

TEACHING PROBATE CONSERVATORSHIP

IN

HUMBOLDT COUNTY

By

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## **ABSTRACT**

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The focus of this project was to create a simplistic yet thorough curriculum and teach a few individual community members how to become a probate conservator without the use of a lawyer or a government entity. I developed a curriculum in the style of a self-help manuscript to keep the information simple and accessible, and the Public Guardian identified individuals who were interested in participating in the project. The participants were given a copy of the curriculum, reviewed the curriculum with the investigator and sent follow up questions to the investigator via email. Improvements were made to the curriculum so it can be used in future workshops for community members and professional agencies. This is beneficial for the Humboldt County Public Guardian in it helps to fulfill their mandate of exhausting all options for conservatorship.

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## INTRODUCTION

Conservatorship is a court process that was designed to protect individuals found to be gravely disabled by the court. The different types of conservatorships were designed for different reasons. LPS conservatorships were designed to protect and assist individuals who are found to be gravely disabled because of their mental illness. These conservatorships provide stability and consistency in treatment of conservatee's mental illness and over all wellbeing. These conservatorships must be initiated through other professional entities such as nursing homes, doctors and mental health physicians.

There are three types of probate conservatorships: conservatorship of the person, conservatorship of the estate (or both person and estate) and limited conservatorships. A conservator of the person cares for and protects that person when the judge decides that the person (conservatee) is unable to do so, and a conservator of the estate handles the conservatee's financial matters if the judge decides the conservatee is unable do it. Often individuals are conserved as both person and estate. Limited conservatorship is also a probate conservatorship, but was specifically created by the California legislature for the developmentally disabled population. This conservatorship determines the abilities in the individual and recognizes they should be allowed to make decisions regarding their abilities.

The Humboldt Public Guardian serves individuals who have been ordered by the court into conservancy. This agency is under the mental health branch of the Department of Health and Human Services and the office consists of five guardians and three fiscal

and secretarial staff. The agency performs probate conservatorships, LPS (Lanterman Petris-Short) conservatorships, administers trusts and runs a representative payee program.

The services of the Public Guardian are supposed to be reserved for individuals who have no one in their family who is able to care for them, thus a government agency has to step in to fill that void. The California Probate Code 1812 specifies that the Public Guardian is the last resort when it comes to the appointment of a conservator and all other options for conservatorship have been exhausted. Valuable family resources are frequently not being identified or utilized to their fullest potential. This curriculum is important as it investigates and educates all parties about these family resources. A family member can establish a private conservatorship and this process can be completed with or without the aid of a lawyer. For this reason, the Public Guardian expressed a need to teach capable and willing community members the process of probate conservatorships.

### **This Project**

This project is a curriculum and the process and results of teaching interested community members probate conservatorship. Initially, this curriculum was going to be taught in the form of a workshop and would include information from various interviews. However, the project changed to focus on the creation of the curriculum in a written format and work with individual participants to elicit feedback on the information and

format. The participants were given a questionnaire at the end of the curriculum to gain feedback to further develop the curriculum.

The Public Guardian has received referrals for probate conservatorship where there was an interested family members who wanted to be the conservator but was intimidated and overwhelmed by the process. This curriculum was designed to empower family members who may be enlisted to carry out conservatorship responsibilities to help their own family members. According to the Public Guardian, at this time they serve over 500 individuals in Humboldt County with some of those individuals placed outside of the county. Each conservator has many cases and this can affect the quality of care and the timely response to requests or needs of the conservatees.

With this in mind, it is important to consider if the conservatee would have a better quality of life if conserved by a family member in a more intimate and potentially more trusting relationship than with a government agency. However, there is also the possibility that this dual relationship could be problematic, and such an intimate relationship could result in manipulation and abuse of conservatee and/or the conservator. It is important to keep in mind that many individuals end up on conservatorship because of familial abuse. Nevertheless, with the best care of the conservatee in mind, familial options should be considered and pursued if appropriate.



## **REVIEW OF THE LITERATURE**

### **Purpose and Rationale**

This literature review served two purposes: it examined various models explaining the conservatorship process and it examined issues related to conservatorship that are of a social concern. Conservatorships are important and powerful legal processes that take away various civil rights of an individual, this process must be conducted by capable and honest conservators with the best interest of the conservatee in mind. It is important to examine the literature that critiques these processes to find areas of needed policy change and research. It is important to stay up to date with current problems, criticisms and successes in order to provide better insight and care for community members who are under conservatorships.

### **The Conservatorship Process**

The opening part of this subsection reviewed the resources that explain the process of probate conservatorship. It was important to see what information was readily available on conservatorships and how these processes impact the conservatee. Most of the following sources were found with a simple Google search of these two phrases, “teaching probate conservatorship” or “learning probate conservatorship.” There are many videos on YouTube with various information and I also found a video conservators must watch after the hearing of their appointment.

In Humboldt County, conservatorship referrals are brought to the attention of the court through various professional entities such as Adult Protective Services, County Mental Health and nursing facilities. These referrals are then reviewed by the Public Guardian for appropriateness. If the case is approved, then the referral is sent to County Counsel and the petitions will be generated. This process takes a few months and a temporary conservatorship will take about a month if there is an emergency situation. Families can expect that this process will have many components and it may take several weeks to become established. Once the conservatorship is established, then questions regarding appropriate placement and care of the conservatee can be discussed.

When I began my internship, the Public Guardian provided me with a program overview that described the purpose of the agency and its various programs (Kelli Schwartz, 2006). This resource gave a clear and simple explanation of the agency and the process of probate conservatorship; it enhanced my knowledge and ability to explain these systems in my curriculum. This resource provided a clear and simple explanation of the agency, the various conservatorships, and legal reasons individuals end up in this situation. This resource was a good place to begin the research for this project because it provided a solid ground to begin understanding and researching a complicated legal process. Understanding how the agency worked to develop and maintain effective conservatorships were the initial steps in the development of this curriculum.

Any individual under conservatorship was found to be gravely disabled by the court by the inability to provide for their own food, clothing or shelter or was found to be subject to undue influence or fraud. Probate conservatorship can be of the person or

estate, or both the person and estate. Probate conservatees are often found to be gravely disabled due to financial abuse and/or various issues related to aging, and limited conservatorships were designed for regional center clients who have developmental disabilities but should be allowed to make some of their own choices (Kelli Schwartz, 2006).

The Superior Court of California County of Santa Clara also provided an overview of probate conservatorships on their website that differed from the one provided by the Humboldt County Public Guardian because it focused solely on probate conservatorships. It was designed for individuals who have no knowledge or experience with probate conservatorships; it was set up in a question and answer format that was user friendly. This guide was clear, well organized and thorough, but each section needed to be more in depth and provide a broader conception of the conservator's role. However, it provided an outline to grasp the process the conservator has to navigate in order to be appointed. Even though this guide was clear, well organized and thorough, each section needed to be more in depth and provide a broader conception of the conservator's role for the purposes of my curriculum.

Another resource was similar to the two mentioned above but it was from the Disability Rights of California. Also designed in a question and answers form, it addressed the different aspects of the conservatorship process. Even though this form was not very different from the one from the Superior Court of California County of Santa Clara, it provided different questions structured in a different format. I found this helpful to fill in the gaps from other self-help forms I utilized. There was so much

information to consider and to organize that it was helpful to see multiple formats and different levels of detail.

### **Loss of Rights and Conservatorship, Protection vs. Abuse, Isolation and Conservatees**

The second part of this literature review examined various sociological and psychological issues and the overall well-being of individuals on conservatorships. There are many different social concerns to consider regarding these individuals: social isolation from friends and family, social connectedness, community connectedness and the sense of being needed or wanted. This section draws on many fields such as: social work, geriatrics, sociology, psychology, among others. This section is related to our research in many ways. For instance, the differences in the relationships between a conservatee and a family member serving as a conservator, versus a conservatee and a government worker serving as a conservator, was examined in this section. It was important to consider how these relationships differ and how each can be improved. Also addressed in this section were various aspects of the mental health of older adults.

In the search for the best academic articles, it was important to reiterate that the search key words used were basic. Since the search for phrases like “teaching probate conservatorship” yielded very few results if any, I decided to keep the search simple to the word string “probate conservatorship,” and the following articles from the mentioned disciplines was the result. Some of the articles do not discuss the process of conservatorships; rather these articles discuss issues that conservatees experience such as

the negative effects of social isolation. It was also noticed that much literature focused on LPS conservatorships and not probate conservatorships.

The article by Reynolds and Wilber (1997) addressed the issue of how older individuals end up on conservatorships. The authors stated that the purpose of their research was to identify different factors that place older adults at risk of likely needing conservatorship. This article addressed a question that the authors claimed has been overlooked: *What are the characteristics of persons placed on conservatorship?* The authors found an area of needed research and they compared perceived differences between older adults on conservatorship and older adults not on conservatorship.

This article was beneficial to my research because it illuminated different characteristics that may make an individual subject to conservatorship, and it also examined potential abuses of public conservatorships. Even though this study is limited by virtue of being cross-sectional, it still addressed areas for future research. This was an important aspect to consider when looking at the relationship between the conservator and the conservatee, and how that relationship may be different if the individual was conserved by a family member. This concept can be very important when researching the effects the process of conservatorship has on the mental health of the conservatees.

Social isolation of older adults as they age was the focus of an article by Cornwell, Laumann, & Schumm (2008). They specifically addressed the ideas of social disengagement and how this is connected to social isolation. They used a study from 2005-2006 of 3,005 older Americans between the age of 57-85 to research five dimensions of interpersonal social network connectedness and four dimensions of

integration into the community that are necessary for healthy aging (Cornwell et. al., 2008 p. 186). This study did not focus on older adults who are under conservatorship. Instead it focused on older adults who were “non-institutionalized older Americans” (Cornwell et. al., 2008 p. 185). However, it was important concept when considering the value of social connectedness and how social roles have changed over time.

In regards to conservatorships, it was important to keep concepts like these in mind because the mental health of individuals under conservatorships can decline due to their loss of rights. This was an important variable because many conservatees are older adults who have experienced various degrees social isolation. The previous article by Reynolds and Wilber (1997) indicated social isolation as a risk factor that puts older adults at risk for conservatorship. This also coincided with the risk factor that many conservatees have limited family involvement. All of these mentioned factors identify social isolation as problematic in regards to the mental health of older adults and any conservatee.

Another important concept mentioned in the Cornwell, et. al. article was the idea of the modernization of social roles and how different social roles in communities have changed over time. These concepts addressed the idea that modernization has changed and ultimately devalued the roles of older adults and certain “...health and life course factors, such as retirement and bereavement...” also changed the role older adults would have traditionally had (Cornwell et. al., 2008, p. 186). This is an important concept to consider when thinking about the origins and evolution of conservatorships and how this was related to traditional social roles. How would individuals who had mental illness fit

into traditional communities? How would issues of addiction look different in traditional communities?

In addition, Cornwell et. al. addressed the following in their study about social isolation and older adults: They stated, “High quality relationships are associated with better self-esteem and wellbeing and are more likely to provide older adults with a sense of belonging” (Cornwell et. al., 2008, p. 187). A conservator should keep this aspect in mind for the mental health of the conservatee. It was important that the conservator consider the importance of more intimate relationships in the conservatee’s life and how to advocate for those relationships to be established, protected and encouraged. The conservator must be cautioned not to feel the need to rescue the conservatee, but rather they should be in frame of mind to empower the conservatee.

In a similar vein, Cornwell and Waite (2009) examined the negative health effects of social isolation. Understanding how social isolation negatively affected health was important for the consideration of the quality of life of an individual. Cornwell and Waite examined how and why social isolation negatively affected health and they identified two gaps in the research. The first gap was locating the “active ingredient” in exactly how social isolation negatively affected health because the limited data only measured one or two facets of social isolation, and they are often examined separately from each other. The second reason was that there were disciplinary differences in research between psychological and sociological perspectives and what these different perspectives studied and why. But because many conservatees were elderly people who

had small social networks, (Reynolds and Wilber, 1997) it was important to consider the negative health risks associated with social isolation.

### **Summary**

Overall, the review of the literature researched two different aspects of conservatorships and it provided information and direction for the development of the curriculum. The review also examined other areas of conservatorship related to the mental health of the clients and identified serious implications to consider for the mental health of conservatees. It was important to consider social isolation of all conservatees, especially as they age. In order to best ensure that these concerns are understood and addressed, there is a comprehensive screening process a conservator must pass before being appointed.



## **METHODS**

### **Introduction and Overview**

When the project was first designed, some participants were going to be in the workshop and some were participants were going to be interviewed. The interviews are now part of the sustainability plan because they were not needed for the development of the curriculum; however, they can still share a different perspective on the conservatorship process. There was email correspondence between myself two different court employees: one of which is a legal secretary at Humboldt County Counsel and the other was a Humboldt County Court Investigator. Both of these individuals assisted me with understanding the filing fees. Because of the nature of probate conservatorships, the legal secretary gave me guidance on specific situations. Through phone and email conversations with the court investigator, I was able to better understand how the court investigator fees are separate from the filing fees and what kind of reviews s/he is required to perform.

When it came to the workshop, my supervisor helped me to realize the need to create a thorough curriculum was the main focus for this project, and the workshop would come later as part of the sustainability plan. However, there were still certain individuals who wanted to be taught the curriculum one on one. This component was important to get feedback on the curriculum so it could be improved. Future workshop

participants will be recruited through collaboration with the Public Guardian and outreach to other agencies as well.

### **Participants**

Participants were identified by the Public Guardian staff and they were orally invited to participate in the project. Participants were not compensated for their time but they were given a copy of the curriculum. Also, all of the participants were over the age of thirty and in different familial situations. The amount of participants changed a few times through the development of the curriculum; there were a total of five participants who showed interest and wanted to learn the curriculum. Because each participant had different levels of knowledge about probate conservatorships, the amount of time spent with each individual varied and was decided individual basis.

When invited to participate in the project, the responses from the participants were varied. One participant was concerned that she would essentially be used as an experiment. She was informed that she was indeed an experiment, but the perceived benefits of the project were misunderstood. She was informed that by nature of this project, the experiment component was transparent with the Public Guardian agency and the university. This project was designed to benefit the community by sharing knowledge and processes that are often only practiced and understood by professionals.

Another individual was very motivated to be part of the process because she was already researching conservatorship on her own. She was believed to be likely to follow through with the conservatorship process because of her initial interest before she was

approached about the project. We felt that the curriculum would be easier for her because she may be familiar with some of the information. Also, because she lives out of the area, she will be mailed a copy of the curriculum and follow up will be provided through email.

Another participant was the son-in-law of a conservatee of the Public Guardian and he was interested in taking over the conservatorship. However, the conservatee passed away through the course of this project. The other participants were personal friends from the Public Guardian staff. One staff was approached by their friend who asked about information to conserve their family member and another staff was approached in a similar manner. Both individuals were informed of the project and invited to participate.

Interviews were initially part of the project because it was thought they would provide further insight from the perspective of professionals in the field. However, because the project was simplified from its original version—a workshop with a curriculum—to a self-help style curriculum, there was no need for interviews at this time. Interviews would be beneficial in the future if the curriculum is taught at different agencies; insight into the conservatorship process at an agency level can help collaborations, ultimately helping the individuals under conservatorship.

### **Project Design**

The first part of the project was to learn about probate conservatorships in order to design the curriculum and the sample packets. The curriculum was designed during my internship at Public Guardian agency where I learned about the agency's mission,

policies, and procedures. With the help of my supervisor Hilary Finch (who was also my community partner), I decided on the method that I would research as much as I could about the process of filing for probate conservatorship before I sought help. I wanted to find out what resources were readily available to the public, which mainly included research on the internet and the Humboldt State University library. The internet provided many self-help forms to work with and build on. For instance, many judicial sites like the Superior Court of California—the County of Santa Clara, provided descriptions about conservatorships and how they function.

The curriculum was designed from the perspective of someone who is unfamiliar with conservatorships and their legal processes. Therefore, the curriculum was divided into several different sections including:

- Legal Disclaimer
- Consent Form
- Definitions
- Frequently Asked Questions
- What is Probate Conservatorship?
- The Conservatorship Process
- If Conservatorship is Granted
- Future Court Filings
- Tips for Navigating Court
- How to Organize the Sample Packets
- Sample Packets

- Practice Forms
- After Curriculum Questionnaire
- After Hearing Questionnaire
- References

All of the above information was organized in binders that each participant kept. The consent forms and the after curriculum questionnaire was kept by the investigator. The “After Hearing Questionnaire” was left with the participants with a self-addressed stamped envelope, so if and when they complete the hearing, they can then fill out the questionnaire for further evaluation of the project. This questionnaire was designed to provide further insight into what can be improved to the curriculum. This information was not retrieved before the completion of this manuscript, but if it is obtained at a later date, it will be used to further evaluate the curriculum. This has been integrated into the sustainability plan.

The needed court forms were located in the section following the curriculum. The fee waiver forms were at the beginning of the packet and then the forms were in the order that they would be needed in the process of the conservatorship. These forms were retrieved from The Judicial Branch of California website. The forms were filled in with the required parts either highlighted and/or with “how to” examples. There were also blank copies provided for practice or to file. Specific descriptions of what the form was for and when it would be needed in the conservatorship process was addressed in curriculum.

## **Project Element Implementation**

The next phase of the project was to create a time and space to meet the participants to review the curriculum. I first met with my supervisor to brainstorm what this process would look like. We first discussed meeting the participants and giving them the curriculum to review on their own, and I would then meet with the participants a second time and answer any questions they may have. However, we discussed that this process could be problematic in many ways and a participant may take the curriculum and not return to discuss it. Because of the nature of this project, it was important to gather feedback from the participants. Also, the limited timeframe at this point in the project would not allow for two meetings. In the future, there will not be the same time constraints, so this process would be more flexible.

There was also the need to encourage the participants to be independent after being taught the curriculum, and this was considered when discussing what kind of follow up would be appropriate with the participants. The original design of the project was to give people information and send them on their way to minimize the involvement the Public Guardian has with the participants. However, there was the concern that if an individual attempts the process and is unsuccessful, they may feel let down by the curriculum and disappointed with the Public Guardian agency. We discussed the importance of the introduction to the curriculum and the legal disclaimer for this reason.

I explained to each participant that they could not receive any assistance from the Public Guardian agency on this process once they have initiated it. I explained that the

project is limited to the curriculum and brief follow up questions related to the curriculum; further assistance would have to be sought out by the individual participants or through the consultation of a lawyer. Even though I taught this process to the participants as something that can be completed without legal assistance, some participants may still seek this assistance for various reasons. Circumstances may change for the proposed conservatee as well, so there may be situations encountered by the participant through the process of conservatorship that were not covered in this curriculum. It was important to frame this project as sharing the process of complex legal proceedings that are often only utilized and understood by professionals.

Another discussion was centered on where to meet the participant. Initially, my supervisor and I thought it would be best to have the participant come to the Public Guardian office to review the curriculum. In that environment there would be assistance with the curriculum if the participant asked questions that I could not answer. The office was the ideal environment for this reason; we wanted the participant to have the most thorough access to the information as possible, and we wanted to prevent them from having to return for further assistance. However, there was the possibility that meeting in this environment would suggest to some participants that they could rely on the Public Guardian for further assistance after the completion of the project.

After reviewing and discussing the aforementioned concerns with my supervisor, I decided to contact each individual and offer them the space to meet in the office. I could then meet with them for about two hours to discuss the project and the curriculum. If no one from the office was readily available to answer questions from the participant

that I could not answer, I would take notes so I could follow up with the participant through email. At the end of the meeting, I would have the individual fill out the “After Curriculum Questionnaire” to the best of their abilities. I would provide an email address for the participants to follow up on if they had further comments, concerns or suggestions. This would allow for more thoughtful and processed feedback from the participants once they have had more time to process and learn the information.

### **Anticipated Results**

The anticipated results of the workshop were that participants would have the ability and the confidence to pursue the conservatorship on their own without the aid of a lawyer. They would be able to initiate the process and have enough working understanding of the court procedures to follow through with future court hearings and filings. However, there was still the consideration that some individuals would not feel confident even after learning the curriculum. It was anticipated that there would be people who would not initiate the process on their own; they may request further assistance from a lawyer and they may not become a conservator even after this further consultation. The court could find the individual unfit to serve as a conservator or they could even have an emergency situation come up in their own life that prevents the initiation of the conservatorship.

As mentioned previously in the “Project Element Implementation” I also anticipated there would be specific questions I would not be able to answer for the participant. That was part of the reason we chose to have the participants come to the



office was so I could have access to the staff to answer the questions if and when they came up. I would provide follow up contact information for participants to ensure the participants thoroughly understood the material in the curriculum.

## RESULTS

### Development of the Curriculum

As the project progressed, my supervisor partner and I thought that some participants might be intimidated by a technical curriculum in a workshop/classroom type of setting. With this in mind, we decided to have only a hard copy version was written at an 8<sup>th</sup> grade reading level. We wanted to keep the content simple, clear and in the form of a “self-help” packet. I then redirected my focus from creating a PowerPoint to creating only a paper version of the curriculum. Even with the paper version, I was still creating a curriculum above an 8<sup>th</sup> grade level and had to simplify the information multiple times.

I had a discussion with my supervisor about how to make the curriculum more in the version of a self-help packet. For instance, the definitions I initially used were from a legal dictionary and these had to be simplified. I originally thought it could be a quick reference guide of all the needed forms at the beginning of the curriculum, but I then realized the list was intimidating. I decided to break up the list and add the needed forms and a description of their purpose where appropriate in the curriculum.

I made many revisions to the curriculum as new information was added and other information was simplified. I did not want the text to look busy or complicated, so I rearranged some sections several times before I was satisfied with the layout. I experimented with the font and the formatting. I decided on the font Constantia for the

letters because it still looked professional but it was softer than Times New Roman. However, I did keep Times New Roman as the font for the numbers because they were easier to read than in Constantia.

The sample packets were very time consuming. I did as much of the gathering and the filling out of the needed forms as I could before my supervisor reviewed them. I printed a few sets of blank copies and I quickly ended up with a lot of forms. I had to keep them well organized because some forms had multiple pages and I had enough copies for four packets, so I separated the forms in the correct order into the four different binders. I then took my initial copy of the sample packets (the one I filled out with my corrected information) and I then transferred that information onto a new set of forms. That became my main copy that I made all my other copies from. Once I made another copy of the sample packet by hand, I realized it would take too long to do all the sample packets this way. I decided to make color copies so the blue ink and the yellow highlighter would show up. I then visited the FED EX store to make four copies of the sample packets, which totaled about \$100.00. Even though this was expensive, it was worth saving the time.

### **Participants**

Initially, there were only a few interested participants. Most of the new referrals received through the Public Guardian during the time of this project were for a different kind of conservatorship, so we were unable to approach those families with this particular project. One individual who was interested in becoming the conservator of his extended

family member (who was at the time conserved by the Public Guardian), indicated that he would participate in the project but he was happy with the Public Guardian's service for the conservatee. He did not say he would follow through with the conservatorship process, but his participation in learning the curriculum would have been welcomed and helpful. Unfortunately, about a month later, the individual he was interested in conserving passed away. There was no further contact with this individual about the project.

There was still another interested individual in this project. This participant was out of the area and was interested in conserving their family member who was also conserved by the Public Guardian. This participant was mailed a copy of the curriculum. However, this participant has not responded back at this time. If the participant does respond back, the participant and I will decide on a time to spend discussing the curriculum over the phone and address any questions that may have arisen when reviewing the curriculum.

Another participant was identified through connections in the office. One deputy was contacted through an extended family member with questions about conservatorship. The individuals from the familial connection said they would call back to schedule a time to review the curriculum. After this initial discussion, I thought about the questions the individual was asking me and how I would feel more confident if my supervisor met with all of us for the initial meeting. I could not tell if a Power of Attorney would be more appropriate for this situation instead of a conservatorship, and I did not want to inadvertently provide legal advice. I discussed this with my supervisor and we decided

that we would set up a time with the participant where she could also be present. However, this participant did not contact me before the completion of this project.

However, there were two participants who did follow through with this project. Participant one was a friend of a staff member at the Public Guardian and she had approached the staff with questions regarding conservatorship of a family member. The staff then described the project to her and invited her to participate. Participant two was randomly referred to the agency through the auditor's office at the courthouse. She was seeking the information provided in the curriculum and she wanted to participate in the project when it was described to her. The contact information for both of these individuals was provided to me and I set up individual times to meet with them at the Public Guardian office.

### **Teaching Participant One**

Before I met participant one at the office, I thought about the initial discussion I would have about the project and my involvement. I knew she had a basic idea from what the Public Guardian had initially told her, but I wanted explain it through my own perspectives. When she came to the office, I described my role at the Public Guardian and how I ending up interning there. In order to give the participant some history as to how this project originated and why it is important for the community and the Public Guardian agency, I also described the Master in Social Work program and the purpose of the community project.

We did not discuss a timeframe when we met up—both of us were very busy that day and felt fortunate to make a meeting work out (she had to cancel once before). I was also operating from the perspective that I just wanted to meet up with someone and discuss the curriculum. I did not address a time frame with her through our initial discussions either because I knew she was busy, and I felt like she was doing me a favor as well. I figured we would discuss the time frame when we met up, or we would discuss meeting more than once if needed/wanted. I left my availability wide open on that afternoon so she would have at least a few hours if she wanted to use them.

When we finally met up and started talking, I realized I also did not account for personality styles of the participant and how this would affect the teaching dynamic. I did consider learning styles when it came to comprehension of the curriculum (and will be considered even more in the sustainability plan), but I did not consider how an individual's personality would affect the way we interacted with each other and how we discussed the curriculum. I did consider that some participants may already be familiar with information in the curriculum and I decided I would let each participant mention their familiarity if it came up.

We then reviewed and signed the consent form and the legal disclaimer before going into the curriculum itself. I described the purpose and process of the curriculum and was designed to be in the form of a self-help packet. I also explained that she may have questions that were not in the scope of this curriculum, but I would try to get answers for her regardless. Even though we met in the Public Guardian's office, minimal

staff were there at the time, so I wrote down her questions and followed up with answers via email.

As she was paging through the material, I could tell that we were not going to go through the curriculum page by page. I addressed the various sections verbally and I briefly described what they entailed. I also described the layout of the curriculum as we went through it to allow the participant to understand how it was created. The participant would ask questions in a section that I had not reached. I quickly realized the importance of flexibility with this participant and I thought about the most important concepts I wanted her to walk away with after that meeting. She had very specific questions that I could not address and I assured her I would email her before five p.m. that afternoon. I also encouraged the participant to email me if further questions came up after reviewing the curriculum. We spent about a total of 40 minutes together.

### **Feedback from Participant One**

It was hard to get thorough feedback from participant one because she filled out the “After Curriculum Questionnaire” before she spent the time to go through the curriculum. She also did not answer the last few questions that inquired about additional information that could have improved the curriculum or to make the information easier to understand. However, while we were looking through the curriculum and the sample packets, I explained that I was open to any suggestions if they came up. The curriculum was supposed to be simple to understand and it was critical to get honest feedback from varied perspectives. She mentioned that the sample packet was overwhelming even

though she was familiar with some of the forms. She mentioned that someone who is new to the information may have a hard time with so many forms. I suggested putting colored tabs on the sides of the forms that are filed before court, different colored tabs on the forms that are first filled out by the judge before being filed and finally another color tab for additional forms that come after the initial filing and hearing.

My supervisor returned about 15 minutes after participant one left and I filled her in on the meeting. We discussed the concern with the sample packets and I got answers to participant one's questions to follow up with her. She emailed me back and said that once she gets a chance to digest the information, she would email me with further questions. She sent me a text the following week saying she wanted to call, but she never did and I have not heard from her since.

### **Teaching Participant Two**

Participant two came to the office in early April seeking information on becoming a conservator for her developmentally disabled daughter who was turning 18 in the near future. She had been to eight different places before she came to our agency and she was rather upset at that point. The receptionist initially spoke with her and then found the Assistant Public Guardian to speak with her. My supervisor mentioned this project to the woman and invited her to participate. Initially, the woman was a little bit hesitant, feeling as though she did not want to be an experiment. She was told that was indeed the nature of the project—it is designed to share information and insight often only known



and/or used by professionals. After she decided she wanted to participate, I called her to set up a time for her to come to the office.

In order to meet the needs of this particular participant, I had to add information on “limited conservatorships” and spend some time discussing this process with my supervisor. I had many misconceptions about limited conservatorships and I had to clarify these details before I met with the participant. My supervisor used to work for the Regional Center of the East Bay and also as a lawyer for the County of Santa Clara. In both of these jobs she worked with parents of children with various disabilities. She provided me with insight about some of the issues that arise with parents of children with disabilities.

She explained that parents often become worried around the 18<sup>th</sup> birthday of their child because they fear what will happen to their child. This is usually a time of a lot of uncertainty and stress for the family, and this is often when the families will pursue conservatorship. My supervisor also explained that the title of “limited conservatorship” can be alarming to parents because they fear what will be limited and if their child will get the appropriate care. Because of the purpose of these particular conservatorships, the Redwood Coast Regional Center will be requested by the court to submit a statement breaking down the powers listed in the California Probate Code 2351.5. This transition can cause a lot of stress for families. It is important to reassure these families that the process will be thorough and it is designed with the best interests of their child in mind.

Similar to my meeting with participant one, I discussed the purpose of the project, how it was initiated, my role at the Public Guardian, the design of the curriculum and the

legal disclaimer. We then discussed the Redwood Coast Regional Center and their process for determining her daughter's rights. We talked about how they may find that her daughter should not have any of the powers listed in the California Probate Code 2351.5, but it is ethically proper to follow this procedure for a limited conservatorship. Participant two fully understood the importance of this process, but she was nervous about other people making judgments about what her daughter could or could not do. We discussed the role and process of service coordinators at the regional center and how they can assist her in determining her daughter's abilities and advocating for them. Another concern for this participant was that her daughter had the same service coordinator her entire life and recently got a new one. She felt that historical knowledge about her daughter has been lost.

We worked through the curriculum for about two and a half hours. Before I met with the participant two, my community partner informed me that she would be available to answer questions for about the first hour and then she was leaving the office. I again made a list of questions and when she came to check in with us before she left, I was able to have her answer those questions. She also emphasized the ethical importance of applying for a "limited conservatorship" and the fears that the parents may have around the title. She explained that the family's fears were typical. She also advised the participant that her time frame for applying for conservatorship was fine since her daughter was not going to turn 18 for a few more months. Even if the conservatorship is not established before her daughter turned 18, the family would still be the primary caregivers by default.

This participant was very thorough with the curriculum and asked many questions during our meeting. She was very much invested in the information and very grateful for the project and the help we provided for her. She brought up many questions that I could not answer, but I assured her I would follow up with the answers via email later that afternoon. I was able to provide those answers and I explained I would also send out another list that would help to break down the sample packets.

### **Feedback from Participant Two**

Participant two wanted time to digest the information and was not ready to fill out my “After Curriculum Questionnaire” after our meeting. She said she would later mail it to me once she had more time to review the information. I still have not received this questionnaire, but I was able to elicit feedback during our meeting. Similar to participant one, participant two also requested further assistance with the sample packets. We discussed how best to divide the packet, and she too wanted a way to better understand and organize the process for each form. I explained that this was an issue that came up with participant one as well, and I would be creating a list that would go at the beginning of the sample packets. This list would better break down the process for each form and participant two agreed that would be very helpful. Overall, she was thankful for the information and she was a little overwhelmed with how much there was to know about the process.

## **DISCUSSIONS**

### **Implications to Population and Problem**

Social services like the Public Guardian are supposed to be for people who have no other option; they are supposed to be the last resort. If there are willing and capable family members out there, it is important take the efforts to find them because other people may not have these natural supports. This was one of the main purposes of this project. Another benefit of this project was to encourage accountability of family members to care for their own and not rely on a government entity. However, complex legal processes like conservatorships need to be demystified by the professionals in the field to assist community members to successfully take on these roles.

There can be benefits of familial relationships as opposed to government agency relationships. If the conservatee is conserved by a family member, they may have a more intimate and comfortable relationship than s/he would have if conserved by a stranger. In the Public Guardian's case, because the staff have high caseloads, contact with their clients is more limited than it would be in a familial relationship. It may take more time to return to the conservatee's requests because there are often more immediate needs of the many other clients. A family member as a conservator would ideally be able to provide the immediate attention to any need the conservatee may have, so the overall comfort and satisfaction of the conservatee would ideally be higher in this arrangement.

Of course it is important to remember that familial relationships can also be complicated and may not be the best option for the conservatee, which would be decided by the court. There have been many cases where family members have abused other family members in various ways and conservatorships have been established to protect the conservatee from these exact situations. This is why the petition for the conservatorship is investigated by the court. The proposed conservator has to go through a screening process to ensure they are a safe person to handle this level of responsibility over another human being.

Another aspect not explicitly addressed by this project is the potential for family members to take over a conservatorship from the Public Guardian. Although a few of the participants were in this situation, there are still potential family members that may be interested in this project. They may be willing and able to take on the role of a conservator now but were unable when the conservatorship was established. This could be a project in the future to search through current cases and approach families with this option to free up community resources to save for individuals who do not have familial resources.

In the future, when the curriculum is developed into a more workshop setting, the recruitment style would have to change as well. I consider a training just for service providers and a training for community members. I would have to advertise in a different way, possibly through fliers and or a public service announcement. I may also try to find a small grant for funding. This project still needs a lot of development but has the

potential to be very helpful to the community and could be developed into an ongoing training for the community a few times a year.

### **Implications to Social Work Policy**

An individual can be released from a conservatorship if s/he is no longer found to be gravely disabled. However, there will be clients who will never be released from conservatorship due to their grave disabilities and services like the Public Guardian are critical to maintain for the safety and wellbeing of our communities. Because resources are limited, it is important for agencies to evaluate how they can help the community to be independent from their services and prevent any involvement in the first place. Even though many would argue that we need more resources for services like these, we still have an ethical responsibility to use the resources that we currently have to the best of our abilities.

This project was designed from an empowerment model to help community members take on this responsibility of conservatorship and have a more active role in the well-being of their family member. This holds community members more accountable for the care of their family members and not to rely on government services to meet the needs of the conservatee. This is also a preventative measure in the case of social isolation as mentioned in the review of the literature. With a more intimate conservator, the conservatee would ideally be exposed to more social contact than with a government agency as a conservator.

However, this takes people who work in these fields and know these processes to teach them to those who are inexperienced but willing and qualified to perform them. Any person can fall into the circumstance of needing a conservator and it would be ideal for the care of the conservatee that conservators are trained and assisted with the process. This can happen with the assistance of a lawyer, but not everyone has the funds for those services. So, as a community, how do we share information and support other community members with this complex and very important legal process? How do we educate people to take care of their own social needs?

In the case of the Public Guardian, how much effort can and should the agency invest into preventative measures like teaching family members the process of probate conservatorship? This is a question about the policy and practice of the agency. There should be enough resources in the agency to thoroughly explore familial options and educate those options before resorting to the Public Guardian for conservatorship. Alternative resources have to be encouraged and supported in order to be successful and any social service agency should have preventative practices built into their mission.

Specifically with this project, intellectual property rights should be considered and how this information can be misused by those are taught it. I had not thought of this until my community partner mentioned it, and I had also not thought of the implications that come along with the Public Guardian's involvement with my project and my internship. For instance, if the curriculum is distributed to another agency and it is used three years from now, they may come back to the Public Guardian if they have questions, complaints or concerns. Because I would no longer be an intern, I would not want an

individual or an agency to direct their attention toward the Public Guardian because of this project. The distribution of information like the curriculum should be considered for copyrights as well.

### **Ethical Considerations**

Ethical considerations include the legal power of conservatorships and the power that would be granted to this family member or Public Guardian staff. Some family members who conserve other family members may have a more intimate connection with conservatee, and the conservatee may feel more safe and comfortable with this arrangement. However, it is also important to consider that some conservatees would rather not have their family member be their conservator. Depending on the situation, some individuals may not have the conservatee's best interests in mind, especially if there is long and complicated history between the two individuals.

Ethical considerations would include the dominant cultural control of the Public Guardian system and the origins of this model. Being that the Master's in Social Work program at Humboldt State has an Indigenous Communities emphasis, it is important to remember that the Public Guardian model is a colonized model of protecting and caring for the most vulnerable people in a community. Because there are many local Native Americans who are conserved by the Public Guardian, learning the history of this model and how it differs from traditional methods and values of Native people in the area is important to consider. Social isolation is important to consider for any individual, and conservators should emphasize the health and spiritual benefits of community



involvement for their conservatees. Conservators should educate themselves on the culture of their conservatee and how, as a conservator, they can support and foster these cultural connections for the conservatee.

### **Limitations**

The main limitation was the recruitment strategy used to obtain participants and I only used people that came through the Public Guardian. There were only a few interested participants from the beginning, and there were natural circumstances that led to the loss of one participant. In the future, recruitment would have to be approached differently because access to participants was complicated. Through this process, I realized that reaching people who may be interested in becoming conservators was challenging only because the situation had become extreme for them to be involved with the Public Guardian agency in the first place. I would like to be able to offer this curriculum to families before the situation is so extreme, and also before the Public Guardian becomes involved because the family may retract their interest in becoming a conservator at that point.

The other participants came in during the course of my internship and were approached to participate in the project; there was a total of five interested individuals. One of these five did not contact me back and another was out of the area, but interested in conserving her brother who is currently conserved by the Public Guardian. The last recruited participant was an individual who randomly showed up at the Public Guardian office seeking information on conservatorships. From this experience, I realized that if I

wanted to reach a larger audience in the future, I would consider advertising the curriculum and connecting with other agencies for participants.

Setting a specific time frame with each individual participant was a limitation because it did not always allow for a thorough examination of the curriculum or thorough feedback of the curriculum. This was initially considered in the project plan; however, as the project progressed and participants were involved, the time frame was not considered so I worked with each individual separately on this matter. However, it was not until after these meetings and after reflecting on the process did I realize the importance of setting a specific time frame. Because participant one was rushed, there was nothing I could do to make the meeting longer at the time; I realized the importance of time management for future meetings.

Another limitation recognized after the meetings with the two participants was that ideally there should be a follow up meeting for any further questions that may have come up once the participant had a chance to review the curriculum on their own. Both of these meetings should keep in mind the importance of the project and the accountability of the participant. Even though I cannot guarantee that the participants will actually follow through with the process with or without a lawyer, I should consider the importance of teaching the participants difficult information and the importance of repetition of complicated information for memory retention.

The making of the curriculum was a long process that required many revisions through many hours of discussion and feedback. I would create the draft and then my supervisor would review it and return it the next day with comments. Sometimes we

would revise the same page multiple times in one day. Even though these revisions consumed a lot of time, they were important because we wanted to make the information thorough yet accessible and we often changed the format of the information to make it more visually appealing. For example, we realigned the curriculum with bullets instead of dashes and indentations which made the format cleaner and easier to read. We also found that we could keep changing the format and adding various bits of information for as long as we wanted, and eventually we would have to agree on a place to stop so I could actually work with the participants.

The interviews were postponed pending the development of the curriculum and these are now part of the sustainability plan. I wanted to interview individuals who are conservators of a family member to better understand the process from their experience and hear any tips or struggles encountered along the way. I also wanted to interview various staff who work within this profession like county counsel, alternate counsel and staff at the Public Guardian. All of these people would bring a broader and more holistic perspective to the conservatorship process and they would provide better insight for the process of filing as a private party.

### **Recommendations for Teaching the Curriculum**

Now that I have worked with a two participants who were in two very different situations, I am better able to see what I would do differently with the next participant. For a future participant, I would suggest two-three hour time frame for the initial review of the curriculum and then a follow up meeting of about an hour a week later. This

would give the participant time to read through the material and evaluate the needs specific to their case. Also, this would keep the participants accountable for thoroughly discussing and learning the information.

I would like to provide the participants with some sort of work packets to bring back to our follow up meeting. I also believe this will help the participants to digest the information and practice applying what they have learned in order to identify what they need to review. This is an important measure to support the success and purpose of the project. This also holds the participants more accountable for following through with the material and ultimately providing needed feedback for further development.

Finally, I would recommend adding more information to the curriculum as well. While listening to my supervisor discuss “limited conservatorships” with participant two, I heard more details I would like to add to the curriculum, since I did not initially design the curriculum with limited conservatorships in mind. There is more research to do and then I can go through the curriculum again, or even consider making a curriculum specific to these types of conservatorships.

### **Recommendations for Future Development and Use of the Curriculum**

The curriculum can be further developed into a PowerPoint presentation and taught in a workshop setting with a larger amount of participants. This would also reach a broader range of learning styles and abilities with various elements like video testimonies from professionals in the field, family members who have a conserved relative and especially from conservatees. As seen in the review of the literature,

conservatorship can have serious implications on the conservatees mental health and this should be treated seriously with the conservatee's best intentions in mind.

This curriculum can also be used to teach staff members of other agencies to better aid the understanding of the conservatorship process and how it works for the Public Guardian agency. The sharing of this knowledge ultimately helps to provide more thorough and ethical care for the clients. There are many agencies that would be appropriate for this kind of workshop like Adult Protective Services, the Senior Resource Center, nursing homes, among others. Ideally, this would reduce the amount of referrals to the Public Guardian if willing family members are identified sooner. This would also help to fulfill the Public Guardian mandate by the better utilization of familial resources and would help save limited resources for the community members who do not have the familial support.

### **Sustainability Plan**

This sustainability plan was created to ensure that this project will be of use to the community by breaking down the future recommendations of how to use the curriculum, how to teach the workshops and a time frame for accomplishing these set goals. This plan will help to direct further projects by laying out the next steps and identifying what has been accomplished. A future project for a student interning with the Public Guardian could be to lead a workshop for community members or for another agency. This plan will help to integrate this project into the Public Guardian agency for the following year

by holding other staff accountable for participating and recruiting participants, and encouraging the staff to hold community members accountable for their own family.

**Table 1: Sustainability Plan Table**

<b>Component/Method</b>	<b>Action Steps</b>	<b>Timeline</b>
Make necessary changes and adjustments to the curriculum through evaluation.	Make necessary changes to the curriculum based on surveys/feedback.	May 31 <sup>st</sup> , 2015
Distribute	Train other guardians on the curriculum so they can set up trainings with interested individuals in the future. Locate grant money for workshops to distribute information to interested individuals/agencies.	Ongoing
Discuss the possibility to locate and submit a grant for the project.	Discuss the future of the curriculum and the potential/need for ongoing workshops. Maybe a few times a year in the community.	Year 2
Collaborate	Train other agencies with the curriculum (Adult Protective Services, Mental Health and nursing homes) so they can educate family members they encounter before a referral is made to the Public Guardian.	Year 2
Literature review	Focus on probate conservatorships: how to teach and other aspects particularly related to the mental health and overall well-being of conservatees.	Ongoing

## **Summary**

Overall the project was a success; a solid curriculum was written and there were a few participants who provided much needed feedback for the project. There is also a future life for this project to grow and be developed into multiple workshops within the community. The participants were very grateful for the information and assistance, and both my supervisor and I learned a lot about the little details associated with the process of conservatorships. This new knowledge will better inform our work at the agency. This process also suggest the larger intersection of law and social work and how there are many situations where individuals need help understanding these legal processes. There is a need for more assistance with this intersection and more workshops that break down other social justice issues concerning involvement with the court systems.

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