

SENATE BILL NO. 465

August 28, 2019, Introduced by Senator LUCIDO and referred to the Committee on Insurance and Banking.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11b (MCL 400.11b), as amended by 2012 PA 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11b. (1) Within 24 hours after receiving a report made or
2 information obtained under section 11a, the county department shall
3 commence an investigation to determine whether the person suspected
4 of being or believed to be abused, neglected, or exploited is an

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

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

19 (3) The investigation ~~shall~~**must** include a determination of
20 the nature, extent, and cause of the abuse, neglect, or
21 exploitation; examination of evidence; identification, if possible,
22 of the person responsible for the abuse, neglect, or exploitation;
23 the names and conditions of other adults in the place of residence;
24 an evaluation of the persons responsible for the care of the adult,
25 if appropriate; the environment of the residence; the relationship
26 of the adult to the person responsible for the adult's care; an
27 evaluation as to whether or not the adult would consent to
28 receiving protective services; and other pertinent data.

29 (4) The investigation ~~shall~~**must** include an in-person

1 interview with the adult. The county department shall conduct the
2 interview by means of a personal visit with the adult in the
3 adult's dwelling or in the office of the county department. In
4 attempting to conduct a personal visit with the adult in the
5 adult's dwelling, if admission to the dwelling is denied, the
6 county department may seek to obtain a search warrant as provided
7 in 1966 PA 189, MCL 780.651 to 780.659.

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

10 (6) In the course of an investigation, the county department
11 shall determine if the adult is or was abused, neglected, or
12 exploited. The county department shall make available to the adult
13 the appropriate and least restrictive protective services, directly
14 or through the purchase of services from other agencies and
15 professions, and shall take necessary action to safeguard and
16 enhance the **adult's** welfare, ~~of the adult,~~ if possible. The county
17 department also shall collaborate with law enforcement officers,
18 courts of competent jurisdiction, and appropriate state and
19 community agencies providing human services, which services are
20 provided in relation to preventing, identifying, and treating adult
21 abuse, neglect, or exploitation. If the abuse, neglect, or
22 exploitation involves substance ~~abuse,~~ **use disorder**, the county
23 department shall collaborate with the local substance ~~abuse-use~~
24 **disorder** coordinating agency as designated by the office of
25 ~~substance abuse services~~ **recovery oriented systems of care** in the
26 department ~~of community health~~ for a referral for substance ~~abuse~~
27 **use disorder** services. The county department may petition for a
28 finding of incapacity and ~~appointment of~~ **to have** a guardian or
29 temporary guardian **appointed** as provided in section 5303 or 5312 of

1 the estates and protected individuals code, 1998 PA 386, MCL
2 700.5303 and 700.5312, and may petition ~~for the appointment of to~~
3 **have** a conservator **appointed** as provided in section 5401 of the
4 estates and protected individuals code, 1998 PA 386, MCL 700.5401,
5 for a vulnerable adult. **If a financial institution made the report**
6 **of suspected abuse, neglect, or exploitation, the county department**
7 **may inform that financial institution of the status of the**
8 **investigation.**

9 (7) Upon completion of an investigation, the county department
10 shall prepare a written report of the investigation and its
11 findings. A copy of this written report shall be forwarded to the
12 department ~~of human services upon the request. of the department of~~
13 ~~human services.~~

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

18 (9) A representative from the department, ~~of human services,~~
19 the department of state police, the department of attorney general,
20 and the office of services to the aging, and an individual who is a
21 representative of long-term care providers and is designated by the
22 ~~state department of~~ **attorney general**, shall meet and develop a
23 state model protocol for ~~the investigation of~~ **investigating**
24 vulnerable adult abuse cases. ~~This state model protocol shall be~~
25 ~~developed not more than 1 year after the effective date of the~~
26 ~~amendatory act that added this subsection.~~ A county prosecuting
27 attorney, in cooperation with the local county department and local
28 law enforcement agencies, may adopt a local protocol for ~~the~~
29 ~~investigation of~~ **investigating** vulnerable adult abuse cases that is

1 based on the state model protocol.