



ELDER ABUSE TASK FORCE

Thank you for your interest in Michigan’s Elder Abuse Task Force – an alliance representing more than 55 different organizations in the public, private and non-profit sectors – all working together to reduce barriers facing our aging population.

As we start a new year, please take a few minutes to catch up on what the Task Force has been up to since our last issue in July 2021.



ACCOMPLISHING SECOND INITIATIVES:

SET OF SECOND INITIATIVES

- 1. Establish a court watcher program to monitor adult guardian and conservator hearings to highlight the court’s transparency and help determine whether issues need to be addressed to strengthen the rights of elderly and vulnerable adults.
- 2. Provide comprehensive training to implement the [Financial Exploitation Prevention Act](#).
- 3. Develop local level multidisciplinary teams by publishing updated protocols, identifying successful teams, encouraging mentorships, and facilitating productive collaboration.
- 4. Encourage and facilitate probate court referrals of financial exploitation to local prosecutors by developing an easily accessible form.
- 5. Pass a family consent law that allows family members to consent to medical treatment thus reducing the number of necessary guardianships.
- 6. Pass a visitation law that better protects a legally incapacitated individual’s right to communicate, visit, or interact with a person of their choosing.
- 7. Revise power of attorney statute to increase acceptance and reduce fraud.
- 8. Revise consumer protection laws to include criminal penalties for violations involving victims over 80 years old and increase the associated civil penalty.
- 9. Provide statutory procedure for vulnerable adults to remove unwanted occupants from their home.
- 10. Refresh partnership with Social Security Administration to identify instances of embezzlement from vulnerable adults in nursing homes. Send letters to all nursing homes soliciting information on suspicious financial activity, *i.e.*, known resident income coupled with history of non-payment. Take appropriate enforcement action.

FOR QUESTIONS:
800-24-ABUSE (22873)
mi.gov/elderabuse



TO REPORT:
855-444-3911
mi.gov/protectiveservices

With the introduction in June of 2021 of the four-bill package that, when passed, accomplishes the remainder of [the Task Force’s original Initiatives](#), the Task Force spent the summer and fall working on the [Second Set of Initiatives](#).

FINANCIAL EXPLOITATION PREVENTION ACT TRAINING

Task Force members provided Financial Exploitation Prevention Act (FEPA) training to banks, credit unions, adult protective services, law enforcement, prosecutors, elder law attorneys, and the public.

The training has reached hundreds, if not thousands, of individuals and you can [schedule a training by contacting the Task Force](#) (AG-PA@mi.gov).

FEPA reference materials are available on the [Elder Abuse Task Force’s homepage](#) under “Reporting.”

ELDER ABUSE LEGISLATIVE UPDATES:

House Bills 4847-4850, sponsored by Reps. Filler, Wakeman, and Bolden and Senate Bills 503-506, Sponsored by Sens. Johnson, Runestad, Irwin, and Wojno, were introduced in May and June, respectively. They are identical packages of bills and are based on recommendations made by the Elder Abuse Task Force to address issues that were raised relating to guardianships and conservatorships during the Attorney General’s 2019 listening tour.

The Senate held a hearing in June but has not brought the package back up since. The House has held multiple hearings, beginning in June, on its package. During those hearings, testimony in support was given by Attorney General Dana Nessel,

State Public Administrator Katharyn Barron, and Task Force members Christopher Smith, Salli Pung, Nathan Piwowarski, and Nicole Shannon. Support was also provided by AARP Michigan, Michigan Elder Justice Initiative, Disability Rights Michigan, and the Prosecuting Attorneys Association of Michigan.

Over the summer and into the fall, Elder Abuse Task Force members have met to discuss outstanding concerns and taken steps to amend the legislation to address those concerns when appropriate. We anticipate these changes being incorporated into the House Bills when they are brought back up before the House Judiciary Committee.

PROTOCOLS TO HELP COMMUNITIES COMBAT ABUSE AND EXPLOITATION:

Working together we can be more effective! To facilitate the development and ongoing operation of local multidisciplinary teams, the Task Force recently published two template protocols – including forms – that can be easily modified to meet each jurisdiction’s unique circumstances:

1. [Michigan Vulnerable Adult Teams \(Mi-VAT\) Investigative Protocol.](#)
2. [Enhanced Multidisciplinary Teams \(E-MDT\) Community Engagement Protocol.](#)

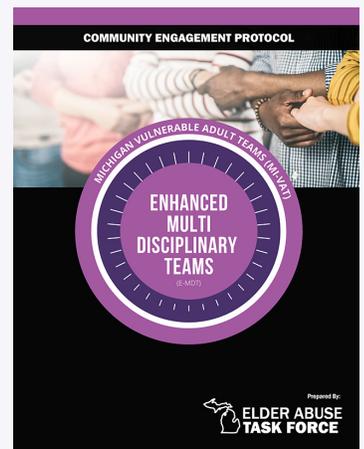
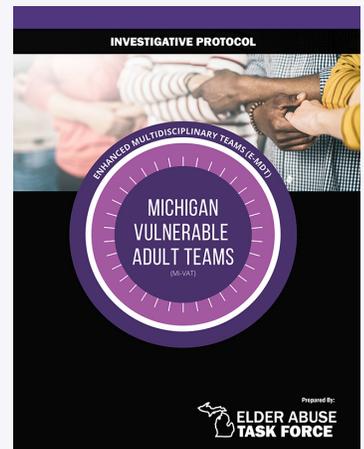
The Mi-VAT Investigative Protocol is a collaboration between prosecutors, sworn law enforcement officers, and Adult Protective Services, and replaces the prior investigative protocol published by statutory mandate in June of 2013. The Task Force improved the prior model and is facilitating support systems to help local jurisdictions engage this resource to effectively investigate and prosecute vulnerable adult abuse cases.

The E-MDT Community Engagement Protocol includes Mi-VAT members and adds other service providers, including, services on aging; social workers; financial institutions; civil legal services providers; medical professional victims’ advocates; domestic violence victims’ advocates; the Long Term Care Ombudsman; and others. The E-MDT Community Engagement Protocol guides communities in developing effective, efficient, holistic, and restorative responses that address systemic concerns of the older and vulnerable adult.

The companion protocols are most effective when implemented together and can be utilized separately.

For information on the Protocols, including referrals to mentors, contact:

- Mi-VAT Investigative Protocol
[Scott Ehlfeldt](mailto:ehlfeldts@mi.gov) (ehlfeldts@mi.gov)
Elder Justice Coordinator
Prosecuting Attorney Association of Michigan
517-881-0533
- E-MDT Community Engagement Protocol
[Ron Tatro](mailto:rtatro@mielderjustice.org) (rtatro@mielderjustice.org)
State Director
Michigan Elder Justice Coordinating Council
517-515-9377



PROBATE COURT REFERRAL FORM:

Pursuing an idea from a respected probate court judge, the Task Force worked with the Prosecuting Attorneys Association of Michigan and law enforcement to develop a one-page form to facilitate probate court referrals of financial exploitation to local prosecutors.

The form was discussed during a Probate Judges Association conference, distributed through the Michigan Probate and Juvenile Registers Association email list, and promoting the form’s use remains the topic of discussions with the Michigan State Court Administrative Office.

For questions or more information, [contact the Task Force.](#)

ELDER ABUSE REPORTING TRAINING MODULES:

A ten-minute training module for mandatory reporters on adult abuse, neglect, and exploitation is available at the [Elder Abuse Task Force’s homepage](#) under “Reporting.”

The Task Force also produced a fifteen-minute training module to guide any concerned individual in reporting adult abuse, neglect, or exploitation.

Share these training modules through your own websites and newsletters and help us combat the abuse and neglect statistics that while about [one in ten community-dwelling Americans over 60 has experienced some form of elder abuse in the last year](#), only [one in 25 cases of abuse is reported](#).

ATTORNEY GENERAL ESTABLISHES IMPORTANT PRECEDENT FOR EMBEZZLEMENT FROM VULNERABLE ADULT CASES

[The Attorney General recently prevailed in People v. Haynes](#), a court of appeals 22-page published opinion, contradicting the common misconception that an adult must have a diagnosis of Alzheimer's, dementia, or other similar condition to meet the legal definition of a "vulnerable adult."

A jury in Muskegon County convicted Gary Haynes of one count of conducting a criminal enterprise; one count of embezzlement from a vulnerable adult of \$100,000 or more; eight counts of embezzlement from a vulnerable adult between \$1,000 and \$20,000; and four counts of failure to file/false tax returns. The Court of Appeals affirmed the defendant's conviction on all counts.

Haynes's conviction came after he stole over \$300,000 from a widow in her 90's while serving as the widow's financial advisor.

One of Haynes' arguments on appeal was that there was insufficient evidence that the victim was a vulnerable adult. The defendant argued that the victim was not vulnerable, in part, because she was mentally capable of handling her own affairs. The Court of Appeals compared the evidence presented at trial to the statutory definition of a vulnerable adult. In affirming the defendant's conviction, the Court found that there was strong evidence by which a jury could find, beyond a reasonable doubt, that the victim was a vulnerable adult because she walked with a cane, needed help buying groceries, getting to appointments, and doing chores around the house, and needed help paying her bills online because she was not familiar with computers.

This case came to the Attorney General after a law enforcement agency told the victim's nephew that this matter was civil and closed the case. The case thus serves as an excellent example of why it is critical to continue to provide training to police and prosecutors on how to investigate and prosecute those who financially exploit vulnerable adults.

The Elder Abuse Task Force is working on comprehensive training for police and prosecutors on how to investigate and prosecute these cases. Watch future editions of this newsletter.

UPDATED BROCHURES:

[The EATF brochure](#) has recently been updated and now includes a list of physical, emotional, behavioral, and financial signs of abuse to look for.

The EATF brochure has also been translated into three additional languages, as well as an ASL video.

- [Arabic Version](#)
- [Spanish Version](#)
- [Traditional Chinese Version](#)
- [American Sign Language Video](#)



STAY CONNECTED

Michigan Attorney General Dana Nessel and the Elder Abuse Task Force thank you for your continued support in combating Elder Abuse.

Please visit [the elder abuse page](#) for information, [subscribe here for updates](#) from the task force.

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