

Act No. 422
Public Acts of 1988
Approved by the Governor
December 24, 1988
Filed with the Secretary of State
December 27, 1988

**STATE OF MICHIGAN
84TH LEGISLATURE
REGULAR SESSION OF 1988**

Introduced by Reps. Brown, Wartner, Gubow, Hunter, Gilmer, Munsell, Perry Bullard, DeMars and Power

ENROLLED HOUSE BILL No. 5881

AN ACT to amend section 11b of Act No. 280 of the Public Acts of 1939, entitled as amended "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," as added by Act No. 519 of the Public Acts of 1982, being section 400.11b of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 11b of Act No. 280 of the Public Acts of 1939, as added by Act No. 519 of the Public Acts of 1982, being section 400.11b of the Michigan Compiled Laws, is amended to read as follows:

Sec. 11b. (1) Within 24 hours after receiving a report made or information obtained pursuant to section 11a, the county department of social services shall commence an investigation to determine whether the person suspected of being abused, neglected, exploited, or endangered is an adult in need of protective services. A reasonable belief on the part of the county department that the person is an adult in need of protective services is a sufficient basis for investigation. If an investigation pertains to an adult residing in an adult foster care facility licensed by the Michigan department of social services, then the county department shall provide the adult foster care licensee with the substance of the abuse or neglect allegations as soon as practicable after the beginning of the investigation. The licensee shall have the opportunity to respond to the allegations, and the response shall be included in the record.

(2) Upon a request by the county department, local law enforcement officers shall cooperate with the county department in an investigation of suspected abuse, neglect, exploitation, or endangerment. However, the investigation required by this section shall not be in place of an investigation by the appropriate police agency regarding suspected criminal conduct arising from the suspected abuse, neglect, exploitation, or endangerment.

(3) The investigation shall include a determination of the nature, extent, and cause of the abuse, neglect, exploitation, or endangerment; examination of evidence; identification, if possible, of the person responsible for the abuse, neglect, exploitation, or endangerment; the names and conditions of other adults in the place of residence; an evaluation of the persons responsible for the care of the adult, if appropriate; the environment of the residence; the relationship of the adult to the person responsible for the adult's care; an evaluation as to whether or not the adult would consent to receiving protective services; and any other pertinent data.

(4) The investigation shall include an interview with the adult. The county department shall conduct the interview by means of a personal visit with the adult in the adult's dwelling or in the office of the county department, by telephone conversation, or by any other means that may be available to the county department. In attempting to conduct a personal visit with the adult in the adult's dwelling, if admission to the dwelling is denied, the county department may seek to obtain a search warrant pursuant to Act No. 189 of the Public Acts of 1966, being sections 780.651 to 780.659 of the Michigan Compiled Laws.

(5) The investigation may include a medical, psychological, social, vocational, and educational evaluation and review.

(6) In the course of an investigation, the county department shall determine if the adult is or was abused, neglected, exploited, or endangered. The county department shall make available to the adult the appropriate and least restrictive protective services, directly or through the purchase of services from other agencies and professions, and shall take necessary action to safeguard and enhance the welfare of the adult, if possible. The county department also shall collaborate with law enforcement officers, courts of competent jurisdiction, and appropriate state and community agencies providing human services, which services are provided in relation to preventing, identifying, and treating adult abuse, neglect, exploitation, or endangerment. The county department may petition for a finding of incapacity and appointment of a guardian or temporary guardian pursuant to section 443 or 453 of the revised probate code, Act No. 642 of the Public Acts of 1978, as amended, being sections 700.443 and 700.453 of the Michigan Compiled Laws, and may petition for the appointment of a conservator pursuant to section 461 of Act No. 642 of the Public Acts of 1978, being section 700.461 of the Michigan Compiled Laws, for a vulnerable adult.

(7) Upon completion of an investigation, the county department shall prepare a written report of the investigation and its findings. A copy of this written report shall be forwarded to the state department upon the request of the state department.

(8) The county department may provide a copy of the written report to the prosecuting attorney for the county in which the adult suspected of being abused, neglected, exploited, or endangered resides or is found.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

