

**REPORTS AND REFERRALS TO LAW ENFORCEMENT:
PROVISIONS AND CITATIONS IN ADULT PROTECTIVE SERVICES LAWS, BY STATE**

(Laws current as of 12/31/06)

Prepared by Lori Stiegel and Ellen Klem of the American Bar Association Commission on Law and Aging¹ for the National Center on Elder Abuse²

Copyright © American Bar Association Commission on Law and Aging (2007)

Research conducted on Westlaw compliments of West Group

CAUTION: Read the explanation of this chart before relying upon the chart. You can find the explanation online at
<http://www.abanet.org/aging/about/elderabuse.shtml>.

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|--|---|--|
| Alabama | “An oral report, by telephone or otherwise, shall be made immediately, followed by a written report, to the county department of human resources or to the chief of police of the city or city and county, or to the sheriff of the county if the observation is made in an unincorporated territory, except that reports of a nursing home employee who abuses, neglects, or misappropriates the property of a nursing home resident shall be made to the Department of Public Health.” Ala. Code § 38-9-8(a)(1) | There is no statutory provision. |
| Alaska | “If a person making a report under this section believes that immediate action is necessary to protect the vulnerable adult from imminent risk of serious physical harm due to abandonment, exploitation, abuse, neglect, or self-neglect and the reporting person cannot immediately contact the department's central information and referral service for vulnerable adults, the reporting person may make the report to a police officer or a village public safety officer.” Alaska Stat. § 47.24.010(e) | “If the department has probable cause to believe that the vulnerable adult [who has refused protective services] is in need of protective services ... (2) the department or its designee may refer the report made to the department under AS 47.24.010 to a police officer for criminal investigation.” Alaska Stat. § 47.24.015(c)(2) |
| Arizona | Reports shall be made “immediately” either “to a peace officer or to a protective services worker.” Ariz. Rev. Stat. Ann. § 46-454(A). | There is no statutory provision. |
| Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 (<i>relating</i> | “A report of a maltreated adult who does not reside in a long-term care facility shall be made to the adult and long-term care facility maltreatment hotline.” Ark. Code Ann. § 12-12-1708(b)(2) | “When appropriate, a copy of the initial report shall immediately be made available to the appropriate law enforcement agency for its consideration.” Ark. Code Ann. § 12-12-1707(b) |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|---|--|--|
| <i>to reporting & investigation)</i> | | |
| Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9-20-121 (<i>authorizing APS to take victims into protective custody</i>) | This Act does not contain any provisions related to reporting. | This Act does not contain any provisions related to reporting. |
| California | Mandated reporters “shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days, as follows: (C) If the abuse has occurred any place other than [a long-term care facility, state mental health hospital, or state developmental center], the report shall be made to the adult protective services agency or the local law enforcement agency.” Calf. Welf. & Inst. Code §15630(b)(1)(A) | “An adult protective services agency shall immediately, or as soon as practically possible, report by telephone to the law enforcement agency having jurisdiction over the case any known or suspected instance of criminal activity, and to any public agency given responsibility for investigation in that jurisdiction of cases of elder and dependent adult abuse, every known or suspected instance of abuse pursuant to Section 15630 of an elder or dependent adult.” Calf. Welf. & Inst. Code § 15640(a)(1) |
| Colorado | NOTE: Colorado is a voluntary reporting state. Reports are “to be made within twenty-four hours to the county department or during non-business hours to a local law enforcement agency....” Colo. Rev. Stat. Ann. § 26-3.1-102(1)(a) | “A copy of the report prepared by the county department in accordance with subsections (1) and (2) of this section shall be forwarded within twenty-four hours to the district attorney's office and the local law enforcement agency. A report prepared by the local law enforcement agency shall be forwarded within twenty-four hours to the county department and to the district attorney's office.” Colo. Rev. Stat. Ann. § 26-3.1-102(1)(c)(3) |
| Connecticut | Reports are to be made not later than 72 hours after such suspicion or belief arose, to “the Commissioner of Social Services or to the persons or persons designated by the Commissioner to receive such reports.” Conn. Gen. Stat. Ann. § 17b-451(a) | There is no statutory provision. |
| Delaware | “Any person having reasonable cause to believe that an adult person is infirm or incapacitated as defined in § 3902 of this title and is in need of protective services as defined in § 3904 of this title shall report such information to the | There is no statutory provision. |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|----------------------|--|---|
| | Department of Health and Social Services.” Del. Code Ann., tit. 31 § 3910(a) | |
| District of Columbia | “A report made pursuant to this section may be either oral or written and shall be transmitted to the division within the Department designated by the Mayor to receive these reports.” D.C. Code Ann. § 7-1903(c) | “If a report alleges the existence of an immediate, substantial risk of life-threatening harm to an adult in need of protective services, the Department shall immediately notify the police, who shall conduct a prompt investigation to determine the need for police intervention.” D.C. Code Ann. § 7-1904(a)(3) |
| Florida | Reporters “shall immediately report such knowledge or suspicion to the central abuse hotline.” Fla. Stat. Ann. § 415.1034(1)(a) | <p>“If, during the course of investigation, the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate law enforcement agency and state attorney shall be orally notified.” Fla. Stat. Ann. § 415.104(1)</p> <hr/> <p>Additionally, “Any person who is required to investigate reports of abuse, neglect, or exploitation and who has reasonable cause to suspect that a vulnerable adult died as a result of abuse, neglect, or exploitation shall immediately report the suspicion to the appropriate medical examiner, to the appropriate criminal justice agency, and to the department, notwithstanding the existence of a death certificate signed by a practicing physician.” Fla. Stat. Ann. § 415.1034(2)</p> |
| Georgia | Reports are to be made “to an adult protection agency..., or if such agency is unavailable, to an appropriate law enforcement agency or prosecuting attorney.” GA Code Ann. § 30-5-4(b)(1) | “If a report of a disabled adult or elder person abuse is made to an adult protection agency or independently discovered by the agency and the agency has reasonable cause to believe such report is true, then the agency shall immediately notify the appropriate law enforcement agency or prosecuting attorney.” GA Code Ann. § 30-5-4(b)(1) |
| Guam | Reports are to be made “immediately...to the Adult Protective Services Unit” 10 Guam Code Ann. § 2952(a) | There is no statutory provision. |
| Hawaii | Reporters “shall promptly report the matter orally to the department of human services.” Haw. Rev. Stat. § 346-224(a) | There is no statutory provision. |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|----------|--|--|
| Idaho | Reporters “shall immediately report such information to the commission ... [and] (W)here there is reasonable cause to believe that abuse or sexual assault has resulted in death or serious physical injury jeopardizing the life, health or safety of a vulnerable adult, any person required to report under this section shall also report such information within four (4) hours to the appropriate law enforcement agency.” Idaho Code § 39-5303(1) | “If as a result of the investigation initiated under the provisions of this chapter, it appears that the abuse, neglect, or exploitation has caused injury or a serious imposition on the rights of the vulnerable adult, the commission shall immediately notify the appropriate law enforcement agency....” Idaho Code § 39-5310(1) |
| Illinois | Reports are to be made within 24 hours “to an agency designated to receive such reports under this Act or to the Department [on Aging].” 320 Ill. Comp. Stat. 20/4(a-5) | <p>“If, after the assessment, the provider agency determines that the case is substantiated it shall develop a service care plan for the eligible adult” and may report its findings to the appropriate law enforcement agency in accord with established law and Department protocols, procedures, and policies. 320 Ill. Comp. Stat. 20/5(a)</p> <hr/> <p>“A provider agency shall refer evidence of crimes against an eligible adult to the appropriate law enforcement agency according to Department policies. A referral to law enforcement may be made at intake or any time during the case.” 320 Ill. Comp. Stat. 20/5(b)</p> <hr/> <p>“Where a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;” 320 Ill. Comp. Stat. 20/8(2)</p> |
| Indiana | “Each endangered adult report made under this chapter shall be communicated immediately to at least one (1) of the following: (1) The adult protective services unit. (2) A law enforcement agency. (3) The division by telephone on the statewide toll free telephone number established under section 12 of this chapter.” Ind. Code Ann. § 12-10-3-10(a) | <p>“If the adult protective services unit has reason to believe that an individual is an endangered adult, the adult protective services unit shall do the following: (1) investigate the complaint or cause the complaint to be investigated by a law enforcement or other agency and make a determination as to whether the individual is an endangered adult....” Ind. Code Ann. § 12-10-3-8</p> <hr/> <p>“If it appears that the immediate health or safety of an</p> |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|-----------|---|---|
| | | endangered adult is in danger, the division or adult protective services unit shall immediately refer the matter to the appropriate law enforcement agency and shall assist the law enforcement agency as requested by that agency.” Ind. Code Ann. § 12-10-3-18 |
| Iowa | Reporters “shall report suspected dependent adult abuse to the department.” Iowa Code Ann. § 235B.3(2) | “If the department’s assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agency.” Iowa Code Ann. § 235B.3(7) |
| Kansas | “Reports shall be made to the department of social and rehabilitation services during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time social and rehabilitation services are not in operation. Law enforcement shall submit the report and appropriate information to the department of social and rehabilitation services on the first working day that social and rehabilitation services is in operation after receipt of such information.” Kan. Stat. Ann. § 39-1431(a) | “When a criminal act has occurred or has appeared to have occurred, [the department of social and rehabilitation services shall] immediately notify, in writing, the appropriate law enforcement agency.” Kan. Stat. Ann. § 39-1433(a)(1) |
| Kentucky | Reports are to be made “immediately” to the Cabinet for Health and Family Service. Ky. Rev. Stat. Ann. § 209.030(3) | “Upon receipt of the report, the cabinet [for Health and Family] shall conduct an initial assessment and take the following action: (a) Notify within twenty-four (24) hours of the receipt of the report the appropriate law enforcement agency. If information is gained through assessment or investigation relating to emergency circumstances or a potential crime, the cabinet shall immediately notify and document notification to the appropriate law enforcement agency” Ky. Rev. Stat. Ann. § 209.030(5) |
| Louisiana | “Reports reflecting the reporter's belief that an adult has been abused or neglected shall be made to any adult protection agency or to any local or state law enforcement agency.” La. Rev. Stat. Ann. § 14:403.2D(1) | “When the appropriate adult protection agency receives a report of sexual or physical abuse, whether directly or by referral, the agency shall notify the chief law enforcement agency of the parish in which the incident is alleged to have occurred of such report.” La. Rev. Stat. Ann. § 14:403.2D(4) |
| Maine | “Reports regarding abuse, neglect or exploitation must be | “Upon finding evidence that a person has abused, neglected |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|---|---|---|
| | made immediately by telephone to the department and must be followed by a written report within 48 hours if requested by the department.” Me. Rev. Stat. Ann. tit 22, § 3477(2) | or exploited an incapacitated or dependent adult, resulting in serious harm, the department shall notify the district attorney or law enforcement agency.” Me. Rev. Stat. Ann. tit. 22, § 3485 |
| Maryland | Reporters shall “notify the local department [of the Department of Social Services].” Md. Code Ann., Fam. Law § 14-302(a)(1) | <p>The local departments shall “report to the appropriate law enforcement agency any incident of abuse, neglect, or exploitation of an alleged vulnerable adult where the possibility of a crime being committed against the vulnerable person is indicated by information provided in the initial report to the local department or by information obtained in the course of the investigation.” Md. Code Ann., Fam. Law § 14-305(3)</p> <hr/> <p>The local department shall “send to the local State’s Attorney and the appropriate local law enforcement agency a report of the investigation of any incident of abuse, neglect, or exploitation of an alleged vulnerable adult which was or should have been reported to the appropriate local law enforcement agency under paragraph (3) of this section.” Md. Code Ann., Fam. Law § 14-305(4)</p> |
| Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 <i>(applicable to persons who are 60 or older)</i> | Reporters “shall immediately make a verbal report of such information or cause a report to be made to the department [of elder affairs] or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.” Mass. Gen. Laws Ann. ch. 19A § 15(a) | There is no statutory provision. |
| Massachusetts (APS) Mass. Gen. Laws Ann. ch. 19C, §§ 1 – 13 <i>(applicable to persons with disabilities)</i> | <p>“Except when prevented by the constraints of professional privilege as hereinafter provided, mandated reporters shall notify the commission orally of any reportable condition immediately upon becoming aware of such condition and shall report in writing within forty-eight hours after such oral report.” Mass. Gen. Laws Ann. ch. 19C § 10</p> <hr/> <p>“Upon the death of any disabled person whose caretaker was a state agency or an agency of any subdivision of the</p> | “Upon receipt of a report of abuse of a disabled person where the screener, in accordance with written standards established by the commission, determines that the report may contain allegations of criminal conduct, the screener shall immediately refer such report to the special investigative unit [which is composed of at least five state police officers] which shall conduct an initial evaluation and investigation of the alleged criminal conduct and, upon completion of such evaluation and investigation, shall report |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|--|---|---|
| | commonwealth or a private agency contracting with the commonwealth, said caretaker agency shall immediately orally notify the commission and local law enforcement officials of such death, and shall forward to the commission and local law enforcement officials a written report of such death within twenty-four hours of the death....” Mass. Gen. Laws Ann. ch. 19C § 13 | the results of such evaluation and investigation to the commissioners who shall, if the special investigative unit has determined that there is reason to believe that a criminal offense has been committed, immediately refer such report, together with any relevant information obtained in such initial investigation, to the attorney general or a district attorney for the county wherein the alleged criminal offense occurred...” Mass. Gen. Laws Ann. ch. 19C § 4(c) |
| Michigan | “...shall make immediately, by telephone or otherwise, an oral report to the county department of social services of the county in which the abuse, neglect, or exploitation is suspected of having or believed to have occurred. After making the oral report, the reporting person may file a written report with the county department.” Mich. Comp. Laws Ann. § 400.11a(1) | “The county department shall report to a police agency any criminal activity that it believes to be occurring, upon receipt of the oral report.” Mich. Comp. Laws Ann. § 400.11a(5) |
| Minnesota | There is no statutory provision. | “The common entry point [for reports of abuse] shall immediately report to a law enforcement agency any incident in which there is reason to believe a crime has been committed.” Minn. Stat. Ann. § 626.557, subd. 9(d) |
| Mississippi | Reporters “shall immediately report such knowledge or suspicion to the Department of Human Services or to the county department of human services where the vulnerable adult is located:” Miss. Code Ann. § 43-47-7(1)(a) | There is no statutory provision. |
| Missouri #1 Mo. Ann. Stat. §§ 660.250 – 660.295 <i>(applicable 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) 60</i> | “Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm and is in need of protective services shall report such information to the department [of Social Services].” Mo. Ann. Stat. § 660.255(1) | “Upon receipt of a report that an eligible adult between the ages of eighteen and fifty-nine is facing a likelihood of serious physical harm, the department shall: (1) investigate or refer the report to appropriate law enforcement or state agencies; and (2) provide services or refer to local community or state agencies.” Mo. Ann. Stat. § 660.261 |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|--|---|---|
| <i>or older, or (2) between 18 and 59 and have a disability)</i> | | |
| <p>Missouri #2 Mo. Ann. Stat. §§ 660.300 – 660.321 <i>(these provisions are applicable only to individuals who are receiving “in home services” as defined by § 660.250(9) “through any in-home services provider agency” as defined by § 660.250(11). Missouri does not have two statutes. We established this construct to distinguish in the charts between the provisions applicable to individuals who are receiving in home services and those who are not. The statute indicated that the definitions contained in 660.250 apply to what we have labeled as Missouri #2; 660.300 – 660.321.)</i></p> | <p>If a mandatory reporter “has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department.” Mo. Ann. Stat. § 660.300</p> | <p>“Upon receipt of a report, the department shall immediately initiate an investigation and report information gained from such investigation to appropriate law enforcement authorities.” Mo. Ann. Stat. § 660.305(4)</p> |
| Montana | Reports can be made to “(i) the department [of public health and human services] or its local affiliate; or (ii) the county | There is no statutory provision. |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|----------|---|--|
| | <p>attorney of the county in which the person resides or in which the acts which are the subject of the report occurred;" Mont. Code Ann. § 52-3-811(1)(a)</p> <hr/> <p>"...if the person is a resident of a long-term care facility, report the matter to the long-term care ombudsman appointed under the provisions of 42 U.S.C. 3027(a)(12) and to the department [of public health and human services]." Mont. Code Ann. § 52-3-811(1)(b)</p> | |
| Nebraska | <p>Reports can "be made to the appropriate law enforcement agency or to the department [of health and human services]." Neb. Rev. Stat. § 28-372(1)</p> | <p>"A report of abuse made to the department which was not previously made to or by a law enforcement agency shall be communicated to the appropriate law enforcement agency by the department no later than the next working day by telephone or by mail." Neb. Rev. Stat. § 28-372(4)</p> <hr/> <p>"The department shall make a written report or case summary to the appropriate law enforcement agency and to the registry of all reported cases of abuse and action taken." Neb. Rev. Stat. § 28-374(3)</p> |
| Nevada | <p>"Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:</p> <p>(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:</p> <p>(1) The local office of the Aging Services Division of the Department of Health and Human Services;</p> <p>(2) A police department or sheriff's office;</p> <p>(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or</p> <p>(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and</p> <p>(b) Make such a report as soon as reasonably practicable but</p> | <p>There is no statutory provision.</p> |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|---------------|---|--|
| | not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.” Nev. Rev. Stat. Ann. § 200.5093(1) | |
| New Hampshire | An oral report is to be made immediately and “[w]hen oral reports are made after working hours of the department, or weekends or holidays, such reports shall be made to the police department of the appropriate political subdivision, or to the sheriff of the county.” N.H. Rev. Stat. Ann. § 161-F:46(I) | “The commissioner or his authorized representative shall refer all cases of serious bodily injury to an incapacitated adult known or suspected to be the result of abuse, neglect, or exploitation to local law enforcement, the department of justice, or to the county attorney for possible criminal prosecution. The commissioner or his authorized representative shall also report other cases of abuse, neglect, or exploitation to local law enforcement, the department of justice, or the office of the county attorney for possible criminal prosecution if there is reason to believe a crime has been committed.” N.H. Rev. Stat. Ann. § 161-F:51(II) |
| New Jersey | NOTE: New Jersey is a voluntary reporting state. Reports are to be made “to the county adult protective services provider.” N.J. Stat. Ann. § 52:27D-409(a) | “If the county director or his designee has reasonable cause to believe that a caretaker or other person has committed a criminal act against a vulnerable adult including, but not limited to, P.L.1989, c. 23 (C. 2C:24-8), he shall immediately report the information to local law enforcement officials or the prosecutor of the county in which the alleged criminal act was committed.” N.J. Stat. Ann. § 52:27D-419 |
| New Mexico | “Any person, including financial institutions, having reasonable cause to believe that an incapacitated adult is being abused, neglected or exploited shall immediately report that information to the [children, youth and families] department.” N.M. Stat. Ann. § 27-7-30(a) | There is no statutory provision. |
| New York | NOTE: New York is a voluntary reporting state. This Act does not contain any provisions related to reporting. | “Whenever a social services official, or his or her designee authorized or required to determine the need for, or to provide or arrange for the provision of protective services to adults in accordance with the provisions of this title has reason to believe that a criminal offense has been committed, as defined in the penal law, against a person for whom the need for such services is being determined or to whom such services are being provided or arranged, the |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|--|---|--|
| | | social services official or his or her designee must report this information to the appropriate police or sheriff's department and the district attorney's office when such office has requested information be reported by a social services official or his or her designee." N.Y. Soc. Serv. Law, Art. 9B, § 473(5) |
| North Carolina | "Any person having reasonable cause to believe that a disabled adult is in need of protective services shall report such information to the director [of the county department of social services in the county in which the person resides or is present, or his representative as authorized in G.S. 108A-14.]" N.C. Gen. Stat. § 108A-102(a) | There is no statutory provision. |
| North Dakota | NOTE: North Dakota is a voluntary reporting state. "...may report the information to the department or the department's [department of human services] designee or to an appropriate law enforcement agency." N.D. Cent. Code § 50-25.2-03(1) | "If a report alleges, or circumstances surrounding the report indicate, a violation of a criminal statute or an imminent danger of serious physical injury or death of the vulnerable adult, the department or the department's designee shall notify the appropriate law enforcement agency." N.D. Cent. Code § 50-25.2-05(2) |
| Ohio | Reports shall be made "...to the county department of job and family services." Ohio Rev. Code Ann. § 5101.61 | There is no statutory provision. |
| Oklahoma | "Any person having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation shall make a report to either the Department of Human Services, the office of the district attorney in the county in which the suspected abuse, neglect, or exploitation occurred or the local municipal police department or sheriff's department as soon as the person is aware of the situation." Okla. Stat. Ann. tit. 43A, § 10-104(A)(1) | "The investigation by the Department shall include: (1) Notification of local law enforcement agency..." Okla. Stat. Ann. tit. 43A, §10-105(B)(1) |
| Oregon (EPS) Or. Rev. Stat. §§ 124.050 – 124.095 <i>(applicable to persons 65 or older who are not residents of long- term care facilities)</i> | "When a report is required under ORS 124.060, an oral report shall be made immediately by telephone or otherwise to the local office of the Department of Human Services or to a law enforcement agency within the county where the person making the report is at the time of contact." Or. Rev. Stat. § 124.065(1) | "When is report is received by the department under ORS 124.060, the department may notify the law enforcement agency having jurisdiction within the county where the report was made." Or. Rev. Stat. §124.065(2) <hr/> "If the department or law enforcement agency conducting the investigation finds reasonable cause to believe that abuse |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|---|---|--|
| | | has occurred, the department or law enforcement agency shall notify in writing the appropriate law enforcement agency or the local office of the department, respectively.” Or. Rev. Stat. §124.070(2) |
| Oregon (APS) Or. Rev. Stat. §§ 430.735 – 430.768 <i>(applicable only to persons 18 or older who are mentally ill or developmentally disabled and receive services from a community program or facility)</i> | “When a report is required under ORS 430.765 (1) and (2), an oral report shall be made immediately by telephone or otherwise to the designee of the Department of Human Services or a law enforcement agency within the county where the person making the report is at the time of contact.” Or. Rev. Stat. § 430.743(1) | “If there is reason to believe a crime has been committed, the designee shall notify the law enforcement agency having jurisdiction within the county where the report was made.” Or. Rev. Stat. § 430.743(2) |
| Pennsylvania | “An employee or administrator [of a facility as defined in the APS law] who has reasonable cause to suspect that a recipient is the victim of sexual abuse, serious physical injury or serious bodily injury or that a death is suspicious shall, in addition to contacting the agency and the department, immediately contact law enforcement officials to make an oral report...” 35 Pa. Cons. Stat. Ann. § 10225.701(b)(1) | There is no statutory provision. |
| Puerto Rico | Reports are to be made to “the ‘Golden Hotline’ and the Puerto Rico Police and/or the Office of Elderly Affairs, attached to the Office of the Governor.” 8 P.R. Laws Ann. § 346j | There is no statutory provision. |
| Rhode Island | “...report to the director of the department of elderly affairs or his or her designee.” R.I. Gen. Laws § 42-66-8 | “In the event that after investigation, the department has reasonable cause to know or suspect that a person sixty (60) years of age or older has been a victim of: (1) an "assault" as defined in chapter 5 of title 11; or, (2) an "assault" as defined in chapter 37 of title 11; or, (3) an offense under chapter 10 of title 11, or has been a victim of "exploitation" as defined in this chapter, the investigator, with the approval of the director, shall immediately forward that information |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|----------------|---|---|
| | | to the local law enforcement agency.” R.I. Gen. Laws § 42-66-8.2(d) |
| South Carolina | <p>“A person required to report under this section must report the incident within twenty-four hours or the next working day. A report must be made in writing or orally by telephone or otherwise to:</p> <p>(1) the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for incidents occurring in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs;</p> <p>(2) the Long Term Care Ombudsman Program for incidents occurring in facilities, except those facilities provided for in item (1); and</p> <p>(3) the Adult Protective Services Program for incidents occurring in all other settings.” S.C. Code Ann. § 43-35-25(D)</p> <hr/> <p>“...in cases of an emergency, serious injury, or suspected sexual assault law enforcement must also be contacted.” S.C. Code Ann. § 43-35-25(G)</p> | <p>“Upon receiving a report, the investigative entity promptly shall initiate an investigation and within two working days of receiving the report must review the report for the purpose of reporting to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division those cases which indicate reasonable suspicion of criminal conduct. A report to the unit must be made within one working day of completing the review.” S.C. Code Ann. § 43-35-40</p> |
| South Dakota | NOTE: South Dakota is a voluntary reporting state. This Act does not contain any provisions related to reporting. | This Act does not contain any provisions related to reporting. |
| Tennessee | <p>“An oral or written report shall be made immediately to the department [of Human Services] upon knowledge of the occurrence of suspected abuse, neglect, or exploitation of an adult... [and] Each report of known or suspected abuse of an adult involving a sexual offense that is a violation of §§ 39-13-501-- 39-13-506 that occurs in a facility licensed by the department of mental health and developmental disabilities as defined in § 33-5-402, or any hospital shall also be made to the local law enforcement agency in the jurisdiction where such offense occurred.” Tenn. Code Ann. § 71-6-103(c)</p> | <p>“Upon receipt of the report, the department shall take the following action as soon as practical: (1) Notify the appropriate law enforcement agencies in all cases in which the report involves abuse, neglect, or exploitation by another person or persons;” Tenn. Code Ann. § 71-6-103(d)(1)</p> |
| Texas | “Except as prescribed by Subsection (b), a person having | “If during the course of the department's or another state |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|----------------|--|--|
| | <p>cause to believe that an elderly or disabled person is in the state of abuse, neglect, or exploitation shall report the information required by Subsection (d) immediately to the department [of Protective and Regulatory Services].” Tex. Hum. Res. Code Ann. § 48.051(a)</p> | <p>agency's investigation of reported abuse, neglect, or exploitation a caseworker of the department or other state agency, as applicable, or the caseworker's supervisor has cause to believe that the elderly or disabled person has been abused, neglected, or exploited by another person in a manner that constitutes a criminal offense under any law, including Section 22.04, Penal Code, the caseworker or supervisor shall: (1) immediately notify an appropriate law enforcement agency; and (2) provide the law enforcement agency with a copy of the investigation report of the department or other state agency, as applicable, in a timely manner.” Tex. Hum. Res. Code Ann. § 48-1522</p> |
| Utah | <p>“Any person who has reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation shall immediately notify Adult Protective Services intake or the nearest law enforcement agency. When the initial report is made to law enforcement, law enforcement shall immediately notify Adult Protective Services intake. Adult Protective Services and law enforcement shall coordinate, as appropriate, their efforts to provide protection to the vulnerable adult.” Utah Code Ann. § 62A-3-305(1)</p> | <p>“When the initial report or subsequent investigation by an Adult Protective Services office indicates that a criminal offense may have occurred against a vulnerable adult, it shall notify the nearest local law enforcement agency. That law enforcement agency shall initiate an investigation in cooperation with Adult Protective Services.” Utah Code Ann. § 62A-3-305(2)</p> |
| Vermont | <p>“A report shall be made orally or in writing to the commissioner [of the Department of Aging and Disabilities] or designee as soon as possible, but in no event later than 48 hours thereafter. The report may also be made to a law enforcement officer.” Vt. Stat. Ann. tit. 33, § 6904</p> | <p>There is no statutory provision.</p> |
| Virgin Islands | <p>Reporters “shall immediately make a verbal report of such information or cause a report to be made to the Department [of Human Services], and shall within forty-eight (48) hours make a written report to the Department [of Human Services].” 34 V.I. Code Ann. § 453(a)</p> | <p>There is no statutory provision.</p> |
| Virginia | <p>“Reports shall be made to the local department or the adult protective services hotline.” Va. Code Ann. § 63.2-1606(A)</p> <hr/> <p>“The report shall be made in accordance with subsection A</p> | <p>“Local departments shall notify the local law-enforcement agency where the adult resides, or where the alleged abuse, neglect, or exploitation took place, or if these places are unknown, then where the alleged abuse, neglect, or</p> |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|---------------|--|---|
| | <p>to the local department of the county or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline.” Va. Code Ann. § 63.2-1606(B)</p> <hr/> <p>“Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician.” Va. Code Ann. § 63.2-1606(I)</p> | <p>exploitation was discovered, when in receipt of a report describing any of the following: 1. Sexual abuse as defined in § 18.2-67.10; 2. Death, serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect; or 3. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm. Va. Code Ann. § 63.2-1605(H)</p> <hr/> <p>“The local department shall refer any appropriate matter and all relevant documentation to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.” Va. Code Ann. § 63.2-1605(C).</p> |
| Washington | <p>“When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department [of Social and Health Services]. Wash. Rev. Code Ann. § 74.34.035(1)</p> <hr/> <p>“When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department [of Social and Health Services].” Wash. Rev. Code Ann. § 74.34.035(2)</p> <hr/> <p>“When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm: (a) Mandated reporters shall immediately report to the department [of Social and Health Services]; and (b) Mandated reporters shall immediately report to the appropriate law enforcement agency, except as provided in subsection (4) of this section.” Wash. Rev. Code Ann. § 74.34.035(3)</p> | <p>“When the initial report or investigation by the department indicates that the alleged abandonment, abuse, financial exploitation, or neglect may be criminal, the department shall make an immediate report to the appropriate law enforcement agency.” Wash. Rev. Code Ann. § 74.34.063(2)</p> |
| West Virginia | <p>“A report of neglect or abuse of an incapacitated adult or</p> | <p>“A copy of the report of abuse, neglect or emergency</p> |

| STATE | MUST A REPORT MADE TO APS ALSO BE MADE SIMULTANEOUSLY TO LAW ENFORCEMENT? | UNDER WHAT CIRCUMSTANCES MUST OR MAY APS SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT? |
|---|--|--|
| | facility resident or of an emergency situation involving such an adult shall be made immediately by telephone to the department's local adult protective services agency and shall be followed by a written report by the complainant or the receiving agency within forty-eight hours.” W.Va Code § 9-6-11(a) | situation shall be immediately filed with the following agencies:...(2) The appropriate law-enforcement agency and the prosecuting attorney, if necessary;” W.Va Code § 9-6-11(b) |
| Wisconsin (EPS) Wis. Stat. Ann. § 46.90 <i>(applicable to persons who are 60 or older)</i> | Reporters “shall file a report with the county department, the elder-adult-at-risk agency, a state or local law enforcement agency, the department, or the board on aging and long-term care...” Wis. Stat. Ann. § 46.90(4)(ad) | If, after responding to a report, the elder-adult-at-risk agency has reason to believe that the elder adult at risk has been the subject of abuse, financial exploitation, neglect, or self-neglect, the elder-adult-at-risk agency may do any of the following: ... Refer the case to law enforcement officials, as specified in sub. (3) (a), for further investigation or to the district attorney, if the elder-adult-at-risk agency has reason to believe that a crime has been committed. ” Wis. Stat. Ann. § 46.90(5m)(br)3 |
| Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 <i>(applicable to adults with disabilities)</i> | Except as provided in par. (be), a person specified in par. (a) who has seen an adult at risk in the course of the person's professional duties shall file a report with the county department, the adult-at-risk agency, a state or local law enforcement agency, the department, or the board on aging and long-term care ... Wis. Stat. Ann. §55.043(1m)(b) | “If, after responding to a report, the adult-at-risk agency has reason to believe that the adult at risk has been the subject of abuse, financial exploitation, neglect , or self-neglect, the adult-at-risk agency may do any of the following:... 3. Refer the case to law enforcement officials, as specified in sub. (2), for further investigation or to the district attorney, if the adult-at-risk agency has reason to believe that a crime has been committed.” Wis. Stat. Ann. § 55.043(1m)(br) |
| Wyoming | Reporters “shall report the information immediately to a law enforcement agency or the department [of Family Services].” Wyo. Stat. Ann. § 35-20-103(a) | “After receipt of a report that a vulnerable adult is suspected of being or has been abused, neglected, exploited or abandoned or is committing self-neglect, the department shall notify law enforcement and may request assistance from appropriate health or mental health agencies.” Wyo. Stat. Ann. § 35-20-103(c) |

¹ The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

² This document was completed for the National Center on Elder Abuse and supported in part by a grant, No. 90AM2792, from the Administration on Aging, U.S. Department of Health and Human Services. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging policy.