



Reporting Abuse of Vulnerable Adults

From the Office of Minnesota Attorney General Lori Swanson

In southern Minnesota, a woman who was previously suspended from the practice of law was appointed as a guardian for dozens of vulnerable adults. In one case, she drained over \$22,000 from a ward's bank accounts and left him to live in squalor, with no food. She was convicted of several felonies after she financially exploited her wards out of tens of thousands of dollars while ignoring their needs.

A woman in western Minnesota left a vulnerable adult \$18,500 in debt after spending money from his trust. The victim? Her son.

In northern Minnesota, a health care worker diverted her elderly parents' monthly long-term care payments, leaving them with a \$150,000 debt to their care center. To pay the debt, the woman sold her parents' farm land without their knowledge or permission.

Unfortunately, cases like these are not rare.

People with disabilities are victimized at high rates compared to the general population. They are sometimes targeted specifically *because of* their disabilities. A person with a disability is up to ten times more likely to be abused than a person without a disability. In one survey, over 70 percent of people with disabilities reported having been abused.

Compared with the general population, people with disabilities are more likely to be abused by a caregiver or someone they know and more likely to remain in an abusive situation. They are sometimes repeatedly abused by the same person. In Minnesota, nearly 40 percent of abuse allegations to a statewide reporting system have alleged neglect by caregivers.

Vulnerability can sometimes increase with age. Americans are now living longer with chronic conditions like dementia or physical disabilities. The number of persons ages 85 and older is expected to double by the year 2030. One in ten older Americans report experiencing some form of maltreatment.

The Vulnerable Adults Act

The Minnesota Vulnerable Adults Act is intended to protect adults with physical, mental, or emotional disabilities. The Act requires the reporting of suspected maltreatment of vulnerable adults, requires investigation of the reports, and provides protective and counseling services in appropriate cases.

When a report of suspected maltreatment is made under the Act, the vulnerable adult has a right to be notified of any determinations of whether maltreatment occurred and to receive a written report of the final determination. If the vulnerable adult disagrees with the determination, the vulnerable adult has a right to request the investigating agency to reconsider the final determination, or to appeal the determination to a statewide Vulnerable Adult Maltreatment Review Panel.

Reporting Abuse

Vulnerable adults may have difficulty reporting these crimes to law enforcement due to a variety of factors, including a lack of awareness that a crime has occurred, limited communication abilities, social isolation, dependence on the perpetrator, or fear of retaliation. This makes it especially important for members of the public to provide "tips" to stop harm to vulnerable adults.

Previously in Minnesota there were 150 county-based systems for reporting crimes against vulnerable adults. In 2015, however, the Minnesota Legislature created a statewide hotline for people to report mistreatment of vulnerable adults. The hotline is called the Minnesota Adult Abuse Reporting Center (MAARC). MAARC is open 24 hours a day, seven days a week, and can be reached as follows:

Minnesota Adult Abuse Reporting Center

(844) 880-1574

dhs.adultprotection@state.mn.us

The MAARC is responsible for:

- Immediately notifying county social services if a vulnerable adult needs immediate adult protective services.
- Immediately notifying law enforcement of any report of suspected maltreatment in which there is reason to believe a crime has been committed.
- Referring reports of suspected maltreatment to the lead investigative agency for responding to the report, which may include county and adult protection or reports to state agencies such as the Minnesota Department of Health or the Minnesota Department of Human Services.

Licensed Facilities

In addition, hospitals, nursing homes, assisted living facilities and home health agencies are regulated and licensed by the Minnesota Department of Health. If MDH receives a complaint regarding the medical care or treatment of a patient, it has the authority to conduct an investigation of the incident. The Office of Health Facility Complaints (OHFC) is the division within the MDH charged with conducting the investigations. You may contact the OHFC at:

Minnesota Department of Health
Office of Health Facility Complaints
300 Golden Rule Building
P.O. Box 64970
St. Paul, MN 55164-0970
(651) 201-4201 or (800) 369-7994
health.ohfc-complaints@state.mn.us

Conclusion

Vulnerable adults are not always able to advocate for themselves. It is important for people who see abuse to report it. The Vulnerable Adults Act provides immunity from civil or criminal liability to anyone who makes a good faith report of abuse. Good Samaritans can make all the difference.

