

## **WORKING DRAFT EFFECTIVE 8-9-21**

### **Reporting Covered Financial Exploitation Under the Financial Exploitation Prevention Act: A Financial Institution Best Practice Guide for Whether to Report to Adult Protective Services or Law Enforcement**

The [Financial Exploitation Prevention Act](#) requires financial institutions to report covered financial exploitation, as defined in the Act, to either Law Enforcement or Adult Protective Services. This guide assists financial institution employees in deciding which agency to contact.

#### **What does each agency do?**

Adult Protective Services provides protection to vulnerable adults who are at risk of harm due to the presence or threat of any of the following: abuse, neglect, and/or exploitation. They have authority to act in certain circumstances even if a crime has not occurred or cannot be proven. Adult Protective Services' main priority is to protect the overall health, safety, and well-being of a vulnerable adult.

Law Enforcement investigates instances of abuse, neglect, or exploitation where a person has committed potential violations of the criminal laws of Michigan. Law Enforcement's main priorities are to protect Michigan residents by identifying and stopping criminal activity, and to hold offenders accountable by working with the prosecuting authority to seek criminal charges.

#### **What services can each agency provide?**

##### Adult Protective Services

- Conducts protective services investigations.
- Intervenes to provide social protection in the form of conservatorship, guardianship, and civil commitment in the least restrictive or intrusive manner as a last resort when warranted.
- Makes referrals to reduce risk of harm which may include counseling, education and training, health related medical examination and evaluations, homemaking, and housing assistance.
- Refers criminal matters to law enforcement.

##### Law Enforcement

- Responds to emergencies and other circumstances where there is an immediate danger to an individual or the public.
- Investigates crimes, including execution of search warrants and service of subpoenas where applicable.
- Arrests suspect.

## **Who makes the report of covered financial exploitation for my financial institution?**

The Financial Exploitation Prevention Act requires financial institutions to have a policy in place for reporting covered financial exploitation. You should follow your employer's policy. Your institution will provide training on this policy and its implementation.

## **Should I contact Adult Protective Services or Law Enforcement to report covered financial exploitation? May I contact both agencies?**

If an incident of covered financial exploitation is an emergency or is currently taking place at the time of the call, you should call 911 to contact Law Enforcement.

If an incident of covered financial exploitation is not an emergency, but you have physical safety concerns involving the situation, you should consider contacting Law Enforcement.

If an incident of covered financial exploitation is not an emergency and you think that the person being exploited may not be fully aware of their own actions or surroundings, may be confused about what is happening, or may be unaware of the disposition of their finances, you should consider contacting Adult Protective Services.

If an incident of covered financial exploitation is not an emergency and you think that the person potentially being exploited may need help with paying bills or obtaining resources like housing or medical care, you should consider contacting Adult Protective Services.

You should always consider contacting both Law Enforcement and Adult Protective Services, if you believe that an individual being exploited may benefit from having contact with both agencies.

## **How can each agency be contacted?**

Adult Protective Services (APS) is a Division of the Michigan Department of Health and Human Services (MDHHS). The MDHHS 24-hour toll free number for reporting abuse, neglect, or exploitation of adults is 855-444-3911. This toll-free number is referred to as the Centralized Intake Number for both adult and children's protective services referrals.

Law Enforcement can be contacted by calling 911 in emergencies or under circumstances where covered financial exploitation is actively occurring at the time the call is made. In all other circumstances, Law Enforcement can be contacted by referring to the attached list for the central dispatch number for each county, or by conducting an internet search for the central dispatch phone number for the county in which the matter is being reported.

**If I make a report to law enforcement, how do I determine which county to contact?**

If the victim's county of residence is known, the financial institution should contact Law Enforcement in the county of the victim's residence. If the victim's county of residence is unknown, the financial institution should contact Law Enforcement in the county in which the alleged covered financial exploitation was observed, or in the county where the financial institution is located if the alleged covered financial exploitation took place in another state. The financial institution may also contact Law Enforcement in the county in which the alleged covered financial exploitation is observed, regardless of the victim's county of residence, if the alleged covered financial exploitation is actively taking place on-site at the financial institution.