

**IN-HOME SUPPORTIVE SERVICES/PUBLIC AUTHORITY ADVISORY COMMITTEE**  
**March 8, 2024, 12:45 PM**

**South Region Live Well Center**  
**5560 Overland Avenue**  
**1st Floor, Room 171**  
**San Diego, CA 92123**

**Zoom Meeting:**

<https://us02web.zoom.us/j/8597078275?pwd=bFkxa2tGMGJvL0xLNU5xS3RrYlZrdz09>

Meeting ID: 859 707 8275

Passcode: 172598

<b>I. CALL TO ORDER: The meeting was called to order at 12:47 PM.</b>			
A. Attendance			
Members		Excused Members	Guests
Nadine Branch Erica McClure Angela Vittucci Ethel Larkins	Yolanda Ivy Nicanora Montenegro	Rissa Chavez	Ronald Bradford Melissa Barling
Absent	AIS/IHSS Staff	IHSS Public Authority	Guest – via Zoom
	Charity Lerma Julie Lara Yoly Darit Hien Tran Gilberto Contreras- Martinez	Thomas H. Johnson Ana Molina	Charles Kirtley Tanika Edwards Judith Benson-Wagner Trang Pham – UDW Blanca Paulin Judith B Wagner Summer Stech
Item	Outcome/Discussion		Action Items
<b>II. ESTABLISHMENT OF QUORUM: Done.</b>			
<b>III. PLEDGE OF ALLEGIANCE: Done.</b>			
<b>IV. INTRODUCTIONS: Everyone in attendance introduced themselves.</b>			
<b>V. MEETING CODE OF CONDUCT REVIEW: Ethel reviewed the IHSS/PA Advisory Committee Meeting Code of Conduct.</b>			
<b>VI. APPROVAL OF AGENDA: Ethel motioned to approve the agenda. Yolanda seconded it. Motion carried.</b>			
<b>VII. APPROVAL OF MINUTES: Angela motioned to approve. Erica seconded it. Motion carried.</b>			
<b>IX. CHAIR REPORT: Nadine wished everyone a happy International Women’s Day. The County of San Diego Central Region Community Leadership Team met their focus on the individuals affected by the floods and the next steps. Nadine stated that she was concerned about individuals on IHSS who may be displayed as not receiving services and how that could affect them. Nadine provided her information and asked to be contacted if those individuals were experiencing any obstacles. She reported that FEMA arrived in San Diego on 3/1/2024 and set up two recovery centers, one in the Spring Valley Library and the other at the Mt. View Community Center, they are open from 10 AM to 7 PM. She informed the committee that the California Commission on Disability Access</b>			

(CCDA) now has a Facebook page and a YouTube channel with informational videos, webinars, and previous meeting recordings. She reminded the committee that Disaster CalFresh is available for those affected by the floods, applications are due by 3/15/2024. They are located at the South Region Live Well Center in National City, and the Southeastern Live Well Center.

<b>X. . REPORTS</b>		
A. AIS	Ethel reported that the AIS council has been busy due to the floods. She said she attended the State of the County Address on 2/22/2024, which aired on channel 9. She attended the CICA training on 3/6/2024. She said this month, the nutrition committee visited the IB Senior. Ethel said she volunteered to serve lunch and provide breakfast for the next day. Erica and her son also attended and volunteered. She notes that they provided nutritionally balanced meals.	
B. Membership Committee	Julie reported that there are three vacancies: two consumers and one provider. She said all committee members are up-to-date on Ethics training. She said she has received some membership inquiries.	
C. IHSS	Charity reported that they now have a full staff. They are preparing for the IHSS academy, where they provide training for new staff. The social work recruitment will be opening soon. She said they have added new staff to their admin team, and she noted that they are back-filled positions, not new positions. Charity introduced social workers: Yoly Darit, Hien Tran, and Gilberto Contreras-Martinez.	
D. Community Report	Nicanora reported that she attended a leadership summit for the Filipino American Association for Developmental Disabilities. She said she worked with the Pilipino Workers Center to help citizens get registered to vote. Nicanora thanked Nadine for passing along resources and community information.	
E. UDW	Trang reported that UDW has tax training and the last one will be on 3/19/2024. She said UDW is partnering with the California Community Colleges Chancellor's office to offer vocational, ESL, online skills, and healthcare courses. She said with elections coming up, they will soon roll out area meetings.	
F. CICA	Nadine reported that Edith Gong, CAPA (California Association of Public Authorities) President, attended their Statewide CICA meeting, where she gave a presentation that provided an overview of CAPA. She said Greg Thompson brought up a new AT&T policy during the meeting. AT&T is looking to eliminate landline services, and there was some discussion about how this could affect seniors. Nadine said the California Public Utilities Commission is having two hearings on the matter on 3/16/2024, at 1 PM and 6 PM; the public can phone in and comment. Nadine also reported that the Affordable Connectivity Program (ACP) will be ending in April 2024. Nadine said CICA is working on adding training videos for consumers to their website. She said they discussed reaching out to legislators to use funds set aside for Career Pathways to continue funding and extending the program.	0 4

<p>G. Public Authority</p>	<p>Thomas reported that the Public Authority (PA) is working on their budget. He states that in previous years, they requested new positions. This year, due to budget limitations, they are looking to maintain their current staffing level.. He said they are looking to make their operations more efficient with the staff they currently have. One of the ways they hope to do that is by sending staff to provide timesheets and enrollment training to North County and East County. He reported that a CAPA Executive Committee meeting took place in Sacramento. Their discussions centered around long-term strategic planning. They discussed ways to highlight the value of the Public Authority, particularly in the context of budget cuts. Thomas also shared that the Public Authority Registry Manager also attended a conference with CAPA. She was able to provide highlights on Back-up Provider System (BUPS) in San Diego County. Thomas notes that despite some challenges, including the length of time it takes to make a match, the program has been highly effective in San Diego. Thomas reported that the PA is still in discussions with the County of San Diego and UDW regarding ID badges and the Provider Education Program. The Provider Education Program involves stewards' compensation for providing information to providers during enrollment sessions. There are two Letters of Understanding between the PA, San Diego County, and UDW that are still pending to be signed for the badges and steward's pay. Thomas shared that he is honored to have been appointed as an Executive Advisor for the African American Association of County Employees (AAACE). Thomas highlighted the strong presence of that committee in the community. He shared that they recently had the opportunity to meet with District 4 Supervisor Monica Montgomery-Steppe. Thomas reviewed the financial report with the committee.</p>
<p><b>XI. OLD BUSINESS (discussion and possible action):</b></p> <p><b>A. Committee Budget</b></p> <ol style="list-style-type: none"> <li>1. <b>Increase stipends:</b> Upon further discussion, the committee voted to increase the member participation stipend from \$50 to \$60. Yolanda motioned the vote. Erica seconded it. <b>Motion passed with 6 votes.</b></li> <li>2. <b>Request to use funds for snacks/refreshments:</b> Erica shared her findings regarding the allowable committee expenditures. It was determined that food is not allowable as per communication with the California Department of Social Services (CDSS). Nadine thanked Erica for her hard work and diligence while investigating the various options..</li> </ol> <p><b>B. Committee Events:</b> The committee went over possible events to participate in. They are signed up to attend DDPN Leading the Charge, the 1<sup>st</sup> Wednesday Committee Health Fair at the Jackie Robinson YMCA, and the Cooper Family Foundation Juneteenth event at Memorial Park.</p>	

**IIX. PRESENTATIONS (discussion and possible action) Power of Attorney &**

**Conservatorships by Summer Stech, Stech Law:** Summer Stech introduced herself, she is an attorney in San Diego, who specializes in special education law. She began her career as a special education teacher. She moved to San Diego County to work as an inclusion specialist for the San Diego Unified School District. She later shifted her career towards advocacy, she attended law school at USC. She currently teaches at SDSU, USD, where she teaches special education law to teachers seeking credentials. Summer is also an IHSS provider for her mother. Summer provided an overview of conservatorships, emphasizing that it did not constitute legal advice. She explained that conservatorships involve a responsible person caring for an adult who cannot care for themselves. Different types of conservatorships were outlined, along with their advantages and disadvantages. The process of initiating and ending a conservatorship and alternatives to conservatorship were discussed. Summer also reviewed Power of Attorney (POA) and Guardianships; she explained their intricacies. POA, a legal instrument appointing an agent for medical or financial decisions, encompassed various types with distinct features and requirements. She outlined the differences between Conservatorship and POA. She also went over guardianships, in which adults assume responsibility for children due to parental incapacity, she covered types, reasons, and termination conditions. She also presented alternatives to guardianship, such as the Caregivers Authorization Affidavit and Written Childcare Agreement. She summarized her presentation by stating that the legal avenues offer care and protection solutions contingent upon individual circumstances, including age, capacity, and need, alongside considerations like cost and familial dynamics. Legal guidance was highlighted as indispensable for making informed decisions.

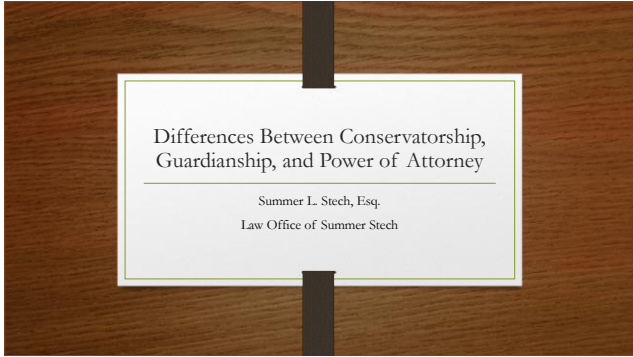
**XIV. PUBLIC COMMENT:** No public comments.

**XV. MEMBER COMMENT:** Nadine reported that Rissa could not attend the meeting, but she reported that she represented the committee in the Grossmont Health Panel. This event was geared towards high school students. Rissa highlighted the importance of IHSS, how it is provided in-home as opposed to in hospitals, and emphasized that it is often overlooked. Nadine commented that Rissa said she was grateful for the opportunity to participate.

**XVI. NEXT MEETING AGENDA: 4/12/2024**

**XVII. ADJOURNMENT: The meeting was adjourned at 3:06 PM**

**Minutes prepared by Ana Molina & Thomas H. Johnson.**



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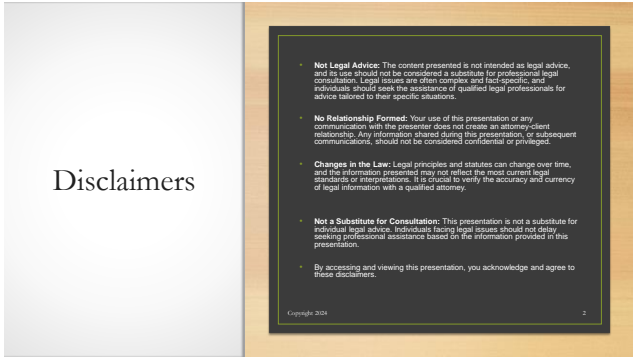
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## What is Conservatorship?

A legal arrangement where a responsible person (Conservator) takes care of another **adult** (Conservatee) who cannot care for themselves.

- A Conservator manages the Conservatee's:
  - Living accommodations
  - Meals
  - Medical care
  - Dental care
  - Clothing
  - Personal care
  - Housekeeping
  - Transportation
  - Recreation
  - Vacations
  - Special needs
  - Budget

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## Types of Conservatorship

<div style="background-color: #2e8b57; color: white; padding: 5px; text-align: center; font-weight: bold;">Conservatorship of the Person</div> <ul style="list-style-type: none"> <li>• Involves personal care of the Conservatee</li> </ul>	<div style="background-color: #4682b4; color: white; padding: 5px; text-align: center; font-weight: bold;">Conservatorship of the Estate</div> <ul style="list-style-type: none"> <li>• Involves managing the Conservatee's finances and property</li> </ul>
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## Conservatorship of The Person

- 3 types of Conservatorship of the Person
  - General Conservatorship – for adults who can no longer care for themselves
  - Limited Conservatorship – for adults with developmental disabilities
  - LPS Conservatorship – for adults with significant mental health needs who need restrictive living arrangements and extensive mental health treatment (Lanterman-Petris-Short Act)

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### Advantages and Disadvantages of Conservatorship

<p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Time consuming</li> <li>• Complicated             <ul style="list-style-type: none"> <li>• Involves court filing and hearing(s)</li> </ul> </li> <li>• Costly</li> <li>• Stressful and potential for conflict</li> </ul>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• Ensures the safety and well-being of Conservatee</li> <li>• Clarifies the responsibilities of the caretaker</li> <li>• Provides stability for the Conservatee</li> <li>• Offers court supervision and protection</li> </ul>
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### Initiating a Conservatorship

 <p>Legal representation is not required but may be desirable</p>	 <p>An agency, relative, or non-relative may file a petition for appointment</p>	 <p>Petitioner for Conservatorship will need to pay the filing fee* or complete an Application for a Fee Waiver  <small>*As of January 1, 2024 - \$435</small></p>
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### Initiating a Conservatorship

**Must provide notice with proof of service to:**

- **The proposed Conservatee**
  - Personal Service at least 15 days before the hearing
- **The Conservatee's family**
  - Service can be mailed
  - Must give notice to family members through the second degree at least 15 days before the hearing
- **Certain agencies that have the right to be informed**
  - Regional Center (by mail 30 days before the hearing)
  - Veterans Administration (by mail 15 Days before the hearing)
  - Director of State Hospital (by mail 15 days before the hearing)

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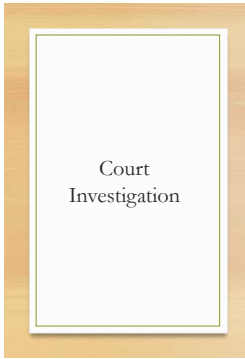
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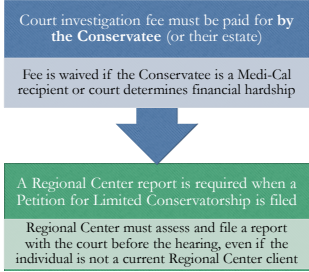
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### Court Investigation



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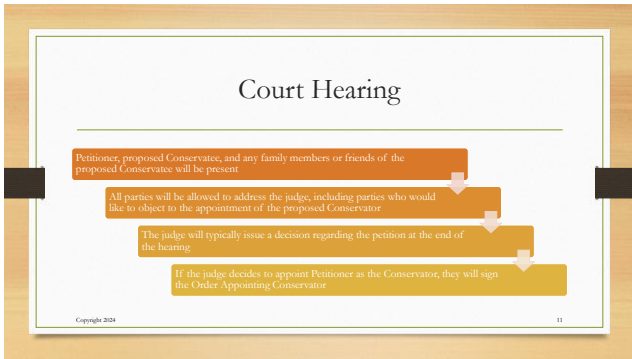
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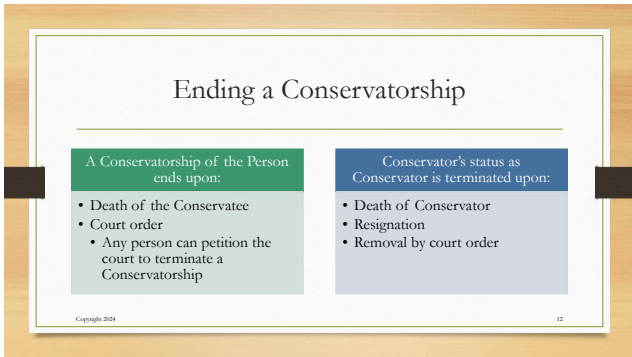
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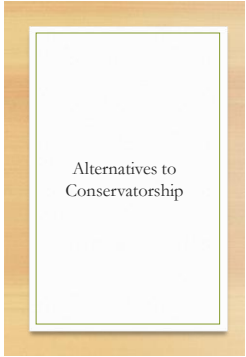
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Advanced Healthcare Directives
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Power of Attorney
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Representative Payee

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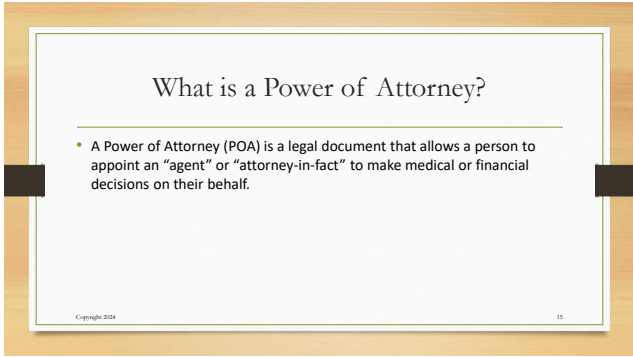
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### What is a Power of Attorney?

- A Power of Attorney (POA) is a legal document that allows a person to appoint an "agent" or "attorney-in-fact" to make medical or financial decisions on their behalf.

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# Types of Powers of Attorney

- Durable** – Contains a "durable clause" and takes effect immediately. This allows the person you name, or attorney-in-fact, to act on your behalf if you become incapacitated or unable to handle your own affairs.
- General** – Allows the person you name to act on your behalf in certain personal affairs. Unless a durability clause is included, it automatically terminates when you become incapacitated or unable to act on your own behalf.
- Contingent** – Becomes effective once certain conditions you specify are met. You decide who will make the determination of your incapacitation for the POA to go into effect.
- Limited** – Allows your attorney-in-fact to have specific powers or to be able to act within specific timeframes.
- Health Care** – Allows the person you name to make health care decisions if you're unable to do so.

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# Requirements

- In California, a valid POA must meet certain requirements
  - Principal must be at least 18 years old and have the mental capacity to understand the POA and its consequences
  - Agent must also have the mental capacity to understand POA and duties
  - Must be notarized or signed by two witnesses
    - If real estate is involved it MUST be notarized
    - If the principal is in a nursing home and has a healthcare POA, must be witnessed by a patient advocate or ombudsmen

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# Advantages and Disadvantages of POAs

## Advantages

- Convenient - The agent can handle affairs without the principal's presence
- Flexible - The POA can be flexible in terms of the power and the timeframe
- Protects against costly court proceedings
- Empowering
- Principal decides who makes decisions on their behalf and how much control the agent has

## Disadvantages

- Agent may act in ways that the principal did not intend
- No direct oversight of the agent's activities
- Potential for abuse or fraud
- You must be competent to execute
- It can't be executed after an issue or accident
- There's no court oversight

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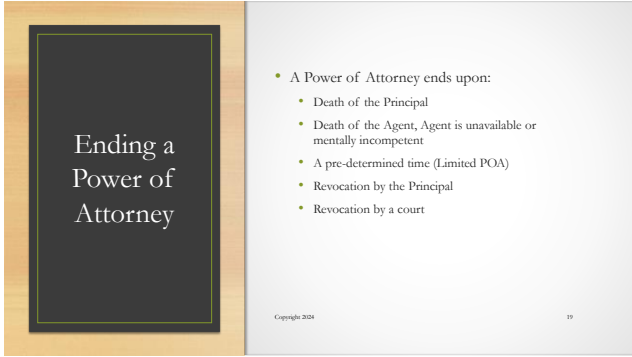
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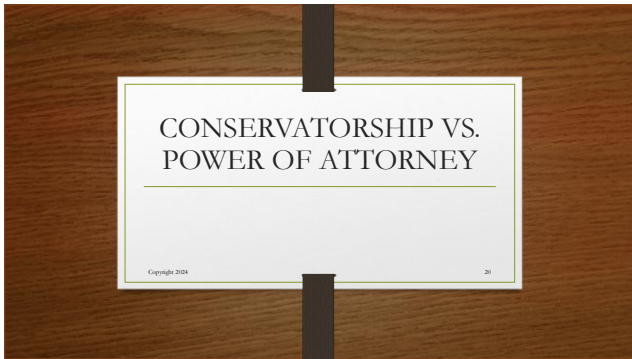
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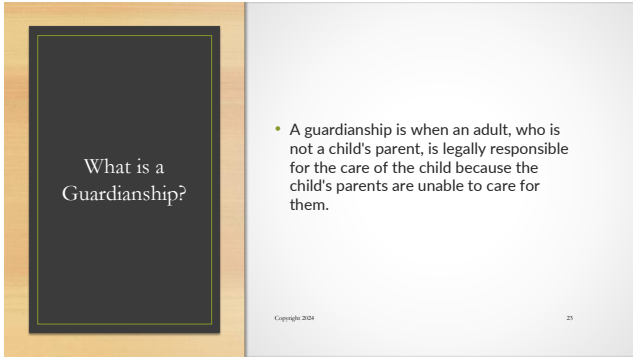
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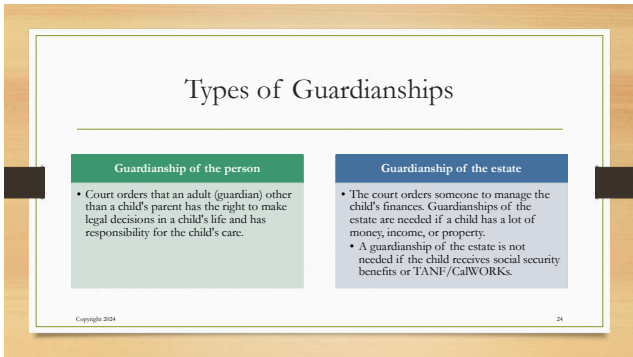
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### Reasons for Guardianship

- One or both of the child's parents cannot take care of the child because they:
  - Have a serious physical or mental illness
  - Need time to seek treatment for drug or alcohol abuse
  - Will be away for work (like serving in the military overseas)
  - Are serving time in jail or prison
  - Have a history of abuse

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### Ending a Guardianship

- In California, a guardianship ends automatically when a child turns 18.
- It will also end upon:
  - Death of the child
  - Adoption of the child
  - Marriage of the child
  - Enrollment of the child in the military
  - The child is declared an adult (emancipated) by court order
- If the child will not graduate high school until the age of 19, the child and the guardian can ask that the guardianship continue until the child graduates high school or turns 19, whichever happens first.

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### Alternatives to Guardianship

- Caregivers Authorization Affidavit
  - Allows an adult other than the parent to enroll a child in school and consent to medical care related to school (or other medical care if the adult is a relative)
  - Does not need to be signed by the parent (but they can revoke it)
  - Does not need to be filed with a court
  - Does not need to be notarized
- Written Childcare Agreement
  - Signed by the parent, giving another adult authority to make decisions regarding their child on the parent's behalf (like a POA)

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**SUMMARY**

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- Conservatorship, guardianship, and power of attorney are all viable ways to ensure that an individual who requires care or protection receives it.
- Choosing which legal process is most appropriate will depend on the individual circumstances, in consideration of the person's age, mental capacity, and level of need.
- Cost, stress, and familial conflicts can also determine which legal process is utilized.
- It is important to seek legal guidance if you are unsure what will best suit your situation.

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**QUESTIONS**

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