

Adult Protective Services Laws: Statutory Citations

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Overview

This document, which is based on information current at the end of August 2005, is an adapted version of a chart prepared for the National Center on Elder Abuse (NCEA) and is used with permission. Updates to this chart and additional information about adult protective services laws and other statutes related to elder abuse and guidance for accessing these statutes may be found on the NCEA Web site, <http://www.elderabusecenter.org>.

Adult Protective Services Laws

All 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands have enacted legislation authorizing the provision of adult protective services (APS) in cases of elder abuse. Generally, these APS laws establish a system for the reporting and investigation of elder abuse and for the provision of social services to help the victim and ameliorate the abuse. In most jurisdictions, these laws pertain to abused adults who have a disability/vulnerability/ impairment as defined by state law, not just to older persons. Some states, however, have distinct elder protective services laws or programs and this chart indicates those jurisdictions.

These statutes vary widely in: the age at or circumstances under which a victim is eligible to receive protective services; the definition of abuse; types of abuse, neglect and exploitation that are covered; classification of the abuse as criminal or civil; reporting (mandatory or voluntary); investigation responsibility and procedures; and remedies for abuse.

Some state APS laws only relate to individuals who reside in the community (what is called "domestic abuse"), while other APS laws also include individuals who reside in long term care facilities (known as "institutional abuse"). States may define long term care facility (LTCF) differently; moreover, some states include other types of institutions (such as mental health facilities) in their statutes also.

Institutional Abuse Laws

In some states, APS investigates allegations of abuse, neglect or exploitation against individuals who reside in the community and a separate law addresses institutional abuse. There are also a few states in which there is no separate institutional abuse law, but the APS law provides that a state agency other than APS is responsible for receiving reports about and investigating institutional abuse.

Adult Protective Services Laws: Statutory Citations

STATUTORY CITATIONS

Alabama

APS: Ala. Code § 38-9-1 et seq.
Inst. Abuse: N/A

Alaska

APS: Alaska Stat. § 47.24.010 et seq.
Inst. Abuse: N/A

Arizona

APS: Ariz. Rev. Stat. Ann. § 46-451 et seq.
Inst. Abuse: N/A

Arkansas

APS: Ark. Code Ann. § 12-12-1701 et seq. (these provisions relate to reporting and investigation) & Ark. Code Ann. § 9-20-101 et seq. (these provisions authorize APS to take victims into protective custody)
Inst. Abuse: Ark. Code § 12-12-1701 et seq.

California

APS: Cal. Welf. & Inst. Code § 15600 et seq. (encompasses the Elder Abuse And Dependent Adult Civil Protection Act in Chapter 11 and the Adult Protective Services in Chapter 13)
Inst. Abuse: N/A

Colorado

APS: Colo. Rev. Stat. Ann. § 26-3.1-101 et seq.
Inst. Abuse: N/A

Connecticut

APS: Conn. Gen. Stat. Ann. § 17b-450 et seq.
Inst. Abuse: N/A

Delaware

APS: Del. Code Ann. tit. 31, § 3901 et seq.
Inst. Abuse: Del. Code Ann. tit. 16, § 1131 et seq.

District of Columbia

APS: D.C. Code Ann. § 7-1901 et seq.
Inst. Abuse: N/A

Florida

APS: Fla. Stat. Ann. § 415.101 et seq.
Inst. Abuse: N/A

Georgia

AP : Ga Code Ann. § 30-5-1 et seq.
Inst. Abuse: Ga. Code Ann. § 31-8-80 et seq.

Guam

APS: 10 Guam Code Ann. § 2950 et seq.
Inst. Abuse: N/A

Hawaii

APS: Haw. Rev. Stat. § 346-221 et seq.
Inst. Abuse: N/A

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Idaho

APS: Idaho Code § 39-5301 et seq.

Inst. Abuse: N/A

Illinois

APS: 320 Ill. Comp. Stat. 20/1 et seq.

Inst. Abuse: 210 Ill. Comp. Stat. 30/1 et seq.

Indiana

APS: Ind. Code Ann. § 12-10-3-1 et seq.

Inst. Abuse: N/A

Iowa

APS: Iowa Code Ann. § 235B.1 et seq.

Inst. Abuse: Iowa Code Ann. § 10A.101 et seq.

Kansas

APS: Kan. Stat. Ann. § 39-1430 et seq.

Inst. Abuse: Kan. Stat. Ann. § 39-1401 et seq.

Kentucky

APS: Ky. Rev. Stat. Ann. § 209.005 et seq.

Inst. Abuse: N/A

Louisiana

APS: La. Rev. Stat. Ann. § 14:403.2 et seq.

Inst. Abuse: N/A

Maine

APS: Me. Rev. Stat. Ann. tit. 22, § 3470 et seq.

Inst. Abuse: N/A

Maryland

APS: Md. Code Ann., Fam. Law § 14-101 et seq.

Inst. Abuse: Md. Code Ann., Health §19-347

Massachusetts

APS: Mass. Gen. Laws Ann. ch. 19A, § 14 et seq. (these provisions apply to persons who are sixty years of age or over) & Mass. Gen. Laws ch. 19C, § 1 (these provisions only apply to persons with disabilities)

Inst. Abuse: N/A

Michigan

APS: Mich. Comp. Laws Ann. § 400.11 et seq.

Inst. Abuse: Mich. Comp. Laws Ann. § 400.11f

Minnesota

APS: Minn. Stat. Ann. § 626.557 et seq.

Inst. Abuse: N/A

Mississippi

APS: Miss. Code Ann. § 43-47-1 et seq.

Inst. Abuse: N/A

Missouri

APS: Mo. Ann. Stat. § 660.250 et seq. (these provisions apply only to persons who are unable to protect their own interests or adequately perform or obtain services necessary to meet their essential human needs and are either: (1) sixty or older, or (2) between eighteen and fifty-nine and have a disability) & § 660.300 et seq.

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(these provisions apply only to individuals who are receiving “in home services” as defined by § 660.250(9))

Inst. Abuse: Mo. Ann. Stat. § 198.070

Montana

APS: Mont. Code Ann. § 52-3-801 et seq.

Inst. Abuse: N/A

Nebraska

APS: Neb. Rev. Stat. § 28-348 et seq.

Inst. Abuse: N/A

Nevada

APS: Nev. Rev. Stat. Ann. § 200.5091 et seq.

Inst. Abuse: N/A

New Hampshire

APS: N.H. Rev. Stat. Ann. § 161-F:42 et seq.

Inst. Abuse: N/A

New Jersey

APS: N.J. Stat. Ann. § 52:27D-406 et seq.

Inst. Abuse: N.J. Stat. Ann. § 52:27G-7.1

New Mexico

APS: N.M. Stat. Ann. § 27-7-14 et seq.

Inst. Abuse: N/A

New York

APS: N.Y. Soc. Serv. Law, Art. 9B, § 473 et seq.

Inst. Abuse: N/A

North Carolina

APS: N.C. Gen. Stat. § 108A-99 et seq.

Inst. Abuse: N/A

North Dakota

APS: N.D. Cent. Code § 50-25.2-01 et seq.

Inst. Abuse: N/A

Ohio

APS: Ohio Rev. Code Ann. § 5101.60 et seq.

Inst. Abuse: Ohio Rev. Code Ann. § 3721.21 et seq.

Oklahoma

APS: Okla. Stat. Ann. tit. 43A, § 10-101 et seq.

Inst. Abuse: N/A

Oregon

APS: Or. Rev. Stat. §124.005 et seq. (these provisions apply to persons 65 or older who are not residents of long-term care facilities) & Or. Rev. Stat. § 430.735 et seq. (these provisions apply only to persons 18 or older who are mentally ill or developmentally disabled and receive services from a community program or facility)

Inst. Abuse: Or. Rev. Stat. § 441.630 et seq.

Pennsylvania

APS: 35 Pa. Cons. Stat. Ann. § 10225.101 et seq.

Inst. Abuse: N/A

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Puerto Rico

APS: 8 P.R. Laws Ann. § 341 et seq.

Inst. Abuse: N/A

Rhode Island

APS: R.I. Gen. Laws § 42-66-4.1 et seq.

Inst. Abuse: R.I. Gen. Laws § 23-17.8-1 et seq.

South Carolina

APS: S.C. Code Ann. § 43-35-5 et seq.

Inst. Abuse: S.C. Code Ann. § 43-35-15

South Dakota

APS: S.D. Codified Laws Ann. § 22-46-1 et seq.

Inst. Abuse: N/A

Tennessee

APS: Tenn. Code Ann. § 71-6-101 et seq.

Inst. Abuse: N/A

Texas

APS: Tex. Hum. Res. Code Ann. § 48.001 et seq.

Inst. Abuse: Tex. Health & Safety Code Ann. § 242.122

Utah

APS: Utah Code Ann. § 62A-3-301 et seq.

Inst. Abuse: N/A

Vermont

APS: Vt. Stat. Ann. tit. 33, § 6901 et seq.

Inst. Abuse: N/A

Virgin Islands

APS: 34 V.I. Code Ann. § 451 et seq.

Inst. Abuse: N/A

Virginia

APS: Va. Code Ann. § 63.2-1603 et seq.

Inst. Abuse: N/A

Washington

APS: Wash. Rev. Code Ann. § 74.34.005 et seq.

Inst. Abuse: N/A

West Virginia

APS: W.Va Code § 9-6-1 et seq.

Inst. Abuse: N/A

Wisconsin

APS: Wis. Stat. Ann. § 46.90 (these provisions apply to persons who are 60 or older or who are subject to the infirmities of aging) & § 55.001 et seq. (these provisions apply to adults with disabilities)

Inst. Abuse: N/A

Wyoming

APS: Wyo. Stat. Ann. § 35-20-101 et seq.

Inst. Abuse: N/A