



Vulnerable Adult Maltreatment Investigation Prioritization Guidelines

Adult Maltreatment Reports received by the Lead Investigative Agency will be reviewed and screened by a team that includes a supervisor and at least one social worker. The screening will include utilizing the Minnesota Adult Protection Structured Decision Making and Standardized Tools.

Investigation Criteria:

1. The adult meets the definition of a Vulnerable Adult as described in MN Statutes 626.5572.
 - a. **Categorical Vulnerable Adult:** The person is a resident of a facility or receives licensed services. Excludes outpatient services for treatment of chemical dependency or mental illness and inpatient services provided through the Minnesota sex offender program.
 - b. **Functional Vulnerable Adult:** The person has a physical or mental infirmity that impairs his/her ability to provide food, clothing, shelter, health care or supervision without assistance and because of the infirmity and is unable to protect themselves from maltreatment.
2. Maltreatment is being alleged as defined in MN Statutes 626.5572
 - a. **Physical Abuse:** Use of physical force that is non-accidental or non-therapeutic which produces or could reasonably be expected to produce physical pain or injury to the adult who is vulnerable. Include also assault in the first through fifth degrees as defined in sections 609.221 to 609.224.
 - b. **Emotional Abuse:** The misuse of power, authority, or both; verbal harassment; unreasonable confinement; or behavior that is not accidental or therapeutic which produces or could reasonably be expected to produce mental anguish or emotional distress of an adult who is vulnerable. MN has a “reasonable person standard” which means a reasonable person would have to consider it emotional abuse.
 - c. **Sexual Abuse:** Contact or interaction of a sexual nature involving an adult who is vulnerable and a licensed provider; OR contact or interaction of a sexual nature involving an adult who is vulnerable without his/her informed consent. If the adult who is vulnerable is mentally incapacitated or physically helpless, he/she cannot give informed consent. Consent does not mean the existence of a prior or current social relationship or that the adult who is vulnerable failed to resist (MN Statute 609.341, Subd. 4a-b). Incidents where a sexual relationship existed prior to impaired capacity, or when the adult who is vulnerable

340 2nd ST NW, PO Box 338
Ortonville, MN 56278
(320) 839-2555
Fax: (320) 839-3966
TDD: 1-800-676-3777
www.BigStoneCounty.gov

An Affirmative Action/Equal Opportunity Employer

24 HOUR EMERGENCY MENTAL HEALTH NUMBER 1-800-992-1716



BIG STONE COUNTY MINNESOTA

FAMILY SERVICES

engages in sexual activity with persons other than licensed facility or service providers, may not be sexual abuse.

- d. **Neglect by a Caregiver:** A failure or omission by a caregiver that results in the deprivation of care or services including but not limited to food, shelter, clothing, health care or supervision which are reasonable and necessary to obtain or maintain the mental, emotional, or physical health and safety of the adult who is vulnerable. Failing or omitting to provide services or supports outside of those required by the caregiver's regulation, licensure, certification, or registration may not be neglect. *A caregiver is an individual or facility who has responsibility for care or services including but not limited to food, shelter, clothing, health care or supervision by regulation, licensure, certification, or registration, or who has assumed responsibility for all or a portion of the care of an adult who is vulnerable by contract, or by agreement. Caregiver does not include an unpaid caregiver who provides care to an adult who is vulnerable related to an allegation of caregiver neglect that did not result in harm.
 - e. **Self-Neglect:** Neglect by an adult who is vulnerable of their own food, clothing, shelter, health care, or other services that are not the responsibility of a caregiver which is reasonable and necessary to obtain or maintain the health, safety, or comfort of the adult who is vulnerable.
 - f. **Financial Exploitation:** The use of person or property of the adult who is vulnerable by another for that person's profit or advantage, or by a fiduciary in breach or violation of fiduciary's obligation, regulation or duty owed the adult who is vulnerable. Financial exploitation includes but is not limited to situations where a person obtains money, property, or services from an adult who is vulnerable using undue influence, harassment, duress, deception, or fraud.
3. Does the person's formal and/or informal support system lack the ability to resolve the presenting problem or crisis?
- If the vulnerable adult receives ongoing case management services, reports of self-neglect can be referred to the case manager and addressed without opening an investigation or making a determination.
 - If the vulnerable adult does not receive case management or other formal supports, can the presenting problem be resolved at intake through a referral for MNChoices assessment or other service?

If the individual meets the definition of vulnerable adult and there is a maltreatment allegation that cannot be resolved at intake or case management, an assessment with determination or an assessment without determination will be opened depending on the allegation.

An Affirmative Action/Equal Opportunity Employer

24 HOUR EMERGENCY MENTAL HEALTH NUMBER 1-800-992-1716

340 2nd ST NW, PO Box 338
Ortonville, MN 56278
(320) 839-2555
Fax: (320) 839-3966
TDD: 1-800-676-3777
www.BigStoneCounty.gov



Additional Considerations:

1. If it cannot be determined that the individual is a vulnerable adult at the time of screening based on the intake, but there is an allegation of maltreatment, the report will be assigned to determine if the individual meets the definition of a vulnerable adult. If it is determined that the individual is not a vulnerable after contact has been made the assessment will be closed with determination not possible as not a vulnerable adult.
2. Duplicate reports that are currently being investigated or have recently been investigated may be screened out unless additional information is made available.
3. If there is no role for adult protection or adult protection involvement will do more harm than good, the report may be screened out.
4. In the event of the death of a vulnerable adult either prior to a report being received or during an investigation, the following factors will be considered in determining whether or continue or discontinue the investigation:
 - a. Maltreatment allegation
 - b. Cause and time of death
 - c. Alleged perpetrator and law enforcement involvement

Emergency Protective Services

Reports constituting serious harm, or current danger to the life or health of the Vulnerable Adult will receive priority assignment. This includes:

- The vulnerable adult is more likely than not to die because of the alleged maltreatment
- Current health status will be unable to be maintained and the vulnerable adult will likely suffer from decreased function, requiring medical care
- The vulnerable adult is still at risk of experiencing serious harm or injury due to the alleged maltreatment

***These prioritization guidelines are pursuant to MN Statute 626.557 Subd. 9b. **Response to reports.** Each lead investigative agency shall develop guidelines for prioritizing reports for investigation.*

An Affirmative Action/Equal Opportunity Employer

24 HOUR EMERGENCY MENTAL HEALTH NUMBER 1-800-992-1716

340 2nd ST NW, PO Box 338
Ortonville, MN 56278
(320) 839-2555
Fax: (320) 839-3966
TDD: 1-800-676-3777
www.BigStoneCounty.gov