

# County of Santa Clara

Social Services Agency



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San Jose, California 95110-2335

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**DATE:** September 1, 2022

**TO:** Board of Supervisors  
Jeffrey V. Smith, M.D., J.D., County Executive

**FROM:** Debra Porchia-Usher, Interim Agency Director 

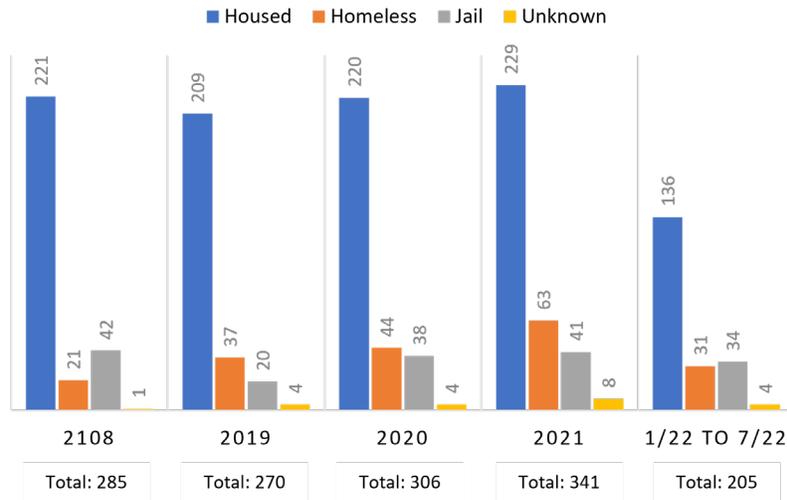
**SUBJECT: Off-Agenda Report RE: SSA Public Guardian Conservator WIC § 5270 Holds and Homelessness**

At the June 28, 2022, meeting, the Board requested that Administration provide an off-agenda report relating to WIC § 5270 holds, the conservatorship process for homeless and/or mentally ill individuals, including information regarding potential staffing and special training needs.

The implementation of the Welfare and Institutions Code § 5270 holds allow for an additional 30 day hold at the conclusion of a 14-day hold period of treatment under Welfare & Institution Code § 5250.

All patients who are referred to the Public Guardian's office (PGO) for conservatorship have been deemed **gravely disabled due to a serious mental illness**. Until recently, the Public Guardian has not tracked individuals' housing status prior to the hospitalization. A review of referrals for LPS conservatorships since 2018 has revealed that an average of approximately 15.5% of clients were unhoused when initially hospitalized.

## LPS REFERRALS



The PGO currently investigates each referral with the following process:

1. **Referral:** Designated facility provider from acute hospital makes a LPS referral
2. **Notice to patient:** Patient must be served with Notice of Proposed Appointment of Temporary Conservatorship five days prior to the end of the 5250 hold.
3. **Investigation:** PGO must investigate referral to determine whether criteria for T-Con is satisfied (grave disability due to serious mental illness).
4. **Court order:** PGO must obtain court order from probate judge to be appointed as temporary conservator
5. **Patient management:** After court order is issued, PGO makes arrangements for and decisions about conservatees housing and placement as well as managing patient's care and finances;
6. **Court's role after 30 days:** Before the end of the 30 days the PGO files a report to the court, which may include any of the following recommendations:
  - A relative, friend, or private professional conservator be appointed, or
  - The PGO serve as conservator if no one else is available or appropriate, or
  - The Court not establish conservatorship because it is not needed.

This process will remain the same following the implementation of the 5270 hold; however, it may be that the number of referrals to the PGO will decrease as patients will continue treatment for an additional 30 days prior to referral. It is likely that most clients will complete their treatment period or have an alternative plan without the need for conservatorship.

It is unknown if the implementation of the 5270 will lead to an increase in the number of hospitalizations and subsequent referrals. Until the 5270 is implemented, the Public

Guardian will continue to investigate all referrals and monitor current staffing levels to determine if additional Deputy staff is necessary.

At this time, there is no determination of a need for special training as the staff at the PGO is currently working with this population. PGO staff is required to maintain continuing education units through the California State Association of Public Guardians, Public Administrators and Public Conservators.

cc: Chief Board Aides  
Greta Hansen, Chief Operating Officer  
James Williams, County Counsel  
Tiffany Lennear, Clerk of the Board of Supervisors  
Ky Le, Deputy County Executive