

# Vulnerable Adult Justice Project

## 2011 Minnesota Legislative Initiative

The Vulnerable Adult Act governs Minnesota's system to combat abuse, neglect and financial exploitation of the elderly and persons with disabilities. The law, first passed in 1980 and substantially revised in 1995, joins law enforcement, social services, and health care professionals in a framework of prevention, reporting, and response to protect adults at particular risk of harm. The Vulnerable Adult Justice Project (VAJP) is a forum where professionals and volunteers from more than 20 organizations meet regularly to identify priorities for strengthening the Vulnerable Adult Act and related laws. The VAJP collaborative includes advisors from ombudsman offices, state and county protection and regulatory, agencies, police and prosecutors. Its 2009 consensus legislative initiative had a focus on financial exploitation and was enacted as Chapter 119 that year. The 2011 consensus legislative initiative continues the mission of **working across agency boundaries to prevent and respond to victimization of vulnerable adults**. Unfortunately, this growing problem is one that families throughout the state are facing. The proposed policy reforms respond to identified needs, are supported by a broad roster of organizations, and do not incur new spending.

### Justice for Vulnerable Adults in the Courts

- ✓ Standardize the penalty for assault of a vulnerable adult at gross misdemeanor. Current law is a gross misdemeanor for defined caregivers while other assailants who know or have reason to know the vulnerability of the victim face a lesser penalty.
- ✓ Make the criminal sexual abuse of a facility resident, patient, or client by a caregiver or service provider (section 609.2325) a registrable offense under the predatory offender registration law to conform with the treatment of comparable offenses.

### Justice for Vulnerable Adults in Administrative Processes

Minnesota law grants a range of appeals to people who are found to have harmed a vulnerable adult. The only review available to the vulnerable adult is the Vulnerable Adult Maltreatment Review Panel (section 256.021). Three changes are intended to balance the scale.

- ✓ Strengthen the Panel's operation to assure a thorough case examination when a vulnerable adult subject of a case challenges findings that reported maltreatment was *not* substantiated.
- ✓ Allow a vulnerable adult or his/her representative to receive a detailed explanation from the investigative agency when the Panel's review makes no recommendation for change.
- ✓ Notify the vulnerable adult who is the subject of a substantiated maltreatment case (and certain legal representatives) when a substantiated perpetrator appeals, and permit the vulnerable adult, guardian, or health care agent to attend and participate in the hearing at the discretion of the hearing officer.

### Better Information about Victim Services for all Minnesotans

- ✓ Clarify the jurisdictions of licensing agencies and counties for investigating maltreatment reports by using plainer, contemporary terms for service providers.
- ✓ Modify the term "lead agency" to "lead investigative agency" in vulnerable adult law to distinguish the term from many other uses of "lead agency" in MN law.
- ✓ Ensure both guardians and health care agents receive information about maltreatment of a vulnerable adult, pursuant to their duties given by the vulnerable adult or court.
- ✓ Add the category "representatives from local tribal governments" to those a county may invite to participate in its multidisciplinary adult protection team to improve response to vulnerable adults who live on reservations.

**Vulnerable Adult Justice Project 2010-11  
Roster of Associations and Organizations**

AARP

Aging Services of Minnesota

Alzheimer's Association, Minnesota North Dakota

Arc of Minnesota, The

Association of Residential Resources in Minnesota (ARRM)

Care Providers of Minnesota

Disability Law Center

ElderCare Rights Alliance

Financial Crimes Services, LLC

Legal Aid Society of Minneapolis

Lutheran Social Service of Minnesota

Maser & Amundson, PA

Minnesota Alliance on Crime (MAC)

Minnesota Coalition Against Sexual Assault (MNCASA)

Minnesota Home Care Association (MHCA)

Minnesota Hospital Association

Northwoods Coalition for Battered Women

Pearson Randall Schumacher & LaBore, PA

University of St. Thomas School of Law

Voigt, Klegon and Rode Law Firm

Volunteers of America Minnesota

WL Brown Law Office

Center for Elder Justice & Policy, William Mitchell College of Law - Coordinator

**Public Agency Resources**

Attorney General's Office – Medicaid Fraud Division

Board of Examiners for Nursing Home Administrators (BENHA)

County Adult Protection – Carlton, Hennepin, Lac qui Parle, Ramsey, Stearns, and Washington

Hennepin County Attorney's Office

Hennepin County Sheriff's Office

Metro Area Agency on Aging (MAAA); Senior LinkAge Line

Minneapolis City Attorney's Office

Minneapolis Police Department

Minnesota Association of County Social Service Administrators (MACSSA)

Minnesota Board on Aging

Minnesota County Attorneys Association

Minnesota Department of Health – Office of Health Facility Complaints (OHFC)

Minnesota Department of Human Services – Adult Mental Health Division

Minnesota Department of Human Services – Aging and Adult Protective Services

Minnesota Department of Human Services – Disability Services Division

Minnesota Department of Human Services – Licensing Division

Minnesota Department of Human Services – Health Care and Eligibility and Access (HCEA)

Minnesota Department of Public Safety- Office of Justice Programs

Minnesota Sheriff's Association

Minnesota State Council on Disability

Office of the Ombudsman for Long-Term Care

Office of the Ombudsman for Mental Health and Developmental Disabilities

Ramsey County Attorney's Office

St. Paul City Attorney's Office

St. Paul Police Department