

Legal SCENE

By Ron Hocevar
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Civil actions can protect the vulnerable

When people think of the county attorney, they think of law and order and protecting citizens. Oftentimes, images are conjured of a courtroom with jurors seated in the jury box and witnesses testifying in a criminal court case. While the role of protecting citizens from crime and holding offenders accountable is certainly an important function of the county attorney, it is not the only way in which the county attorney protects the citizens of Scott County.

Besides prosecuting criminal cases, the county attorney protects vulnerable members of the community through the filing of civil court cases. Within our County's population, we have community members that sometimes need assistance beyond the safety nets offered through the programs of Health and Human Services. Individuals who are experiencing **chemical dependency and/or mental illness** may need the protection offered through a civil commitment. When the symptoms of mental illness and/or chemical dependency cause an individual to be a danger to themselves or others (as outlined under Minnesota law), the county attorney's office will file a civil commitment action in civil court. This is done in order to assist the individual in obtaining treatment and to help keep them safe from harm when the individual is unable to recognize their needs or follow through with obtaining what they need on their own accord.

A civil commitment action results in a court order that connects the citizen with ongoing treatment and support in an effort to help them get the symptoms of their illness or addiction stabilized and to assist them in working to manage their illness and/or dependency in the future. Only when the symptoms of mental illness and chemical dependency escalate to the point where they meet the threshold set forth under Minnesota law and create a danger for that individual or another member of the community may this remedy be used. Many individuals experience mental health symptoms and chemical addictions and are still able to live in the community without needing this intervention.

Protection of citizens also comes through guardianships and conservatorships for **vulnerable adults** within Scott County. Sometimes, individuals need assistance with making decisions about their medical care, contracts for their needs, decisions about their place of abode and property, and many times assistance with financial decisions as well. When adults are unable to make one or perhaps all of these decisions on their own -- and they do not have loved ones in the community to assist them or financial resources to pay for help with these decisions -- the County Attorney's Office will work in conjunction with the Scott County Health and Human Services Adult Protection Division to determine if the individual meets the legal definition under Minnesota law of being a vulnerable adult who is in need of protection through the court process. A vulnerable adult is most often defined under Minnesota law as *someone who is living in a licensed facility that serves adults or someone who has a home care provider or someone who possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs their ability to provide for their own care without assistance and because of the impairment they have an impaired ability to protect themselves from maltreatment.*

By working through the civil court system to file a guardianship and/or conservatorship action, a court order is put in place granting a third party the legal authority to make decisions on behalf of the adult who needs assistance. The court appointed guardian/conservator is tasked with taking into consideration the reasonable wishes of the vulnerable adult and then making decisions that are in the best interest of that individual. The guardian/conservator must weigh and balance all risks and benefits for the vulnerable adult when making decisions and is also asked to find services that provide and support the care that the vulnerable adult needs.

Unlike criminal court proceedings, the civil court interventions **do not** involve punishment for the parties involved. The goal of the civil proceeding is to help the individual get the assistance they need, whether it be with medication, treatment, or decision making. The court process itself serves as independent oversight to make sure the assistance is needed and that it is able to be conducted without legal barriers preventing it from taking place.

Mental illness is a big concern in the United States and throughout the world. We are currently working on many programs to keep individuals who have a mental illness from entering the criminal justice system. If any citizen has concerns and/or questions regarding mental illness or guardianship, you can contact Jody Kieser Kisting in the County Attorney's Office. Additional information can be obtained by contacting the National Alliance on Mental Illness at www.namihelps.org or 1-888-NAMI-HELPS.

Prevent dating violence

February is **Teen Dating Violence Awareness Month**. Dating violence is a pattern of destructive behaviors used to exert power and control over a partner. While we define dating violence as a pattern, that *doesn't* mean the first instance of abuse is not dating violence. It just recognizes that dating violence usually involves a series of abusive behaviors over a course of time and always involves emotional violence. Relationships exist on a spectrum, and it can be hard to tell when a behavior crosses the line from healthy to unhealthy -- or even abusive. Below is a list of red flags of an abusive partner:

- Checking your cell phone or email without permission
- Constantly putting you down

- Extreme jealousy or insecurity
- Explosive temper
- Isolating you from family or friends
- Making false accusations
- Mood swings
- Physically hurting you in any way
- Possessiveness/jealousy
- Telling you what to do
- Pressuring or forcing you into unwanted sexual relations

You can also visit www.svabw.org to take our quiz "How Healthy Is Your Relationship?" If you or someone you know is suffering from this violence, please call Southern Valley Alliance for Battered Women's 24-hour crisis line at (952) 873-4214.

Be aware of Social Security scams to get information

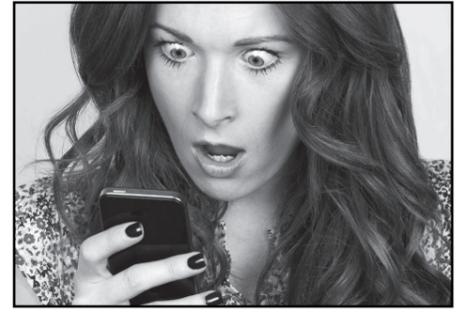
Be aware of this growing scam: People pretend to be from the Social Security Administration (SSA) and try to get your Social Security number or your money. That scam is now growing exponentially. To compare: In 2017, the Federal Trade Commission (FTC) heard from 3,200 people about SSA imposter scams, and those people reported losing nearly \$210,000. In 2018, more than 35,000 people have reported the scam, and they report losing about \$10 million.

Scammers are saying your Social Security number (SSN) has been suspended because of suspicious activity, or because it's been involved in a crime. Sometimes, the scammer wants you to confirm your SSN to reactivate it. Sometimes, he'll say your bank account is about to be seized -- but he'll tell you what to do to keep it safe. (Often, that involves putting your money on gift cards and giving him the codes -- which, of course, means that your money is gone.)

Oh, and your caller ID often shows the real SSA phone number (1-800-772-1213) when these scammers call -- but they're faking that number. It's not the real SSA calling.

Here's what to know:

- **Your Social Security number is not about to be suspended.** You don't have to verify your number to anyone who calls out of the blue. And your bank accounts are not about to be seized.
- **SSA will never call to threaten your benefits** or tell you to wire



money, send cash, or put money on gift cards. Anyone who tells you to do those things is a scammer.

Every time.

- The real SSA number is 1-800-772-1213, but scammers are putting that number in the caller ID. If you're worried about what the caller says, **hang up and call 1-800-772-1213** to speak to the real SSA. Even if the wait time is long, confirm with the real SSA before responding to one of these calls.
- **Never give any part of your Social Security number** to anyone who contacts you. Or your bank account or credit card number.

If you get one of these calls, tell the FTC at ftc.gov/complaint.

If you have any questions, please feel free to contact Shawna Faith Thompson, U of MN Extension Financial Capability Educator, at (952) 492-5383 or via email at shawnaft@umn.edu.

Source: <https://www.consumer.ftc.gov/blog/2018/12/what-social-security-scam-sounds>



Scott County Residents Survey now available online

Many Scott County residents are familiar with the County's Residents Survey, generally administered once every three years, and 2019 is one of those years! The purposes of administering this scientifically valid survey are many: First, to gauge residents' opinions, perceptions, and values. Second, the results of the survey help the County establish priority issues, programs, and services that are aligned with the expressed priorities of the larger community. Third, it gives the County a snapshot of what we're doing well, and what we need to improve.

Typically, the surveys are mailed out to randomly selected households (500 in each Commissioner District) with an online option for those who find it more convenient. This year, however, Scott County is also offering an open online option available to every member of the public -- just go to www.scottcountymn.gov and follow the link in the main page of the website. While the "open online" results will not be considered statistically valid -- that requires many steps, such as randomization, adjusted weighting, and a lot of other fun math stuff -- the County is interested to hear from everyone about the issues that are (or aren't!) important to our residents.

So if you've received and submitted a written survey, thank you! If you weren't one of the lucky ones randomly chosen, do consider providing us your input at www.scottcountymn.gov.