

Adult Protective Services 101

Basic Understanding



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Mission

Michigan Adult Protective Services (APS) ensures vulnerable adults, and their families receive supports through assessments, referral, and provision of services to live in the most supported setting with a sense of dignity, safety, and well-being.

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MDHHS Adult Protective Services

Purpose

Provide investigation and protection to vulnerable adults 18 and older who are subject to being or are at risk of harm from:

- **Abuse.**
- **Neglect.**
- **Exploitation.**

Goals

- ✓ Protection.
- ✓ Safety and Stability.
- ✓ Least Intrusive and Least Restrictive.
- ✓ Thrive in Place.

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Michigan Statutory Definitions

**Statutory Definitions
Michigan
Complied Laws (MCL)
400.11 (a-f)**

Vulnerable Adult:

- 18 years or older.
- Mental or physical impairment or advanced age (not defined in statute).
- And unable to protect him/herself from abuse, neglect or exploitation.

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Abuse:



Definition:

Harm or threatened *harm to an adult's* health or welfare caused by another person.

Abuse includes:

- Physical Injury.
- Mental Injury.
- Sexual Abuse.
- Maltreatment.

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Subtype Definitions:

Emotional/Psychological Abuse:
Unreasonable verbal or nonverbal behaviors or any other unreasonable conduct that inflicts unwarranted anguish, mental pain, fear, or distress of a vulnerable adult that includes, but is not limited to, the use of threats, insults, harassment, humiliation, intimidation, denial of opportunities for social interaction or communication with others, harm or threatened harm to the vulnerable adult's property or pets, other means or actions that confuse, frighten, or isolate a vulnerable adult.

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Subtype Definitions: 

Physical Abuse:

The use of non-accidental contact that results in bodily injury, physical pain, or suffering. Physical abuse may include, but is not limited to, any of the following: beating, slapping, bruising, burning, poisoning, choking, or any restraint and confinement that is not immediately necessary to prevent serious physical harm to self or others or that is used for the purpose of punishment, humiliation, or the convenience of caregivers.

Sexual Abuse:

Any unwanted sexual contact, exposure, behavior, or conduct. Sexual abuse includes but is not limited to, sexual exploitation, sexual coercion, sexual harassment, unwanted exposure to sexually explicit material or language, or unwanted sexual photographing, filming, or depiction. It shall not be considered sexual abuse if the contact, exposure, behavior, or conduct is for the purpose of providing routine or necessary care to the vulnerable adult.

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Neglect: 



Definition:
Harm to an adult's health or welfare caused by the inability of the adult to respond to a harmful situation or...

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Neglect: 

Definition cont.:

By the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare and **fails to provide.**

Failed to provide:

- Food.
- Clothing.
- Shelter.
- Medical Care.
- Assisted Devices.
- Personal Hygiene.
- Water.
- Medication.
- Comfort.
- Safety.

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Subtype Definitions:

Abandonment:

An individual who has duties or obligations that arise through contract, law, or the voluntary assumption of responsibility to provide care, supervision, or services to a vulnerable adult and who unreasonably deserts or withdraws their duties or obligations to the vulnerable adult, resulting in serious harm or serious risk of harm to that vulnerable adult.

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Subtype Definitions:

Self-Neglect:

A vulnerable adult's refusal of or inability to understand the necessity of and/or arrange for care, goods, or services essential to maintain their health, safety or welfare and prevent harm or an unreasonable risk of harm. Self-neglect includes, but is not limited to, the refusal or inability of the vulnerable adult to obtain goods or services reasonably necessary to maintain physical health, mental health, or emotional well-being, general safety, or managing one's financial assets and obligations.

Self-neglect does **NOT** include either of the following:

- The vulnerable adult refuses medical care or treatment based on a previously executed declaration, do-not resuscitate order under a power of attorney for health care, or as otherwise authorized by law.
- The vulnerable adult receives or relies on treatment by spiritual means through the tenets and practices of a recognized church or religious denomination's beliefs.

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Self Neglect:



- **Living in subpar conditions**
Personal choice to live in a particular situation.
- **Person not taking necessary medication and has ignored medical advice**
Person's right to refuse medical services.
- **Person would benefit from services but chooses not to**
Person's right to refuse any, and all services.

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Exploitation:



Actor Mickey Rooney testifying in front of Senate Hearing on Financial Exploitation

An action involving the misuse of an **adult's funds, property or personal dignity** by another person.

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APS Does Not:



- Remove anyone from their home.
- Make people work with APS.
- Make people accept services.
- Place a person in a nursing home.
- Release private information.
- Identify referral source name.
- Investigate nursing home staff.
- Investigate in prison and state hospitals.

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APS Does:



- Help vulnerable adults remain safe.
- Provide Investigation services.
- Make referrals to other community partners.
- Purchase services and goods with APS funds.
- *Work with vulnerable adults' chosen support system.*
- Pursue legal intervention as needed (last resort).

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- Probate Court judge determines whether a person is an incapacitated individual.
- Probate Court judge often reviews *medical professional's assessment*.
- Person with capacity:
 - Has the right to make poor choices.
 - Has the right to refuse any, and all services.

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Mandatory Reporters



Definition:
 Those employed, licensed, registered or certified to provide or employees of an agency licensed to provide:

- ❖ Health Care
- ❖ Education Services
- ❖ Social Welfare Services
- ❖ Mental Health Services
- ❖ Other Human Services

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Mandatory Reporters

Mandatory Reporters:

- ❖ Physicians
- ❖ Law Enforcement Officers
- ❖ Employees of the County Medical Examiner
- ❖ Banks and Credit Unions with a brick-and-mortar presence in Michigan (financial exploitation only)
- ❖ Broker/Dealer and Investment Advisor (effective date March 13,2024)

Not Mandatory Reporters:

- ❖ Attorneys
- ❖ Clergy
- ❖ Long Term Care Ombudsman

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Mandatory Reporters

Why Should I Report?

- ❖ Make a difference in the life of an adult and the adult's family.
- ❖ Stop abuse, neglect and exploitation as soon as possible.
- ❖ Support and services are available to the adult and family.



Concerns About Reporting

- ❖ I don't want to interfere in someone else's life.
If you don't, who will?
- ❖ What if I cause someone to be moved out of their home?
What if an adult continues to be hurt?
- ❖ They will know it was me who called.
Referral Source is kept confidential.

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Requirements & Protections:

APS Referral Reporting

- ✓ Must be an oral report to Centralized Intake
- ✓ Mandatory Reporters only may submit referral online
- ✓ Immunity from civil liability (good faith cause)
- ✓ Referral source kept confidential
- ✓ \$500 fine for failure to report (mandatory reporters)
- ✓ (Mandated Reporters (michigan.gov) Link 10-minute video

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Where to Report An APS Referral

CENTRALIZED INTAKE FOR ABUSE & NEGLECT

855-444-3911



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What to Report

Required Information

- Name of the adult
- Address where living
- Description of the alleged abuse, neglect or exploitation
- Cause and manner of the abuse, neglect or exploitation

Information if Available

- *Adult's age, DOB and/or SSN*
- Contact information of next of kin or collateral contact
- Others residing in the home and relationship to adult
- Alleged Perpetrator

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APS Referral Decision Process

Two Criteria Required

- ✓ Vulnerability while unable to protect himself/herself.
- ✓ Harm or threatened harm by abuse, neglect or exploitation

Decision Path

- ✓ **Vulnerability and harm**
Referral assigned, and acknowledgement letter sent.
- ✓ **Only one criteria met**
Referral denied and denial letter sent.

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APS Investigation

Determine:

- Nature, extent and cause.
- *Adult's capacity for self care.*
- Management of personal and financial affairs.
- Willingness and capacity to use available resources and services.

Process:

- Immediately if imminent danger.
- Contact within 24 hours:
 - * Adult or collateral contact who is NOT the referral source.
 - * Either in person or by phone.
- Face to Face with adult within 72 hours.
- Face to Face with adult every 30 days until case closure.
- Investigation approximately 30 to 90 days, longer with court intervention.



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APS Investigation

Process Continued:

- Substantiate or not all allegations identified.
- Offer referral to services for unmet needs.
- Coordination of services.
- Limited APS financial assistance \$1,000 per Fiscal Year(October-September).

Services:

- **Referral to Services**
 - * Meals on Wheels
 - * Transportation
 - * Home Help
- **Coordination**
 - * Community Resources
 - * Natural Support Network
- **Legal Interventions**
 - * Last Resort



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APS Joint Investigation

Allegation Concerns:

- Criminal activity _____ Law Enforcement, Prosecuting Attorney, AG
- Licensing violations _____ LARA
- Rights violations _____ CMH, Recipient Rights
- Abuse/neglect in AFC or HFA _____ LARA
- Neglect of duty by legal guardian _____ Law Enforcement, Courts

Joint Investigator:

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APS Joint Investigation

Allegation Concerns:

- Public Health Concern _____ Health Department, Local Municipality
- Condemnations _____ Law Enforcement, Local Municipality
- Animal Abuse/Neglect _____ Animal Control
- HIPPA violations _____ Medical Providers
- Medicaid fraud _____ Medicaid Fraud Unit

Joint Investigator:

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Legal Services

Legal services for community partners to reference or provide clients who may need legal services.



CVLAP
Victims Legal Assistance Project

Welcome to CVLAP | Crime Victims Legal Assistance Project



LSC
Protecting the Promise


I Need Legal Help | LSC - Legal Services Corporation: America's Partner for Equal Justice




Michigan Elder Justice Initiative
Michigan Elder Justice Initiative | meji.org

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Community Resources




Michigan Department of Health & Human Services




Senior Preferences




PACE Michigan




LARA
LICENSING AND REGULATORY AFFAIRS
CUSTOMER DRIVEN BUSINESS FINANCED
Licensing and Regulatory Affairs (michigan.gov)




The Michigan Care Planning Council (caremichigan.org)




Elder Law of Michigan Helping Older Adults United States




home - michiganpublictransit.com




HUD.gov / U.S. Department of Housing and Urban Development (HUD)



Meals on Wheels America



ALZHEIMER'S ASSOCIATION
Alzheimer's Association | Alzheimer's Disease & Dementia Help

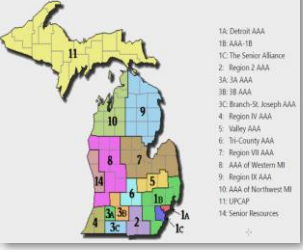


2-1-1 Michigan
Find Help - Michigan 2-1-1 (mi211.org)

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Michigan Area Agencies on Aging

Michigan Area Agencies on Aging			
Area Agency on Aging #1 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #2 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #3 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #4 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #5 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #6 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #7 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #8 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #9 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #10 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #11 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #12 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #13 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties
Area Agency on Aging #14 Dearborn & Warren, MI	Dearborn, MI (313) 487-0900	313 487-0900	Dearborn, Warren, Sterling Heights, Warren, Grosse Pointe Park, Warren, Ferndale, Oakman, Westland, Macomb and Taylor Counties



Area Agencies on Aging

- 1A: Detroit AAA
- 1B: AAA-1B
- 1C: The Senior Alliance
- 2: Region 2 AAA
- 3A: 3A AAA
- 3B: 3B AAA
- 3C: Branch-5 Joseph AAA
- 4: Region IV AAA
- 5: Valley AAA
- 6: Tri-County AAA
- 7: Region VII AAA
- 8: AAA of Western MI
- 9: Region IX AAA
- 10: AAA of Northwest MI
- 11: UCLAP
- 14: Senior Resources

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Questions? 



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MDHHS Adult Protective Services 



“Our Society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way that it cares for its helpless members.”

Pearl S. Buck

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APS Contact Information 

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Statewide Abuse and Neglect Phone Number
855-444-3911

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MDHHS Adult Protective Services 

**Add your local
contact
information on
this slide or
delete**
