

# Vulnerable Adult Justice Project

## 2009 Minnesota Legislative Initiative

Minnesota first created a report and response system for the maltreatment of the elderly and persons with disabilities in 1980. This Vulnerable Adult Act was substantially revised in 1995. For the past year, stakeholders from more than 20 organizations have been meeting regularly with an even greater number of staff from ombudsman offices, the Attorney General's office, as well as state and county protection and regulatory agencies, to identify priorities for bringing the law in line with contemporary practice. These changes are warranted because (1) People are increasingly choosing to receive care and services at home rather than in residential facilities, so protections must be responsive throughout the community; (2) Financial exploitation is a growing problem that affects victims, families, and providers; and (3) Proposed changes will give authorities tools to protect victims of maltreatment and those at imminent risk of harm. Accompanying this summary is a list of organizations that have cooperated in its development.

### **Protect vulnerable adults from financial exploitation.**

- ✓ Strengthen the definition of "financial exploitation" to improve our ability to identify, investigate, and prosecute criminal cases.
- ✓ Give county attorneys subpoena authority for the banking and financial records of a vulnerable adult.
- ✓ Extend the statute of limitations on cases of criminal financial exploitation of a vulnerable adult.
- ✓ Encourage financial institutions to report suspected financial exploitation of vulnerable adults and to cooperate in investigations by clarifying their immunity from legal challenges when they report in good faith.
- ✓ Assure that victims of financial exploitation have access to Medical Assistance, if necessary, regardless of their county of residence.

### **Respond to emergencies when vulnerable adults are missing and endangered.**

- ✓ Develop an "Endangered Person Alert" to mobilize public response to missing vulnerable persons at imminent risk of harm...comparable to and adapted from the Amber Alert.

### **Streamline the Vulnerable Adult Act reporting system.**

- ✓ Replace our 87 separate county reporting entities with a statewide hotline (Common Entry Point), developed with care to preserve the values of immediate and local response.
- ✓ Combine the dual reporting obligations for nursing facilities, boarding care homes, and hospital swing beds with a single intake form that is reported to the Department of Health and reported electronically to the Common Entry Point.

### **Assure social services and justice for a growing and changing population.**

- ✓ Update the functional definition of vulnerable adult to reflect the increasing number of vulnerable persons receiving services in home and community settings.
- ✓ Standardize components of Vulnerable Adult investigations throughout the state.
- ✓ Bring responders, consumers and providers together to coordinate educational curricula and address the use of new and emerging technologies for education.
- ✓ Publicize the ombudsman offices' role in providing confidential advice to vulnerable individuals, families, mandated and voluntary reporters about responding to perceived maltreatment.
- ✓ Enable speedy trials in cases where vulnerable adults are victims