



County of Orange
California

August 14, 2012

Honorable Thomas J. Borris
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Elder Abuse - The Perfect Storm

Dear Judge Borris:

Per your request, and in accordance with Penal Code 933, please find the County of Orange status update to the subject report as approved by the Board of Supervisors. The respondents are the Adult Mental Health Services: Health Care Agency, Adult Protective Services: Social Services Agency, Board of Supervisors, County Executive Officer, Office on Aging: OC Community Resources, and the Public Guardian: Public Administrator/Public Guardian. If you have any questions, please contact Michelle Zink at (714) 834-7487 in the County Executive Office who will assist you or direct you to the appropriate individual.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Franz".

Robert J. Franz
Acting County Executive Officer

Enclosure

cc: 2012-13 Orange County Grand Jury

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ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
August 14, 2012

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2011-12 Grand Jury Report "Elder Abuse - The Perfect Storm" - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) NGUYEN: Y (2) MOORLACH: Y (3) CAMPBELL: Y (4) NELSON: Y (5) BATES: Y
Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 23

Special Notes:

Copies sent to:

CEO/Budget
Superior Court
Grand Jury

8/17/12



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Susan Novak, Clerk of the Board

By:
Deputy



AGENDA STAFF REPORT

Agenda Item **23**

ASR Control 12-000914

MEETING DATE: 08/14/12
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
DEPARTMENT CONTACT PERSON(S): Michelle Zink (714) 834-7487
 Margaret Cady (714) 834-3646

SUBJECT: Elder Abuse - The Perfect Storm

CEO CONCUR Concur	COUNTY COUNSEL REVIEW N/A	CLERK OF THE BOARD Discussion 3 Votes Board Majority
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Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A
Current Fiscal Year Revenue: N/A
Funding Source: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Approve proposed response to FY 2011-12 Grand Jury Report entitled "Elder Abuse - The Perfect Storm".
2. Direct the Clerk of the Board to forward this ASR with exhibits to the Presiding Judge of the Superior Court and the FY 2012-13 Orange County Grand Jury no later than September 12, 2012.

SUMMARY:

Approve proposed response to the FY 2011-12 Grand Jury Report entitled "Elder Abuse - The Perfect Storm".

BACKGROUND INFORMATION:

In June 2012 the Grand Jury released a report titled "Elder Abuse - The Perfect Storm". This report directed Findings and Recommendations to the Health Care Agency, Social Services Agency, Board of Supervisors, County Executive Officer, OC Community Resources, and the Public Administrator/Public Guardian. Enclosed as Exhibit 2 is the response to these Findings and Recommendations.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

EXHIBIT(S):

1. Grand Jury Report
2. Response to Grand Jury Report
3. Transmittal Letter

**2011-2012 Grand Jury Report
Elder Abuse-The Perfect Storm
Adult Mental Health Services: Health Care Agency, Adult Protective Services: Social
Services Agency, Board of Supervisors, County Executive Officer, Office on Aging: OC
Community Resources, Public Guardian: Public Administrator/Public Guardian
Responses to Findings and Recommendations**

Responses to Findings F.1, F.2, F.4 and F.5

F.1 Elder abuse reporting has been rising and will probably increase because of a projected expansion in the population partially due to an influx of baby boomers.

Response: Agrees with the finding.

F.2 Increased oversight would improve coordination and communication among county agencies and departments.

Response: Disagrees wholly with the finding.

The Adult Mental Health Services (Health Care Agency), the Adult Protective Services (Social Services Agency), and the Office on Aging (OC Community Resources) have developed multiple venues which provide opportunities for coordination and communication.

Adult Protective Services (APS), Adult Mental Health Services, and the Office on Aging routinely participate in a variety of Agency meetings, seminars, educational presentations, and community meetings regarding Older Adults. These include:

- The Elder Abuse Forensic Center which is coordinated by University California Irvine (UCI) and APS meets weekly and has regular representation from Anaheim Family Justice Center, Community Services Program, OC Public Guardian, Office on Aging, Adult Mental Health Services, Legal Aid, OC Sheriff, UCI MD and Psychologist, District Attorney, Human Options, and In Home Supportive Services.
- The Financial Abuse Services Team (FAST) meets monthly and is coordinated by Council on Aging and is attended by Adult Mental Health Services, Office on Aging, APS, Federal Bureau of Investigation, Social Security Administration, Elder Law Attorneys, Bankers, Real Estate Agents, Law Enforcement, fiduciary, and ombudsmen. Each meeting includes an educational presentation by a professional and case presentation by APS.
- Older Adult Services holds a monthly meeting that is attended by APS, Health Care Agency Older Adult Services and representatives from the various committees serving older adults from that program.
- The Elder Death Review Team meets quarterly and is attended by the Coroner, Law Enforcement, District Attorney, UCI Medical Director, Adult Mental Health Services and APS. This provides an opportunity to discuss deaths that could have been prevented and how help could have been provided with the intent of educating team members.
- The Family Violence Committee meets quarterly at Superior Court and is currently chaired by Judge Hubbard.

- The Elder Abuse and Education Committee provides monthly brown bag educational trainings. It is attended by representatives from various groups dealing with family violence including shelters in Orange County.
- The Ageless Alliance meets monthly and is a grass-roots movement connecting people of all groups to identify, prevent, and eliminate elder abuse. APS is actively involved as is Office on Aging and other partners.
- OC Task Force on Hoarding meets monthly and is attended by APS, Office on Aging, Health Care Agency Older Adult Services, Mental Health Association, Council on Aging, City Code Enforcement and private businesses.
- Mental Health Board Older Adult Committee meets bi-monthly and is attended by APS, Office on Aging, Health Care Agency Older Adult Services, Irvine Senior Services and representatives from Kaiser and Hoag hospitals.

Adult Mental Health within the Health Care Agency actively coordinates care and planning of Older Adult services at every level. At a program and interagency level, staff members routinely coordinate client care with APS, Adult Outpatient Mental Health Clinics, Public Health programs, community senior centers, private Health Care providers including Kaiser and St. Anselms Cross Cultural Community Center, Prevention and Intervention, CalOptima, Office on Aging, and Council on Aging. These close community relationships are important in creating an integrated system of care that is readily accessible to Older Adults in Orange County. Through increased collaboration, APS has become more aware of the Mental Health criteria and reduced the duplication of efforts. Administratively, in 2008, Adult Mental Health consolidated Adult Outpatient Mental Health Clinics and Older Adult Services under one manager. As a result, we have seen an increase in referrals from the Adult Outpatient Clinics to Older Adult Services which indicates an increase in access to specialty services for Older Adults.

Public Health and Behavioral Health share in the development and implementation of the Senior Health Outreach and Prevention Program (SHOPP), utilizing staff from Public Health and Behavioral Health. These individuals are co-located and routinely communicate regarding cases. This collaborative effort reduces duplication of services in that Public Health provides medical expertise and Behavioral Health provides mental health expertise. Jointly, they provide a thorough and integrated approach to services.

In compliance with the California Department of Aging requirements, The Office on Aging Information and Assistance call center is staffed with trained and caring Information Specialists who are mandated reporters for cases of elder and dependent adult abuse or neglect. In FY 2011-12, the Office on Aging call center made 942 referrals to APS and 97 referrals to the Ombudsman program. As mandated reporters, Information Specialists receive a confirmation letter from APS on all elder abuse reports that are reported by the Office on Aging. Consistent with program confidentiality requirements across the State, the Office on Aging is not notified of results regarding specific cases once reported to APS.

The Office on Aging coordinates the following efforts regarding elder abuse awareness:

- A shared toll free 800 phone line between APS and the Office on Aging allows callers to learn more about resources available in the community when contacting APS.
- The Office on Aging provides funding for the Ombudsman program and the FAST

program through a contract with the Council on Aging.

- The Office on Aging partners with members of the Board of Supervisors to co-host Senior Summits and other community education forums which feature keynote speakers such as Dr. Laura Mosqueda and Dr. Kerry Burnight who are nationally recognized for their work on elder abuse.
- The Office on Aging toll free 800 number is used for the Ageless Alliance elder abuse awareness campaign. Office on Aging staff participates in monthly Ageless Alliance meetings facilitated by Dr. Kerry Burnight with the UCI Center of Excellence on Elder Abuse and Neglect.

F.4 The computer system in the Public Guardian's Office has been "inadequate for its intended use" for many years impacting the ability of the Public Guardian to provide documentation in areas of elder abuse.

Response: *Disagrees partially with the finding.*

The OC Public Guardian computer operating system is outdated and requires updating to integrate the banking and asset management component to comply with new formats in the court accounting document. The County awarded a contract to a software company to update the program; however, the contract was terminated for cause. A Request for Proposal will be released in February 2013 to update the OC Public Guardian computer system.

The OC Public Guardian computer system lacks a field to identify the reason for sending a probate referral to the OC Public Guardian. This is currently tracked manually to identify the number of referrals where there are allegations of elder abuse. The OC Public Guardian investigates the need for a probate conservatorship and will seek appointment over incapacitated individuals who are at risk of being abused or who are victims of elder abuse.

F.5 A more definitive study is necessary to address four specific concerns within the area of elder abuse:

- A. Oversight over coordination and communication between agencies;
- B. Outreach and communication to the general public;
- C. Review of law enforcement and prosecution;
- D. Effective Information Technology to manage data flow.

Response: *Disagrees wholly with the finding.*

A study to address communication, law enforcement and data management flow regarding elder abuse is unnecessary as these areas are already addressed through Adult Mental Health Services, APS, the Office on Aging and the OC Public Guardian.

The Adult Mental Health Services, APS, the Office on Aging and the OC Public Guardian have developed multiple venues and participate in a variety of Agency meetings, seminars, educational presentations, and community meetings which provide opportunities for coordination and communication among county departments as well as providing outreach to the general public.

The OC Public Guardian receives referrals from APS and other community sources to investigate whether or not an individual meets the criteria for a probate conservatorship, pursuant to California Probate Section 1801. If a conservatorship is warranted, the OC Public Guardian will only petition for appointment. Should the investigator determine a conservatorship is necessary, a letter is sent to the referring party indicating the disposition of the investigation.

Individuals referred to the OC Public Guardian may be victims of elder abuse. If the referral was received from APS, elder abuse has already been reported. In cases originating from a community source and the investigating deputy determines the referred individual is an elder abuse victim, the OC Public Guardian's investigator reports the incident to both APS and the local police department. Once the investigator reports elder abuse to the hotline, the OC Public Guardian's office takes no further action to coordinate and monitor the investigation with APS, but proceeds with its own process to investigate the need for conservatorship.

County Executive Office/Information Technology along with OC Public Guardian are currently reviewing the business processes in order to conduct a Request for Proposal to be released in February 2013 for replacement of the current OC Public Guardian computer system.

Responses to Recommendation R.1, R.2, R.3 and R.4

- R.1** By October 1, 2012, the Board of Supervisors should establish a one-year independent, volunteer commission, consisting of private citizens (including members of various oversight committees), to conduct a comprehensive study of the effectiveness of elder abuse resources in Orange County focusing on the following:
- A. The prevalence of elder abuse and the probable increase in the future;
 - B. The efficacy of individual county agencies and departments;
 - C. Interactions with Orange County agencies/departments and non-profit organizations that provide senior resources;
 - D. The availability of outreach and communication to citizens concerning elder abuse;
 - E. The procedures of law enforcement agencies to investigate reports of abuse; and
 - F. The procedures used by the District Attorney's office to determine prosecution.

Response: *The recommendation requires further analysis.*

There are currently four groups that deal with and study aging issues within Orange County. These include the Office on Aging, APS, the Grand Jury and the Board of Supervisors. The Orange County Office on Aging serves as the lead advocate, planner and facilitator relative to all aging issues on behalf of all older persons in Orange County.

As an advocate, the Office on Aging is responsible for understanding the needs of Orange County's older adults and utilizing the federal funding and programs available to meet those requirements. In addition, the Office on Aging is charged with directing or participating in coalitions to drive new ideas, services, and legislation in support of Older Adults. Finally,

Office on Aging takes a proactive view and helps those in the senior services industry, public and private, plan for future needs.

APS is directed towards preventing or remedying neglect, abuse or exploitation of adults who are unable to protect their own interests because of age or disability. APS provides services without regard to income or resources. Each report of elder abuse is assigned to a Senior Social Worker for investigation and case planning. The assigned social worker attempts to have a private face-to-face meeting with the victim within 10 calendar days of the report.

The Grand Jury is composed of members of the public who serve for a term of one year. The Grand Jury has civil, or "watchdog" responsibilities which include the examination of all aspects of county government, including special districts, to ensure the county is being governed honestly and efficiently. The Board of Supervisors is composed of 5 elected officials and has oversight over the operations of the County Departments.

An evaluation will be conducted to determine the need for a volunteer commission to study the effectiveness of elder abuse resources over the next 90 days.

- R.2 By October 1, 2012, the Board of Supervisors should direct the Office of the Performance Audit Director to evaluate Adult Protective Services, The Office on Aging, Adult Mental Health Services and The Public Guardian. The evaluation would determine their individual effectiveness; assess their coordination and communication; and discover any overlap in services among them.

Response: *The recommendation requires further analysis.*

The Office of the Performance Audit Director works for and reports directly to the Board of Supervisors. As such, staff are representatives of the Board and pursue work only if it is assigned by the Board. Work is assigned to the Office of the Performance Audit Director by Board approval of a slate of audit assignments as part of a periodic work plan, or by Board approval of ad-hoc audit/advisory assignments. Recognizing that issues arise intermittently during the course of normal County operations, the Office of the Performance Audit Director developed and the Board approved a formal ad-hoc audit/advisory assignment policy and procedure for the approval of audits not included within the initial Audit Work Plan.

The department's ability to conduct department performance audits has been reduced significantly due to ongoing budget constraints and limited staffing, allowing the Office of the Performance Audit Director to work on only one audit at a time.

The evaluation of APS, The Office on Aging, Adult Mental Health Services and The OC Public Guardian is not included in the current Audit Work Plan approved by the Board. Should the Board decide to pursue this evaluation, the Board may either choose to add the evaluation as an ad-hoc audit assignment or direct the Office of the Performance Audit Director to include a performance audit of the County's efficiency/effectiveness in dealing with Elder Abuse in the next annual Performance Audit Work Plan. The audit will identify which County departments are involved in this issue, evaluate the quality of services provided on this issue by these departments, identify any duplications of effort, and make necessary recommendations to improve the County's service delivery in these areas.

- R.3** By October 1, 2012, the County Executive Officer should direct the Information Technology Department to evaluate the computer system of The Public Administrator/Public Guardian to insure that this agency has a full capacity to report, coordinate and monitor elder abuse.

Response: *The recommendation has not yet been implemented, but will be implemented in the future.*

County Executive Office/Information Technology along with OC Public Guardian are currently reviewing the business processes in order to conduct a Request for Proposal to be released in February 2013 for replacement of the current OC Public Guardian computer system. The current system does not identify referrals by category, and elder abuse referrals are identified manually by the one Supervising Deputy Public Guardian receiving and reviewing all probate conservatorship referrals. Automation of this capability would be a requirement in the new system. The new OC Public Guardian computer system should be implemented by June 2014.

- R.4** By December 31, 2012, the County Executive Officer should review agencies and departments within his purview to determine if they provide an effective response to elder abuse without any duplication of responsibilities.

Response: *The recommendation has been implemented.*

The agencies that are responsible to respond to elder abuse currently within the purview of the County Executive Officer are the Social Services Agency, the Health Care Agency and the OC Public Guardian. The County Executive Office routinely reviews the departments under his purview to ensure that they provide effective responses to elder abuse without duplication of responsibilities.