

HOUSE BILL No. 5881

September 21, 1988, Introduced by Reps .BROWN, WARTNER, GUBOW, HUNTER, GILMER, MUNSELL, PERRY BULLARD, DeMARS and POWER and referred to the Committee on Social Services and Youth

A bill to amend section 11b of Act No. 280 of the Public Acts of 1939, entitled as amended
"The social welfare act,"
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:

1 Section 1. Section 11b of Act No. 280 of the Public Acts of
2 1939, as added by Act No. 519 of the Public Acts of 1982, being
3 section 400.11b of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 11b. (1) Within 24 hours after receiving a report
6 made or information obtained pursuant to section 11a, the county
7 department of social services shall commence an investigation to
8 determine whether the person suspected of being abused,
9 neglected, exploited, or endangered is an adult in need of

1 protective services. A reasonable belief on the part of the
2 county department that the person is an adult in need of protec-
3 tive services is a sufficient basis for investigation. If an
4 investigation pertains to an adult residing in an adult foster
5 care facility licensed by the Michigan department of social serv-
6 ices, then the county department shall provide the adult foster
7 care licensee with the substance of the abuse or neglect allega-
8 tions as soon as practicable after the beginning of the
9 investigation. The licensee shall have the opportunity to
10 respond to the allegations, and the response shall be included in
11 the record.

12 (2) Upon a request by the county department, local law
13 enforcement officers shall cooperate with the county department
14 in an investigation of suspected abuse, neglect, exploitation, or
15 endangerment. However, the investigation required by this sec-
16 tion shall not be in place of an investigation by the appropriate
17 police agency regarding suspected criminal conduct arising from
18 the suspected abuse, neglect, exploitation, or endangerment.

19 (3) The investigation shall include a determination of the
20 nature, extent, and cause of the abuse, neglect, exploitation, or
21 endangerment; examination of evidence; identification, if possi-
22 ble, of the person responsible for the abuse, neglect, exploita-
23 tion, or endangerment; the names and conditions of other adults
24 in the place of residence; an evaluation of the persons responsi-
25 ble for the care of the adult, if appropriate; the environment of
26 the residence; the relationship of the adult to the person
27 responsible for the adult's care; an evaluation as to whether or

1 not the adult would consent to receiving protective services; and
2 any other pertinent data.

3 (4) The investigation shall include an interview with the
4 adult. The county department shall conduct the interview by
5 means of a personal visit with the adult in the adult's dwelling
6 or in the office of the county department, by telephone conversa-
7 tion, or by any other means that may be available to the county
8 department. In attempting to conduct a personal visit with the
9 adult in the adult's dwelling, if admission to the dwelling is
10 denied, the county department may seek to obtain a search warrant
11 pursuant to Act No. 189 of the Public Acts of 1966, being sec-
12 tions 780.651 to 780.659 of the Michigan Compiled Laws.

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

15 (6) In the course of an investigation, the county department
16 shall determine if the adult is or was abused, neglected,
17 exploited, or endangered. The county department shall make
18 available to the adult the appropriate and least restrictive pro-
19 tective services, directly or through the purchase of services
20 from other agencies and professions, and shall take necessary
21 action to safeguard and enhance the welfare of the adult, if
22 possible. The county department also shall collaborate with law
23 enforcement officers, courts of competent jurisdiction, and
24 appropriate state and community agencies providing human serv-
25 ices, which services are provided in relation to preventing,
26 identifying, and treating adult abuse, neglect, exploitation, or
27 endangerment. The county department may ~~seek the appointment of~~

1 a- PETITION FOR A FINDING OF INCAPACITY AND APPOINTMENT OF A
2 GUARDIAN OR temporary guardian pursuant to section 443 OR 453 of
3 THE REVISED PROBATE CODE, Act No. 642 of the Public Acts of
4 1978, as amended, being ~~section~~ SECTIONS 700.443 AND 700.453 of
5 the Michigan Compiled Laws, AND MAY PETITION FOR THE APPOINTMENT
6 OF A CONSERVATOR PURSUANT TO SECTION 461 OF ACT NO. 642 OF THE
7 PUBLIC ACTS OF 1978, BEING SECTION 700.461 OF THE MICHIGAN
8 COMPILED LAWS, for a vulnerable adult. ~~who is in a life threat-~~
9 ~~ening situation and who refuses the rendering of protective~~
10 ~~services.~~

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

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