

Addendum to “The Vulnerable Adult Act and Adult Protective Services in Minnesota: Stakeholder Insights”

August 22, 2019

In June 2019, Public Sector Consultants (PSC) submitted a report to the Department of Human Services Adult Protective Services Unit regarding the Vulnerable Adult Act (VAA) and Adult Protective Services (APS) in Minnesota. PSC’s report concluded Phase I of an effort to improve the Minnesota’s APS system and potentially revise the VAA. As part of Phase I, PSC completed interviews with 63 individuals representing “federal, state, local, and tribal agencies, county APS personnel, vulnerable adult advocacy organizations, university researchers, care providers, law enforcement, and the justice system, as well as thought leaders in other states” (p. 22 of the PSC report).

In order to complete additional phases of the review and redesign effort, DHS has contracted with Management Analysis and Development (MAD). Phase II involves engaging external and institutional stakeholders to further identify the vision and values that should drive the APS system and then develop the solutions that can achieve those desired outcomes. Before moving on to this phase, DHS asked MAD to complete additional stakeholder interviews using the same interview protocol developed by PSC for Phase I. These additional interviews were intended to ensure that the voices of historically marginalized groups were meaningfully included from the beginning of the project. MAD conducted 10 additional interviews from a list of organizations and interviewees provided by DHS. The list of organizations represented in the interviews is included in an appendix to this memo. This memorandum is intended to serve as an addendum to the PSC report.

While some of the interviewees were not familiar enough with the VAA and APS system to provide detailed critiques of current success and challenges, all were able to provide helpful insights into what should be the goals of the system, what could be done to reach those goals, and best practices for equitably involving stakeholders in further phases of the project.

Overall, the interviews confirmed many of the themes that emerged in the Phase I report. The only major theme found in MAD’s interviews not emphasized in the PSC report is the need to ensure that the APS system – from education to investigations to social services – is responsive and relevant to all communities, regardless of race, ethnicity, ability, income level, or geographic location.

Based on these additional interviews, the core findings from the PSC report still hold. One additional recommendation is to ensure that potential solutions are developed using an equity lens, with a focus on cultural relevancy and responsiveness, and that the redesign effort itself is equitable and includes meaningful participation of diverse perspectives, especially people with disabilities, American Indians, people of color, and immigrants.

The following summary further describes where themes in the PSC report were confirmed and where the MAD-conducted interviews added additional insights.

Themes Confirmed

MAD's findings from the additional interviews that confirmed themes in the PSC report are summarized below:

- **The goal should be to protect vulnerable adults, while maintaining their independence.** Almost all of the interviewees said that the goal of the VAA should be to protect vulnerable adults from harm. Many of them also identified a need to ensure that the system respects vulnerable adults' dignity and their ability to determine what is best for themselves.
- **There needs to be more focus on prevention.** A few interviewees called out the current system as too punitive or too focused on assigning blame. They indicated that there is a need for the VAA and the system to shift its focus to prevention. Some of these comments differed from the themes identified in the PSC report, which is further addressed in the next section.
- **The public needs increased awareness and education.** Most of the interviewees identified a need for increased public awareness and education regarding APS, including better understanding of what constitutes maltreatment, how to report maltreatment, what happens if maltreatment is reported, and how to prevent maltreatment. Two of the interviewees specifically mentioned the need for increased education of immigrant communities. Lack of awareness of the Minnesota Adult Abuse Reporting Center (MAARC) and APS among people with disabilities and tribal communities were also mentioned.
- **Community involvement is needed.** A few interviewees identified a need for community involvement when there are issues involving vulnerable adults, especially related to prevention. One interviewee expressed a sense that these are complex challenges which require community-level efforts to solve, and that community involvement can help ensure responses are culturally relevant and responsive.
- **There is a need for better communication and coordination.** Two interviewees identified a need for better communication and information sharing within the system, specifically across agencies serving vulnerable adults who have cases being investigated.
- **The system is complex and siloed.** In addition to identifying needs related to communication and coordination, one interviewee talked about how the system is too complex, which makes it hard to understand and communicate about. The interviewee specifically mentioned the multiple lead investigative agencies handling different parts of the system as a seemingly unnecessary complexity.
- **The centralized reporting system works well.** While only two of the interviewees mentioned the MAARC, both had positive perceptions of the centralized nature of the reporting system. One mentioned a need for more awareness of, and access to, the system for people with disabilities.

Additional Insights

While mostly confirming many of the themes from the PSC report, MAD's interviews uncovered some additional insights that should be highlighted.

The PSC report focused too heavily on concerns and issues related to elder maltreatment. While elderly people may be considered a vulnerable adult under the categorial or functional definition, adults with disabilities may also be defined as vulnerable adults. One of MAD's interviewees expressed concern that the PSC report was too heavily concerned with issues and solutions relating to elderly vulnerable adults, and not concerned or focused enough on people with disabilities. This interviewee brought up, as an example, the fact that the report only identified federal and other funding sources that are targeted to support older adults, and did not include funds for people with disabilities as potential sources of funding.

The redesign process and any solutions for improving APS must be culturally responsive and relevant. Many interviewees' comments raised issues concerning the current system's lack of cultural responsiveness. While the PSC report did identify themes regarding perceptions that the current system is too punitive and not person-centered enough, MAD's additional interviews also uncovered concerns among stakeholders that in being "one size fits all," the current system is not responsive to the needs of all vulnerable adults, their families, and their communities – especially those who are immigrants and/or people of color. Several interviewees identified the need for solutions to be culturally relevant across the entire system, from education and prevention to investigations and social services. All interviewees also encouraged the next phases of the review and redesign effort to meaningfully include diverse perspectives, especially perspectives of vulnerable adults from historically marginalized groups.

The redesign process needs to address coordination between counties and tribes, and include perspectives of people living and working within tribal communities. One interviewee identified challenges with the current system, with counties responsible for receiving and responding to reports of maltreatment on tribal lands, that may be leading to under-reporting and lack of appropriate response when maltreatment occurs within tribal communities. Challenges identified include the fact that tribal nations do provide social services to vulnerable adults but do not receive funding, and lack of coordination and communication between county and tribal agencies when maltreatment is reported and investigated. This interviewee echoed the previous theme, encouraging meaningful inclusion of tribal perspectives at the table throughout the redesign process.

The system needs to be more supportive and less punitive, both for vulnerable adults and for offenders/potential offenders. The PSC report recommends altering the philosophy and approach of the VAA, including using an approach like the Collaborative Safety™ model to ensure that vulnerable adults and others can seek out assistance without fear of punishment. MAD's additional interviews warrant emphasis on the issue of the VAA/APS system being too focused on assigning blame and punishment, rather than providing support and preventing future maltreatment. A few of MAD's interviewees emphasized changing the philosophy and approach of the system in order to better support caregivers, family members, and those who have maltreated – or may be at risk of maltreating – a vulnerable adult. Two interviewees noted that in the current system, some vulnerable adults are unwilling or afraid of reporting maltreatment by a family member. These interviewees said the system could be improved by instead shifting the focus of the system away from blame and punishment, and toward support and services, both for the vulnerable adult – but also for the person who may have

maltreated the vulnerable adult, or be at risk for maltreating them. These interviewees expressed a compassion for caregivers “at their wits end” that they don’t see in the current system. In the interviewees’ experience, fear of an overly-punitive system results in both unreported maltreatment and re-offenses of maltreatment.

Appendix: Additional Interviewees

MAD contacted 15 people for interviews, based on a list provided by DHS. MAD was able to conduct 10 interviews with individuals from the following organizations:

- Comunidades Latinas Unidas En Servicio (CLUES)
- Governor’s Council on Developmental Disabilities
- Jewish Family Service of St. Paul
- Minnesota Elder Non-Violence Coalition
- Minnesota Leadership Council on Aging – Minnesota Diverse Elders Coalition (4 interviews)
- Office of Indian Policy, Minnesota Department of Human Services
- Wilder Foundation Aging Services