

# VULNERABLE ADULT PROTOCOL

ST. JOSEPH COUNTY, MICHIGAN



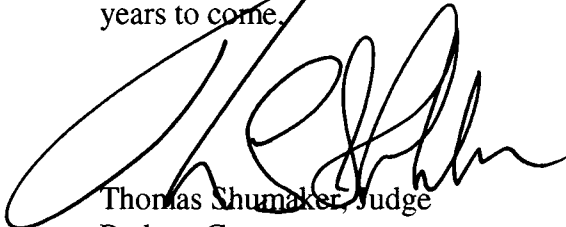
# Statement of Commitment

## St. Joseph County Vulnerable Adult Protocol

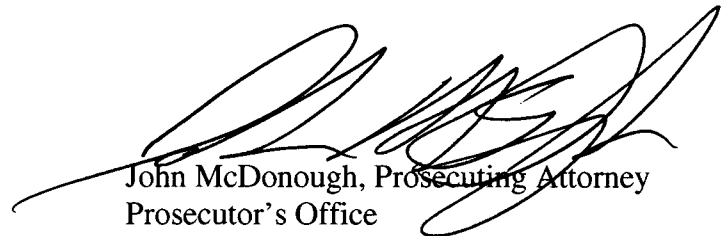
September 2010

As a group of committed agencies and organizations, we have collaboratively shared our time, knowledge and perspective in developing the "St. Joseph County Vulnerable Adult Protocol." Our wholehearted intent is to raise awareness of, reduce or eliminate existing, and prevent future abuse, neglect and exploitation of vulnerable adults throughout St. Joseph County.


As a representation of our unwavering commitment, we sign below in support of utilizing the "St. Joseph County Vulnerable Adult Protocol" within our respective agencies/organizations and among those we serve. Furthermore, we will continue to examine and utilize this document throughout the years to come.




Thomas Shumaker, Judge  
Probate Court




John McDonough, Prosecuting Attorney  
Prosecutor's Office




Chris Kadulski, Executive Director  
Department of Human Services



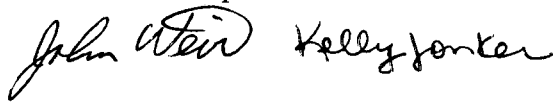
Elizabeth O'Dell, Executive Director  
Community Mental Health



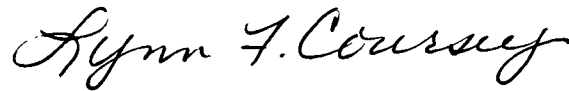
Bradley Balk, Sheriff  
Sheriff's Department



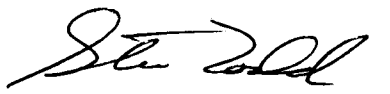
Mary Lynn Falbe, Executive Director  
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John Weir & Kelly Jonker  
Long Term Care Ombudsman



Lynn Coursey, Executive Director  
Commission on Aging



Steve Todd, Chairperson  
Human Services Commission



Laura Sutter, Coordinator  
Branch-St. Joseph Area Agency on Aging

**ST. JOSEPH COUNTY VULNERABLE ADULT PROTOCOL**

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# ST. JOSEPH COUNTY VULNERABLE ADULT PROTOCOL

## DEFINITIONS

A *vulnerable*\* adult is someone 18 years of age or older that has a condition in which he or she is unable to protect him or herself from *abuse*, *neglect*, or *exploitation* because of a mental or physical impairment or because of advanced age. There are many forms of *abuse*, *neglect*, and *exploitation*. An example of each follows:

*Abuse*: A developmentally disabled woman who resides in the home of her father and is being beaten by him.

*Neglect*: A physically disabled man who is left in front of the TV all day without a meal or access to toilet facilities.

*Exploitation*: An *elderly* woman's son who is using his mother's money for his own needs without her knowledge or approval.

By law, certain individuals are required to report any suspected *abuse*, *neglect*, and/or *exploitation* of a *vulnerable* adult. Other individuals are encouraged to voluntarily report. It is important to note that the reporting individual does not have to have proof but rather only a suspicion of *abuse*, *neglect*, and/or *exploitation*.

## MANDATORY REPORTERS

All persons who are employed, licensed, registered, and/or certified to provide or an employee of an agency licensed to provide:

- a) **Health Care Services** such as physicians, nurses, aides, and other hospital staff
- b) **Educational Services** such as teachers, administrators, and rehabilitation counselors
- c) **Social Welfare Services** such as social work administrators, supervisors, and caseworkers
- d) **Mental Health Services** such as psychologists, counselors, agency administrators, supervisors, and caseworkers
- e) **Other Human Services** such as those providing services to the disabled and aging such as information and referral and adult day care

**Law Enforcement** officers and employees of the **Office of County Medical Examiner** are also mandatory reporters.

\**Terms in italics throughout the document are defined in the Glossary of Terms, starting on page 6*

## HOW TO MAKE A REFERRAL

**Please note: If the alleged victim is in imminent danger and/or has a physical injury by suspected or reported act of violence, call 911 immediately.** For all other cases (with the exception of suspected *abuse*, *neglect*, and/or *exploitation* occurring while the alleged victim is residing in a nursing home\*):

- a) Call Adult *Protective Services* (APS) at the Department of Human Services. During business hours, call 1-269-467-1250. After hours, ask for the Child *Protective Services* on-call worker by calling Central Dispatch at 1-269-467-4195.
- b) Report to the worker the details supporting your suspicion of *abuse*, *neglect*, and/or *exploitation*. If known, be prepared to provide any information helpful for investigative purposes including the alleged victim's name, birth date, address and phone number and the alleged perpetrator's name, address and phone number. It is not required that you identify yourself and, although a written report is also not required, any written documentation (such as medical reports or bank statements) that can assist in an investigation will be accepted. The names/identities of all reporters are held in strict confidence.

\*If the alleged *abuse*, *neglect*, and/or *exploitation* occurred while the alleged victim was residing in a nursing home, the nursing home and/or other interested parties, such as family members or friends, contact the Michigan Department of Community Health Bureau of Health Systems, *Complaint Investigation Unit* at 1-800-882-6006. Nursing homes may follow additional steps as identified in their policies and procedures. Families/individuals may contact the Long Term Care Ombudsman who provides guidance and advocacy to assist persons with *complaints* at 1-866-485-9393. Regarding residents of adult foster care homes, homes for the aged and hospitalized patients, APS is contacted as noted above.

## ADULT PROTECTIVE SERVICES PROCESS

The following process takes place once a report has been made to APS:

- a) The case is reviewed to determine whether the details provided warrant APS intervention. If affirmative, the case is opened and a worker is assigned.
- b) If the reporter identified him or herself, a letter is sent to the reporter informing him or her whether the case was accepted and assigned. If assigned, the name of the worker and the worker's contact number is provided.
- c) When assigned, a worker must begin an investigation within 24 hours and must make face-to-face contact within 72 hours.
- d) Regarding residents of adult foster care homes and homes for the aged, the appropriate licensing agency is contacted.
- e) Depending upon the results of the investigation, the assigned worker intervenes as indicated. If the reporter is known, a follow-up letter is sent explaining what action has been taken.

## OTHER CATEGORIES OF ADULT VICTIMIZATION

Because there may be "degrees" of incapacity/vulnerability which are not clearly defined or easily determined, it is best to err on the side of safety, thus reporting to and allowing APS to determine whether an investigation is warranted. There are cases of aggression and abuse made against adults, however, who display no substantive mental or physical incapacity and are not of advanced age, precluding the need for APS intervention. Two such examples may include:

- a) acts of violence resulting in injuries caused “by means of a knife, gun, pistol or other deadly weapon, or by other means of violence” (please see Michigan Penal Code 750.411) in which case hospitals, pharmacies, and physicians are required to report immediately to law enforcement agencies, and
- b) *domestic* and sexual *abuse/assault* in which a victim is physically, sexually, emotionally, and/or verbally *abused* by an intimate partner.

In the case of alleged *domestic abuse/assault*, the alleged victim should be given, in a strictly confidential manner, information regarding *domestic abuse/assault* services and the 24 hour toll free hotline 1-800-828-2023. Some alleged victims may request assistance right away. Others will not. If there is no question of *vulnerability/incapacity* and there is no visible injury, no official report is warranted unless requested by the alleged victim who may desire, for example, police intervention/protection.

## **INTERVENTION POSSIBILITIES**

Within St. Joseph County there exists a wide range of services available to those individuals who have been victimized in one way or another. The following is a brief description of some of these services:

### **A. Probate Court**

#### 1. Guardianship

A *guardian* is a person appointed by Probate Court to act on behalf of an individual the Court determines to be *legally incapacitated* and, thus, unable to manage his or her own affairs. Adult *Protective Services*, Community Mental Health, hospitals and nursing homes are sometimes involved in the petitioning process. Other interested parties, with or without the services of an attorney, may also petition. A *guardian's* responsibilities may be expansive or intentionally limited depending upon the decision of the Court and may involve such areas as consent for medical treatment and placement. If a petition alleges the need for immediate personal decisions, the Court may appoint a temporary *guardian* with a full hearing scheduled within 28 days of issuing the temporary *guardianship*.

#### 2. Conservatorship/Protective Order

A *conservator* is a person appointed by the Court to act on behalf of a *legally incapacitated* individual in the realm of finances. Adult *Protective Services* may assist in filing for *conservatorships*. Other interested parties, through an attorney, may file as well. The person appointed must have the skills necessary to control assets and, if a family member, for accounting purposes, the involvement of a bank or private agency is required. For immediate needs, a *protective order* can be issued to act quickly to protect assets.

#### 3. Involuntary Commitment to a Psychiatric Institution

If a person is deemed *mentally ill* and does not understand the need for treatment or is a potential danger to him or herself or others, Community Mental Health assists in completing a Petition for Involuntary Hospitalization. A Supplemental Petition to have the person transported to an evaluation center can also be prepared if the person is refusing to cooperate. Once petitioned, Probate Court determines the need for involuntary placement for psychiatric care.

#### 4. *Patient Advocacy Conflicts*

A *patient advocate* is an individual designated in writing to act on behalf of a person in the event he or she becomes unable to make his or her own medical and/or placement decisions. If a dispute arises whether a *patient advocate* is acting in the patient's best interests, a petition may be filed with the Court seeking determination as to continuation or removal of the advocate. Hospitals, nursing homes, and other interested parties may petition the Court for such a determination.

For questions, Probate Court may be contacted at 1-269-467-5538 during normal business hours.

### **B. Medical and Psychiatric/Psychological Care**

1. In an emergency situation for medical needs, call 911 or go to the nearest emergency room.
2. In case of a potential suicidal situation or other psychiatric emergencies, call the Community Mental Health Access Center toll free 24 hours per day at 1-800-622-3967.
3. For non emergent medical services, refer to a primary care physician or other appropriate health care provider.
4. For non emergent psychiatric/psychological services, refer to CMH (see following) or other appropriate health care provider.
5. For other community resources, call 211 or APS at 1-269-467-1250 during normal business hours.

### **C. Community Mental Health**

CMH of St. Joseph County provides comprehensive public mental health services for children, teens, adults, and seniors. Services include:

1. Crisis intervention
2. Screening and referral for psychiatric hospitalization
3. Outpatient counseling
4. Psychiatry
5. Case management
6. Assertive community treatment

For emergencies, call toll free 24 hours per day 1-800-622-3967. For non emergent needs, call 1-269-467-1000 during normal business hours.

### **D. Adult Services**

The Adult Services division of the St. Joseph County Department of Human Services includes Adult Protective Services (APS), Independent Living Services, and Adult Community Placement. APS workers are able to assist in the following areas:

1. Protection including *protective services* investigations, social protection, financial management, and *conservatorship/guardianship/civil* commitment
2. Counseling
3. Education/training

4. Health related medical referrals
5. Home help for those Medicaid eligible
6. Housing by interceding in delinquent property tax/foreclosure situations
7. Emergency shelter/relocation
8. Navigation of the Medicaid application “maze”
9. Referral to other agencies such as Area Agency on Aging, Commission On Aging, Community Action, Disability Resource Center, Community Mental Health and home health agencies
10. Linking veterans to appropriate Veteran Services

Please see “Reporting” on page 2 or the attached Resource List for APS contact phone numbers.

## **E. Law Enforcement**

Law Enforcement intervention occurs as indicated in a variety of ways and circumstances. Examples include:

1. Responding to valid referrals involving suspected criminal acts such as *elder abuse*, *domestic violence*, *financial abuse* or *fraud*, and physical assault.
2. The arrest of a criminal suspect
  - a) Warrantless arrest on a probable cause
  - b) Need for a formal warrant
  - c) Bail concerns
    - i) High amount
    - ii) Special consideration
3. Victim rights considerations (call VINE at 1-800-770-7657)

In case of emergency, call 911. For non emergent situations, contact the St. Joseph County Dispatch at 1-269-467-4195 or specific police departments as listed in your local telephone directory or attached Resource List.

## **F. Domestic and Sexual Abuse Services (DASAS)**

DASAS provides multiple services to *domestic violence* and sexual *assault* survivors and their children. Services include:

1. 30 day emergency shelter which is handicap accessible, with no age criteria, the residents of which must care for themselves (i.e. independence in personal hygiene, mobility, and meal preparation)
2. 24 hour Toll Free Hotline: call 1-800-828-2023
3. Outreach to victims referred by law enforcement and community agencies
4. Individual crisis intervention and supportive counseling
5. Weekly support groups
6. Accompaniment to court hearings
7. Assistance in obtaining or enforcing a *Personal Protection Order*
8. Assistance in locating permanent housing
9. Information and referral to other community services

For non emergent calls, DASAS can be contacted at 1-269-273-6154 during normal business hours.

**St. Joseph County Vulnerable Adult Protocol**  
**- GLOSSARY OF TERMS -**

**Abuse** – harm or threatened harm to an adult’s health or welfare caused by another person, including, but not limited to, non-accidental physical or mental injury, sexual abuse, or maltreatment. (1982 P.A. 519 Sec. 11(a))

1. Physical Abuse – non-accidental contact that results in physical harm.
2. Physical Harm – injury to a vulnerable adult’s physical condition.
3. Sexual abuse – non-consensual sexual contact of any kind.
4. Psychological Abuse – willful infliction of mental or emotional anguish by threat, humiliation or other verbal or nonverbal abusive conduct.

**Adult in need of protective services** – a vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited. (P.A. 519 Sec. 11 (b))

**Complaint** – an allegation, referral, report, or other communication which contains information about known or suspected abuse, neglect, or exploitation to vulnerable adults.

**Conservator** – person appointed by a Court to act for a legally incapacitated person regarding financial decisions.

**Developmental disability** – developmental disabilities occur before the age of 22 and affect physical and/or mental abilities. Examples of disabilities include mental retardation, cerebral palsy, epilepsy and autism. A developmental disability may result in limited functioning in the following areas: self care, speech and language, learning, mobility, self-direction and ability to live independently and/or to support oneself financially.

**Domestic Violence (Assault)** – physical attack or the threat of a physical attack upon the victim who is related to the attacker in one or more of the following ways; spouse, former spouse or intimate partner, resident or former resident of the same household, a person with whom they have had a child in common.

**Elder** – persons 60 years of age and over.

**Exploitation** – an action that involves the misuse of an adult’s funds, property, or personal dignity by another person. (1982 P.A. 519 Sec. 11(d))

**Fraud** – an act of deceiving or misrepresenting a product, service or identity in order to take advantage (financial or otherwise) of a person.

**Guardian** – a person may qualify as a guardian of an incapacitated individual under a parental or spousal nomination or a court appointment to make decisions about the care of another individual. Their powers and duties are delineated by court order and statutory authority. (MCL 700.1104(k))

**Legally incapacitated person** – 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 700.1105(a))

**Mentally ill person** – “Mental illness” means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

**Neglect** – harm to an adult’s health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult’s health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care. (1982 P.A. 519 Sec. 11 (e))

**Patient advocate** – and individual 18 years of age or older who is of sound mind may delegate, in writing, powers concerning their care, custody and medical treatment to another individual who is 18 years of age or older. (MCL 700.5506)

**Physical danger** – a situation, whether caused by self or others, which appears likely to result in harm to the adult’s physical well-being, health or safety.

**Protective order** – if it is established that a basis exists, the court may enter orders authorizing, directing or ratifying a transaction necessary or desirable to achieve a security, service or care arrangement meeting the protected individual’s needs. (MCL 700.5408)

**Personal Protection Order** – Is an order issued by the court in situations where there is a domestic or non-domestic relationship. It can protect you from harassment, assault, beating, molesting, wounding or stalking by another person to provide a safe environment for you to live in.

**Protective Services** – includes, but is not limited to, remedial, social, legal, health, mental health, and referral services provided in response to a report of alleged harm or threatened harm because of abuse, neglect, or exploitation. (P.A. 519 Sec. 11 (f))

**Representative payee** – the Social Security Administration (SSA) is responsible for designating a person as a Representative Payee to directly receive and manage the SSA benefits of SSA recipients whom it has determined incapable of managing their own benefits received under the Title VI (SSI) or Title II of the Social Security Act.

**Safe, stable living situation** – a situation in which the adult is not in any immediate threat to life, health or welfare from self or others, and there is reason to believe this status will continue in the foreseeable future.

**Substantiated Complaint** – a situation in which the worker determines the subject of the complaint is an adult who is actually threatened by harm due to abuse, neglect, or exploitation and also is vulnerable.

**Undue Influence** – one person taking unfair advantage of another. Substituting the will of the victim with that of the perpetrator. A concerted, deliberate effort to assume control over another person’s decision making. (National Center on Elder Abuse)

**Unsubstantiated Complaint** – a situation in which the worker determines the subject of the complaint is an adult who is either not in danger of any harm or not vulnerable, or that the referral is one which is inappropriate for the APS program.

**Vulnerable** – a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.

## St. Joseph County Vulnerable Adult Protocol

### *PARTICIPANTS*

Thomas Shumaker, Judge  
Probate Court

John McDonough, Prosecuting Attorney  
Prosecutor's Office

Eva Sylvester, Probate Register  
Probate Court

Lynn Coursey, Executive Director  
Commission on Aging

Cindy Underwood, Program Manager  
Department of Human Services

Sandra Leslie, Adult Services Supervisor  
Department of Human Services

Laima Patton, Adult Services  
Department of Human Services

Joanna Vigil-Schirado, Adult Services  
Department of Human Services

Laura Sutter, Coordinator  
Branch-St. Joseph Area Agency on Aging

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Branch-St. Joseph Area Agency on Aging

Cpt. Jason Bingaman  
St. Joseph County Sheriff's Department

John Weir  
Long Term Care Ombudsman

Kelly Jonker  
Long Term Care Ombudsman

Elizabeth O'Dell, Executive Director  
Community Mental Health

Doug Lockwood, Adult Services Director  
Community Mental Health

Janice Reed, Collaboration Coordinator  
Human Services Commission

Mary Lynn Falbe, Executive Director  
Domestic and Sexual Abuse Services

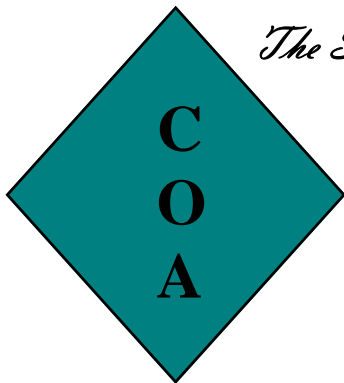
**St. Joseph County Vulnerable Adult Protocol**

**RESOURCE LIST**

<b>AGENCY / ORGANIZATION</b>	<b>PHONE NUMBER</b>
Adult Protective Services (APS) / Department of Human Services (DHS)	(269) 467-1250, after hours: (269) 467-4195
Statewide Adult Protective Services Hotline	(800) 996-6228 (24 hours/day)
Area Agency on Aging (Region IIIC - Branch & St. Joseph Counties)	(517) 278-2538 or (888) 615-8009
Branch-Hillsdale-St. Joseph Community Health Agency	Three Rivers (269) 273-2161
Community Mental Health (CMH)	(269) 467-1000 or (800) 622-3967
Disability Network Southwest Michigan	(269) 345-1516 or (800) 674-5209
Domestic and Sexual Abuse Services (DASAS)	(269) 279-5122 or (800) 828-2023
Michigan Medicaid Fraud Control Unit of the Attorney General	(517) 334-6020 or (800) 242-2873
Legal Hotline for Michigan Seniors	(800) 347-5297
Western Michigan Legal Services (serves all ages)	(888) 783-8190
Legal Services Organization of South Central Michigan (serves age 60+)	(269) 965-3951 or (800) 688-3951
Long Term Care Ombudsman – Licensed Facilities	(269) 373-5161 or (866) 485-9393
MI Dept. of Community Health – Bureau of Health Systems – Nursing Homes	(800) 882-6006
MDHS Office of Children & Adult Licensing- Adult Foster Care/Home for the Aged	Phone: (866) 856-0126 Fax: (517) 241-1680
Michigan Peer Review Organization (MPRO)	(800) 365-5899
St. Joseph County Community Action (CA)	(269) 467-4506
St. Joseph County Commission on Aging (COA)	(269) 279-8083 or (800) 641-9899
St. Joseph Co. Intermediate School District (ISD)	(269) 467-5400
St. Joseph County Transportation Authority	(800) 964-5700 or (269) 273-7808
Sturgis Hospital	(269) 651-7824
Three Rivers Health	(269) 278-1145
<b>POLICE DEPARTMENTS</b>	Emergency: 911 Non-Emergency: below
Burr Oak	(269) 489-2414
Centreville	(269) 467-6871
Colon	(269) 432-3182
Constantine	(269) 435-4355
Mendon	(269) 496-8096
Sturgis	(269) 651-3231
Three Rivers	(269) 278-1235
Central Dispatch	(269) 467-4195
St. Joseph County Sheriff's Department	(269) 467-9045
Michigan State Police (White Pigeon Post)	(269) 483-7611
<b>ST. JOSEPH COUNTY COURTS</b>	
Circuit	(269) 467-5531
District Court	(269) 467-5627
Friend of the Court	(269) 467-5570
Juvenile	(269) 467-5561
Probate	(269) 467-5538
St. Joseph County Prosecuting Attorney	(269) 467-4195 (Central Dispatch)

~ Thank You ~

It is with great appreciation that we recognize the following for having contributed to the costs of this publication:



*The Senior Connection*



Area  
Agency on  
Aging (III-C)  
Branch-St. Joseph

