



Riverside County 2023-2024 Civil Grand Jury

OFFICE of PUBLIC GUARDIAN Taking Care of At-Risk Adults

Summary

Public guardianship programs are an important part of the public safety net for at-risk adults who have developmental (cognitive) impairments, and may be subject to abuse, neglect, or exploitation. These individuals are frequently isolated.¹ A noted bioethicist is quoted in Incapacitated and Alone: Health Care Decision-making for the Unbefriended Elderly, *“The single greatest category of problems we encounter are those that address the care of decisionally incapable individuals, who have no living relative or friend who can be involved in the decisional-making process. These are the most vulnerable because no one cares deeply if they live or die. We owe these individuals the highest level of ethical and medical scrutiny.”*²

Many at-risk adults may become clients of public guardianship programs, known in Riverside County (County) as the Office of Public Guardian (OPG).

The purpose of this report is twofold: (1) to consider OPG’s role in taking care of at-risk adults placed under conservatorship; (2) and to address issues of transparency and accountability identified in the 2022 report commissioned by Riverside County Board of Supervisors.

¹ Larson report, page 114, *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth, and Adults Under Conservatorship*, [Larson Public Report June 2022.pdf](#), Accessed March 6, 2024.

² *ibid*

Background

In 2018, an incident occurred that brought to light several issues within Riverside County departments, which included the Department of Public Social Services (DPSS), Riverside University Health System-Behavioral Health (RUHS-BH), OPG, and Riverside County Counsel.

In October 2021, County executive office leadership, on behalf of the Board of Supervisors (the Board), commissioned the law firm of Larson LLP, to investigate the 2018 incident and provide its findings and recommendations to the Board on what needed to be done to correct the problems. In June 2022, the investigation was completed and a report was submitted to the Board, named *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth, and Adults Under Conservatorship* (Larson report).³ This report addressed key problems related to OPG, among other issues within multiple County departments.

According to the Larson report, OPG cannot share private client information with other County departments, nor with the Riverside County Civil Grand Jury (Grand Jury), due to required compliance with State statutes. As a result, there is a lack of communication, transparency, and accountability across County departments.⁴ This lack of transparency is a consequence of limitations under the same law. For example, the OPG annual external audits regarding Medi-Cal and Social Security are reviewed internally and are not readily available to other County departments, nor to the public, in order to preserve client privacy.⁵

Methodology

The Grand Jury conducted a comprehensive review of OPG through the following methods:

Tours:

- Riverside Department of Public Social Services (DPSS) – La Sierra

³ Larson report, Title page, [Larson Public Report June 2022.pdf](#), Accessed March 6, 2024.

⁴ Larson report, [Larson Public Report June 2022.pdf](#), Accessed May 14, 2024.

⁵ OPG correspondence May, 2024.

- DPSS - Blythe
- Riverside University Health System (RUHS) – Medical Center
- RUHS – Jurupa Valley
- Riverside OPG
- Senior Centers in Riverside County

Interviews:

- Larson LLP
- Riverside County Departments:
 - DPSS
 - Auditor-Controller
 - Executive Office
 - County Counsel
- Riverside OPG
- Principal Policy Analysts for Vulnerable Adults, Executive Office
- RUHS-BH
- Riverside Adult Services, Division of DPSS
- Riverside Office on Aging

Documents:

- Auditor-Controller: Internal Audit Reports
- CDC Report on Aging
- Internet and media articles regarding County safety-net
- Judicial Council of California Handbook for Conservators, 2016
- Larson Report
- Riverside OPG document receipts – five years County Counsel Reports
- Riverside OPG bank accounts & financial reports
- Riverside OPG 2022 Annual Report
- Riverside OPG Policies & Procedures Manual
- Riverside OPG and County organizational charts
- 2023-2024 Riverside County Budget
- Riverside County *Office on Aging, 2020-2024 Area Plan on Aging, The Path Ahead (2023-2024 Update)*
- RUHS-BH *Guide to Services*

Websites:

- National Guardianship Association
- Riverside County
- RUHS
- State of California: 12 County websites regarding Public Guardian
- Superior Court website, County of Riverside/Conservatorship
- California Department of Social Services
- California Association of Public Administrators, Public Guardians, and Public Conservators (CA/PA/PG/PC)
- California State Association of Counties (CSAC)

Emails, telephone conversations (Department Management):

- Riverside County Department of Public Social Services (DPSS)
- Riverside University Health System Community Health Centers
- Riverside University Health System Medical Centers
- Innovation/Integration (OPG)
- Larson LLP, Larson Report to Board of Supervisors
- Riverside County Executive Office
- Riverside Office of County Counsel
- Riverside County Office of Auditor-Controller
- Riverside Office of Behavioral Health
- Riverside Adult Services Division (of DPSS)
- Riverside County Office on Aging

Discussion

Conservatorship and Investigation:

The Riverside County Superior Court (Court) appoints conservators to help conservatees with activities of daily living (ADLs), including assistance with managing finances. The Court may appoint one person to be conservator of both the

person and their estate. The conservator of an estate has a legal and fiduciary responsibility to the client.⁶

Conservatorship is the legal process in which a judge appoints another person (conservator) or agency to make decisions for a person (conservatee) who is incapable of fully managing his or her own affairs.⁷ OPG reports that it currently has 1,040 clients under conservatorship.

The conservatorship process always begins with a referral. Anyone can make a referral to the Public Guardian. Referrals come from various sources, including Adult Protective Services (APS), Office on Aging (OOA), convalescent hospitals, acute care hospitals, law enforcement, and private citizens. Interested parties can also petition the Court to become a conservator.⁸

Upon receipt of the referral, OPG opens the case and begins an assessment of the client. There are several types of assessments, including initial visits, quarterly visits, and annual visits. According to the California State Association of Counties, services of the Public Guardian may be “*provided through a separate county department, an elected official, or incorporated into a larger department such as health or human services*”.⁹

According to the Judicial Council of California,¹⁰ there are many types of conservatees. Many are elderly, some are young with temporary or permanent mental or physical disabilities that may require assistance with ADLs.

There are many types of conservators. According to the *Judicial Council of California “Handbook for Conservators, 2016”*, what conservators have in common is a willingness to help someone who needs assistance. A conservator might be a family member, domestic partner, or friend. If no one is willing or able to serve, the conservator might be a professional fiduciary or the OPG.¹¹

⁶Riverside University Health System (RUHS)-Behavioral Health *Guide to Services*, https://www.rcdmh.org/Administration/PG_ Accessed March 6, 2024.

⁷ Dictionary, <https://www.merriam-webster.com>, Accessed March 6, 2024.

⁸ Public Guardian Referrals, <https://www.courts.ca.gov/documents/care/01.pdf>

⁹ Public Guardian; [Public Guardian - California State Association of Counties](#); Access 4/23/2024.

¹⁰ Handbook for Conservators, pages 1-1, 1-2 <https://www.courts.ca.gov/documents/handbook.pdf>, Accessed March 6, 2024.

¹¹ Handbook for Conservators, pages 1-1, 1-2 <https://www.courts.ca.gov/documents/handbook.pdf>, Accessed March 6, 2024.

According to the OPG website: *The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The Public Guardian conducts the official County investigation into conservatorship matters and acts as the legally appointed guardian or conservator for persons found by the Superior Courts to be unable to properly care for themselves or their finances.*¹²

Below are descriptions of the main components and services of Public Guardian work:

OPG services:¹³

Deputy Public Guardians provided 11,203 services to clients in CY 2022.

Services provided include:

• Agency Collateral	• Family Collateral	• Placements
• Answer Objections Court Accounting	• Final Distribution to Conservatee Termination	• Process Private Insurance Claims
• Appraisal Personal Property	• Final Distribution to Executor	• Purchases
• Appraisal Real Property	• Final Distribution to Private Admin	• Release of Personal Property
• Burial Arrangements	• Final Distribution to Public Admin	• Renovation Crew Hire
• Case Assignment	• Freeze Bank Accounts	• Request Petition for Sale Real Property
• Case Documentation	• Inspection of Real Property	• Respond to Questions Status of Case
• Cleanup Crew Hire	• Interview Conservatee/Assessment	• Secure Real Property
• Cleanup Negotiation	• Interview Other Agencies	• Selling Real Property
• Client Evaluation	• Interview Proposed Conservatee	• SSI/Medical Appeals
• Client Freeze Payments Change	• Inventory Personal Property	• Status Change
• Complete Referral for Appointment	• Landscape & Maintenance Crew Hire	• Status of Case
• Conservatee Visits	• Management Real Property for Sale	• Tax Preparation
• Consultation with Other Parties	• Marshal Personal Property	• Transport Client to Doctor's Appointment
• Court Appearance	• Marshal Bank Accounts	• Transport Personal Property to Warehouse
• Cursory Search of Dwelling	• Obtain & Review Medical Documentation	
• Disposal of Unnecessary Trash		
• Domestic Help Hire		
• Eviction from Rental Property		

Deputy Public Guardians (DPGs) are responsible for planning, organizing, and performing activities related to OPG's services and functions (conservatorship). Specifically, the DPG activities include the proper care, maintenance, education, and support of the conservatee.¹⁴

¹² OPG website, <https://rivco.org/public-guardian>

¹³ OPG Annual Report, [Public Guardian Annual Report 2022 \(FINAL\).pdf](#)

¹⁴ Public Guardian responsibilities, Riverside University Health System-Behavioral Health *Guide to Services*, https://www.rcdmh.org/Administration/PG_ Accessed March 6, 2024.

OPG has many duties related to conservatorships, outlined on its website, and within the RUHS-BH *Guide to Services*.¹⁵ These duties are defined by OPG as:

1. **Conservatorship** – The Superior Court appoints a manager for the financial and/or personal care needs of the individual who is either physically or mentally unable to provide for those needs.
2. **Conservatorship Investigation** – The Public Guardian’s office determines whether or not a client should be placed under conservatorship. Investigators gather information from the client’s family, therapist, doctors, and anyone else who may be involved with the client. Based on the information obtained, a report is generated with a recommendation for or against conservatorship. The report is then submitted to a judge for the final determination.

Administrative Services:

1. **LPS/Property Management Administration** – The Public Guardian has been designated by the County Board of Supervisors as the County office to serve as conservator under the Lanterman-Petris-Short Act (LPS) for persons gravely disabled as the result of a mental disorder. These individuals may require placement in a mental institution or other facility for psychiatric treatment. *Grave disability* is defined as a condition in which a person, as a result of a mental disability, is unable to provide for his/her basic personal needs for food, clothing, or shelter.
2. **Probate Administration** – OPG operates under the legal requirements of the Probate Code, providing probate conservatorship services while managing property, and/or providing for the personal care needs of disabled adults.
3. **Representative Payee Program (Estate Conservatorship)** – Many clients find themselves in a position where they are unable to safely handle their finances. In these cases, the Public Guardian has a program whereby a special person, called a payee, is designated to collect the client’s Social Security

¹⁵ Ibid

income. The payee uses those funds to pay the client's bills such as rent, utilities, medical expenses, and other expenses of daily living.

In its investigation of OPG, the Larson report and the Grand Jury identified the following issues:

Organizational Transparency:

As reported by Larson, a lack of transparency and accountability are factors contributing to the problems between the Office of Public Guardian, other County departments, and the public where Larson's attempts to contact OPG leadership were problematic. The Grand Jury, through interviews and research, learned that OPG's organizational structure is not clearly defined and lacks visibility.

The Riverside County website has a Public Guardian page, which has only a brief description of conservatorships. The OPG address, telephone and fax numbers, and office hours, are also listed therein.¹⁶ (see Exhibit 1)

A separate website listed under RUHS-BH, includes an OPG page identifying the Public Guardian Program. This website provides leadership and staff information, and indicates that OPG provides conservatorship investigations and administrative services. An interested party would have to know to look first under RUHS, second Behavioral Health, and finally under Programs in order to find the Public Guardian Program page. Within this website, there is no information about OPG's office address, telephone/fax numbers, and office hours.¹⁷ (see Exhibit 2) These two websites (Riverside County and RUHS-BH) would be more informational regarding OPG if they were linked.

The Larson report described the experience of a provider trying to locate OPG: *"There is no information that can be accessible or that is available online to get information. ... So, for me as a provider, that means I have to literally track down somebody's email or call the reception desk multiple times and find a supervisor to help me."*¹⁸

¹⁶ Riverside County website, <https://rivco.org/search/global?keys=public+guardian> Accessed May 9, 2024.

¹⁷ OPG contact information, <https://www.ruhealth.org/behavioral-health/public-guardian-program>, Accessed March 6, 2024.

¹⁸ Larson report, page 155, *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth, and Adults Under Conservatorship*, [Larson Public Report June 2022.pdf](#), Accessed March 6, 2024.

Financial Accountability and Audits:

OPG is a member of the Local Government Association and participates in the County Medi-Cal Administrative Activities and Targeted Case Management Program. This program is part of California Medi-Cal reimbursement for Targeted Case Management. The state and the federal governments conduct annual audits of OPG including Medi-Cal and Social Security.¹⁹ These appear to be the only scheduled external audits reported by OPG leadership. Those audits did not identify any performance review or audit process by an outside entity. The National Guardianship Association requires that “*the organization shall undertake an internal program evaluation annually;*” and “*the organization will arrange to have an external program audit by an objective third party on a biennial basis.*”²⁰

According to budget information provided by OPG, it manages millions of Federal, State, and County taxpayer dollars and makes decisions influencing the quality of life for over a thousand clients under conservatorship. OPG budgets have increased over the years.²¹

OPG’s management of taxpayer dollars should be audited, including financial (internal) and performance (external) audits. The Board of Supervisor’s Resolution Number #83-338 details the authority of the Auditor-Controller’s Internal Audits, which states under Policy III. A. 3.: “*The accounts and records of any department, office, board, or institution under the control of the Board of Supervisors and of any district whose funds are kept in the County treasury shall be audited by the Auditor-Controller as directed by the Board of Supervisors. Government Code §26883.*”²²

The most recent Internal Audit Report regarding OPG was dated July 31, 2014.²³ There was a follow-up to this report dated November 23, 2016. However, there were no further audits scheduled by the Board of Supervisors regarding OPG, although

¹⁹ OPG correspondence May 13, 2024.

²⁰ Larson report, page 154-155, [Larson Public Report June 2022.pdf](#), last access 5/8/2024

²¹ 2024 Riverside County Adopted Budget, Behavioral Health, <https://rivco.org/sites/g/files/aldnop116/files/2023-12/Riverside%20County%20Budget%20-%20Adopted%20Budget%20FY23-24%20Volume%201%20Final.pdf>, Accessed March 14, 2024.

²² Policy for Internal Audits, [Board Resolution 83-338.pdf](#), Accessed May 13, 2024.

²³ Internal Audit Report, <https://auditorcontroller.org/sites/g/files/aldnop171/files/2023-02/Internal%20Audit%20Report%202014002%20Countywide%20Revolving%20Funds%20Mental%20Health%20Public%20Guardian.pdf>, Accessed March 14, 2024.

California Government Code 25250 requires the County Board of Supervisors to audit, or cause to be audited, departments under its authority.

The June 2022 Larson report identified OPG as one of the financially and/or politically sensitive areas within Riverside County government that needs improvement. In an interview, a County executive officer informed the Grand Jury that the Executive Office can request the Auditor-Controller to add internal audits to the normal two-year internal audit schedule. The Executive Office can also arrange for external audits of financially and/or politically sensitive areas within the County.

The Grand Jury was left with an important unanswered question: If by statute, audits are required for entities managing taxpayer dollars, why is the OPG program not being audited by the County on a regular basis?

Findings

- F1:** OPG manages millions of Federal, State, and County taxpayer dollars.
- F2:** The Riverside County Auditor-Controller's office has not conducted an internal audit of OPG since 2014.
- F3:** The Riverside County Auditor-Controller's planned internal audits do not include OPG.
- F4:** The Riverside County Auditor-Controller's office is required to audit County departments, offices, boards, and institutions.
- F5:** OPG is a sensitive program that is not being financially audited internally, nor audited externally, for performance by the County on a regular basis.
- F6:** OPG is audited annually by the state of California specifically for its use of Medi-Cal funds.
- F7:** OPG is audited annually by the federal government specifically for its use of Social Security funds.
- F8:** The information provided on the Riverside County website regarding Office of Public Guardian has a brief description of conservatorship, which includes the OPG address, telephone/fax numbers, and office hours.

F9: The OPG page is embedded within the Riverside University Health System website.

Recommendations

R1: The Auditor-Controller Office should financially audit OPG on a regular basis according to County policies and procedures.

- Based on finding: F1, F2, F3, F4, F5, F6, F7
- Financial Impact: Minimal - Moderate
- Time Frame: January 1, 2025

R2: The Executive Office should order external performance audits for OPG on a regular basis, regardless of current County policies and procedures.

- Based on finding: F1, F2, F3, F4, F5, F6, F7
- Financial Impact: Minimal - Moderate
- Time Frame: January 1, 2025

R3: OPG leadership should work with the County's IT Department to establish a link between the County's website and the RUHS-BH website to provide improved OPG information, visibility, and accessibility.

- Based on finding: F8, F9
- Financial Impact: Minimal
- Time Frame: July 1, 2025

Required Responses

- Riverside County Board of Supervisors
 - Findings: F1, F2, F3, F4, F5, F8, F9
 - Recommendations: R1, R2, R3
- County Auditor-Controller Office
 - Finding: F1, F2, F3, F4, F5, F6, F7
 - Recommendation: R1, R2

Invited Responses

The following Riverside County Agencies are invited to respond:

- Riverside County Executive Office
- Riverside University Health System
- Riverside County Behavior Health
- Riverside County Office of Public Guardian

References

- Larson Report: *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth and Adults Under Conservatorship*, [Larson Public Report June 2022.pdf](#)
- OPG Annual Report, [Public Guardian Annual Report 2022 \(FINAL\).pdf](#)
- Webster Dictionary, <https://www.merriam-b Webster.com>
- RUHS/Careers website, <https://www.governmentjobs.com/careers/riverside/jobs/newprint/4339233>
- CDC, *Helping Older Adults*, <https://www.cdc.gov/chronicdisease/resources/publications/factsheets/promoting-health-for-older-adults.htm>
- RUHS OPG statement, *Guide to Services*, <https://www.rcdmh.org/Administration/PG>
- Handbook for Conservators, <https://www.courts.ca.gov/documents/handbook.pdf>
- RUHS Behavioral Health *Guide to Services*, Public Guardian Responsibilities, [https://www.ruhealth.org/behavioral health/](https://www.ruhealth.org/behavioral%20health/)
- Public Guardian Referrals, <https://www.courts.ca.gov/documents/care/01.pdf>
- APS website, <https://www.cdss.ca.gov/adult-protectiveservices>
- OPG Contact Information website, <https://www.ruhealth.org/behavioral-health/public-guardian-program>
- Riverside County Adopted Budget, Behavioral Health, <https://rivco/sites/g/files/aldnop115/files/2023-12/Riverside%20County%20-%20Adopted%20Budget%20FY23-24%20Volume%201%20Findal.pdf>
- California State Association of Counties, [Public Guardian - California State Association of Counties](#)
- The Legacy, *The Conservatorship Process: How Does it Work?* <https://www.thelegacylawyers.co./blog/cpnservatorship-process/>
- OPG, https://www.riverside.courts.ca.gov/system/files/guardianship_brochure, pdf
- OPG, https://www.riverside.courts.ca.gov/system/files/conservatorship_packet, pdf
- Policy for Internal Audits, [Board Resolution 83-338.pdf](#),

Exhibit 1

County of Riverside website Public Guardian page

Public Guardian

The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The Public Guardian conducts the official County investigation into conservatorship matters and acts as the legally appointed guardian or conservator for persons found by the Superior Courts to be unable to properly care for themselves or their finances.

Street Address

3625 14th Street
Riverside, CA 92501

Mailing Address

P.O. Box 1405
Riverside, CA 92502

Phone (951) 955-1540

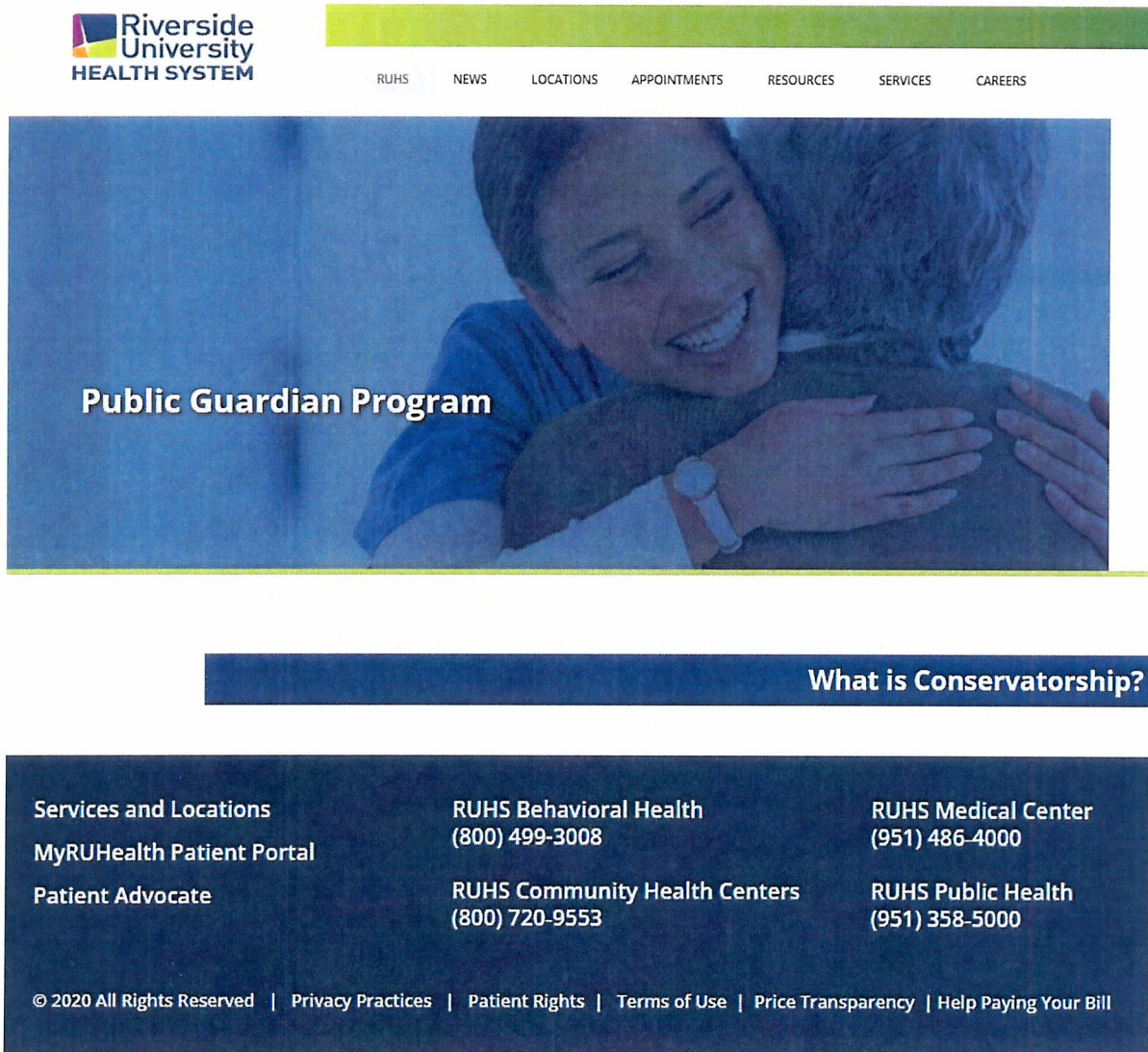
Fax (951) 955-1610

Business Hours

Monday - Thursday, 8:00 a.m. - 5:00 p.m.
Friday, 8:00 a.m. - 4:30 p.m.

Exhibit 2

Riverside University Health System – Behavioral Health Public Guardian Program page



The screenshot shows the top portion of the Riverside University Health System website. The header includes the RUHS logo and a navigation menu with links for RUHS, NEWS, LOCATIONS, APPOINTMENTS, RESOURCES, SERVICES, and CAREERS. Below the header is a large blue-tinted image of a woman hugging an elderly person, with the text "Public Guardian Program" overlaid. A dark blue banner below the image contains the heading "What is Conservatorship?". The footer is a dark blue section with contact information for Services and Locations, MyRUHealth Patient Portal, Patient Advocate, RUHS Behavioral Health, RUHS Community Health Centers, RUHS Medical Center, and RUHS Public Health. It also includes a copyright notice and links to Privacy Practices, Patient Rights, Terms of Use, Price Transparency, and Help Paying Your Bill.

Riverside University HEALTH SYSTEM

RUHS NEWS LOCATIONS APPOINTMENTS RESOURCES SERVICES CAREERS

Public Guardian Program

What is Conservatorship?

Services and Locations	RUHS Behavioral Health (800) 499-3008	RUHS Medical Center (951) 486-4000
MyRUHealth Patient Portal		
Patient Advocate	RUHS Community Health Centers (800) 720-9553	RUHS Public Health (951) 358-5000

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