



MI DEPARTMENT OF ATTORNEY GENERAL

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ELDER ABUSE TASK FORCE

The Task Force launched in 2019 and consists of more than 55 different organizations in the public, private and nonprofit sectors – all working together to combat elder abuse.

“While most guardians and conservators work tirelessly for modest pay to ensure those under their supervision are well cared for, this serves as additional notice that my office will not hesitate to challenge anyone who breaches their duty of loyalty to the most vulnerable among us.”

Attorney General Dana Nessel



ELDER ABUSE LISTENING TOUR

with the Michigan Supreme Court

- 12 stops
- Travelled over 2,500 Miles
- Met with Over 1,000 Seniors
- Hosted 8 Legislative Town Halls



PUBLIC AWARENESS

LISTENING TOUR:

- Kent
- Grand Traverse
- Berrien
- Kalamazoo
- Macomb
- Washtenaw
- Oakland
- Isabella
- Bay
- Genesee
- Wayne
- Marquette



TRAINING & EDUCATION

- Law enforcement
- Financial institutions
- Prosecutors
- Judges
- Guardians
- Attorneys
- Healthcare workers



POLICY & LEGISLATION

- Guardian Certification
- Due Process Rights for individuals
- Emergency/Temporary Guardianships
- Removal of the ward from the home
- Funding for indigent clients/caseload limit 36
- Creation of the Office of State Guardian
- Power of Attorney



POLICY & LEGISLATION

- Surrogate Consent
- Personal Protection Orders for Older or Vulnerable
- Criminal Penalties for patterns of deceptive practices against consumers 80 years and above
- Adding Embezzlement from a vulnerable adult to the CCE (Racketeering) statute
- Revised Visitation
- Guardianship diversion



**COURTS AND
STATE COURT
ADMINISTRATOR'S
OFFICE
(SCAO)**



LAW ENFORCEMENT

& ATTORNEY GENERAL OFFICE

- STOP Manual
- Video Trainings
- Standard Investigation Form

Vulnerable Adult Incident Report

NAME	AGE	DOB	EMERGENCY CONTACT	PHONE
DATE REPORTED	TIME REPORTED	DATE AND TIME INCIDENT OCCURED	FILE NO:	
INCIDENT LOCATION			REPORTING OFFICER	

VULNERABLE + HARM = MANDATORY Reporting to Adult Protective Services at (855) 444-3911

WHEN ABUSE/NEGLECT/EXPLOITATION IS SUSPECTED

- Determine if the victim is a Vulnerable Adult (VA) 4. Determine whether you are required to report to APS or others
- Determine whether the VA can see, hear and communicate ideas. 5. Evidence and forms for collection
- Competency may be diminished before competency (see below). 6. Crimes and elements
- Is there harm, if any to the VA

Vulnerable Adult? (Documenting lack of ability is important)

- 65 years or older
- Assistance with ADLs (Activities of Daily Living):
- Sitting Eating
- Getting Water Getting Dressed
- Getting out of bed
- Taking medication
- Banking/Financial affairs
- Abuse, neglect or exploitation (5m(u))

If vulnerable, continue with normal

Activities of Daily Living (ADL'S)

Ability to Care for Self (bathing, grooming, transportation, walking, toileting etc.)

Level of Function: Independent Needs Assistance Total Care

Describe: _____

Instrumental Activities of Daily Living (IADL'S)

Financial Decision-Making (bills, donations, investments, real estate, wills, protect assets, resist fraud etc.)

Level of Function: Independent Needs Assistance Total Care

Describe: _____

Medical Decision-Making (express a choice and understand, appreciate, reason about health info, etc.)

Level of Function: Independent Needs Assistance Total Care

Describe: Guardian Conservator

Doctor Name and contact information:

PHYSICAL RISK ASSESSMENT

Abuse Neglect Financial Provide explanation as needed in narrative

- Floor Narcotic medication Unusual physical signs
- Evidence of cleaning prior to arrival Filthy living conditions for victim, including common areas
- Inconsistent explanation of care No sign of pain reliever (aspirin etc.)
- Lack of food/malnutrition



DATA COLLECTION & RESEARCH



MULTI-DISCIPLINARY TEAMS



EATF RECOMMENDATIONS

Guardian and Conservator Reform Legislation

LACK OF COMPETENCY

INCAPACITATED INDIVIDUAL

An individual who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, not including minority, to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions. MCL 700.1105a



EATF RECOMMENDATIONS

Lack of Competency: Incapacitated Individual

GUARDIAN

A guardian takes care of an incapacitated adult's personal needs.

CONSERVATOR

A conservator takes care of an incapacitated adult's property.

- One person can be both the guardian and the conservator for an incapacitated adult.
- A guardianship or conservatorship will limit an incapacitated adult's legal right to handle his or her own matters.

OFFICE OF STATE GUARDIAN

CERTIFICATION & REGISTRY



INVESTIGATION & COMPLIANCE

INDIGENT GUARDIAN PROGRAM



EDUCATION & INFORMATION

SURROGATE CONSENT STATUTE

Surrogate may make a health care decision for a patient who is an adult or emancipated minor if:

- Patient is unable to participate in health care decisions
- Patient doesn't have a patient advocate or guardian
- Order of surrogate
 - Spouse (unless pending divorce, separation, or annulment)
 - Adult child
 - Parent
 - Adult sibling
 - An adult who has exhibited special care and concern for the patient

Will reduce/eliminate the need for hospitals to file for emergency guardianship to treat patients



POWER OF ATTORNEY



Creates a statutory
power of attorney form



Promotes an increase
in the acceptance of
the power of attorney



Will reduce/eliminate
the need for guardians
or conservators to be
appointed

VULNERABLE ADULT INCIDENT REPORT

Vulnerable Adult Incident Report

NAME	AGE	DOB	EMERGENCY CONTACT	PHONE
DATE REPORTED	TIME REPORTED	DATE AND TIME INCIDENT OCCURRED		FILE NO:
INCIDENT LOCATION				REPORTING OFFICER

VULNERABLE + HARM = MANDATORY Reporting to Adult Protective Services at (855) 444-3911

WHEN ABUSE/NEGLECT/EXPLOITATION IS SUSPECTED

- Determine if the victim is a Vulnerable Adult (VA)
- Determine whether the VA can see, hear and communicate ideas. Cognition may be diminished before competency (see below).
- Determine harm, if any to the VA
- Determine whether you are required to report to APS or others
- Evidence and forms for collection
- Crimes and elements

Is the Victim a vulnerable Adult? (Documenting lack of ability is important)

- Over 18 65 years or older
- Victim needs assistance with ADLs (Activities of Daily Living):
- | | | |
|---|--|--|
| <input type="checkbox"/> Walking | <input type="checkbox"/> Sitting | <input type="checkbox"/> Eating |
| <input type="checkbox"/> Cooking | <input type="checkbox"/> Getting Water | <input type="checkbox"/> Getting Dressed |
| <input type="checkbox"/> Bathing | <input type="checkbox"/> Getting out of bed | |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Taking medication | |
| <input type="checkbox"/> Doctor visits | <input type="checkbox"/> Banking/Financial affairs | |
- Unable to protect self from abuse, neglect or exploitation (Vulnerable Adult MCL 750.145m(u))

Comments (if the victim is not vulnerable, continue with normal investigation):

Activities of Daily Living (ADL'S)

Ability to Care for Self (bathing, grooming, transportation, walking, toileting etc.)
Level of Function: Independent Needs Assistance Total Care
Describe: _____

Instrumental Activities of Daily Living (IADL'S)

Financial Decision-Making (bills, donations, investments, real estate, wills, protect assets, resist fraud etc.)
Level of Function: Independent Needs Assistance Total Care
Describe: _____

Medical Decision-Making (express a choice and understand, appreciate, reason about health info, etc.)

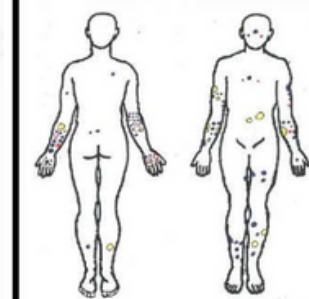
Level of Function: Independent Needs Assistance Total Care
Describe: Guardian Conservator

Doctor Name and contact information:

PHYSICAL RISK ASSESSMENT

If the adult is vulnerable, is there harm? Abuse Neglect Financial Provide explanation as needed in narrative

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Soiled bedding | <input type="checkbox"/> Lock on victim's door | <input type="checkbox"/> Narcotic medication | <input type="checkbox"/> Unusual physical signs |
| <input type="checkbox"/> Soiled Bandages | <input type="checkbox"/> Bilateral grip marks | <input type="checkbox"/> Evidence of cleaning prior to arrival | <input type="checkbox"/> Filthy living conditions for victim, including common areas |
| <input type="checkbox"/> Victim is in pain | <input type="checkbox"/> Foul Smell | <input type="checkbox"/> Inconsistent explanation of care | <input type="checkbox"/> No sign of pain reliever (aspirin etc.) |
| <input type="checkbox"/> Dehydrated | <input type="checkbox"/> Stopped seeing doctor | <input type="checkbox"/> Lack of food/malnutrition | |
| <input type="checkbox"/> Lack of Medication | <input type="checkbox"/> Lack of access to mobility | | |



Body Image Diagram Describe injury (redness, bruising etc.)

Older adults can experience bruising in dotted areas - Note anything unusual or outside the area.

Medical Treatment following incident

- None
- Will seek own doctor
- First Aid
- EMT* EMT at scene Yes No
- Name(s): _____
- Hospital ** Name: _____
- Attending Physician: _____
- Refused Medical Aid
- Obtain Medical Release Form from victim? Yes No
- Obtain Medical Release Form from Guardian or Conservator? Yes No
- Crime victim information given to victim? Yes No
- Protective Services Referral completed? Yes No

Residence Type? (When victim is found)

- Private
- Public Housing
- Assisted Living
- Licensed Nursing Home
- Hospital
- Homeless
- Unknown
- AFC Home (Licensed or not)
- Other: _____

FINANCIAL EXPLOITATION

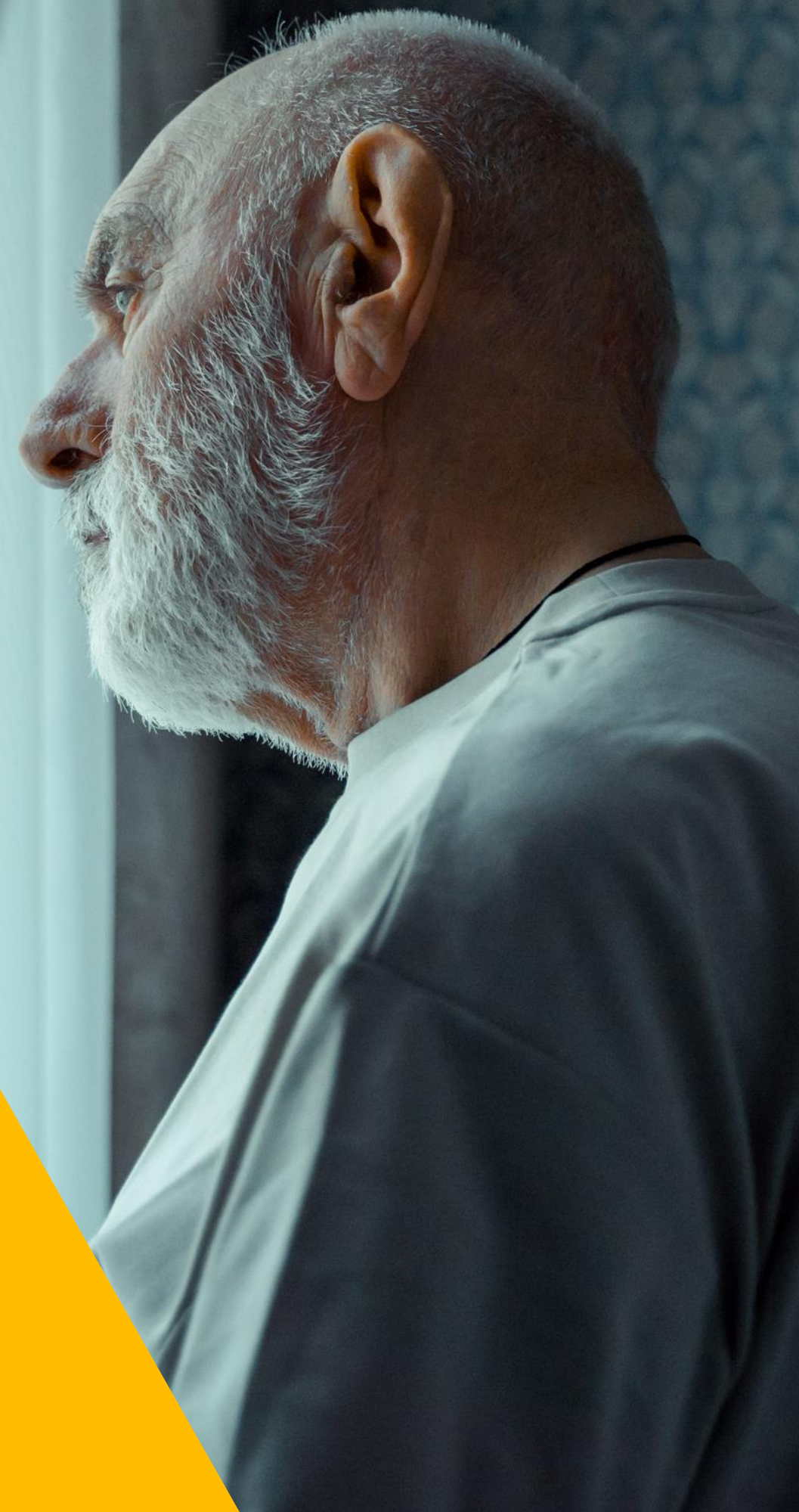
Any inappropriate access to an elderly person's funds or property is an abuse.

An unscrupulous caregiver might:

- misuse an elder's personal checks,
- credit cards,
- or accounts,
- steal cash, income checks, or household goods,
- forge the elder's signature, or
- engage in identity theft.



PARASITIC LIVING



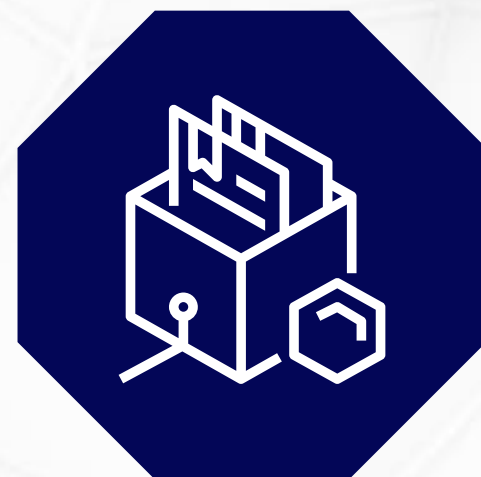
SIGNS OF FINANCIAL EXPLOITATION



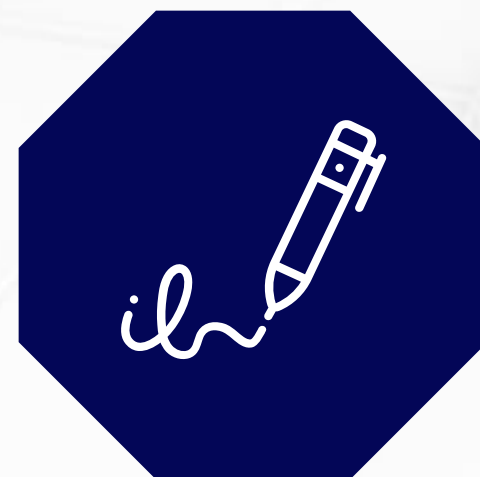
Significant withdrawals from the elder's accounts; sudden changes in the elder's financial condition



Items or cash missing from the senior's household



Suspicious changes in wills, power of attorney, titles, and insurance policies



Addition of names to the senior's signature card



Unpaid bills or lack of medical care, although the elder has enough money to pay for them



Financial activity the senior couldn't have done, such as an ATM withdrawal when the account holder is bedridden

FINANCIAL EXPLOITATION PREVENTION ACT

MCL 487.2081 et seq



FAST FACTS ABOUT FEPA



**EFFECTIVE ON
SEPTEMBER 26, 2021**



**PROVIDES A WAY FOR
FINANCIAL INSTITUTIONS
TO REPORT FINANCIAL
EXPLOITATION OF THEIR
CUSTOMERS/MEMBERS**



**ALLOWS FINANCIAL
INSTITUTIONS TO FREEZE
TRANSACTIONS/ASSETS
UNDER CERTAIN
CIRCUMSTANCES**

WHY IS FEPA IMPORTANT?

A financial institution employee may be the only person who sees suspicious spending if victim is private about finances or socially isolated from friends or family



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