

>> Let's move on to Ethel. Ethel, as I said, is from the Public Guardian Office, Public Administrator, and Public Conservator, so a lot of titles, and let's hear from Ethel, the public audience role and how Public Guardian can be there for us in our county to help with some of these issues.

>> Thank you. First I'll apologize -- a little nervous, I don't do a whole lot of public speaking, so I've been with the Public Guardian's office for about 14 years. And we're a small office. We have one supervisor, five deputies, and two paralegals, and we have case load of conservatees of around 300. They're comprised of both probate conservatorships, which are usually due to a medical physical need. Maybe a stroke or Alzheimer's. And then the LPS conservatorships which are the people who suffer from a mental illness. I do some referrals for the office, but my main job is to handle the public administrator side for the county, which are the estates of people who passed away who there's no known next of kin. Or maybe their next of kin or executor of their will is unable or unwilling to act. May be elderly may live across the country, or something like that. So I will handle those estates for the county, and then disburse the funds to the next of kin, or as the will provides. I also handle the county's indigent cremation program, which takes care of the disposition of our needy folks of our county. And I handle all of the property for the office for the conservatees as well as the estates. So I do all of the banking for our conservatees, and that includes our people who come to us that have been financially abused.

Our referrals for financial abuse come from either APS or from the courts. And the ones that come from the courts are usually people who are under conservatorship, usually by a loved one, and the court feels that that person is not handling their financial affairs appropriately. When you're under conservatorship, the conservator is required to file an annual or bi-annual accounting of the person's funds, what their income is, and what those funds have been expended on. Red flags come up to the court, and the court investigator when they see things like purchases at Victoria Secret store, a disabled dependent adult, or grandma, not to say that grandma doesn't like nice underthings, but usually a monthly trip to Victoria Secret isn't really something that's in necessarily spending her money appropriately. And there's a number of things.

So a lot of times, we'll get referrals from the court to, and we will end up becoming that person's conservator, or maybe just the conservator of their estate. A lot of times it'll be somebody who's received a large inheritance. Maybe there was an accident and they got an insurance settlement or something. And so that money who's been absconded with. If we're lucky, the person that was the conservator has been bonded and we can recoup some of those funds for the conservatees benefit. Our APS referrals are called that they receive from public, informing them of somebody who may be being abused. And we work very closely with adult services. And when they bring us a referral, we usually do a joint investigation, and we will go out initially, and we like to move fairly quickly on the financial abuse ones because it doesn't take long for the suspected abuser to realize that there is somebody new in the picture, and that can either possibly cause additional harm to the individual or them responding with more money quickly.

So if we've done an investigation, and we determine that we're going to move forward with the conservatorship, then the probate code allows us a little leniency with a code section called 2900 that in

part reads that if the public guardian or public conservator determines that the requirements for appointment of a guardian or conservator of the estate are satisfied, and the public guardian or public conservator intends to apply for appointment, the public guardian or public conservator may take possession or control of real or personal property of a person domiciled in the county that is subject to loss and misappropriation. That code section gives us the right to determine if we feel that person's property is subject to loss or misappropriation. So we can make up this 2900 form if we have investigated, we feel that this person needs conservatorship, and we are going to petition the court for conservatorship, we can take that document to the financial institution and say, we want to block the bank accounts, the investment accounts, or we want to just close the accounts completely.

A lot depends on the bank. We've had a couple of instances recently, I took the powers to the bank, said I'd like to freeze the account. Now one of the problems with freezing an account is that that person's income is usually being direct deposited. When you freeze the account, it stops all activity, and so that income ends up being returned to social security or their pension, or whatever.

So I took them to the bank, and this one particular bank said, well, you can either close the account or you'll have to rename the account for the conservatorship. We didn't have conservatorship yet, so I just said, fine, we'll close it. I'll take those funds. We'll take them into the office. We'll put them into this person's trust account. Another situation, the bank was more than amenable to just freezing the account, and the same with their investments. They just froze the account so that there would be no activity on them to protect those assets until we were able to get conservatorship, and then go in and close those accounts.

A couple of examples recently are we received a referral on a person who had inherited a lot of money from a friend, and had another friend that was helping the individual out. The individual had a trust. Everything was in order. The friend was paying the bills and everything looked good. Care provider and this friend that was paying the bills is down south, and they're up here in Burke County. The care provider apparently decided that she was not going to be getting a big enough share of the pot from the trust when he passed away. So took him to another attorney to have the trust re-done. Luckily, the original attorney who did the trust got wind of it, and made a referral to adult services. As did the friend who had been helping this individual out all the time. We went in, we were able to freeze the accounts and everything, and when I did that I also got a printout of all of the bank statements for the last six months.

Well it doesn't appear that the care provider was the only one that was taking advantage of this person, but also the longtime friend who had brought it to our attention. But it's very difficult. Law enforcement is investigating this. But it's very difficult because the individual is a very kind, generous person who acknowledges, yes, I gave this person \$17,000 for a car. Yes, I gave this person \$10,000 to fix their roof. Their friend. So despite the fact he was being taken advantage of, it's very hard to prosecute the person because of the good nature of this person and they're poor historians and unable to recognize that they've been taken advantage of. This person had no idea how much money he had. He didn't want to know. And everybody was just - his care provider would take him in to the investment company and say

go in and close out these accounts. And he's got \$500,000 in there. Luckily, by the time that they would get into the office and start talking to the broker, it would be like, no, I don't want to do this. I like these people. And he'd walk out. So we were able to - luckily, most of his finances are still intact. But it's a lot of times hard to prosecute them because of their generous nature, and my friend, I want to help him out. Take me places. They come over and see me all the time. They bring their dogs over to visit. And they're lonely. They're isolated. They're lonely. They have no family. No support system. So he had the good [inaudible] been placed and the finances are still intact. And hopefully he will be able to live out the rest of his life in comfort. And so that's one.

We also had another one that the grandson was the care provider for 93-year-old grandparents. Neighbors found him passed out in the garage one day, drug abuse. They were able to call law enforcement. Get him arrested. And called in adult protective services. Law enforcement called in adult protective services. We were able to go in fairly quickly and get a temporary conservatorship, but in the meantime, we did the 2900 powers when in and closed the bank account because the bank required it to either be closed or to rename it into the conservatorship. This person had a lot of their assets into a trust too, naming the grandson, of course, the successor trustee. And he too would take her into the bank and withdraw large sums of money and stuff, but once again, a good outcome. He did get out of jail. But by that time, we had a grandparent relocated and the house boarded up. And so, hopefully, he has disappeared and we won't see him again.

Financial abuse, and maybe it can't be considered financial abuse, but also happens sometimes after the person's passed away. In handling the estates for the county, we sometimes get them from the courts whenever there's a family squabble. We received one a couple of years ago that son and daughter. Their mother passed away. Father had passed away a number of year prior. Not a lot as far as cash assets, but apparently had some personal property. A collectible pottery, bronze statue, stuff like that. A coin collection from what I'm told. And some guns. The reason I say that I was told is because by the time we were brought in, that stuff had disappeared. Of course, the daughter is saying the son took it. The son said the daughter took it. And we have no way to prove where it disappeared to. So I consider that to be financial abuse on the parents too. And then that situation, a lot of people said, oh, there's a will. There's a trust. By the time the family got done, if there was anything, it had disappeared and been destroyed. So not only has the property disappeared, the parents' wishes of how they wanted their estate disbursed have disappeared too. So it goes equally to the son and daughter. So those are just a few examples of financial abuse that we've dealt with recently. And that's about all I have. If you have any questions? Start back there.

>> [Inaudible].

>> Typically, in a rare occasion, we have had a person consent to the conservatorship because they were under undue influence. Just because you're elderly, doesn't necessarily mean you lack capacity, but you could just be a prime target for abusers out there. So we have on a couple of occasions, had somebody who did a voluntary conservatorship and agreed to it. But typically there needs to be a doctor's declaration.

>> [Inaudible] It's typically their regular doctor.

>> [Inaudible].

>> Usually, we haven't - we've had a couple of instances. We had one instance where we petitioned for conservatorship. The doctor had completed the declaration supporting the conservatorship. The gentleman contested the conservatorship. Which they have a right to. So there was a court trial. Our attorney talked to the doctor in the hallway, and said this is what I'm going to ask you. And he's like, okay. I support this. Got on the stand and said the total opposite. Because looking at that person face-to-face, he didn't, I guess he didn't want to jeopardize that bond there or whatever, and said, okay, oh yeah, he can take care of himself. He can go home. He can live by himself. Which I guess he managed okay because at that point in time, we had to just drop the conservatorship because we don't have a doctor that's supporting it. Despite the fact the man can barely move. And we had to take him - took him to the grocery store, got him some groceries, and we had to take him home to his mobile and leave him. We had no other option. He was off conservatorship. That's what he wanted. We haven't had a lot of problems with the doctors. They usually, by the time they come to us, the doctor's usually like, yes, this person needs conservatorship. And they're willing to do that. And usually by the time they come to us, they're not contesting. We do have some that contest, but usually there to a point where they can't. But what we did have that one instance where the doctor just totally revamped it once he got on the stand. Yeah?

>> [Inaudible]. Through the attorney or through the public guardian, or can a family member [inaudible]?

>> Yes. You can go to the probate window at the courthouse. If you're here in [inaudible], or Ron Oleander. And just ask for the conservatorship packet. And I don't know exactly what it says, but it does give you step-by-step on how to do it. You will need to, of course, still get a doctor's declaration, probably a capacity declaration, a level of care, whether they need - whether they can stay at home. Whether they need a skilled nursing facility. Or a lost dementia unit. Or that kind of thing.

>> [Inaudible]. I can only assume it is. I don't know that.

>> [Inaudible].

>> We are public conservators, so we are a county agency. There are private conservators. If you're looking to conserve a friend or your parent, or whatever, typically the court is going to want you to be bonded for the value of that person's assets.

>> [Inaudible].

>> It's pretty easy. Usually, social security sometimes will then turn around and just send a check to their address that they've got on record. Which can become a problem too. I recently had that happen. In that we went and closed out the bank accounts after we had temporary conservatorship, and, of course, when the bank accounts closed, then that check goes back to social security because there's been a lapse in doing the change of payee and the bank account being closed. And so by the time I called them and said, hey, this happened, we closed this account, they're like, oh, okay, well we'll note the file. By that time the check had already went out. Luckily the son brought the check and I think in error, mentioned to me that it had come, and that he had it with him at that time I was seeing him, and I said, oh, well let me have that. [Laughing] And he was very reluctant to, of course, turned it over because that was his source of income was mom's money.

But, yeah, the pensions usually will just go back to the company, and you call them, get them the documentation that you're the conservator now, and then they just send you whatever has been returned to them and start you as the payee. Julie mentioned something about the banks being mandated reporters. And they are. They don't. I get very frustrated with them. We've had instances where I'll go in and we have - which we don't do very often, but we've conserved one-half of a couple will say we can serve the husband, and we'll go in and we'll withdraw half of their joint bank account for the person's care. Oh, I'm so glad you're here. Did you conserve so and so too? No. Well, the daughter keeps bringing her in here. She pulled out \$10,000. She was going to get her a new car. And all that stuff. Said have you called adult protective services? Well we did our form for financial abuse, and it goes on up to, it goes up through their line of hierarchy, and it gets lost someplace because nobody ever. Once it leaves their desk, nobody ever hears about it. And so I told him, call adult protective services.

Well the next time you go in with somebody else, you kind of get the same thing others as person, and the grandson keeps bringing him in, and pulling out all of his money, and everything. Have you called adult protective services? Well, no, but I filled out our form. And it's very frustrating that they're just sitting back watching these people being taken advantage of instead of just picking up the phone and calling an 800 number. But because they're higher ups have determined, okay, well we need to protect our clients, and so we don't want to upset them or breach their confidentiality, or make them made, so when you see this happening, you fill out this form, and then you send it up to corporate, and we'll take a look at it, see if it looks like it needs to be reported, and then we'll send it on up to whoever, and it gets lost along the way. It never gets reported. The bank account gets emptied. And the grandson's having a great time at the casino. So I get very frustrated with the banks when I go in and they're like, oh, well, I'm really concerned about this person, and call adult protective services. Oh, okay, and I'll give them my card, or whatever. Never hear from them.

>> [Inaudible] mandated reporter, right? [Inaudible] call it through and -

>> How do you plead that, though? I don't know what clients their talking about. I don't know that they're actually being - what do I do, go call the police and say these people aren't doing their mandated, I mean, there's just, I mean, I suppose if the person who's being taken advantage of has a family member that then steps in and says, wait a second, this isn't right. And then maybe goes to the

bank and says, why didn't you report this? I mean, maybe, but it's just so hard. How do you know? And the poor lay person, the teller, or whatever, has filled out the form that they've been told this is what you do. You don't tell anybody. You just fill this form out. Give it to your manager, and then the manager sends it on up. So I think the law probably needs to have a little tweaking to it or something to make it better.

>> [Inaudible] of their personal responsibility, I would think, yeah.

>> Any other questions?

>> [Inaudible].

>> We get, not like the general public, but a lot of times we will have when we can serve somebody, and let's say they're son or daughter, or whatever is the one that has been taking care of them, or is this suspected abuser, or whatever, and they may still be actually doing their physical care. They'll take them to the doctor and say, I'm the conservator. And we'll eventually get wind of it. No, you're not the conservator, we'll have to call the doctor's office. This person does not have the right to make any decisions for this person. So we get it that way, but not too much as far as -