ELDER ABUSE TASK FORCE

Special Edition

JULY 2021, ISSUE 5

ELDER ABUSE TASK FORCE ANNOUNCES NEXT INITIATIVES

Now that a legislative package has been introduced that — when passed — will accomplish the remainder of our first initiatives, we are excited to announce the next set of initiatives.

These initiatives were discussed and adopted by the initiatives committee – a new leadership committee that will continually focus on the direction of the Task Force.

A significant amount of work has already been devoted to accomplishing these initiatives and the Task Force anticipates accomplishing them within the next year. Some of that work includes the Court Watcher program which is entering its pilot phase. Additionally, Financial Exploitation Prevention Act implementation training is ongoing. Trainings for financial institutions is being conducted through the Michigan Bankers Association and the Michigan Credit Union League. Other organizations are welcome to send an email to AG-PA@michigan.gov and include the following:

- Audience (e.g. social workers, Area Agency on Aging employees, volunteers, etc.)
- Expected number of participants
- Dates and times (being flexible helps!)
- Venue (virtual presentations encouraged)

Click here to view the Task Force's second set of initiatives.

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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

WHY OUR WORK – AND YOUR SUPPORT – MATTER

In June, Attorney General Nessel and State Legislators announced legislation that will implement substantial additional protections for vulnerable adults. This legislation is crucial to ensure individuals like Rodrick Gordon are able to avoid unnecessary guardianships and conservatorships. In 2018, Mr. Gordon — a Deaf-Blind man — was declared legally incapacitated by a judge in Wayne County despite his capability, with proper assistance, to live independently.

Gordon had received training that allowed him to communicate through Tactile American Sign Language (TASL) and manage his own affairs for 30 years after suffering from brain tumor complications. After he was assaulted in 2018, a petition for guardianship was filed in Probate Court. The Guardian Ad Litem — who was appointed to inform Mr. Gordon of his rights and obtain information for the court — met with Mr. Gordon without the assistance of a TASL interpreter. Mr. Gordon also was not present in court when his case was heard. Mr. Gordon was never given a chance to communicate and as a result, the court presumed he lacked capacity and appointed a full guardian. Mr. Gordon lost control of every aspect of his life. It took more than two years through a referral from the Michigan Department of Civil Rights to the Task Force, which resulted in the superb work of the Elder Justice Initiative to get Gordon's case in front of the Michigan Court of Appeals. Gordon prevailed and the guardianship has since been terminated.

Watch Gordon's story – told via WXYZ Detroit – here.

For more details on how the legislative package would help more people like Rodrick Gordon avoid guardianship and ensure probate courts have all the information they need to make critical decisions, click here to view the June newsletter.

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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