

# SENATE BILL No. 1220

November 27, 2018, Introduced by Senators MARLEAU, JONES, HANSEN, KNOLLENBERG, STAMAS, NOFS, KOWALL, MACGREGOR, GREGORY and SCHMIDT and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending section 11 (MCL 400.11), as amended by 1990 PA 122.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11. As used in this section and sections 11a to 11f:

2       (a) "Abuse" means harm or threatened harm to an adult's health  
3 or welfare caused by another person. Abuse includes, but is not  
4 limited to, nonaccidental physical or mental injury, sexual abuse,  
5 **ISOLATION**, or maltreatment.

6       (b) "Adult in need of protective services" or "adult" means a  
7 vulnerable person not less than 18 years of age who is suspected of  
8 being or believed to be abused, neglected, or exploited.

9       (c) "Exploitation" means an action that involves the misuse of  
10 an adult's funds, property, or personal dignity by another person.

(D) "ISOLATION" INCLUDES AN ACT COMMITTED TO PREVENT AN ADULT FROM HAVING DESIRED CONTACT WITH FAMILY, FRIENDS, OR OTHER PERSONS OF HIS OR HER CHOOSING; AN ACT COMMITTED TO PREVENT AN ADULT FROM RECEIVING HIS OR HER MAIL, TELEPHONE CALLS, OR ELECTRONIC MESSAGES; AN ACT OF PHYSICAL OR CHEMICAL RESTRAINT OF AN ADULT COMMITTED TO PREVENT CONTACT WITH VISITORS, FAMILY, FRIENDS, OR OTHER PERSONS OF HIS OR HER CHOOSING; AND AN ACT THAT RESTRICTS, PLACES, OR CONFINES AN ADULT IN A RESTRICTED AREA FOR THE PURPOSE OF SOCIAL DEPRIVATION OR PREVENTING DESIRED CONTACT WITH FAMILY, FRIENDS, OR PERSONS OF HIS OR HER CHOOSING. ISOLATION DOES NOT INCLUDE AN ACT CARRIED OUT ACCORDING TO A VALID PERSONAL PROTECTION ORDER, MEDICAL ISOLATION PRESCRIBED BY A LICENSED PHYSICIAN CARING FOR THE ADULT, OR AN ACTION TAKEN ACCORDING TO A VALID LEGAL ORDER OR ACCORDING TO AN ORDER PRESCRIBED BY LICENSED MEDICAL PERSONNEL AUTHORIZED BY A FEDERAL OR STATE STATUTE, REGULATION, GUIDELINE, OR ADMINISTRATIVE POLICY.

(E) ~~(d)~~-"Neglect" means harm to an adult's health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care. A person ~~shall~~ **IS** not ~~be~~ considered to be abused, neglected, or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, and this act ~~shall~~ **DOES** not require any medical care

1 or treatment in contravention of the stated or implied objection of  
2 that person.

3 (F) ~~(e)~~—"Protective services" includes, but is not limited to,  
4 remedial, social, legal, health, mental health, and referral  
5 services provided in response to a report of alleged harm or  
6 threatened harm because of abuse, neglect, or exploitation.

7 (G) ~~(f)~~—"Vulnerable" means a condition in which an adult is  
8 unable to protect himself or herself from abuse, neglect, or  
9 exploitation because of a mental or physical impairment or because  
10 of advanced age.

11 Enacting section 1. This amendatory act takes effect 90 days  
12 after the date it is enacted into law.