



## PUBLIC HEALTH & HUMAN SERVICES

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### Cook County Public Health and Human Services Adult Protection Services Prioritization Guidelines

As directed by MN Statutes 626.5572 Subd. 9b, 10, and 10b

#### Minnesota Adult Abuse Reporting Center (MAARC)

Effective July 1, 2015, the Minnesota Adult Abuse Reporting Center (MAARC) became the common entry point (CEP) and the designated entity for accepting reports of suspected maltreatment of vulnerable adults in Minnesota. Reports can be made by both the general public and mandated reporters over the telephone 24 hours a day/7 days a week by calling **(844) 880-1574**. Additionally, mandated reporters may use the MAARC VA-CEP web-based reporting tool [www.mn.gov/dhs/reportadultabuse/](http://www.mn.gov/dhs/reportadultabuse/) to make reports of suspected maltreatment.

Cook County Public Health and Human Services (CCPHHS) is the Lead Investigative Agency (LIA) for all reports alleging an adult who is vulnerable has been maltreated (abused, neglected, or financially exploited) and the person responsible was not the provider or employee of a facility service/program required to be licensed by the Minnesota Department of Health or Department of Human Service. Adult maltreatment reports which are the responsibility of CCPHHS as the LIA will be accepted, processed, and screened for investigation by designated staff on the Adult and Home & Community-Based Services Team.

#### Determination of Vulnerable Adult Status by APS

The CCPHHS screening team will first determine if the alleged victim meets criteria to be defined as a vulnerable adult. Minnesota statutes define an adult as a vulnerable adult based on categorical and functional criteria.

#### DEFINITION

Any person 18 years of age or older who:

1. Is a resident or inpatient of a facility\*;
2. Receives services required to be licensed to serve adults under sections 245A, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is served in the Minnesota sex offender program on a court-hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually

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dangerous person under chapter 253B, is not considered an adult who is vulnerable unless the person meets the requirements of clause 4;

3. Receives services from a home care provider required to be licensed under section 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under section 256B.0625, subdivision 19a, 256B.0651, 256B.0653, 256B.0654, 256B.0659, or 256B.85; or
4. Regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction†:
  - a. That impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
  - b. Because of the dysfunction or infirmity and the needs for care or services, the individual has an impaired ability to protect the individual's self from maltreatment

\*A facility is also defined as certain types of licensed service that are provided in the adult who is vulnerable own home, or at an unlicensed location 626.5572 subdivision. 6.

†Adults do not have to lack capacity in order to be vulnerable and be in need of protection under the statute. Some adults are vulnerable based solely on the services they receive or their place of residence.

### **Types of Maltreatment**

At least one allegation in the adult maltreatment report must meet criteria per MN Statute 626.5572, subdivision 2, 9, and 17 for a report to be screened in for investigation.

Minnesota statutes define 3 types of maltreatment:

#### **ABUSE**

**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.

**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.

**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



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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, subdivision. 4a-b). Incidents where a sexual relationship existed prior to impaired capacity, or when the adult who is vulnerable engages in sexual activity with persons other than licensed facility or service providers, may not be sexual abuse.

### **NEGLECT**

Neglect is classified in two categories: caregiver or self-neglect.

**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.

**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.

### **FINANCIAL EXPLOITATION**

Minnesota Statutes defines financial exploitation as 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 through the use of undue influence, harassment, duress, deception, or fraud.

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## Cook County PHHS APS Response

Reports of maltreatment will be screened by a CCPHHS team, using the current Department of Human Services Structured Decision-Making Manual and the SSIS Adult Protection Intake Assessment and Response Priority and Adult Protection EPS Intake Assessment Screening decision tools. The Lead Agency will respond to MAARC reports received per the outcome of the SSIS Adult Protection Intake Assessment and Response Priority decision tool and/or the Adult Protection EPS Intake Assessment Screening decision tool with the exceptions of the following override options:

1. Self-neglect that can be resolved through case management or other current formal/informal services.
2. Vulnerable Adult is no longer in the state of Minnesota at the time of the report.
3. Vulnerable Adult is incarcerated at the time of the incident/report.
4. Reports involving abuse/neglect of one vulnerable adult to another vulnerable adult may be screened out if there is no benefit to the Vulnerable Adult for adult protective case management. If the vulnerable adult(s) have case managers, this will be referred to case management to address through risk mitigation, education, and care planning.
5. Reports in which a minor is the alleged perpetrator may be screened out and a consultation/recommendation may be sought from the CCPHHS Children and Family Services team.
6. Reports involving a Vulnerable Adult that indicate no lack of capacity to make informed choice and a financial exploitation allegation of “fraud/scams” may be screened out if there is no benefit to the Vulnerable Adult for adult protective case management services.
7. If the report made contains allegations of harm or maltreatment and the vulnerable adult status is unclear based on the report received, CCPHHS may choose to screen in the report for investigation to gather additional information on the vulnerable adult’s status. If in the investigation, it is determined the person does not meet vulnerable adult criteria, the investigation will be closed.
8. Reports requesting an emergency Guardianship/Conservatorship may be screened out when Guardianship/Conservatorship is not necessary to protect the Vulnerable Adult from maltreatment and less restrictive alternatives have not been exhausted.

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