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.
## 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**
- 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)

**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**
- Inst. Abuse: N/A

**Connecticut**
- Inst. Abuse: N/A

**Delaware**

**District of Columbia**
- Inst. Abuse: N/A

**Florida**
- Inst. Abuse: N/A

**Georgia**
- AP: Ga Code Ann. § 30-5-1 et seq.

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

**Hawaii**
- 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.

Kansas

Kentucky
  Inst. Abuse: N/A

Louisiana
  Inst. Abuse: N/A

Maine
  Inst. Abuse: N/A

Maryland

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

Minnesota
  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))

Montana
APS: Mont. Code Ann. § 52-3-801 et seq.
Inst. Abuse: N/A

Nebraska
Inst. Abuse: N/A

Nevada
Inst. Abuse: N/A

New Hampshire
Inst. Abuse: N/A

New Jersey

New Mexico
Inst. Abuse: N/A

New York
APS: N.Y. Soc. Serv. Law, Art. 9B, § 473 et seq.
Inst. Abuse: N/A

North Carolina
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.

Oklahoma
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)

Pennsylvania
Inst. Abuse: N/A
## Adult Protective Services Laws: Statutory Citations

<table>
<thead>
<tr>
<th>State</th>
<th>APS</th>
<th>Institution Abuse</th>
<th>Notes</th>
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<tbody>
<tr>
<td><strong>Puerto Rico</strong></td>
<td>8 P.R. Laws Ann. § 341 et seq.</td>
<td>N/A</td>
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<tr>
<td><strong>South Carolina</strong></td>
<td>S.C. Code Ann. § 43-35-5 et seq.</td>
<td>N/A</td>
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<tr>
<td><strong>South Dakota</strong></td>
<td>S.D. Codified Laws Ann. § 22-46-1 et seq.</td>
<td>N/A</td>
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<tr>
<td><strong>Tennessee</strong></td>
<td>Tenn. Code Ann. § 71-6-101 et seq.</td>
<td>N/A</td>
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<td><strong>Utah</strong></td>
<td>Utah Code Ann. § 62A-3-301 et seq.</td>
<td>N/A</td>
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<tr>
<td><strong>Vermont</strong></td>
<td>Vt. Stat. Ann. tit. 33, § 6901 et seq.</td>
<td>N/A</td>
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<td><strong>Virgin Islands</strong></td>
<td>34 V.I. Code Ann. § 451 et seq.</td>
<td>N/A</td>
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<td><strong>Virginia</strong></td>
<td>Va. Code Ann. § 63.2-1603 et seq.</td>
<td>N/A</td>
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<td><strong>Washington</strong></td>
<td>Wash. Rev. Code Ann. § 74.34.005 et seq.</td>
<td>N/A</td>
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<td><strong>West Virginia</strong></td>
<td>W.Va Code § 9-6-1 et seq.</td>
<td>N/A</td>
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<td><strong>Wisconsin</strong></td>
<td>Wis. Stat. Ann. § 46.90 (these provisions apply to persons who are 60 or older or who are subject to the infirmities of aging) &amp; § 55.001 et seq. (these provisions apply to adults with disabilities)</td>
<td>N/A</td>
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