

COUNTY OF TUOLUMNE

GRAND JURY

12855 Justice Center Drive

Sonora CA, 95370

**Tuolumne County Adult Protective
Services, April 15, 2022**



Sonja Marum, 2022

SUMMARY

The U.S. population continues to age. As the older group of citizens grows, unfortunately, the cases of elder abuse may be growing as well. In Tuolumne County it is estimated that 27% of the population is over 65. Thus, approximately 15,000 people in Tuolumne County are now considered an elder.

Adult Protective Services (APS) is a branch of the Tuolumne County Department of Health and Human Services Agency (HHSA). It has been seven years since the Tuolumne County Grand Jury last provided a comprehensive review of the APS. This lapse prompted the 2020–2022 Grand Jury to conduct a new investigation to determine how APS is presently addressing the needs of the county's older population, specifically in the area of elder abuse.

APS functions to serve all dependent and elder adults with a protective need in Tuolumne County. A *dependent* adult is any person 18 through 64 years of age who has physical or mental limitations which restrict his/her ability to carry out normal activities. An *elder* adult is any person 65 years of age and older. APS investigates situations where dependent and elder citizens are abused or exploited or where they cannot care for themselves with the aim of protecting and supporting them in their home environment whenever possible. Participation is voluntary in APS activities. Each client has the right to refuse services, if they so choose. Clients are not charged for services.

In a nine-month period in 2021 there were nearly 500 referrals to APS in Tuolumne County. More than half of all referrals related to self-neglect, and three-fourths of these regarded health and safety. The most frequent referrals for elder abuse were for financial exploitation (42%) followed by psychological/mental abuse (20%) and neglect (19%).

The Grand Jury interviewed several members of APS' highly capable and dedicated, yet shorthanded, staff who are available to provide direct aid, counseling, and services. They also provide connections to other resources for additional help like rides, meals, and in-home services. Considering the recent changes in the heightened number of cases, and the lack of investigators and social workers available to take on the additional workload, it appears that many *at risk* seniors may not be getting the help they need.

The Grand Jury investigated sectors of the community to find out how much awareness there is about APS. The Grand Jury concluded that very little information is available in the community about the agency. Seniors end up alone for various reasons and may not realize there is help for them. As seniors begin to feel invisible, self-neglect may become a problem. Families with senior members often don't know how to handle these situations because they don't know where to turn. The impact may be a reduction in the quality of life and loss of independence for many of our citizens that could be prevented.

California law requires certain professionals to be Mandated Reporters of elder abuse. This includes health care providers, caregivers, pharmacists, clergy, and social workers. The Grand Jury found that many Mandated Reporters did not understand their legal role.

Information about elder abuse and the services provided by APS were not available at the facilities and organizations that provide care for the elderly. APS has not adequately addressed public education and awareness in Tuolumne County and appears understaffed and underpaid compared to neighboring counties. Despite this, APS is to be commended for its dedication and prompt response to referrals, resolving 168 of 213 cases (79%) within 30 days of referral.

The Grand Jury believes that the recommendations in this report will serve to not only raise the awareness of the existence of APS, but also improve the administration of the services the agency provides. This will further protect elders from serious abuse and neglect. Our seniors are an important part of our community, and serving them also adds to the greater good of Tuolumne County as a whole.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code, Section 929, requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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GLOSSARY

| | |
|-------------------------------|---|
| APS | Adult Protective Services |
| Area 12 on Aging | Five county JPA (see below) that provides services to older adults in Alpine, Amador, Calaveras, Mariposa and Tuolumne counties. |
| ATCAA | Amador Tuolumne Community Action Agency |
| DA | District Attorney |
| FTE | Full Time Equivalent |
| HHSA | Tuolumne County Department of Health and Human Services Agency |
| JPA | Joint Powers Authority – legally created entities that allow two or more public agencies to jointly exercise common powers. |
| Mandated Reporter | A person who, because of his or her profession or role, is legally required to report any suspicion of elder abuse or neglect to the relevant authorities |
| Off-cycle pay increase | A pay increase made during a fiscal year outside of the annual budget process. This is often the result of a class and compensation study. |
| SO | Office of the Sheriff |
| SOC341 Form | Report of Suspected Dependent Adult/Elder Abuse |

BACKGROUND

The State of California defines elder abuse in California Penal Code section 368 to include: abandonment, abduction, abuse of an elder or dependent adult, financial abuse, isolation, mental abuse, neglect and physical abuse. Elders are defined as persons 65 years and older. Under California law, elder abuse can carry both criminal and civil penalties.

Criminal elder abuse occurs where any person who knows or reasonably should know that a person is an elder and, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits that elder to suffer, or inflicts unjustifiable physical pain or mental suffering on the elder, or willfully causes or permits the elder to be placed in a situation in which the elder's health is endangered. (California Penal Code, Section 368.)

Civil law defines elder abuse to mean physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment resulting in physical harm or pain or mental suffering to an elder. (California Penal Code, Section 368.)

- Financial abuse: the wrongful taking or use of an elder's funds, property, or other assets.
- Isolation: the intentional prevention of an elder from receiving mail, telephone calls, or visitors.
- Mental suffering: the infliction of fear, agitation, confusion through threats, harassment, or other forms of intimidating behavior.
- Neglect: the failure to fulfill a caretaking obligation such as assisting in personal hygiene, providing food, clothing, shelter, protecting an elder from health and safety hazards, or preventing malnutrition.
- Physical abuse: the infliction of physical pain or injury, sexual assault or molestation, or use of physical or chemical restraints for punishment.
- Self-neglect: a category of elder abuse that may be reported when there is concern that an elderly person may be endangering their own health.

According to the 2020 U.S. Census, the fastest growing age group in the country are those aged 65 and older. It is estimated that 27% of Tuolumne County is over the age of 65. This is approximately 15,000 elder citizens in our county¹. Research from the National Center on Elder Abuse estimates that:

- 1 in 10 elders will be subject to at least one incident of abuse.
- For every reported case of abuse, five go unreported (a *silent crime*).
- 90% of the perpetrators of abuse are trusted by the victim (family, friend, neighbor, court-appointed guardian, health caregiver).

Mandated Reporter

The law also requires that certain individuals are required to report instances of suspected elder abuse, similar to the requirements for reporting child abuse. (California Penal Code, Section 15630.) Mandated Reporters are healthcare providers, licensed or unlicensed social service providers for vulnerable adults, paid or unpaid caretakers, care custodians, the clergy, and other professionals in a position of trust who suspect elder or dependent adult abuse or neglect, including self-neglect. Examples of Mandated Reporters are:

- Care custodians and health practitioners
- County welfare departments
- Employees of law enforcement and fire departments
- Employees of humane societies and animal control agencies
- Employees of environmental health and building code enforcement
- Clergy members
- Any other protective, public, sectarian, mental health, private assistance or advocacy agency, or person providing health services or social services
- Any person who has assumed full or intermittent responsibility for care or custody
- Officers or employees of financial institutions who suspect financial abuse
- Licensed pharmacists and licensed pharmacy technicians

Adult Protective Services

APS is a branch of the HHSA. As such, APS reports to the Director of Health and Human Services. APS functions to serve all dependent and elder adults with a protective need in Tuolumne County. A *dependent* adult is any person 18 through 64 years of age who has physical or mental limitations which restrict his/her ability to carry out normal activities. An *elder* adult is any person 65 years of age and older. APS investigates situations where dependent and elder citizens are abused or exploited or where they cannot care for themselves with the aim of protecting and supporting them in their home environment whenever possible. Participation is

¹ Based upon the 2020 Census, the population of Tuolumne county is 55,620.

voluntary in APS activities. Each client has the right to refuse services, if they so choose. Clients are not charged for services.

When APS receives a referral of a possible elder abuse situation, usually through a phone call from law enforcement or concerned family member or neighbor, an intake process is initiated through form SOC341. All intakes are screened by senior level social services supervisors. If an intake is to be referred to a social worker for investigation, it becomes a *case*. APS also works closely with the SO and the DA and will refer cases to them when circumstances require it. These two agencies will also contact APS when it is deemed that APS is the best agency to be involved.

METHODOLOGY

The Grand Jury formally interviewed nine individuals representing three county agencies:

- Health and Human Services Agency
- Office of the Sheriff
- Office of the District Attorney

The Grand Jury visited organizations and agencies that serve the elder population to understand their level of awareness of APS.

The Grand Jury conducted phone interviews with licensed pharmacists and licensed pharmacy technicians in the county that are considered Mandated Reporters.

The Grand Jury reviewed reports provided by county agencies to understand the frequency and types of elder abuse referrals.

The Grand Jury conducted internet searches on the general field of elder abuse within the United States, California, and Tuolumne County. Internet searches were also performed to obtain pertinent salary data for those social workers that serve the elder population.

The Grand Jury reviewed previous Tuolumne County Grand Jury reports regarding APS and elder abuse as well as reports from various California County Grand Juries.

Confidentiality

Grand Jury members are sworn to secrecy regarding any matter brought before them. This assures all individuals that their testimony will be strictly confidential. Each Grand Juror must keep all evidence confidential. It is a misdemeanor to violate the confidentiality of any individual or evidence brought before the Grand Jury.

Recusal

The Grand Jury recognizes that a conflict of interest may arise during its investigations. In such instances the juror may ask to be recused from all aspects of an investigation. Those members do not investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

Therefore, whenever the *perception* of a conflict of interest existed on the part of a member of the 2020-2022 Tuolumne County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejections of any related subject.

DISCUSSION

Staffing

The current staffing in HHSA related to APS services is listed in Table 1. Some APS staff work in other areas of County Social Services within HHSA, so some staff devote less than full time to their APS responsibilities.

Table 1. Current staffing of APS

| Title | FTE ² |
|------------------------------|------------------|
| Program Manager | 0.5 |
| Social Services Supervisor I | 0.6 |
| Social Worker II | 0.1 |
| Social Worker I | 1.75 |
| Total | 2.95 |

² Reflects the percentage of time the position is devoted to APS

Functions

The primary activities of the APS department are intake and case referral. APS intakes received for the period 01/21/2021 – 09/27/2021 (approximately nine months) and from interviews with HHSA:

- 426 intake reports or referrals were received
- 80–90% of the intakes become cases assigned to a social worker
- 25–30% of reports are from Mandated Reporters
- There are 2.5 FTE social workers or supervisors assigned to APS
- Based upon interview, each social worker has between 7 to 15 open cases at any one time
- The APS stated goal is to assign a case within 10 days and have a disposition within 30 days

All intakes are screened by senior level social services supervisors. If an intake is deemed by the supervisor to be in the jurisdiction of APS and appropriate for investigation or management, it becomes a *case*. The breakdown of case referrals by type of allegation is listed in Table 2 for elder abuse allegations and Table 3 for self-neglect allegations.

Table 2. Elder Abuse Allegations reported to Tuolumne County APS January 01, 2021 through September 27, 2021

| Allegation | Number of Intakes | Percentage |
|----------------------------|--------------------------|-------------------|
| Abandonment | 4 | 2% |
| Assault/Battery | 30 | 13% |
| Financial Exploitation | 97 | 42% |
| Isolation | 3 | 1% |
| Neglect | 43 | 19% |
| Over/Under Medication | 3 | 1% |
| Psychological/Mental Abuse | 45 | 20% |
| Sexual Assault | 5 | 2% |
| Total | 230 | 100% |

Table 3. Referrals for Self Neglect to Tuolumne County APS from January 01, 2021 through September 27, 2021

| Self Neglect Allegation | Number of Intakes | Percentage |
|--------------------------------|--------------------------|-------------------|
| Financial | 62 | 24% |
| Health & Safety | 190 | 73% |
| Malnutrition/Dehydration | 9 | 3% |
| Totals | 261 | 100% |

In a nine-month period in 2021 there were nearly 500 referrals to APS in Tuolumne County. More than half of all allegations relate to self-neglect and three-fourths of these are allegations regarding health and safety. The most frequent referrals for elder abuse are for financial exploitation (42%) followed by psychological/mental abuse (20%) and neglect (19%). The APS Case Load Trend Report for the same period reveals that of 213 cases opened, 168 (79%) were closed within thirty days while 46 (21%) remained open.

Table 4. Disposition of cases opened by APS from January through August 2021

| Month | New Cases | Closed within 30 Days | Still open after 30 days |
|--------------|------------------|------------------------------|---------------------------------|
| Jan-21 | 17 | 17 | 5 |
| Feb-21 | 26 | 18 | 6 |
| Mar-21 | 39 | 28 | 7 |
| Apr-21 | 22 | 24 | 5 |
| May-21 | 25 | 18 | 10 |
| Jun-21 | 25 | 13 | 4 |
| Jul-21 | 29 | 30 | 4 |
| Aug-21 | 30 | 20 | 5 |
| Sep-21 | n/a | n/a | n/a |

Staff Turnover and Pay

Interviews with HHSA management indicated that social workers in Tuolumne County have left the agency due to the better pay in surrounding counties. The Grand Jury’s research revealed the following comparative salary statistics for Tuolumne County and neighboring counties:

Table 5. Mid-Range Annual Salary Comparison by County for Fiscal Year 2020

| Title | Tuolumne | Calaveras | Amador | Stanislaus |
|------------------------------|-----------------|------------------|---------------|-------------------|
| Social Services Supervisor I | \$67,678 | \$66,914 | \$67,442 | \$69,888 |
| Social Worker II | \$49,184 | \$57,866 | \$58,018 | \$54,798 |
| Social Worker I | \$44,514 | \$52,520 | N/A | N/A |
| Social Worker Assistant | \$39,889 | \$44,595 | \$40,870 | \$41,881 |

Note: Amador and Stanislaus counties do not employ the Social Worker I position.

Community Awareness

During the investigation, interviews were conducted with senior and staff level employees of the APS department. These individuals had some consistent observations and comments about the services and challenges of their department.

There is often a misunderstanding of the role and mission of APS. It will receive calls or referrals indicating that a senior is living in an unsafe environment. APS will investigate and offer any assistance within their power. They often connect the senior to other agencies, both government and private, that may be able to help the individual. However, the person is well within their right to either accept or refuse assistance (barring incompetence). In the case of a refusal, APS must leave the person be. APS subsequently will get inquiries like “Why didn’t you help them or

take them from their home?” More than once, APS employees said that people think that APS has more power than it really has.

It should be understood that APS workers are advocates for elders in need, and work to provide them as much independence as possible, with assistance from appropriate outside sources, and keep them in the safest and most comfortable environment, namely their own homes whenever possible.

During the investigation, the Grand Jury visited more than a dozen organizations and agencies that serve the elder population. At each location, this question was asked: “How would you direct a concerned citizen if there was a suspicion of elder abuse?” In only two cases was the response to “contact Adult Protective Services”. In only *one* case was the APS brochure available.

Training

There is no structured or formal training within the Health and Human Services Agency specifically directed for APS Social Workers. Training is primarily accomplished via *on-the-job* or *job-shadowing*. Some online training is available, but there is no policy or procedure to allow employees to take advantage of this training. In addition, some APS associates were unaware of the additional services available to seniors from other agencies (ATCAA, Area 12, etc.).

Mandated Reporting

Under California law, licensed pharmacists and licensed pharmacy technicians are considered Mandated Reporters. (California Penal Code, Section 15630.) The Grand Jury contacted eight pharmacies in the county with the following discoveries:

- Four knew that they were Mandated Reporters.
- Only two had received any training to recognize the signs of elder abuse.
- *None* knew about the State of California form SOC341.

It was revealed in a high-level interview that in 2008 Tuolumne County laid off a large number of county employees due to economic factors and budget constraints. This was a broad layoff and affected many departments including APS, SO, HHSA, DA -- all of whom work together to support elders in need and help recognize and prevent elder abuse. None of these positions appear to have been filled again since this mass layoff. There are 698 Board approved positions in Tuolumne County, with only approximately 600 currently filled. This void is exacerbated by

the number of employees leaving current positions partly due to the lack of competitive salaries in Tuolumne County.

Public Education about Elder Abuse and Protection

This investigation revealed that there was limited public information about APS and elder abuse available at facilities and agencies that serve the elderly. This information could be provided in the form of brochures or posters that educate the public and the employees, residents and visitors of these institutions. APS has an important responsibility to assist in educating the public and disseminating this information.

The Grand Jury visited the following organizations and found very limited information displayed regarding APS:

- Area 12 Agency on Aging
- Amador Tuolumne Community Action Agency (ATCAA)
- Interfaith Community Social Services
- Sonora Senior Center
- Tuolumne County Public Library
- Tuolumne County Sheriff's Office
- City of Sonora Police Department
- Adventist Health Sonora (Hospital and Health Pavilion)
- Avalon Care Center
- Skyline Place Senior Living
- Tuolumne Me-Wuk Indian Health Center
- Mathiesen Memorial Health Clinic
- All county licensed pharmacies
- Adventist Health Units 6 and 7

FINDINGS, RECOMMENDATIONS AND COMMENDATION

Findings

F 1. APS does not have enough resources or staff to properly assess, investigate, and address cases putting our vulnerable residents at risk for elder abuse.

F 2. The salaries of the key roles or positions in APS are not competitive with counties surrounding Tuolumne County impacting staff recruitment and morale.

F 3. There are limited training opportunities for both new and existing staff in the APS Department stunting staff advancement and impacting work-flow.

F 4. There is a lack of community awareness and knowledge regarding the role of APS. There is also a misunderstanding by the public and other county agencies about that role. It is often thought that APS is trying to remove seniors from their homes when in truth APS tries to connect seniors to the proper resources that will allow them to stay in their homes.

F 5. The organizations and agencies that interact with older residents, and/or where one might expect to find information about APS, are almost completely lacking the knowledge of the County's APS department. Opportunities for informing and/or connecting residents with vital services are lost.

F 6. Mandated Reporters are not consistently aware of their responsibilities as such potentially causing an under-reporting of elder abuse cases.

F 7. APS provides an admirable service to the senior and dependent residents of Tuolumne County. The HHSA staff is dedicated and committed to serving APS. Often when associates do leave APS, they stay within the department to continue to serve the community.

Recommendations

R 1. The management of HHSA, through the Tuolumne County Board of Supervisors, should advocate for increased funding from federal and state resources. The State of California recently announced a \$31 billion budget surplus. The time seems right to aggressively seek additional funding. Increased staffing should be a priority to address the previous staff cuts that were not replaced. The Grand Jury recommends that positions to be added should include at least one full time social worker for APS. This should be completed by the end of the calendar year 2022. (F1)

R 2. The Grand Jury recommends that the Tuolumne County Board of Supervisors consider an off-cycle increase in the pay level of the respective social services staff. It is recommended that a

class and compensation study be performed of the parity of salaries be completed and the salary adjustments made before the end of the calendar year 2022. (F2)

R 3. The Grand Jury recommends that APS should provide formalized training for all new social services staff. This should include training on all policies and procedures. Continuing education should be provided for established employees. If on-line training is appropriate, time and resources should be provided to the employees during regular work hours. (F3)

R 4. APS should take the lead to develop a formalized community approach to public awareness, prevention, and education of elder abuse. The Grand Jury recommends that within six months the HHSA create a temporary position or hire an independent contractor as a Community Awareness and Outreach Analyst to address the apparent lack of community awareness. This individual should analyze the need for outreach and training, and create a program of written and social media outreach to inform the public and community at large about elder abuse and the services available to aid and protect seniors over 65 in need of help. The person hired should have a background in marketing, skills in communication, and social media marketing, and be able to set up an ongoing maintenance system to annually monitor the effectiveness of the efforts. (F4)

R 5. APS should actively contact the agencies where information about the role of APS would be of value. APS should request of these organizations that the APS brochure be prominently placed in the lobby, reception area, or bulletin board. APS should educate the management of these agencies about the mission of APS. The Community Awareness and Outreach Analyst should be directed to implement these recommendations. (F5)

R 6. The Grand Jury Recommends that APS should spearhead a campaign to educate Mandated Reporters regarding the methods to recognize and report suspicions of elder abuse. The Community Awareness and Outreach Analyst should be directed to implement this recommendation. (F6)

Commendation

C 1. The Grand Jury is delighted to report that it found the entire staff and leadership of APS give 100% of themselves to making a difference in the lives of the seniors in Tuolumne County. They should be applauded for their understanding, commitment, hard work, and sincere loving care they are giving to our community. The APS system for intake, referral, and case management is well understood by the employees in each of their individual roles to process and protect elders in need of help.

REQUESTED RESPONSES

Required Responses

Pursuant to California Penal Code section 933.05, the following affected agency shall respond to Findings 1–6 and Recommendations 1–6 within 90 days:

- Tuolumne County Board of Supervisors

Invited to Respond

The following affected agency is invited to respond to Findings 1–6 and Recommendations 1–6:

- Tuolumne County Director of Health and Human Services Agency
- Tuolumne County Administrative Officer

APPENDIX

Link to the Adult Protective Services brochure

[APS-Brochure-Updated-112015- \(ca.gov\)](#)

Link to the SOC341 Report of Suspected Elder Abuse

[SOC 341 \(ca.gov\)](#)

Health and Human Services Job Descriptions

Social Worker I

<https://www.governmentjobs.com/careers/MSS/classspecs/1221892>

Social Worker II

<https://www.governmentjobs.com/careers/MSS/classspecs/1221922>

Social Worker III

<https://www.governmentjobs.com/careers/MSS/classspecs/1221950>

Social Service Aide

<https://www.governmentjobs.com/careers/MSS/classspecs/1221886>

Social Worker Supervisor I

<https://www.governmentjobs.com/careers/MSS/classspecs/1221956>

2020-2022 TUOLUMNE COUNTY GRAND JURY

ADULT PROTECTIVE SERVICES REPORT

I authorize the 2020-2022 Tuolumne County Grand Jury APS Report to be released on or after the date of my signature.

DATED this ___6th___ day of April, 2022.



LAURA LESLIE KRIEG
Assistant Presiding Judge