

BIO – David Kochen

David Kochen has a Bachelor of Arts degree in English from Princeton University and a Masters of Science in Public Administration from California State University, Los Angeles. Born and raised in New Jersey, he moved to Los Angeles in 1988, where he worked in the Facilities and Office Services Division of the Los Angeles Municipal Court until 1999.

At that time, he began working in the Los Angeles County Community and Senior Services Department. He serves as a Human Services Administrator in the Planning and Program Development section of Adult Protective Services. In this capacity, he drafts Administrative Directives for the department's Social Workers to follow, based on State laws and regulations. He also drafts and monitors Interdepartmental Agreements with other County departments, and serves on a number of committees, such as the CWDA Protective Services Operations Committee (PSOC) and Southern Regional Adult Services Committee. He wrote two chapters for the PSOC's "A Day in the Life of APS – Financial Abuse" report, to be published later this year.

Improving the Management and Oversight of Probate Conservatorship Cases in California Trial Courts

IMPROVING COLLABORATION WITH KEY JUSTICE SYSTEM PARTNERS

The series of articles which appeared in the Los Angeles Times on conservator mismanagement and abuse sounded the alarm that it was time to set in motion much-needed and long-overdue reforms to the system. The Conservatorship Task Force was formed in response to these articles. This task force has been instrumental in developing, proposing and endorsing a number of useful ideas intended to greatly increase the prevention of further instances of conservator abuse.

Adult Protective Services of Los Angeles County has looked at the issue from its own perspective, in order to examine the steps that need to be taken to achieve this goal. Several of these steps have already been taken, most notably the introduction of Assembly Bill 1363, which would mandate the licensure of private conservators in the state of California. The number of cases in which a senior or dependent adult has been taken advantage of, intimidated and/or depleted of his or her life savings tragically illustrates the need for increased vigilance in today's society. The licensing of private conservators will undoubtedly help to achieve this goal. In addition, the oversight that has been lacking will be provided by the establishment of an Ombudsman program statewide. This is a proposal APS has supported from the time the L.A. Times articles were published.

Furthermore, as the articles pointed out, the Office of the Public Guardian is extremely underfunded. Los Angeles APS has always had a very strong partnership with the County's Public Guardian. We have an interdepartmental agreement which has been in effect and renewed annually since 1999. The purpose of the agreement is to provide probate conservatorship services to clients who are referred by the APS Program. APS' policies and procedures require its Social Workers to make a referral to the Public Guardian when the APS investigation indicates that the client may need probate conservatorship. Indicators include mental confusion, forgetfulness, and inability to handle finances, among other signs.

Our workers have always been extremely pleased with the Public Guardian staff's responsiveness, efficiency and hard work. But we are also cognizant of how understaffed they are and how difficult it is to stay on top of all of the cases we refer to them. The funding we contribute is a small percentage of the resources the State should provide to ensure the Public Guardian can accomplish its mandate. For this reason, we believe that AB 1363 is a step in the right direction, but acknowledge that it could go further in providing more funding to Public Guardian's offices statewide.

Increased funding can ultimately lead to the traditionally well-recognized keys to improved collaboration with our partners in this effort. These keys include greater accountability, oversight, and consistency of practice. According to the APS Social Services Manual, Section 2052, "Whenever a private conservator is alleged to be the perpetrator of abuse, neglect or exploitation, the APS worker shall immediately telephone the information to the probate investigator..." This official policy must be reinforced through the other all-important key to successful collaboration: training (in this case, cross-training between County departments). APS is in the process of developing a training module which will address the aspects of conservatorship which

directly affect our Social Workers and how they operate (i.e., proper reporting procedures, important criteria, laws, bills, regulations, etc.) Comprehensive cross-training efforts ultimately result in a greater understanding of the roles of all parties involved in the process (in this case APS, Public Guardian, Superior Court, law enforcement, etc.) An added benefit is improved communication and networking opportunities.

We believe that these are some of the means which will go a long way to protect and ensure the well-being of this vulnerable population.