

SENATE OFFICE OF OVERSIGHT AND OUTCOMES

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California fails to regulate private caregivers, exposing elderly to those with criminal backgrounds, report finds

SACRAMENTO—Elderly Californians run the risk of hiring caregivers with criminal backgrounds in the absence of state regulation of the private in-home care industry, a new report by the Senate Office of Oversight and Outcomes has found.

The state is one of only a handful in the U.S. that does not regulate in-home care agencies, which provide help with activities of daily living such as bathing, dressing, hygiene and eating. The oversight office discovered that a 2008 law intended to help seniors and their families do their own background checks has never been implemented. As a result, very few people who hire caregivers from on-line services such as Craigslist take advantage of their legal right to order a statewide criminal background check through the Department of Justice.

In its report, “Caregiver Roulette: California Fails to Screen those who Care for the Elderly at Home,” the oversight office examined Craigslist ads placed by people offering to care for elderly clients in their homes. The oversight office found caregivers with criminal backgrounds, including convictions for commercial burglary, methamphetamine trafficking, and prostitution in a home where a young child was present. One would-be caregiver, caught stealing \$2,400 worth of merchandise from a garden supply store, described herself to a sheriff’s investigator as a “kleptomaniac” with “uncontrollable urges.”

The report is available [here](#).

A review by the oversight office of 64 recent criminal cases involving caregivers found that 27 percent had previously been convicted of crimes, underscoring the potential value of requiring criminal background checks. In one case cited in the report, a woman convicted of stealing \$43,000 from the church where she worked as a bookkeeper and \$18,675 from her bed-ridden mother got a job as a caregiver through a newspaper classified ad. She moved into the master bedroom and started charging the client rent, bought cars on her client’s bank accounts and put the elderly woman’s house up for sale before she was caught.

“Maybe there need to be some regulations that say you don’t get to just walk in off the street and live in someone’s home,” said Kellie Ikenberry, whose parents unknowingly hired a caregiver with a criminal background who stole from them. “Government has to protect these elderly people.”

The report points out that, in the absence of regulation, many in-home care agencies claim to do criminal background checks voluntarily. But the quality of these checks varies widely, from instant Internet screening to thorough searches of county courthouse records or Department of Justice and FBI databases. Clients victimized by caregivers have sued in-home care agencies for shoddy background checks. Prosecutors have taken agencies to court for ignoring criminal backgrounds they discovered and placing felonious caregivers in private homes anyway.

In a survey of states that include 83 percent of the U.S. population, the oversight office found that 24 regulate in-home care agencies, including requiring criminal background checks. Six, including California, do not. The report makes several recommendations, including some that would address the perils faced by consumers who hire caregivers without the help of an agency.

Among the options are a registry that would allow clients to find independent caregivers who have voluntarily been screened and avoid those guilty of earlier transgressions; a public education campaign to let consumers know how to get and interpret a statewide Department of Justice background check; and a state law to allow consumer reporting agencies to disclose caregiver convictions older than seven years.

The non-partisan Senate Office of Oversight and Outcomes was created in 2008 by Senate President pro Tempore Darrell Steinberg (D-Sacramento) to bolster the Senate's ability to gauge government performance.

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