 2016.
- R6. The Board should consider separating LPS and probate public guardians.
- R7. The Board should consider placing the probate conservatorships with Adult Protective Services in the Employment and Human Service Department's Aging and Adult Services unit.
- R8. The Contra Costa County Public Guardian should follow California Judicial Council's best practices by requiring deputy conservators to meet with each probate conservatee at least once a month and to keep a log of such visits.
- R9. The Contra Costa County Public Guardian should adopt a line item to its budget specifically for the needs of probate conservatees before the Public Guardian has access to their assets.

REQUIRED RESPONSES

Respondent	Findings	Recommendations
Contra Costa County Board of Supervisors	1-17	1-9

Endnotes

ⁱ <http://www.nccafv.org/elder.htm> National Council on Child Abuse and Family Violence

ⁱⁱ Hafemeister TL. Financial Abuse of the Elderly in Domestic Setting. In: National Research Council (US) Panel to Review Risk and Prevalence of Elder Abuse and Neglect; Bonnie RJ, Wallace RB, editors. Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America. Washington (DC): National Academies Press (US); 2003. 13. Available from: <http://www.ncbi.nlm.nih.gov/books/NBK98784/>

ⁱⁱⁱ National Center on Elder Abuse, Administration on Aging
<http://www.ncea.aoa.gov/library/data>

^{iv} California Department of Aging
http://www.aging.ca.gov/Data_and_Statistics/facts_about_elderly/

^v Alzheimer's Association, Alz.org/facts

^{vi} <http://www.latimes.com/news/la-me-conserve14nov14-story.html> - page=3

^{vii} <http://stopguardianabuse.org/dirtylittlesecret.htm>

^{viii} The Public Guardian's Office was unable to provide information about APS referrals in 2014.

^{ix} The manual does not describe "responsible decisions." A physician evaluates the proposed conservatee's competency. The doctor either attends the court hearing or completes a Declaration of Physician.

Appendices

(All documents provided by Contra Costa County Public Guardian Office and labeled by the department)

Appendix 1: Public Guardian Organization Chart

Appendix 2: Health and Human Services 2014 – 2015 Recommended program budget for Guardian/Conservatorship

Appendix 3: 2014 – 2015 Approved Guardian budget

Appendix 4: Two pages from 1990 edition of Probate Conservatorship Intake Policy and Procedures manual

Appendix 5: Capacity Declaration for Conservatorship form

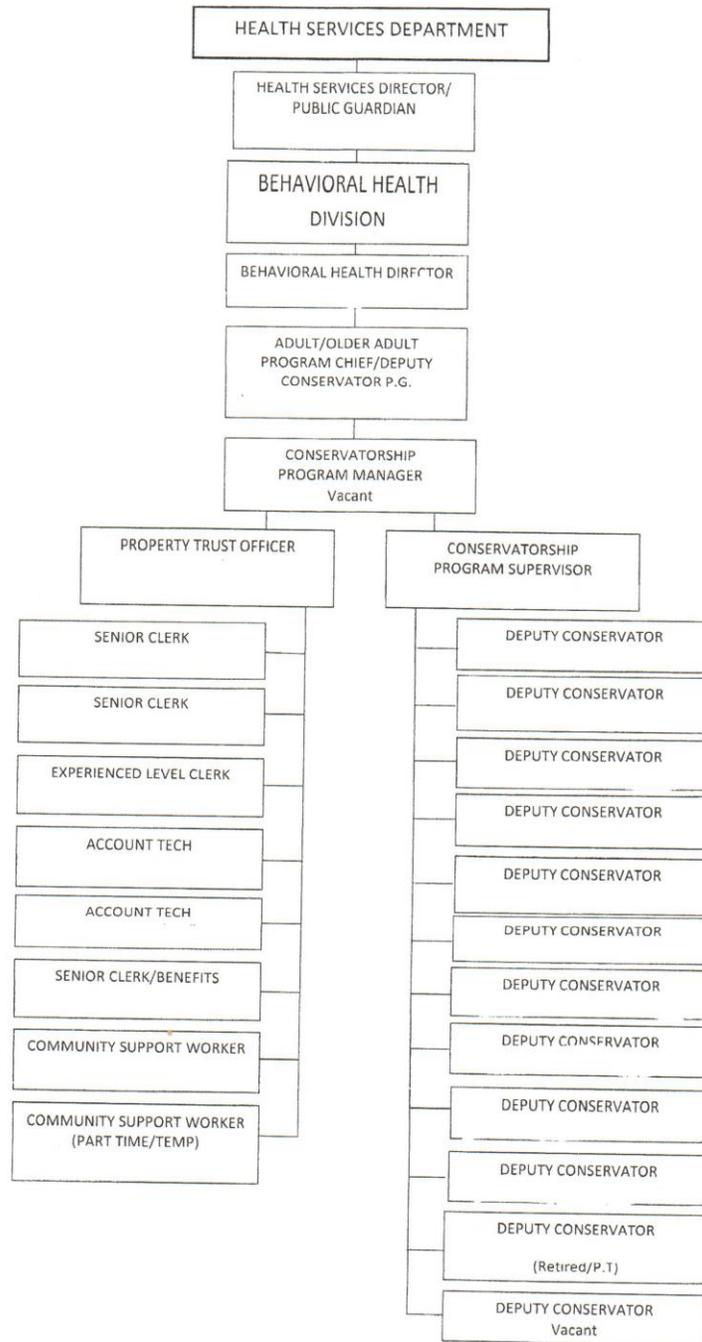
Appendix 6: Attachment to Capacity Declaration for Conservatorship form for proposed conservatee with dementia

Appendix 7: Probate Conservatorship Referrals criteria, dated 5/05

Appendix 8: Completed sample Capacity Declaration for Conservatorship form

Appendix 9: Completed sample Attachment to Capacity Declaration for Conservatorship for proposed conservatee with dementia

Attachment C CONTRA COSTA CONSERVATORSHIP/PUBLIC GUARDIAN



Health Services Health and Human Services

Conservatorship/Guardianship

General Fund	2012-13 Actual	2013-14 Budget	2014-15 Baseline	2014-15 Recommended	Change
EXPENDITURES					
Salaries and Benefits	2,086,798	2,467,412	2,410,542	2,365,706	(44,836)
Services and Supplies	758,104	716,278	790,182	784,547	(5,635)
Expenditure Transfers	15,233	13,450	13,705	13,705	0
TOTAL EXPENDITURES	2,860,136	3,197,140	3,214,429	3,163,958	(50,471)
REVENUE					
Other Local Revenue	112,257	92,814	139,492	139,492	0
State Assistance	261,367	344,227	264,367	264,367	0
GROSS REVENUE	373,624	437,041	403,859	403,859	0
NET COUNTY COST (NCC)	2,486,512	2,760,099	2,810,570	2,760,099	(50,471)
Allocated Positions (FTE)	19	21	19	19	0
FINANCIAL INDICATORS					
Salaries as % of Total Exp	73%	78%	75%	75%	
% Change in Total Exp		12%	1%	(2%)	
% Change in Total Rev		17%	(8%)	0%	
% Change in NCC		11%	2%	(2%)	
COMPENSATION INFORMATION					
Permanent Salaries	1,064,675	1,286,289	1,256,256	1,256,256	0
Temporary Salaries	153,340	120,396	120,396	75,560	(44,836)
Permanent Overtime	1,953	8,700	8,700	8,700	0
Deferred Comp	2,757	3,060	3,060	3,060	0
Comp & SDI Recoveries	0	(6,140)	(6,140)	(6,140)	0
FICA/Medicare	91,088	98,405	96,058	96,058	0
Ret Exp-Pre 97 Retirees	4,825	5,964	5,964	5,964	0
Retirement Expense	380,454	493,344	505,830	505,830	0
Employee Group Insurance	172,143	240,902	202,634	202,634	0
Retiree Health Insurance	123,244	126,288	126,288	126,288	0
OPEB Pre-Pay	57,472	57,472	57,572	57,572	0
Unemployment Insurance	4,684	4,890	3,747	3,747	0
Workers Comp Insurance	30,163	27,842	30,177	30,177	0

Description: This program has responsibility for managing the financial affairs and daily support coordination of clients who are mentally ill, frail elderly or otherwise deemed to be incapable of caring for themselves in these areas. The Public Conservator is mandated by state law and the

Public Guardian is responsible to the Board of Supervisors in the performance of these duties. Additionally, the program collects court-ordered Conservatorship related fees on behalf of other county departments.

		2014-15 Approved Budget
451 CONSERVATOR/GUARDIANSHIP		
SALARIES AND BENEFITS		
1011	Permanent Salaries	1,256,256
1013	Temporary Salaries	75,560
1014	Permanent Overtime	8,700
1015	Deferred Comp	3,060
1019	Comp & SDI Recoveries	(6,140)
1042	FICA/Medicare	96,058
1043	Ret Exp-Pre 97 Retirees	5,964
1044	Retirement Expense	505,830
1060	Employee Group Insurance	202,634
1061	Retiree Health Insurance	126,288
1062	OPEB Pre-Pay	57,572
1063	Unemployment Insurance	3,747
1070	Workers Comp Insurance	30,177
TOTAL	Salaries and Benefits	<u>2,365,706</u>
SERVICES AND SUPPLIES		
2100	Office Expense	12,884
2102	Books-Periodicals-Subscriptions	912
2103	Postage	16,088
2110	Communications	2,381
2111	Telephone Exchange Service	7,970
2130	Small Tools and Instruments	978
2131	Minor Furniture/Equipment	998
2140	Medical & Lab Supplies	272
2160	Clothing & Personal Supplies	22,087
2170	Household Expense	156
2250	Rents and Leases-Equipment	2,560
2262	Building Occupancy Costs	96,587
2265	Bldg Lifecycle Costs	4,600
2284	Requested Maintenance	1,009
2301	Auto Mileage Employees	42,154
2302	Use of Co Vehicle/Equipment	572
2303	Other Travel Employees	8,570
2310	Non Cnty Prof/Spclzd Svcs	60,422
2314	Contracted Temporary Help	12,590
2315	Data Processing Services	229
2326	Information Security Charges	1,183
2335	Other Telecom Charges	1,330
2340	Other Intradptmntl Charges	480,000
2479	Other Special Departmental Exp	5,741
2490	Misc Services & Supplies	2,274
TOTAL	Services and Supplies	<u>784,547</u>
GROSS EXPENDITURES		<u>3,150,253</u>

EXPENDITURE TRANSFERS

<https://dm2-excel.officeapps.live.com/x/lavouts/xlprintview.aspx?&N...> 3/26/2015

PROBATE CONSERVATORSHIP INTAKE POLICY AND PROCEDURES

Section: Probate

Page No.:

Issue Date: May 30, 1990

Effective Date: May 30, 1990

POLICY:

Referrals for Probate conservatorship will be accepted on those persons who meet the following criteria:

1. unable to make responsible decisions for themselves or provide for their own care;
2. have no one else willing or able to be responsible for them;
3. is in or going to be placed in a supervised living arrangement.

PROCEDURE:

1. Phone referrals are taken by phone Monday through Friday between 1:30 - 3:30 p.m.
2. Phone referrals are screened by an Intake Deputy of the Day.
3. Referrals must meet all three criteria as stated in the policy to be accepted for investigation.
4. The Intake Deputy of the Day will complete a Probate Phone Referral form, CONS-HS-41, and give it to the Probate Supervisor for assignment.

ship of estate, in accordance with the Probate Code and prevailing office procedures.

II. Case Management Responsibilities of a Deputy Conservator:

A. New case activities to be completed:

1. Evaluate the outstanding needs of the conservatee (medical, financial, etc.), prioritize those needs, and complete a care and financial plan within 90 days of the court appointment.

B. During the conservatorship the following activities will be completed:

- ✓ 1. Visit the client a minimum of once per quarter, and more frequently as the situation dictates;
- ✓ 2. Record each visit in the case record;
- ✓ 3. At least quarterly, state the conservatee's functioning level recording any changes or lack of changes;
4. Record any pending plans regarding the conservatee
5. Maintain familiarity with community resources (i.e., know a facility's staff's strengths and limitations, etc);
6. In the event of the conservatee's death and the absence of able and willing family members or interested parties, make funeral arrangements.

C. The following activities will be completed or delegated for completion in a time-frame appropriate for the particular client at the time of discharge from the hospital:

1. Coordinate placement with the discharge planner at the acute care hospital or nursing facility;
2. Notify the court of the new address by completing and mailing form CON-HS-124;
3. Complete an address change for the computer account master on form CONS-HS-109;
4. Notify relatives of the new address;

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): SHARON L. ANDERSON (SBN 94814) COUNTY COUNSEL STEVEN P. RETTIG (SBN 178477) ASSISTANT COUNTY COUNSEL P.O. Box 69, Martinez, CA 94553 TELEPHONE NO.: (925) 646-1830 FAX NO. (Optional):	FOR COURT USE ONLY
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: P.O. Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
CAPACITY DECLARATION—CONSERVATORSHIP	CASE NUMBER
<p style="text-align: center;">TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER</p> <p>The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply):</p> <p>A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): _____ . (Complete item 5, sign, and file page 1 of this form.)</p> <p>B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.)</p> <p>C. <input type="checkbox"/> has dementia and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from dementia medications. (Complete items 6 and 8 of this form and form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and form GC-335A.)</p> <p>(If more than one item is checked above, sign the last applicable page of this form or form GC335A if item C is checked. File page 1 through the last applicable page of this form; also file form GC-335A if item C is checked.)</p> <p>COMPLETE ITEMS 1– 4 OF THIS FORM IN ALL CASES.</p>	

GENERAL INFORMATION

1. (Name):
 2. (Office address and telephone number):
 3. I am
 - a. a California licensed physician psychologist acting within the scope of my licensure with at least two years' experience in diagnosing dementia.
 - b. an accredited practitioner of a religion whose tenets and practices call for reliance on prayer alone for healing, which religion is adhered to by the (proposed) conservatee. The (proposed) conservatee is under my treatment. (Religious practitioner may make the determination under item 5 ONLY.)
 4. (Proposed) conservatee (name):
 - a. I last saw the (proposed) conservatee on (date):
 - b. The (proposed) conservatee is is NOT a patient under my continuing treatment.
- ABILITY TO ATTEND COURT HEARING**
5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
 - a. The proposed conservatee is able to attend the court hearing.
 - b. Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
 - (1) on the date set (see date in box in item A above).
 - (2) for the foreseeable future.
 - (3) until (date):
 - (4) **Supporting facts** (State facts in the space below or check this box and state the facts in Attachment 5):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)	Page 1 of _____
Form Adopted for Mandatory Use Judicial Council of California GC-335 [Rev. January 1, 2004]	CAPACITY DECLARATION—CONSERVATORSHIP	Probate Code, §§ 811, 813, 1801, 1825, 1881, 1910, 2395.5

Legal
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& Plus

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
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6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

Note to practitioner: This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.
(Instructions for items 6A–6C): Check the appropriate designation as follows: a = no apparent impairment; b = moderate impairment; c = major impairment; d = so impaired as to be incapable of being assessed; e = I have no opinion.)

A. Alertness and attention

- (1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)
 a b c d e
- (2) Orientation (types of orientation impaired)
 a b c d e Person
 a b c d e Time (day, date, month, season, year)
 a b c d e Place (address, town, state)
 a b c d e Situation ("Why am I here?")
- (3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)
 a b c d e

B. Information processing. Ability to:

- (1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)
 - i. Short-term memory a b c d e
 - ii. Long-term memory a b c d e
 - iii. Immediate recall a b c d e
- (2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)
 a b c d e
- (3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)
 a b c d e
- (4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)
 a b c d e
- (5) Reason using abstract concepts. (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)
 a b c d e
- (6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)
 a b c d e
- (7) Reason logically.
 a b c d e

C. Thought disorders

- (1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)
 a b c d e
- (2) Hallucinations (auditory, visual, olfactory)
 a b c d e
- (3) Delusions (demonstrably false belief maintained without or against reason or evidence)
 a b c d e
- (4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior).
 a b c d e

(Continued on next page)

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
---	--------------

6. (continued)

D. **Ability to modulate mood and affect.** The (proposed) conservatee has does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.) I have no opinion.

(Instructions for item 6D: Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.)

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A-6D

- (1) do NOT vary substantially in frequency, severity, or duration.
 (2) do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

F. (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is stated below stated in Attachment 6F.

ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee

- a. has the capacity to give informed consent to any form of medical treatment. The opinion is limited to medical consent capacity.
 b. lacks the capacity to give informed consent to any form of medical treatment because he or she is **either** (1) unable to respond knowingly and intelligently regarding medical treatment **or** (2) unable to participate in a treatment decision by means of a rational thought process, **or both**. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: _____ .)

8. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF DECLARANT)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):	CASE NUMBER:
<input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION—CONSERVATORSHIP,
ONLY FOR (PROPOSED) CONSERVATEE WITH DEMENTIA**

9. It is my opinion that the (proposed) conservatee HAS does NOT have dementia as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a. **Placement of (proposed) conservatee.** (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)–9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):

 - (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):

 - (3) The (proposed) conservatee HAS capacity to give informed consent to this placement.
 - (4) The (proposed) conservatee does NOT have capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions with regard to giving informed consent to placement in a restricted and secure environment.
 - (5) A locked or secured-perimeter facility is is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b. **Administration of dementia medications.** (If the (proposed) conservatee requires administration of psychotropic medications appropriate to the care of dementia, please complete items 9b(1)–9b(5).)
- (1) The (proposed) conservatee needs or would benefit from the following psychotropic medications appropriate to the care of dementia, for the reasons stated in item 9b(5) (list medications; continue on Attachment 9b(1) if necessary):

 - (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):

 - (3) The (proposed) conservatee HAS capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia.
 - (4) The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate his or her actions with regard to giving informed consent to the administration of psychotropic medications for the treatment of dementia.
 - (5) The (proposed) conservatee needs or would benefit from the administration of the psychotropic medications listed in item 9b(1) because (state reasons; continue on Attachment 9b(5) if necessary):

10. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME) ▶ _____
(SIGNATURE OF DECLARANT)

CONTRA COSTA COUNTY
PROBATE CONSERVATORSHIP REFERRALS

CRITERIA:

I. Basis for Referral:

- A. The person must be unable to make decisions for themselves or provide for their own care.
- B. The person must have no one else willing or able to be responsible for them.
- C. The person must either be in or going to be placed in a supervised living arrangement.
- D. The person must be a Contra Costa County resident.

II. Who makes Referral:

- A. Acute Hospital Discharge Planner, Social Worker, Doctor
- B. Social Service Worker, Geriatric Services
- C. Convalescent Hospital
- D. Lawyers, Court Investigators
- E. Any knowledgeable relative or friend

III. What is Needed:

A. Referral Forms:

1. Completed Probate Referral Form A
2. Completed Patient History and Information Form B
3. Completed Relative Information Form C

B. Medical Form: Capacity Declaration-Conservatorship

1. Physician Declaration to Waive Court Appearance (5b) – If the person is unable to appear in court. (Describe the physiological reasons why the patient is unable to appear in court, under 5b. Do not include confusion or mental instability as a reason. Describe the patient's physical condition.)
2. Physician Capacity Declaration (7) – If the patient is unable to give informed medical consent. Complete Evaluation of Patient's Mental Function by X ing all appropriate boxes. In addition, please evaluate the patient for Dementia and complete number 9 of the capacity declaration. If there is no Dementia mark the box "doesn't have Dementia" and leave rest of last page blank.

C. Additional information if available

1. Please include a discharge summary from the acute care facility, and an admission summary, consultation, psychiatric, psychological, adult protective services report, etc.

IV. Mail completed forms to:

Contra Costa County Conservatorship/Guardianship Program
P.O. Box 8
Martinez, CA 94553

Referral Packet (5/05)

Assistant County Counsel
P.O. Box 69, Admin. Bldg.
Martinez, CA 94553-0116
TELEPHONE NO.: (925) 335-1830 FAX NO. (Optional): (925) 646-2461

E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra-Costa
STREET ADDRESS: 725 Court Street
MAILING ADDRESS: P.O. Box 911
CITY AND ZIP CODE: Martinez, CA 94553
BRANCH NAME:

CONSERVATORSHIP OF THE PERSON ESTATE OF (Name):
EZRA CARTER (SAMPLE FORM)
 CONSERVATEE PROPOSED CONSERVATEE

CAPACITY DECLARATION—CONSERVATORSHIP

TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER

The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply):

A. is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): _____ (Complete item 5, sign, and file page 1 of this form.)

B. has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.)

C. has dementia and, if so, (1) whether he or she needs to be placed in a secured perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from dementia medications. (Complete items 6 and 8 of this form and form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and form GC-335A if item C is checked. File page 1 through the last applicable page of this form; also file form GC-335A if item C is checked.)

(If more than one item is checked above, sign the last applicable page of this form or form GC-335A if item C is checked.)
COMPLETE ITEMS 1– 4 OF THIS FORM IN ALL CASES.

GENERAL INFORMATION

1. (Name): Murphy O'Day, M.D. (SAMPLE FORM)

2. (Office address and telephone number): 3259 Lorry Dr., Clarksville, CA 94000, (610) 482-8375

3. I am:

a. a California licensed physician psychologist acting within the scope of my licensure
 with at least two years' experience in diagnosing dementia.

b. an accredited practitioner of a religion whose tenets and practices call for reliance on prayer alone for healing, which religion is adhered to by the (proposed) conservatee. The (proposed) conservatee is under my treatment. (Religious practitioner may make the determination under item 5 ONLY.)

4. (Proposed) conservatee (name):
a. I last saw the (proposed) conservatee on (date):
b. The (proposed) conservatee is is NOT a patient under my continuing treatment.

ABILITY TO ATTEND COURT HEARING

5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)

a. The proposed conservatee is able to attend the court hearing.

b. Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)

(1) on the date set (see date in box in item A above).

(2) for the foreseeable future.

(3) until (date):

(4) Supporting facts (State facts in the space below or check this box and state the facts in Attachment 5):
Mrs. Carter is recovering from a recent stroke. She has left side weakness and is incontinent. Mrs. Carter is non-ambulatory and is fed by a nasal gastric tube.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Date _____ Signature _____
(Print name) (SIGNATURE OF DECLARANT)

PERMANENT CONSERVATEE PROPOSED CONSERVATEE

ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION—CONSERVATORSHIP,
ONLY FOR (PROPOSED) CONSERVATEE WITH DEMENTIA

9. It is my opinion that the (proposed) conservatee HAS does NOT have dementia as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.

a. Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)–9a(5).)

(1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):

(2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):

(3) The (proposed) conservatee HAS capacity to give informed consent to this placement.

(4) The (proposed) conservatee does NOT have capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions with regard to giving informed consent to placement in a restricted and secure environment.

(5) A locked or secured-perimeter facility is is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.

Administration of dementia medications. (If the (proposed) conservatee requires administration of psychotropic medications appropriate to the care of dementia, please complete items 9b(1)–9b(5).)

(1) The (proposed) conservatee needs or would benefit from the following psychotropic medications appropriate to the care of dementia; for the reasons stated in item 9b(5) (list medications; continue on Attachment 9b(1) if necessary):
Risperdal Provigil

(2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):
Short term memory loss. Frontal lobe dysfunction with mood instability.

(3) The (proposed) conservatee HAS capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia.

(4) The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate his or her actions with regard to giving informed consent to the administration of psychotropic medications for the treatment of dementia.

(5) The (proposed) conservatee needs or would benefit from the administration of the psychotropic medications listed in item 9b(1) because (state reasons; continue on Attachment 9b(5) if necessary):
Poor memory and mood instability.

10. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Date
Print Name
(TYPE OR PRINT NAME)

Signature
(SIGNATURE OF DECLARANT)

Form Adopted for Mandatory Use
Judicial Council of California
GC-335A (New January 1, 2004)

DEMENTIA ATTACHMENT TO
CAPACITY DECLARATION—CONSERVATORSHIP

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Page 1 of 1
Probate Code, § 2356.5