

Guidelines/Criteria for Vulnerable Adult Investigations and Case Assignment

1. Be defined as a Vulnerable Adults per MN State Statute 626.5572 subd 21:

- Categorical Vulnerable Adult: A resident of a licensed facility, or receiving licensed state services AND/OR
- Functional Vulnerable Adult: Regardless of residence possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction which impairs the individual's ability to provide food, clothing, shelter, healthcare, or supervision and because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect the individual's self from maltreatment.

* Outpatient mental health and/or chemical health services are not considered categorical services. The alleged vulnerable adult would need to meet the functional definition of a vulnerable adult if not a resident of a facility or receiving other licensed state services.

*A domestic violence incident is not generally considered maltreatment under the Vulnerable Adults Act unless the victim meets the definition of a vulnerable adult.

2. There must be enough information to outline that maltreatment may have occurred:

- A specific incident or incidents must have occurred that can be investigated.
- It is helpful to have as much information as possible, including who, what, when, and why. This includes the vulnerable adult and the perpetrator's name, address, DOB. If the vulnerable adult's name or contact information is not listed, there must be enough information included that it can be found.
- Documentation of examples supporting why the person is considered a vulnerable adult: i.e. diagnosis, level of functioning including need for supervision and lack of self-care skills, examples of inability to protect self from maltreatment, cognitive impairment preventing the person from obtaining basic needs.

3. A specific type of maltreatment is being alleged as defined by MN State Statute 626.5572 subd 2, 9, and 17.

- Abuse:
 - Physical: hitting, slapping, kicking, punching, biting, corporal punishment.
 - Emotional: oral/written/gestured repeated and/or malicious derogatory, humiliating, harassing, threatening remarks.
 - Mental: Unauthorized aversive/deprivation procedures; unreasonable confinement/seclusion.
 - Sexual: contact or penetration/ consensual or non-consensual.
 - Involuntary servitude: forced to perform service to the advantage of another.
- Financial Exploitation:
 - Person has a fiduciary relationship:
 - Unauthorized expenditure of funds likely to result in detriment to the vulnerable adult.
 - Failed to use funds for the vulnerable adult AND resulting, likely to result in detriment to vulnerable adult.
 - Person has no fiduciary relationship:
 - Willfully uses, withholds, disposes of funds-property of vulnerable adult.
 - Obtains for self/another services to detriment of vulnerable adult.
 - Acquires possession/control/interest in vulnerable adult's property/funds through harassment/undue influence/duress/deception/fraud.
 - Forces/compels/coerces/entices vulnerable adult to perform services for

another's advantage.

- Neglect:
 - Care Giver Neglect: Care giver fails to supply care/services reasonable and necessary to maintain person i.e. food, clothing, shelter, healthcare, and supervision.
 - Self-Neglect: Absence of food, clothing, shelter, healthcare, and supervision, services essential to the welfare or safety of the person. If the vulnerable adult is open for ongoing case management services, self-neglect concerns will be forwarded to the case manager for resolution.

4. Lead Investigative Agency (LIA) Jurisdiction as defined by MN State Statute 626.5572 subd 13:

- If the allegation concerns a licensed facility or home care employee, the adult protection report will be bounced back to the MN Adult Abuse Reporting Center (MAARC) to be correctly forwarded to the appropriate LIA: Department of Human Services (DHS) or Minnesota Department of Health (MDH).
- If emergency protective services (EPS) are warranted because the vulnerable adult resides in Washington County regardless of the LIA, a county investigator may also be assigned for EPS only, if Intake Phones is unable to resolve the emergency. If the EPS case is a state jurisdiction case, the state Lead Investigative Agency (LIA) would maintain investigation jurisdiction.
- County jurisdiction for investigations is any case that DHS or MDH is not LIA.
 - The Metro Adult Maltreatment Consortium (MAMC) agreement will be followed to determine jurisdiction between metro counties.

5. Ruling In vs. Ruling Out County jurisdiction cases:

- Adult Protection referrals will be triaged by the Intake Phone Staff with lead staff assistance when applicable. In addition to reviewing vulnerable adult definitions when applicable, the following factors will be considered:
 - Does the person need assistance acquiring basic needs i.e.: Food, clothing, healthcare, shelter?
 - Are there other formal or informal supports who are acting in this capacity?
 - Without some assistance are they likely to be at risk of maltreatment including self-neglect?
 - Is the vulnerable adult open with case management or other services?
 - Did the vulnerable adult protect themselves in the recent report?

6. If a referral meets criteria for investigation, Adult Protective Services can provide the following when applicable:

- Referral for assessment of the individual including competency (cognitive status), medical condition (with consult from public health),
- Referrals to assist with basic needs: living conditions (house/apartment conditions, access to food, clothing, health care), need for further intervention i.e.: (home care, psychiatric evaluation, etc.).
- Referral to resources (vocational, mental health services, home care, medical treatment, etc.).
- Assistance with locating and advocacy in accessing affordable housing or placement. i.e. board and care, foster care, nursing facility, hospital, board and lodge.
- Assistance with applying for benefits to pay for the above resources.
- Consideration of pursuing guardianship and/or conservatorship when there are no less restrictive

A great place to live, work and play...today and tomorrow

Government Center | 14949 62nd Street North | P. O. Box 6 | Stillwater, MN 55082-0006
P: 651-430-6001 | F: 651-430-6017 | TTY: 651-430-6246
www.co.washington.mn.us

Washington County is an equal opportunity organization and employer

alternatives, and a substitute decision maker is needed for personal or financial matters.

- Assistance/advocacy with the court system for the client and family including: Obtaining orders for protection, help with eviction, unlawful detainer actions, etc.

7. Adult Protective Services cannot provide:

- Ongoing long term case management for persons not a risk of maltreatment, or currently stable and receiving services necessary for them to maintain stability in the community.
- Petitions for guardianship/conservatorship when there is no presenting maltreatment requiring a protection need.
- Ongoing monitoring of medications, treatment plans, finances, etc. to a client who is sufficiently stable and not at risk of maltreatment, or nursing home or hospital placement.
- Services to persons who are considered as “competent” and refuse further interventions.
- Long term support such as ILS or PCA type functions including cleaning, transporting, help with personal cares, grocery shopping, maintenance counseling, etc.
- Ongoing protection services for clients who are already open for case management services. Case management is responsible for offering and providing resources and/or services to assist with an ongoing client’s protection needs.
- Investigate cases where the alleged vulnerable adult is already deceased at the time of the referral. These cases will be forwarded to law enforcement when appropriate if criminal allegations are suspected.

GUIDELINES FOR PRIORITIZING REPORTS FOR INVESTIGATION **MN State Statute 626.557 subd 10b** **EMERGENCY/IMMINENT DANGER REFERRALS**

Vulnerable Adult reports alleging the adult is in need of immediate services for protection, imminent danger or risk of serious harm will be considered a priority:

1. No food or shelter and vulnerable adult is without ability/resources to obtain.
2. Dangerous level of exposure to extreme temperatures.
3. Dehydration or other need for immediate emergency medical care and vulnerable adult is without ability/resources to access.
4. Dependent adult who suddenly is without a caregiver and inability to provide for one’s own care.
5. A report of physical abuse/sexual abuse with observable injuries. Law enforcement should also be immediately contacted.
6. Established need for emergency/special guardian/conservator appointment.

A great place to live, work and play...today and tomorrow

Government Center | 14949 62nd Street North | P. O. Box 6 | Stillwater, MN 55082-0006
P: 651-430-6001 | F: 651-430-6017 | TTY: 651-430-6246
www.co.washington.mn.us

Washington County is an equal opportunity organization and employer

A great place to live, work and play...today and tomorrow

Government Center | 14949 62nd Street North | P. O. Box 30 | Stillwater, MN 55082-0030
P: 651-430-6455 | Toll Free: 1-844-711-1907 | F: 651-430-6605 | TTY: 651-430-6246
www.co.washington.mn.us

Washington County is an equal opportunity organization and employer