HOUSE BILL No. 4338

February 24, 2011, Introduced by Reps. Darany, Smiley, Bauer, Slavens, Liss, Santana, Barnett, Tlaib, Geiss, Hovey-Wright, Oakes, Brown, Dillon, Haugh, Switalski, Durhal, Segal, Townsend, Talabi, Brunner, Cavanagh, Meadows, McCann and Lipton and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 280, entitled

"The social welfare act,"

by amending section 11b (MCL 400.11b), as amended by 2000 PA 61.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 11b. (1) Within 24 hours after receiving a report made or

2   information obtained ~~pursuant to~~ **UNDER** section 11a, the county

3   ~~family independence agency~~ **DEPARTMENT** shall commence an

4   investigation to determine whether the person suspected of being or

5   believed to be abused, neglected, or exploited is an adult in need

6   of protective services. A reasonable belief on the part of the

7   county department that the person is an adult in need of protective

8   services is a sufficient basis for investigation. If an

9   investigation pertains to an adult residing in an adult foster care

10   facility licensed by the ~~Michigan family independence agency~~

1 **DEPARTMENT**, the county department shall provide the adult foster

2 care licensee with the substance of the abuse or neglect

3 allegations as soon as practicable after the beginning of the

4 investigation. The licensee shall have the opportunity to respond

5 to the allegations, and the response shall be included in the

6 record.

7 (2) Upon a request by the county department, local law

8 enforcement officers shall cooperate with the county department in

9 an investigation of suspected abuse, neglect, or exploitation.

10 However, the investigation required by this section shall not be in

11 place of an investigation by the appropriate police agency

12 regarding suspected criminal conduct arising from the suspected

13 abuse, neglect, or exploitation.

14 (3) The investigation shall include a determination of the

15 nature, extent, and cause of the abuse, neglect, or exploitation;

16 examination of evidence; identification, if possible, of the person

17 responsible for the abuse, neglect, or exploitation; the names and

18 conditions of other adults in the place of residence; an evaluation

19 of the persons responsible for the care of the adult, if

20 appropriate; the environment of the residence; the relationship of

21 the adult to the person responsible for the adult's care; an

22 evaluation as to whether or not the adult would consent to

23 receiving protective services; and other pertinent data.

24 (4) The investigation shall include an interview with the

25 adult. The county department shall conduct the interview by means

26 of a personal visit with the adult in the adult's dwelling or in

27 the office of the county department, by telephone conversation, or

1 by other means that may be available to the county department. In

2 attempting to conduct a personal visit with the adult in the

3 adult's dwelling, if admission to the dwelling is denied, the

4 county department may seek to obtain a search warrant as provided

5 in 1966 PA 189, MCL 780.651 to 780.659.

6 (5) The investigation may include a medical, psychological,

7 social, vocational, and educational evaluation and review.

8 (6) In the course of an investigation, the county department

9 shall determine if the adult is or was abused, neglected, or

10 exploited. The county department shall make available to the adult

11 the appropriate and least restrictive protective services, directly

12 or through the purchase of services from other agencies and

13 professions, and shall take necessary action to safeguard and

14 enhance the welfare of the adult, if possible. The county

15 department also shall collaborate with law enforcement officers,

16 courts of competent jurisdiction, and appropriate state and

17 community agencies providing human services, which services are

18 provided in relation to preventing, identifying, and treating adult

19 abuse, neglect, or exploitation. If the abuse, neglect, or

20 exploitation involves substance abuse, the county department shall

21 collaborate with the local substance abuse coordinating agency as

22 designated by the office of substance abuse services in the

23 department of community health for a referral for substance abuse

24 services. The county department may petition for a finding of

25 incapacity and appointment of a guardian or temporary guardian as

26 provided in section 5303 or 5312 of the estates and protected

27 individuals code, 1998 PA 386, MCL 700.5303 and 700.5312, and may

1 petition for the appointment of a conservator as provided in

2 section 5401 of the estates and protected individuals code, 1998 PA

3 386, MCL 700.5401, for a vulnerable adult.

4   (7) Upon completion of an investigation, the county department

5 shall prepare a written report of the investigation and its

6 findings. A copy of this written report shall be forwarded to the

7 ~~state~~ department upon the request of the ~~state~~ department.

8   (8) The county department may provide a copy of the written

9 report to the prosecuting attorney for the county in which the

10 adult suspected of being or believed to be abused, neglected, or

11 exploited resides or is found.

12   **(9) REPRESENTATIVES FROM THE DEPARTMENT, THE DEPARTMENT OF**

13 **STATE POLICE, THE DEPARTMENT OF ATTORNEY GENERAL, AND THE OFFICE OF**

14 **SERVICES TO THE AGING SHALL MEET AND DEVELOP A STATE MODEL PROTOCOL**

15 **FOR THE INVESTIGATION OF VULNERABLE ADULT ABUSE CASES. THIS STATE**

16 **MODEL PROTOCOL SHALL BE DEVELOPED NOT MORE THAN 120 DAYS AFTER THE**

17 **AMENDATORY ACT THAT ADDED THIS SUBSECTION TAKES EFFECT. A COUNTY**

18 **PROSECUTING ATTORNEY, IN COOPERATION WITH THE LOCAL COUNTY**

19 **DEPARTMENT AND LOCAL LAW ENFORCEMENT AGENCIES, MAY ADOPT A LOCAL**

20 **PROTOCOL FOR THE INVESTIGATION OF VULNERABLE ADULT ABUSE CASES THAT**

21 **IS BASED ON THE STATE MODEL PROTOCOL.**