

A Fact Sheet on
The Protection of Vulnerable Persons From Abuse or Neglect

What is The Vulnerable Persons Living with A Mental Disability Act?

On October 4, 1996, a law came into force in Manitoba called *The Vulnerable Persons Living with a Mental Disability Act*.

The Act was developed to promote and protect the rights of adults living with a mental disability who need assistance to meet their basic needs. The legislation recognizes these Manitobans as “vulnerable persons.”

The Act is based on the belief that vulnerable persons should have the opportunity to make their own decisions and direct their own lives, with support if necessary.

How does the Act protect vulnerable persons from abuse or neglect?

The Act provides a legislative framework for the protection of vulnerable persons from abuse or neglect. Specifically, the legislation requires the reporting of alleged abuse or neglect, the investigation of all allegations and, where warranted, protective action.

Are people legally obliged to report suspected abuse or neglect of a vulnerable person?

Yes. By law, service providers, substitute decision makers and committees must report to Department of Family Services and Consumer Affairs any knowledge or suspicion of abuse or neglect of the vulnerable persons they support.

Other members of the public are encouraged to report any suspicion of abuse or neglect of vulnerable persons, but are not required to do so by law.

In addition, any person may also make a report directly to the police. The police will do a preliminary investigation and determine if further investigation under the Criminal Code is warranted.

What does The Department of Family Services and Consumer Affairs do when it receives a report of abuse or neglect?

The Department of Family Services and Consumer Affairs must investigate every report of abuse or neglect. Designated departmental staff are authorized to conduct investigations. Their powers include authority to:

- visit and communicate with the vulnerable person;
- require any person to provide any information or produce any record or item in his or her custody that may be relevant to the investigation;
- request and review reports and information that may be relevant to the investigation; and
- based on the investigation and assessment, take appropriate action to protect the vulnerable person.

Where there is suspicion of abuse or neglect and staff are unable to gain access to the vulnerable person, the Department of Family Services and Consumer Affairs may apply to the court for an "Order for Entry." The Order authorizes designated departmental staff to enter any place in order to communicate with the vulnerable person, using the assistance of a peace officer if necessary.

What happens if a vulnerable person may be in immediate danger of serious harm or death from abuse or neglect? What can be done?

In such cases, the Act authorizes designated staff of The Department of Family Services and Consumer Affairs to immediately take emergency intervention action for up to 120 hours (5 days) to protect the vulnerable person. Emergency intervention may include the provision of emergency services and/or, if necessary, the removal of the vulnerable person to a place of safety.

What happens to the vulnerable person after the 120 hours or five days expire?

After 120 hours, if it is believed that the vulnerable person continues to be "at risk" of being abused or neglected, staff from The Department of Family Services and Consumer Affairs will continue to take action to protect the vulnerable person. Such services can include the provision of support services, applying for or altering the appointment of a substitute decision maker and/or requesting an investigation by the police.

Once the vulnerable person is safe from further or possible abuse or neglect, and before the expiration of the five days, an individual planning process needs to occur. The planning process provides a systematic means of identifying the actions to be taken to ensure that the potential abuse or neglect is eliminated and that other needs are considered.

Other fact sheets in this series:

- Supported Decision Making and Support Networks
- Support Services
- Individual Planning
- Substitute Decision Making

Additional information:

For more information about *The Vulnerable Persons Living with a Mental Disability Act*, contact your nearest regional office of The Department of Family Services and Consumer Affairs or the Office of the Vulnerable Persons' Commissioner:

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Thompson	(204) 677-6570
Flin Flon	(204) 687-1700
The Pas	(204) 627-8311

Parkland

Dauphin	(204) 622-2035
Swan River	(204) 734-3491

Eastman

Beausejour	(204) 268-6226
Steinbach	(204) 346-6390

Interlake (204) 785-5106

Westman (204) 726-6336

Toll Free: 1-800-230-1885

Central

Portage La Prairie	(204) 239-3092
Morden	(204) 822-2870

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