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BILL



ANALYSIS

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Senate Bill 464 (Substitute S-2)
Sponsor: Senator Tonya Schuitmaker
Committee: Families and Human Services

(as enacted)

Date Completed: 10-18-11

CONTENT

The bill would amend the Social Welfare Act to do the following:

- **Require an investigation of vulnerable adult abuse to include an in-person interview with the adult suspected of being abused, neglected, or exploited.**
- **Require representatives from certain entities to develop a State model protocol for the investigation of vulnerable adult abuse cases.**
- **Allow a county prosecuting attorney to adopt a local protocol based on the State model protocol.**

The Act requires certain individuals, including health care providers, mental health professionals, and law enforcement officers, to report to the county department of human services (DHS) when they suspect or have reason to believe that an adult has been abused, neglected, or exploited. Within 24 hours after receiving a report, the county DHS must commence an investigation to determine whether the person is an adult in need of protective services.

("Adult in need of protective services" means a vulnerable person who is at least 18 years old who is suspected of being or believed to be abused, neglected, or exploited. "Vulnerable" means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or advanced age.)

The Act prescribes what must be included in the investigation, and requires the county DHS to determine if the adult is or was abused, neglected, or exploited. The investigation must include an interview with the adult suspected of being or believed to be abused, neglected, or exploited. The county DHS must conduct the interview by means of a personal visit in the adult's dwelling or in the county DHS office, by telephone conversation, or by other means available to the county department. Under the bill, the interview would have to be conducted in person, in the adult's home or at the county DHS office.

The county DHS must make available to the adult the appropriate and least restrictive protective services, and take necessary action to safeguard and enhance the adult's welfare, if possible. The county department may petition for a finding of incapacity and appointment of a guardian or temporary guardian, as well as a conservator, for a vulnerable adult. Upon completion of an investigation, the county DHS must prepare a written report including its findings. The county DHS must forward the report to the State DHS upon request, and may provide a copy to the appropriate prosecuting attorney.

Under the bill, a representative from the State DHS, the Michigan State Police, the Department of Attorney General, and the Office of Services to the Aging, and an individual who represented long-term care providers and was designated by the Attorney General, would have to meet and develop a State model protocol for the investigation of vulnerable adult abuse cases. The protocol would have to be developed within one year after the bill took effect.

A county prosecuting attorney, in cooperation with the local county DHS and local law enforcement agencies, could adopt a local protocol that was based on the State model protocol.

MCL 400.11b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The Adult Services Manual provides a policy and procedure by which the Department of Human Services coordinates with the agencies mentioned above to investigate adult abuse cases. Any potential fiscal impact would depend on the degree of change that would be required to develop a model protocol. The requirement to conduct an in-person interview with any adult suspected of being abused, neglected, or exploited is already part of Department policy, and therefore would not result in additional costs to the State. The bill would not have a fiscal impact on local units of government

Fiscal Analyst: Frances Carley

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.