

***Superior Court of California
County of Monterey***



Superior Court of California,
County of Monterey
240 Church Street
Salinas, CA. 93901

Request for Qualifications

PROBATE INVESTIGATOR

RFQ No.: MCSC 12-02-CV

Response Due By:

August 13, by 2:00 p.m.

Invitation to Respond:

The Superior Court of California, County of Monterey is issuing this Request for Qualifications (RFQ) to solicit and contract with qualified investigators to support the Court process by conducting investigations, reviews and preparing recommendations to the Court regarding existing and proposed conservatorship and guardianship matters.

Responses with listed qualifications and a letter of interest must be submitted to the Court by August 13, 2012, no later than 2:00 p.m.

Background:

In proceedings involving conservatorships and guardianships, the Court is required to provide investigative services under Probate Code sections 1513, 1826, 1850, and 1851.

General Description:

The job of the Probate Investigator is to conduct investigations for probate conservatorship and probate guardianship matters, prepare comprehensive reports and recommendations, consult with judicial officers, attorneys, and parties, attend hearings as necessary and complete other duties as required.

The Court cannot and does not guarantee any specific number of conservatorship and guardianship investigations will be assigned. The current conservatorship caseload is approximately 535 cases with an average of four (4) new cases filed monthly.

Conservatorship investigations to be completed include when a Petition to Appoint a Temporary Conservator or a Petition to Appoint a (General) Conservator is filed, one year from the date of the appointment of a conservator, and biennially thereafter.

The current guardianship caseload is 524 cases with an average of six (6) new cases filed monthly. Guardianship investigations are not mandatory but may be ordered when a Petition to Appoint a Guardian or a Petition to Terminate a Guardianship is filed, or anytime an issue arises where the court orders an investigation.

The Probate Investigator works under the direction of the Presiding Probate Judge and is expected to communicate with the Director of Operations for the Civil Division, for any operational needs or concerns.

REQUIRED QUALIFICATIONS:

Probate Code 1454:

(a) The court shall appoint a court investigator when one is required for the purposes of a proceeding under this division. The person appointed as the court investigator shall be an officer or special appointee of the court with no personal or other beneficial interest in the proceeding.

(b) The person appointed as the court investigator shall have the following qualifications:

(1) The training or experience, or both, necessary (i) to make the investigations required under this division, (ii) to communicate with, assess, and interact with persons who are or may be the subject of proceedings under this division, and (iii) to perform the other duties required of a court investigator.

(2) A demonstrated sufficient knowledge of law so as to be able to inform conservatees and proposed conservatees of the nature and effect of a conservatorship proceeding and of their rights, to answer their questions, and to inform conservators concerning their powers and duties.

MINIMUM QUALIFICATIONS:

- 1) Insurable for liability worker's compensation and professional liability insurance, including property damage, Bonded, minimum amount of \$1,000,000.00.
- 2) Must complete the CLETS certification training in order to interpret criminal rap sheets.
- 3) Ability to interpret drug and alcohol test results.
- 4) Bilingual skills in Spanish are highly desirable but not required.
- 5) Hold and maintain a valid California driver's license.
- 6) Required to use privately-owned vehicle.
- 7) Pass a detailed background/criminal history check. Contractor is responsible for payment of fees associated with the background check.

Education and Experience:

Education:

Contractor must comply with and continue ongoing education pursuant to California Rules of Court 10.478(b) and (e):

(b) Content-based requirements for court investigators:

(1) Each court investigator must complete 18 hours of education within one year of their start date after the effective date of this rule. The education must include the following general topics:

- (A) Court process and legal proceedings;
- (B) Child abuse, neglect and the effect of domestic violence on children (guardianship investigators); elder and dependent adult abuse, including undue influence and other forms of financial abuse (conservatorship investigators);
- (C) Medical issues;
- (D) Access to and use of criminal-record information, confidentiality, ethics, conflicts of interest;
- (E) Accessing and evaluating community resources for children and mentally impaired elderly or developmentally disabled adults; and
- (F) Interviewing children and persons with mental function or communication deficits.

(2) A court investigator may fulfill the education requirement in (1) through AOC sponsored education, an approved provider (see rule 10.481(a), or education approved by the court executive officer or the court investigator's supervisor as meeting the education criteria specified in rule 10.481(b).

(3) The education required in (1) may be applied to the specific-job portion of the orientation course required for all new court employees under rule 10.474(b)(2)(D) and the continuing education required for all non-managerial or non-supervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance learning means, such as broadcasts, videoconferences, or on-line coursework, but may not be by self-study.

(e)(1) Each court investigator must complete 12 hours of continuing education on some or all of the general topics listed in (b)(1) each calendar year. For court investigators employed by or performing services under contract with the court before the effective date of this rule, the first calendar year the education is required begins on January 1, 2008. For court investigators who begin their employment or performance of services under contract with the court after the effective date of this rule, the first year this education is required begins on January 1 of the year immediately following completion of the education required in (b).

(2) A court investigator may fulfill the education requirement in (1) through AOC-sponsored education, an approved provider (see rule 10.481(a), or education approved by the court executive officer or the court investigator's supervisor as meeting the education criteria specified in rule 10.481(b).

(3) The education required in (1) may be applied to the continuing education required for all non-managerial or non-supervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.

Experience:

General coursework in law with specific work in probate, experience performing investigative duties in the area of criminology, sociology, psychology or counseling, and experience performing duties which involve property inventory, estate administration, conservatorship or guardianship administration, property inspection or investigations concerning financial resources.

Knowledge and Abilities:

Knowledge of:

1. Probate Code, mental health laws, constitutional law, applicable provisions of the Welfare and Institutions Code and other laws and regulations as they specifically relate to conservatorships and guardianships and administration of estates;
2. Legal procedures and court systems;
3. Principles and techniques of interviewing, case investigation and critical evaluation;
4. Community Health, Welfare, legal support systems and other resources available to conservatees and wards;
5. Accounting principles and basic types of business investments;
6. Report writing;
7. Correct use of grammar, spelling and punctuation;
8. Legal and medical terminology, documents, and procedures pertaining to case evaluation and processing;
9. Basic operation of proper Superior Court conduct and decorum;
10. Basic problems of the elderly and mentally disabled;
11. Principles of family dynamics and child development;
12. Basic computer applications.

Abilities to:

1. Conduct interviews, and gather and analyze facts;
2. Communicate effectively with court officials and others involved in conservatorship and guardianship cases;
3. Write clear and concise reports, correspondence, evaluations and recommendations;
4. Work effectively under pressure in emotionally charged situations;
5. Maintain records including sensitive and confidential material;
6. Prepare statistical reports;
7. Communicate with empathy with impaired clients and elicit meaningful information from them;

8. Understand and apply appropriate federal, state, and local laws, regulations or codes that deal with guardianships and conservatorships;
9. Work under pressure without supervision and meet a number of deadlines;
10. Function effectively in a variety of work environments including high crime neighborhoods, unsanitary conditions, hospitals, mental facilities, and board and care homes;
11. Exercise tact and diplomacy in dealing with highly sensitive, complex and confidential issues and situations;
12. Maintain accurate records and files;
13. Communicate effectively, both orally and in writing;
14. Establish and maintain effective working relationships.

Scope of Services:

1. As ordered by the Court, the Investigator shall conduct all assigned investigations and reviews of conservatorship and guardianship cases required under Probate Code sections 1513, 1826, 1850, and 1851.
 - a. An investigation or review consists of an interview or interviews with the individuals involved and the individuals and/or agencies possessing relevant information. The investigation culminates with a written report filed with the Court. The scheduling, manner of conducting the investigation and the number of sessions held for each investigation or review shall be left to the professional discretion of the Investigator.
2. The Investigator shall conduct an investigation or review and prepare a report for the Court concerning each assigned investigation or review:
 - a. Conservatorship reports shall be completed and filed with the court within 15 days prior to the date of the scheduled court review, unless extended by the Court (Probate Code, § 1851). In no event shall the report be filed less than 5 days before the hearing, except in the case of an investigation for a Petition to Appoint a Temporary Guardian.
 - b. Guardianship reports shall be completed and filed with the court within 10 days prior to the date of the scheduled court review.
 - c. The Investigator will make him/herself available, upon reasonable notice, to testify in court regarding the investigation.
 - d. The Investigator shall at all times be governed solely by the interest of the Court in ensuring that the rights and the best interests of the conservatee and/or ward are protected. (See Section O (3.01) "Contract Terms" regarding reports).

- e. Where more time is needed to complete an investigation, the Investigator shall file a Request for Continuance in the matter at least 10 days before the hearing, and serve a copy on all the parties and their counsel.
3. Reviews case information regarding guardianship and conservatorship matters, including petitions, questionnaires, minute orders and other supporting documents.
4. Conducts field visits to interview often confused/distraught individuals and assess living conditions, financial and health status; review financial and medical records; investigate complaints regarding physical and/or financial abuse; interview parties, witnesses and agencies outside of Monterey County.
5. Gathers information from various agencies during investigations; collects information from employers, schools, family court mediators, Child Protective Services and other professionals. The Investigator shall submit any request for rap sheets to the Court a minimum of 10 days prior to the hearing date unless an investigation is ordered immediately by the Court.
6. Recommends judicial action on suitability of existing or potential conservators, guardians and placement; prepares recommendation and presents them in written and verbal form; prepares memos and special reports to Court on non-contested cases.
7. Informs concerned parties of laws, regulations, and procedures of the Court; explains scope of services and legal rights to clients; assists in the completion and submission of legal forms.
8. Provides information on the nature of conservatorship and guardianship proceedings to families, general public and attorneys.
9. Visits proposed conservatee to explain the contents of the petition, the nature of the proceeding and advise the individual on their legal rights and available alternatives regarding the conservatorship.
10. Investigates and analyzes the medical, psychological, financial and social background of potential and/or existing conservatees to determine the need for or continuation of the conservatorship.
11. Reviews existing conservatorships to determine if the conservator is acting in the conservatee's best interest; informs the conservatee of their right to request termination of the conservatorship; assesses the need for continuing the conservatorship and/or imposing limitations; reviews accounting of conservator to verify expenditures.
12. Contacts the conservator and their attorney to discuss questions or concerns about powers or relief requested, changes in the status of the conservatorship

and/or concerns related to the care of the conservatee; attempt to resolve problems; recommend counsel as appropriate under Probate Code section 1471.

13. Prepares comprehensive oral and written reports for the court based on the investigation; makes recommendations concerning the quality of care, appropriateness of living arrangements and the handling of the estate, need to appoint counsel, appropriateness of powers requested and whether the conservator is acting in the conservatee's best interest; recommend a course of action and present the position in court.

14. The Investigator shall submit to the Court a monthly report setting forth in detail the number of investigations accepted, conducted, and completed during the previous month and such other information as the Court may require. The Investigator shall submit the report each month prior to receiving payment for services rendered in the preceding month and in any event shall submit such report no later than the fifteenth day of the month for services rendered in the preceding month.

Referral Process:

Referrals ordered by the Court and appearances at the Probate and Guardianship Calendars will be disseminated to the Probate Investigator on a rotational basis.

Preference will be given to the Spanish speaking Probate Investigator for litigants who are Spanish speaking only.

Referrals will be assigned on an alternating basis and depending on the availability and workload of the Probate Investigator.

Each Probate Investigator will work independently on every referral ordered by the Court. The Probate Investigator will not assign any Services to a sub-contractor.

Payments By the Court:

The Court agrees to compensate Investigator reports as indicated:

CONSERVATORSHIP:

General Conservatorship Report	\$375
Annual Review Report	\$75 per hour not to exceed total of \$225
Biennial Review Reports	\$75 per hour not to exceed total of \$225

GUARDIANSHIP:

Locating Guardians	\$75 per hour not to exceed total of \$150
New Petition for Guardianship Report	\$75 per hour not to exceed total of \$600
Petition to Terminate Guardianship Report	\$75 per hour not to exceed total of \$300
Court Ordered Investigation Report	\$75 per hour not to exceed total of \$375

Compensation: The Court will pay the contractor at a rate of \$75 per hour for services. Payments will be made for authorized services that have been completed and reported on a prorated hourly basis.

Extraordinary Services: Court will compensate Liaison for interview and related services that are in excess of 4 hours at the same rate of \$75 per hour prorated; however, Contractor must get prior approval from the Presiding Family Law Judicial Officer and submit a declaration and court order in advance of the services being provided. Extraordinary Services not approved in advance by court order will only be compensated up to two hours, and only in the event of exigent matters requiring your immediate attention to fulfill your duty.

Expenses: Contractor shall pay all expenses incidental to the performance of the duties of Contractor. Amounts paid by Court under section 1 above constitute the sole compensation to Contractor for the Services under this Agreement. The Court will not provide additional compensation for costs associated with travel or any other expenses incurred by Contractor in the provision of Services, including, but not limited, to costs for of maintaining credentials or of training required by statute or of continuing education or reference materials.

No other Compensation or Reimbursement: The Court will not provide additional compensation for costs associated with travel or any other expenses incurred by Investigator in the provision of Services, including, but not limited, to the costs of maintaining credentials or of training required by statute or of continuing education or reference materials.

Submittal Information:

Responses with listed qualifications and letter of interest (no fax or email submissions will be considered) must be delivered by **August 13, 2012, no later than 2:00 p.m.** to:

**Minnie Monarque
Director of Civil and Family Law Division
Superior Court of California, County of Monterey
1200 Aguajito Road
Monterey, CA 93940**

**RESPONSE FOR:
Probate Investigator**