

## Des Moines Valley Health and Human Services Guidelines/Criteria for Vulnerable Adult Investigations

**IF THE ANSWER IS YES TO ALL OF THE FOLLOWING 5 QUESTIONS, THE REPORT WILL BE ASSIGNED FOR INVESTIGATION AND/OR PROTECTIVE SERVICES.**

**1. Does person meet the definition of a Vulnerable Adult (VA) according to MN Stat 626.5572 subd 21?** Must meet the criteria to be considered a categorical or functional VA:

- A. Categorical VA: The adult must be either a resident or inpatient of a facility, receive services at or from a licensed facility or receive services from a licensed home care provider
- B. Functional VA: An adult who has impaired ability (mental, physical, emotional) to provide adequately for his/her own necessary food, shelter, health care or supervision without assistance AND because of this condition has an impaired ability to protect self from maltreatment.

\* A person receiving outpatient mental health or CD services is not a categorical VA. The alleged VA must meet the functional criteria if not a resident of a facility.

\*A domestic violence incident is not generally considered under the Vulnerable Adults Act unless; one or both of the parties meet the functional criteria to be considered a VA.

\* Documentation why the person is considered a vulnerable adult: i.e. diagnosis, level of functioning including need for supervision, lack of self-care skills or inability to protect self from maltreatment. All individuals who are under guardianship or conservation are considered a VA.

**2. Is the alleged maltreatment covered by the Vulnerable Adult reporting law (MN Stat 609.577)?**

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

A. 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.

B. Financial Exploitation:

1. Person has a fiduciary relationship and:

- Unauthorized expenditure of funds resulted/likely to result in detriment to VA
- Failed to use funds for the VA resulting/likely to result in detriment to VA.
- Financial exploitation loss is \$50.00 (or accumulative amount) or greater and/or has

a negative impact on the VA. Those receiving personal needs dollars only need to meet the negative impact standard.

2. Person has no fiduciary relationship and:

- Financial Exploitation loss is \$50.00 (or accumulative amount) or greater and has a negative impact on the VA.
- Willfully uses, withholds, disposes of funds-property of VA.
- Obtains for self/another services to detriment of VA
- Acquires possession/control/interest in VA's property/funds through
- Harassment/undue influence/duress/deception/fraud.

3. Forces/compels/coerces/entices VA to perform services for another's advantage.

C. Neglect:

**Caregiver:** (as defined in MN Statute 626.5572, subd 4) fails to supply care or services reasonable and necessary to maintain the VA's physical or mental health or safety (for example food, clothing, shelter, healthcare, and supervision).

**Self:** The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health which a reasonable person would deem essential to obtain or maintain health, safety, or comfort

\*If the VA is open for on-going case management services, self-neglect concerns will be forwarded to the case manager for resolution.

- **If the allegation concerns an employee of a facility or licensed home care employee, the CEP report is electronically submitted through SSIS to the licensing agency (DHS or OHFC).**
  - A. If adult protection services are warranted because the VA resides in Cottonwood or Jackson County (regardless of their county of financial responsibility) and an emergency exists, a county worker may be assigned.
  - B. If the allegation includes a criminal component, the CEP will be forwarded to the appropriate local law enforcement entity listed below.

### LAW ENFORCEMENT AGENCIES

**Jackson:**

**Jackson County Sheriff's Dept.**

400 Sherman St.

Jackson, MN 56143

PH: 507-847-4420

FAX: 507-847-4308

**Cottonwood:**

**Cottonwood County Sheriff's Dept.**

902 5<sup>th</sup> Avenue

Windom, MN 56101

PH: 507-831-1375

FAX: 507-831-1957

**Lakefield Police Dept.**

301 Main St.  
PH: 507-662-5353  
FAX: 507-662-6744

**Windom Police Dept.**

902 5<sup>th</sup> Avenue – Windom, MN 56101  
PH: 507-831-6134  
FAX: 507-831-1957

**Heron Lake Police Dept.**

312 10<sup>th</sup> St.  
Heron Lake, MN 56137  
PH: 507-793-2813  
FAX: 507-793-2697

**Mt. Lake Police Dept.**

930 3<sup>rd</sup> Avenue  
Mt. Lake, MN 56159  
PH: 507-427-3403  
FAX: 507-427-3309

**Westbrook Police Dept.**

556 1<sup>st</sup> Avenue  
Westbrook, MN 56183  
PH: 507-274-5400  
FAX: 507-274-5122

**3. Is there harm or detriment to the individual?** All Adult Maltreatment Reports received by DVHHS will be assessed. The standardized tool (currently the Structured Decision Making tool) approved by DHS will be used when applicable (i.e., when DVHHS is the lead agency).

Priority will be based on the assessment of safety, either through face-to-face contact or by verbal report from a trustworthy source.

Reports may qualify as imminent danger or risk of serious harm and in need of immediate protective/emergency services if any of the following are present:

1. Lack of or no access to food, clothing, adequate shelter or financial management that seriously threatens health and safety. This would include a caregiver failing to provide.
2. Dangerous level of exposure to extreme temperatures or other health and safety hazards.
3. Immediate medical or psychiatric emergency that threatens health or safety without access or resources to obtain such care. This would include a caregiver failing to provide.
4. Dependent adult who suddenly is without a caregiver and inability to provide for one's own care.
5. Loss of dwelling (i.e.: due to eviction or condemnation)
6. A report of physical abuse/sexual abuse with observable injuries.
7. Established need for emergency guardian/conservatorship.
8. Immediate need to preserve assets or manage finances in order to maintain food, clothing, housing and health care.

**Consideration will be given to:**

1. The seriousness of the injury or harm: was medical attention required?
2. The history of the situation: was the incident a single event or repetitive pattern of behavior?

3. The capability of the individual: does the person understand the risk and accept the consequences for their decisions in this situation? Is the person unable to defend self from maltreatment due to physical disability, frailty, or cognitive impairment?
4. Quality of life issues: do recent developments show a change from the person's previous life style? Is this a dependent adult who is suddenly without a caregiver and unable to provide for their own care?
5. Support available to the individual: is there a support system from family/ community/agency already in place?
6. Concrete evidence being reported: does the report consist of suspicions, rumors, first-hand knowledge or facts? Are there observable injuries?
7. Previous history of reports made against an individual/facility.

**4. Does the formal or informal support system lack the ability to resolve the presenting problems or crisis?**

Formal support system: medical or mental health provider such as home care agency, nursing home, hospital; assigned case manager; representative payee; conservator or guardian; referral to pre-petition screening;

Informal support system: family; friends; neighbors; church members

**5. Is there a role for Adult Protective Services?** Can Adult Protection make a difference or resolve the problem through an investigation of the maltreatment and/or protective services? Every action taken by Adult Protection must balance the duty to protect the safety of the VA with the adult's right to self-determination. The interests of the VA are the first concern of any intervention.

**\*DVHHS will investigate maltreatment if the above criteria are met. Special consideration will be given for the following as outlined:**

- If the VA is out of state with no plan to return to the county, deceased at the time the report is made or dies during the investigation, we would open an investigation (based on criteria 1 – 5 above) if, a.) the AP is in a position to reoffend another VA; b.) others were involved in the original report; or c.) there was a pattern or frequency demonstrated in the original report.
- Reports involving jail inmates will be given the same consideration as outlined in 1 – 5 above.

**Investigation guidelines:**

When investigating a report, DVHHS will conduct the following activities, as appropriate:

- (1) interview the alleged victim;
- (2) interview the reporter and others who may have relevant information;
- (3) interview the alleged perpetrator;
- (4) examine the environment surrounding the alleged incident;
- (5) review pertinent documentation of the alleged incident; and
- (6) consult with professionals.