

Civil §626.5572	Criminal
Death/Serious Injury	Homicide/Assault §609.185-609.224
245C.02 Subd. 18(a) Death or Serious Injury as result of maltreatment	Criminal cases require intent.
Includes any action that meets the elements of the crime regardless of a criminal proceeding or conviction.	Criminal assault cases require demonstrable bodily harm OR reasonable fear of immediate bodily harm OR SEE CRIMINAL NEGLECT OR ASSAULT

### Physical Abuse

Civil	Criminal
Assault	<p>§ 609.221 to § 609.224 <i>Assault in the first through fifth degrees</i>  <b>Great Bodily Harm</b> – high probability of death or serious permanent disfigurement, protracted loss, impairment of the function of any bodily member or organ or other serious bodily member.  <b>OR</b>  Weapon used; Substantial bodily harm; Motivated by bias including disability; Acts to cause fear of immediate bodily harm or death; Intentionally inflicts or attempt to inflict bodily harm.</p> <p>§ 609.2242 <i>Domestic Assault Misdemeanor - felony</i>  <b>Family or household member</b> commits an assault or commits an act to cause fear of imminent bodily harm or death, or intentionally inflicts, or attempts to inflict, bodily harm.</p> <p>§ 609.23 <i>Mistreatment of Persons Confined.</i>  Owner, operator, or staff of licensed facility intentionally abuse or ill-treats a VA under court commitment or order.</p>

## Physical Abuse

Civil	Criminal
Assault cont'd.	<p>§ 609.231 <i>Mistreatment of Residents or Patients.</i>  Owner, operator, or staff of a hospital, nursing home, or some other facilities licensed by the Department of Health, intentionally abuse, ill-treats, or culpably neglects a VA</p>
Biting	<p>§ 609.221 <i>Assault in the first through fifth degrees</i></p> <p>§ 609.2242 <i>Domestic Assault Misdemeanor – felony</i></p>
Burning	<p>§ 609.222 <i>Assault in the Second Degree – Subd. 1 <b>Dangerous Weapon</b> –firearm, combustible liquid or other device or instrumentality that is likely to produce death or great bodily harm or any fire. Subd. 2 Dangerous Weapon and <b>Substantial Bodily Harm</b> - bodily harm which involves a temporary but substantial disfigurement or temporary but substantial loss or impairment of the function of any bodily member or organ or which causes a fracture of any bodily member.</i></p> <p>§ 609.2242 <i>Domestic Assault* Misdemeanor - felony</i></p> <p>§ 609.72 <i>Disorderly Conduct Misdemeanor enhanced for caregiver of a vulnerable adult</i>  Alarm, anger, disturb others or provoke and assault or breach of the peace.</p>

## Physical Abuse

Civil	Criminal
Hitting	<p>§ 609.223 <i>Assault in the Third Degree</i> Subd. 1 <b>Substantial Bodily Harm</b>- bodily harm which involves a temporary but substantial disfigurement or temporary but substantial loss or impairment of the function of any bodily member or organ or which causes a fracture of any bodily member.</p> <p>§ 609.2242 <i>Domestic Assault*</i> <i>Misdemeanor - felony</i></p>
Punching	<p>§ 609.2231 <i>Assault in the Fourth Degree</i> Subd. 8 <b>Vulnerable Adult</b> – Demonstrable (visible) bodily harm (physical pain or injury, illness or any impairment of physical condition) with knowledge the person is a VA.</p> <p>§ 609.2242 <i>Domestic Assault*</i> <i>Misdemeanor - felony</i></p>
Kicking, slapping	<p>§ 609.224 <i>Assault in the Fifth Degree*</i> Subd. 1(1) commits an act with intent to cause fear of immediate bodily harm or death. Subd. 1(2) intentionally inflicts or attempts to inflict bodily harm upon another.</p> <p>§ 609.2242 <i>Domestic Assault*</i> <i>Misdemeanor - felony</i></p>
Conduct intended or expected to cause pain	<p><i>See Assault and Domestic Assault</i></p> <p>§ 609.2325 <i>Criminal Abuse</i> Caregiver with intent to produce physical or mental pain or injury subjects a VA to aversive or deprivation procedure, unreasonable confinement or involuntary seclusion</p>

## Physical Abuse

Civil	Criminal
Corporal punishment	<p>§ 609.2325 <i>Criminal Abuse</i>*</p> <p>§ 121A.58 <i>Corporal Punishment</i>– subdiv. 1 (1) hitting or spanking with or without an object (2) Unreasonable physical force that causes bodily harm or substantial emotional harm–(See Assault and Domestic Assault)</p>
Unreasonable confinement, involuntary confinement	<p>§ 609.2325 <i>Criminal Abuse</i>*</p> <p>§ 609.255 Subd. (2) <i>False Imprisonment</i> - Intentional confinement or restraint of another without the person's consent</p>
Unauthorized restraint	§ 609.2325 <i>Criminal Abuse</i> *
Forced Separation of the VA from another person	<p>§ 609.2325 <i>Criminal Abuse</i>*</p> <p>§ 609.25 Kidnapping – Whoever confines or moves from one place to another any person without the other's consent for the following purposes:  (1) ransom or as a shield or hostage  (2) to facilitate a felony or flight after  (3) to commit great bodily harm or to terrorize the victim or another  (4) to hold in involuntary servitude</p>
Use of drugs to injure or facilitate a crime	§ 609.235 <i>The use of drugs to injure or facilitate a crime</i>

## Sexual Abuse

Civil	Criminal
Criminal Sexual Conduct in the first through fifth degrees as defined in sections 609.342 to 609-3451	§ 609.343 to § 609.3451 <i>Criminal Sexual Conduct in the first through fifth degrees</i>
Sexual contact or penetration with a VA who lacks capacity to consent	<p>§ 609.342 <i>Criminal Sexual Conduct in the First Degree</i> (c)– sexual <u>penetration</u> if victim has a <b>reasonable fear of imminent great bodily harm to self or another.</b></p> <p>(d) actor is armed with a dangerous weapon and uses it to cause submission            (e) actor causes personal injury and            (i)uses force or coercion or (ii)actor knows or has reason to know the <b>victim is mentally impaired, incapacitated or physically helpless.</b></p> <p>(f) actor is aided or abetted by one or more accomplices and</p> <p>(i)accomplice uses force or coercion</p> <p>(ii) accomplice is armed with a dangerous weapons and uses or threatens to cause submission.</p>
Sexual contact or penetration between a VA and service provider or facility staff	<p>§ 609.343 <i>Criminal Sexual Conduct in the Second Degree</i>– sexual <u>contact</u> if victim has a <b>reasonable fear of imminent great bodily harm to self or another.</b></p> <p>(d) actor is armed with a dangerous weapon and uses it to cause submission            (e) actor causes personal injury and            (i)uses force or coercion or (ii)actor knows or has reason to know the victim is mentally impaired, incapacitated or physically helpless.            (f) actor is aided or abetted by one or more accomplices and</p>

## Sexual Abuse

Civil	Criminal
Unwanted sexual contact	<p>§ 609.344 - <i>Criminal Sexual Conduct in the Third Degree</i> – Sexual penetration if:</p> <p>(c) the actor uses force or coercion</p> <p>(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless or</p> <p>(h) the actor is a psychotherapist and the complainant is a patient and the penetration occurred: (i) during therapy session, or (ii) outside the therapy session if ongoing relationship exists or</p> <p>(i) the actor is a psychotherapist and the complainant is a patient and the former patient is emotionally dependent on the therapist or (j) occurred by means of therapeutic deception (l) the actor is or purports to be a member of the clergy and (i) occurred during a meeting in which the victim sought aid, advice or comfort or (ii) occurred during a period of time in which the victim was meeting the actor on an ongoing basis.</p> <p>§ 609.345 <i>Criminal Sexual Conduct in the Fourth Degree Sexual</i> - contact if:</p> <p>(c) the actor uses force or coercion</p> <p>(d) the actor knows or has reason to know that the complainant is <b>mentally impaired, mentally incapacitated, or physically helpless</b> or</p> <p>(h) the actor is a psychotherapist and the complainant is a patient and the penetration occurred: (i) during therapy session, or (ii) outside the therapy session if ongoing relationship exists or</p> <p>(i) the actor is a psychotherapist and the complainant is a patient and the former patient is emotionally dependent on the therapist or (j) occurred by means of therapeutic deception (l) the actor is or purports to be a member of the clergy and (i) occurred during a meeting in which the victim sought aid, advice or comfort or (ii) occurred during a period of time in which the victim was meeting the actor on an ongoing basis.</p>

## Sexual Abuse

Civil	Criminal
Unwanted sexual contact cont'd.	§ 609.3451 <i>Criminal Sexual Conduct in the Fifth Degree</i> – subdiv. 1(1) nonconsensual sexual contact – not including touching the clothing covering the immediate area of the buttocks, does include removal or an attempted removal of clothing covering intimate parts or undergarments and nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor if performed with sexual or aggressive intent.
Solicitation, inducement or promotion of VA in prostitution.	§609.322 <i>The solicitation, inducement, and promotion of prostitution</i>

## Mental or Emotional Abuse

Civil	Criminal
Repeated or malicious, gestured	§ 609.23 <i>Mistreatment of Persons Confined.</i> Owner, operator, or staff of licensed facility intentionally abuse or ill-treats a VA under court commitment or order.  § 609.231 <i>Mistreatment of Residents or Patients.</i> Owner, operator, or staff of a hospital, nursing home, or some other facilities licensed by the Department of Health, intentionally abuse, ill-treats, or culpably neglects a VA  § 609.224 <i>Assault in the Fifth Degree*</i>
Threatening	§ 609.72 <i>Disorderly Conduct*</i>
Humiliating	§609.765 <i>Criminal Defamation</i> Subd. 1 Anything which exposes a person to hatred, ridicule, degradation, or disgrace. Subd. 2 Communicating knowingly false and defamatory matters to a third person without consent

## Mental or Emotional Abuse

Civil	Criminal
Derogatory, Disparaging remarks	<p>§ 609.749 <i>Stalking crimes</i>  Engaging in conduct which actor knows would cause victim to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction.  Subd. 2  (1) Directly or indirectly intends to injure person, property, or rights of another by committing unlawful act  (2) follows, monitors, or pursues another, in person or using technology  (3) returns to property of another without consent  (4) repeatedly makes phone calls, texts, or induces victim to make phone calls to the actor. Actual conversation not required.  (5) causes the telephone of another to repeatedly or continuously ring  (6) repeatedly sends mail or messages by any means, including electronically  (7) knowingly makes allegations against peace officer concerning officer's performance of official duties with intent to influence or tamper officer's performance of duties</p>
Harassing	<p>§ 609.748 <i>Harassment</i>  Subd. (1)(a)(1) Single physical or sexual assault, or repeated instances of unwanted acts, words, or gestures that have or intend to have a substantial adverse effect on the safety, security, or privacy of another, regardless of relationship between actor and intended target  (2) targeted residential picketing  (3) pattern of attending public events after being notified that actor's presence is harassing to another</p>



## Neglect

Civil	Criminal
<p>Subd. 17 (caregiver) (a) Failure or omission by a caregiver to supply a VA with care or services, including food, clothing, shelter, health care or supervision which is:</p>	<p>§ 609.231 <i>Mistreatment of Residents or Patients</i>. Owner, operator, or staff of a hospital, nursing home, or some other facilities licensed by the Department of Health, intentionally abuse, ill-treats, or culpably neglects a VA</p> <p>§ 609.233 <i>Criminal Neglect</i> -Subd. 1. A caregiver or operator who intentionally neglects a vulnerable adult; or knowingly permits conditions to exist that result in the abuse or neglect</p>
<p>(1) Reasonable and necessary to obtain or maintain the VA's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the VA.</p>	<p>Subd. 1(a) Felony Neglect - intentionally depriving a vulnerable adult of necessary food, clothing, shelter, health care, or supervision,</p>
<p>(b) (caregiver or self) The absence of care or services, such as food, clothing, shelter, health care, or supervision, necessary to maintain the physical and mental health of the VA, which a reasonable person would deem essential to maintain the VA's health, safety, or comfort, when considering the physical or mental capacity or dysfunction of the VA.</p>	<p>(1) the caregiver knows the deprivation could likely result in substantial bodily harm or great bodily harm to the vulnerable adult; or (2) the deprivation occurred over an extended period of time.</p>

## Financial Exploitation

Civil	Criminal
<p>Subd. 9 (a) In breach of a fiduciary obligation, a person:</p> <p>(2) fails to use the financial resources of the VA to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the VA and the failure results or is likely to result in detriment to the VA</p> <p>(1) engages in unauthorized expenditure of funds entrusted to the actor by the VA which results or is likely to result in detriment to the VA; or</p>	<p>§609.2335 - Subd. 1 (1) in breach of fiduciary obligation, intentionally:</p> <p>(i) Fails to use VAs the real or personal property or other financial resources to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for the VA</p> <p>(ii) Uses, manages, or takes either temporarily or permanently the real or personal property or other financial resources of VA for benefit of someone other than the VA</p> <p>(iii) deprives, temporarily or permanently a VA of the VA's real or personal property other financial resources for benefit of someone other than the VA.</p>
<p>(b) In the absence of legal authority a person:</p> <p>(3) acquires possession or control of, or an interest in, funds or property of a VA through the use of undue influence, harassment, duress, deception, or fraud; or</p> <p>(4) forces, compels, coerces or entices a VA against the VA's will to perform services for the profit or advantage of another.</p>	<p>Subd. 1(2) In the absence of legal authority</p> <p>(i) acquires possession or control of an interest in real or personal property or other financial resources of a VA through the use of undue influence, harassment, or duress</p> <p>(ii) forces, compels, coerces, or entices a VA against their will to perform services for the profit or advantage of another; or</p>

## Financial Exploitation

Civil	Criminal
<p>(b)(3) In the absence of legal authority a person: acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or</p> <p>(1) willfully uses, withholds, or disposes of funds or property of a VA</p> <p>(b)(2) In absence of legal authority obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;</p>	<p>§ 609.2335 Subd. 1(2) In the absence of legal authority: (iii) establishes a relationship with a fiduciary obligation to a VA by use of undue influence, harassment, duress, force, compulsion, coercion or other enticement.</p> <p>609.52 <i>Theft</i> Subd. 2(1) Intentionally takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property</p> <p>609.52 Subd. 2(3) Obtains for the actor or another the possession, custody, or title to property of or performance of services by a third person by intentionally deceiving the third person with a false representation, which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False Representation" includes without limitation: (i) check, draft, or order for payment, knowing actor is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or (ii) promise made with intent not to perform (ii) preparation or filing of a claim for reimbursement.</p> <p>§ 609.2336 <i>Deceptive or Unfair Trade Practices; Elderly or Disabled Victims.</i> Consumer fraud, deceptive trade practices, false advertising directed at more than one senior citizen or disabled person results in loss of income, residence, employment, property, retirement, government benefits, pension, or other assets essential to victim's health or welfare</p>

## Financial Exploitation

Civil	Criminal
Theft of VA's money, possessions, or property Using undue influence, harassment, deception or fraud to gain ownership or control over VA's money or personal property.	§609.52 <i>Theft</i>  Requires <i>intent</i> to <i>permanently</i> deprive or manifest indifference to the owner's rights for temporary deprivation. <b>Sentencing</b> is dependent on item stolen and/ or value of item
Stealing VA's medication / Drug Diversion	609.2335 <i>Financial Exploitation of a Vulnerable Adult</i> ; 609.233 <i>Criminal Neglect</i> ; 152.022-152.025 <i>Controlled Substance Crimes</i>
Forces VA to perform services for profit.	609.2335 <i>Financial Exploitation of a Vulnerable Adult</i> Subd. 2 (ii)
Acquiring possession or ownership or control of the VA's money or property including vehicle, home, real estate, TV or personal items.	609.2335 <i>Financial Exploitation of a Vulnerable Adult</i> Subd. 2 (i)

## Failure to Report

Civil	Criminal
§ 626.557, Subd. 7 - A mandated reporter who <i>intentionally</i> <b>or</b> <i>negligently</i> fails to report is liable for damages caused by the failure.	§ 609.234 - <i>Failure to Report</i> - Subd. 1 - Any mandated reporter who knows or has reason to believe that a vulnerable adult has been mistreated, and who: (1) intentionally fails to make a report; (2) knowingly provides false, deceptive, or misleading information; or (3) intentionally fails to provide all material circumstances surrounding the incident which are known to the reporter  Subd. 2 Increased penalty if: (1) the person knows the maltreatment caused or contributed to the death or great bodily harm of a vulnerable adult; and (2) failure to report causes or contributes to death or great bodily harm of a vulnerable adult, or protects the mandated reporter's interests

## Retaliation

Civil	Criminal
<p>§181.932 Disclosure of Information by Employees An employer cannot discharge, discipline, threaten, or penalize an employee because:</p> <p>Subd. (1) the employee in good faith reported a violation to a government or law enforcement official;</p> <p>Subd. (2) the employee is asked by a public office to participate in an investigation;</p> <p>Subd. (3) the employee refuses employer's order to perform an action that employee objectively believes violates a federal or state law;</p> <p>Subd. (4) employee in good faith reports violation of standard of quality of health care services provided by a health care facility, and potentially places the public at risk of harm</p>	<p>§609.748 <i>Harassment*</i>; §609.749 <i>Stalking*</i></p>
<p>Minnesota Human Rights Act (MHRA) Minn. Stat. §363A.15 Reprisals It is an unfair discriminatory practice for any individual who participated in alleged discrimination to engage in reprisal of any person because that person (1) opposed a forbidden practice or participated in an investigation of such practice.</p> <p>Reprisal includes any form of intimidation, retaliation or harassment. Also includes transferring to a lesser position in wage, hours, job classification or job security, or Informing another employer that the individual has engaged in these activities.</p>	<p>§609.748 <i>Harassment*</i>; §609.49 <i>Stalking*</i>; § Coercion, or § 609.275 <i>Attempt to Coerce</i></p> <p>§609.765 <i>Criminal Defamation*</i></p>

## Data Privacy

Subd. 5(d) Protection for Reporters - The identity of any reporter may not be disclosed

§13.82 Subd. 17(h) - *Protection of Identities* - A Law Enforcement Agency shall withhold public access to data on individuals to protect the identity of individuals, when such access would reveal the name of a mandated reporter.

*\*Definition of statute is found earlier in the document.*