

**TYPES OF ABUSE:
PROVISIONS AND CITATIONS IN ADULT PROTECTIVE SERVICES LAWS, BY STATE**

(Laws current as of 12/31/06)

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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>.

<p>Alabama Ala. Code § 38-9-2</p>	<p>ABUSE: The infliction of physical pain, injury, or the willful deprivation by a caregiver or other person of services necessary to maintain mental and physical health.</p> <p>EMOTIONAL ABUSE: The willful or reckless infliction of emotional or mental anguish or the use of a physical or chemical restraint, medication or isolation as punishment or as a substitute for treatment or care of any protected person.</p> <p>EXPLOITATION: The expenditure, diminution, or use of the property, assets, or resources of a protected person without the express voluntary consent of that person or his or her legally authorized representative</p> <p>NEGLECT: The failure of a caregiver to provide food, shelter, clothing, medical services, or health care for the person unable to care for himself or herself; or the failure of the person to provide these basic needs for himself or herself when the failure is the result of the person’s mental or physical inability.</p> <p>SEXUAL ABUSE: Any conduct that is a crime as defined in Sections 13A-6- 60 to 13A-6-70, inclusive.</p>
<p>Alaska Alaska Stat. § 47.24.900</p>	<p>ABANDONMENT: The desertion of a vulnerable adult by a caregiver.</p> <p>ABUSE: The willful, intentional, or reckless non-accidental, and non-therapeutic infliction of physical pain, injury, or mental distress; or sexual assault under AS 11.41.410 or 11.41.420.</p> <p>EXPLOITATION: The unjust or improper use of another person or another person’s resources for one’s own profit or advantage.</p> <p>NEGLECT: The intentional failure by a caregiver to provide essential care or services necessary to maintain the physical and mental health of the vulnerable adult.</p> <p>SELF-NEGLECT: The act or omission by a vulnerable adult that results, or could result in the deprivation of essential services necessary to maintain minimal mental, emotional, or physical health and safety.</p>
<p>Arizona Ariz. Rev. Stat. § 46-451</p>	<p>ABUSE: The intentional infliction of physical harm; injury caused by negligent acts or omissions; unreasonable confinement; and sexual abuse or sexual assault.</p> <p>EXPLOITATION: The illegal or improper use of an incapacitated or vulnerable adult or his resources for another’s profit or advantage.</p> <p>NEGLECT: The pattern of conduct without the person’s informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health.</p>

<p>Arkansas (#1) Ark. Code Ann. § 12-12-1703 (<i>relating to reporting & investigation</i>)</p>	<p>ABUSE: (A) "Abuse" means with regard to any long-term care facility resident or any patient at the Arkansas State Hospital, by a caregiver: (i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered person or impaired person; (ii) Any intentional act that a reasonable person would believe subjects an endangered person or an impaired person, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm; or (ii) Any intentional threat that a reasonable person would find credible and non-frivolous to inflict pain on or cause injury to an endangered person or impaired person except in the course of medical treatment or for justifiable cause; or (iv) Any willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish; and</p> <p>(B) "Abuse" means with regard to any person who is not a long-term care facility resident or a patient at the Arkansas State Hospital: (i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered person or an impaired person; (ii) Any intentional act that a reasonable person would believe subjects an endangered person or an impaired person, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm; or (iii) Any intentional threat that a reasonable person would find credible and nonfrivolous to inflict pain on or cause injury to an endangered person or an impaired person except in the course of medical treatment or for justifiable cause;</p> <p>ADULT MALTREATMENT: Abuse, exploitation, neglect, or sexual abuse of an adult.</p> <p>EXPLOITATION: (A) Illegal or unauthorized use or management of an endangered person's or an impaired person's funds, assets, or property; (B) Use of an adult endangered person's or an adult impaired person's, power of attorney, or guardianship for the profit or advantage of one's own self or another; or, (C) Misappropriation of property of a long-term care facility resident, that is, the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a long-term care facility resident's belongings or money without the long-term care facility resident's consent;</p> <p>NEGLECT: (A) An act or omission by an endangered person or an impaired person, for example, self-neglect; or (B) An act or omissions by a caregiver responsible for the care and supervision of an endangered person or an impaired adult constituting: (i) Negligently failing to provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, or medical services to an endangered person or an impaired person; (ii) Negligently failing to report health problems or changes in health problems or changes in the health condition of an endangered person or an impaired person to the appropriate medical personnel; (iii) Negligently failing to carry out a prescribed treatment plan; or (iv) Negligently failing to provide goods or services to a long-term care facility resident necessary to avoid physical harm, mental anguish, or mental illness as defined in regulations promulgated by the Office of Long-Term Care of the Division of Medical Services of the Department of Health and Human Services;</p> <p>SEXUAL ABUSE: Deviate sexual activity, sexual contact, or sexual intercourse, as those terms are defined in § 5-14-101, with another person who is not the actor's spouse and who is incapable of consent because he or she is mentally defective, mentally incapacitated, or physically helpless;</p>
<p>Arkansas (#2) Ark. Code Ann. § 9-20-101 (<i>authorizing APS to take victims into protective custody</i>)</p>	<p>ABUSE: (A) "Abuse" means with regard to any long-term care facility resident or any person who is at the Arkansas State Hospital an act by a caregiver that falls into any of the following categories: (i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered adult or an impaired adult, excluding court ordered medical care or medical care requested by an endangered adult, an impaired adult, or a person who is legally authorized to make a medical decision on behalf of an endangered adult or an impaired adult; (ii) Any intentional act that a reasonable person would believe subjects an endangered adult or impaired adult, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm, excluding necessary care and treatment provided in accordance with generally recognized professional standards of care; (iii) Any</p>

	<p>intentional threat that a reasonable person would find credible and nonfrivolous to inflict pain on or cause injury to an endangered adult or an impaired adult except in the course of medical treatment or for justifiable cause; or (iv) Any willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish.</p> <p>(B) "Abuse" means with regard to any person who is not a long-term care facility resident or at the Arkansas State Hospital: (i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered adult or an impaired adult; (ii) Any intentional act that a reasonable person would believe subjects an endangered adult or an impaired adult, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm; or (iii) Any intentional threat that a reasonable person would find credible and nonfrivolous to inflict pain on or cause injury to an endangered adult or an impaired adult except in the course of medical treatment or for justifiable cause;</p> <p>ADULT MALTREATMENT: "Adult Maltreatment" means abuse, exploitation, neglect, physical abuse, or sexual abuse of an adult;</p> <p>EXPLOITATION: "Exploitation" means: (A) The illegal or unauthorized use or management of an endangered or impaired adult's funds, assets, or property or the use of an endangered or impaired adult's person, power of attorney, or guardianship for the profit or advantage of oneself or another; or (B) Misappropriation of property of an adult resident of a long-term care facility, that is, the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a resident's belongings or money without the resident's consent;</p> <p>NEGLECT: "Neglect" means: (A) An act or omission by an endangered or impaired adult, for example, self-neglect; or (B) An act or omission by a caregiver responsible for the care and supervision of an endangered or impaired adult constituting negligent failure to: (i) Provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, or medical services to an endangered or impaired adult; (ii) Report health problems or changes in health problems or changes in the health condition of an endangered or impaired adult to the appropriate medical personnel; (iii) Carry out a prescribed treatment plan; or (iv) Provide to an adult resident of a long-term care facility goods or services necessary to avoid physical harm, mental anguish, or mental illness as defined in regulations promulgated by the Office of Long-Term Care of the Division of Medical Services of the Department of Health and Human Services;</p> <p>SEXUAL ABUSE: "Sexual Abuse" means deviate sexual activity, sexual contact, or sexual intercourse, as those terms are defined in § 5-14-101, with another person who is not the actor's spouse and who is incapable of consent because he or she is mentally defective, mentally incapacitated, or physically helpless;</p>
<p>California Cal. Welf. & Inst. Code § 15610.05</p> <p>Cal. Welf. & Inst. Code § 15610.07</p> <p>Cal. Welf. & Inst. Code § 15610.30</p> <p>Cal. Welf. & Inst. Code § 15610.43</p>	<p>ABANDONMENT: The desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.</p> <p>ABUSE OF AN ELDER OR A DEPENDENT ADULT means either of the following: (a) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering. (b) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.</p> <p>FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT occurs when a person or entity does any of the following: (1) Takes, secretes, appropriates, or retains real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both. (2) Assists in taking, secreting, appropriating, or retaining real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both. A person or entity shall be deemed to have taken, secreted, appropriated, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, or retains possession of property in bad faith.</p> <p>ISOLATION means any of the following: (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or</p>

<p>Cal. Welf. & Inst. Code § 15610.57</p>	<p>dependent adult from receiving his or her mail or telephone calls. (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons. (3) False imprisonment, as defined in Section 236 of the Penal Code. (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.</p> <p>NEGLECT: Means either of the following:</p> <p>(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise. (2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.</p> <p>Neglect includes, but is not limited to, all of the following:</p> <p>(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter. (2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment. (3) Failure to protect from health and safety hazards. (4) Failure to prevent malnutrition or dehydration. (5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.</p>
<p>Cal. Welf. & Inst. Code § 15610.63</p>	<p>PHYSICAL ABUSE: Means any of the following:</p> <p>(a) Assault, as defined in Section 240 of the Penal Code. (b) Battery, as defined in Section 242 of the Penal Code. (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code. (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water. (e) Sexual assault, that means any of the following:</p> <p>(1) Sexual battery, as defined in Section 243.4 of the Penal Code. (2) Rape, as defined in Section 261 of the Penal Code. (3) Rape in concert, as described in Section 264.1 of the Penal Code. (4) Spousal rape, as defined in Section 262 of the Penal Code. (5) Incest, as defined in Section 285 of the Penal Code. (6) Sodomy, as defined in Section 286 of the Penal Code. (7) Oral copulation, as defined in Section 288a of the Penal Code. (8) Sexual penetration, as defined in Section 289 of the Penal Code (9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code. (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:</p> <p>(1) For punishment. (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given. (3) For any purpose not authorized by the physician and surgeon.</p>
<p>Colorado Colo. Rev. Stat. § 26-3.1-101</p>	<p>MISTREATMENT: The act or omission which threatens the health, safety, or welfare of an at-risk adult, as such term is defined in subsection (1) of this section, or which exposes the adult to a situation or condition that poses an imminent risk of death, serious bodily injury, or bodily injury to the adult.</p> <p>Mistreatment includes, but is not limited to:</p> <p>(a) Abuse which occurs:</p> <p>1. Where there is infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural</p>

	<p>hematoma, soft tissue swelling, or suffocation; 2. Where unreasonable confinement or restraint is imposed; or 3. Where there is subjection to nonconsensual sexual conduct or contact classified as a crime under the “Colorado Criminal Code”, title 18, C.R.S.</p> <p>(b) Caretaker neglect which occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for the at-risk adult or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise; except that the withholding of artificial nourishment in accordance with the “Colorado Medical Treatment Decision Act”, article 18 of title 15, C.R.S., shall not be considered as abuse.</p> <p>(c) Exploitation which is the illegal or improper use of an at-risk adult for another person’s advantage.</p> <p>SELF-NEGLECT: The act or failure to act whereby an at-risk adult substantially endangers the adult’s health, safety, welfare, or life by not seeking or obtaining services necessary to meet the adult’s essential human needs. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect.</p>
<p>Connecticut Conn. Gen. Stat. § 17b-450</p>	<p>ABUSE: Includes, but is not limited to, the willful infliction of physical pain, injury or mental anguish, or the willful deprivation by a caretaker of services which are necessary to maintain physical and mental health.</p> <p>NEGLECT: Refers to an elderly person who is either living alone and not able to provide for oneself the services which are necessary to maintain physical and mental health or is not receiving the said necessary services from the responsible caretaker.</p> <p>EXPLOITATION: The act or process of taking advantage of an elderly person by another person or caretaker whether for monetary, personal or other benefit, gain or profit.</p> <p>ABANDONMENT: Refers to the desertion or willful forsaking of an elderly person by a caretaker or the foregoing of duties or the withdrawal or neglect of duties and obligations owed an elderly person by a caretaker or other person.</p>
<p>Delaware Del. Code Ann. tit. 31, § 3902</p>	<p>EXPLOITATION: The illegal or improper use or abuse of an infirm person, the infirm person’s resources or the infirm person’s rights, by another person, whether for profit or other advantage</p> <p>ABUSE: 1. Physical abuse by unnecessarily inflicting pain or injury on an infirm adult; or 2. A pattern of emotional abuse, which includes, but is not limited to, ridiculing or demeaning an infirm adult making derogatory remarks to an infirm adult or cursing or threatening to inflict physical or emotional harm on an infirm adult.</p> <p>MISTREATMENT: The failure to provide appropriate physical or emotional care to an infirm adult, including the inappropriate use of medications, isolation or physical or chemical restraints on or of an infirm adult.</p> <p>NEGLECT: 1. Lack of attention by a caregiver to physical needs of an infirm adult including but not limited to toileting, bathing, meals and safety; 2. Failure by a caregiver to carry out a treatment plan prescribed by a health care professional for an infirm adult; or, 3. Intentional and permanent abandonment or desertion in any place of an infirm adult by a caregiver who does not make reasonable efforts to ensure that essential services, as defined in this section, will be provided for said infirm adult.</p>
<p>District of Columbia D.C. Code Ann. § 7-1901</p>	<p>ABUSE: (A) "Abuse" means: (i) The intentional or reckless infliction of serious physical pain or injury; (ii) The use or threatened use of violence to force participation in “sexual conduct,” defined in § 22-3101(5); (iii) The repeated, intentional imposition of unreasonable confinement or threats to impose unreasonable confinement, resulting in severe mental distress; (iv) The repeated use of threats or violence, resulting in shock or an intense, expressed fear for one’s life or of serious physical injury; or (v) The intentional or deliberately indifferent deprivation of essential food, shelter, or health care in violation of a caregiver’s responsibilities, when that deprivation constitutes a serious threat to one’s life</p>

	<p>or physical health. (B) An adult shall not be considered abused under this chapter for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.</p> <p>EXPLOITATION: The unlawful appropriation or use of another’s “property,” defined in section 22-3201, for one’s own benefit or that of a 3rd person.</p> <p>NEGLECT: (A) "Neglect" means: (i) The repeated, careless infliction of serious physical pain or injury; (ii) The repeated failure of a caregiver to take reasonable steps, within the purview of his or her responsibilities, to protect against acts of abuse described in paragraph (1)(B) of this section; (iii) The repeated, careless imposition of unreasonable confinement, resulting in severe mental distress; or (iv) The careless deprivation of essential food, shelter, or health care in violation of a caregiver’s responsibilities, when that deprivation constitutes a serious threat to one’s life or physical health. (B) An adult shall not be considered neglected under this chapter for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.</p> <p>SELF-NEGLECT: (A) "Self-neglect" means the failure of an adult, due to physical or mental impairments or incapacity, to perform essential self-care tasks, including: (i) Providing essential food, clothing, shelter, or medical care; (ii) Obtaining goods or services necessary to maintain physical health, mental health, emotional well-being, and general safety; or (iii) Managing his or her financial affairs. (B) An adult shall not be considered to be committing self-neglect under this chapter for the sole reason that he or she seeks treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.</p>
<p>Florida Fla. Stat. Ann. § 415.102</p>	<p>ABUSE: Any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult’s physical, mental, or emotional health. Abuse includes acts and omissions.</p> <p>EXPLOITATION: A person who: 1. Stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult; or 2. Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.</p> <p>Exploitation may include, but is not limited to: 1. Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property; 2. Unauthorized taking of personal assets; 3. Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or 4. Intentional or negligent failure to effectively use a vulnerable adult’s income and assets for the necessities required for that person’s support and maintenance.</p> <p>INTIMIDATION: The communication by word or act to a vulnerable adult that that person will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.</p>

	<p>NEGLECT: The failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, that a prudent person would consider essential for the well-being of a vulnerable adult. The term “neglect” also means the failure of a caregiver or vulnerable adult to make a reasonable effort to protect a vulnerable adult from abuse, neglect, or exploitation by others. “Neglect” is repeated conduct or a single incident of carelessness which produces or could reasonably be expected to result in serious physical or psychological injury or a substantial risk of death.</p> <p>PSYCHOLOGICAL INJURY: An injury to the intellectual functioning or emotional state of a vulnerable adult as evidenced by an observable or measurable reduction in the vulnerable adult’s ability to function within that person’s customary range of performance and that person’s behavior.</p> <p>SEXUAL ABUSE: Acts of a sexual nature committed in the presence of a vulnerable adult without that person’s informed consent. “Sexual abuse” includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a vulnerable adult’s sexual organs, or the use of a vulnerable adult to solicit for or engage in prostitution or sexual performance. “Sexual abuse” does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal care giving action or appropriate display of affection</p>
<p>Georgia Ga. Code Ann. § 30-5-3</p>	<p>ABUSE: The willful infliction of physical pain, physical injury, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person.</p> <p>EXPLOITATION: The illegal or improper use of a disabled adult or elder person or that person’s resources for another’s profit or advantage.</p> <p>NEGLECT: The absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a disabled adult or elder person.</p>
<p>Guam 10 Guam Code Ann. § 2951</p>	<p>ABANDONMENT: The desertion or willful forsaking of an elderly or disabled adult by his or her caregiver under circumstances in which a reasonable person would continue to provide care or custody.</p> <p>ELDERLY OR DISABLED ADULT ABUSE: Any one or more of the following acts inflicted on an elderly or disabled adult by other than accidental means by another person: physical abuse, neglect, abandonment or self neglect.</p> <p>MATERIAL ABUSE: The illegal or improper use of an elderly or disabled adult’s money, property or other resources for monetary or personal benefit, profit or gain. It includes but is not limited to theft, misappropriation, concealment, misuse or fraudulent deprivation of money or property belonging to the elderly or disabled adult.</p> <p>MENTAL OR EMOTIONAL ABUSE: Includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, harassment, isolation which provokes fear, agitation, confusion or severe depression.</p> <p>NEGLECT: The failure of a caregiver to provide for the physical, mental or emotional health and well-being of the elderly or disabled adult and includes but is not limited to: (1) Failure to assist or provide personal hygiene for the elderly or disabled adult. (2) Failure to provide adequate food, water, clothing or shelter. (3) Failure to provide medical care for the physical and mental health of the elderly or disabled adult. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment. (4) Failure to protect an elderly or disabled adult from health and safety hazards.</p> <p>PHYSICAL ABUSE: The willful infliction of injury which results in physical harm. It includes but is not limited to cruel punishment resulting in physical harm or pain or mental anguish, such as direct beatings, slapping, kicking, biting, choking, burning, sexual assault or molestation, or unreasonable physical restraint or confinement resulting in physical injury.</p>

Hawaii

Haw. Rev. Stat. § 346-222

ABUSE: The actual or imminent physical injury, psychological abuse or neglect, sexual abuse, financial exploitation, negligent treatment, or maltreatment as further defined in this chapter.

Abuse occurs where:

(1) Any dependent adult exhibits evidence of:

- (A) Substantial or multiple skin bruising or any other internal bleeding;
- (B) Any injury to skin causing substantial bleeding;
- (C) Malnutrition;
- (D) A burn or burns;
- (E) Poisoning;
- (F) The fracture of any bone;
- (G) A subdural hematoma;
- (H) Soft tissue swelling;
- (I) Extreme physical pain; or
- (J) Extreme mental distress which includes a consistent pattern of actions or verbalizations including threats, insults, or harassment, that humiliates, provokes, intimidates, confuses, and frightens the dependent adult;

and the injury is not justifiably explained, or where the history given is at variance with the degree or type of injury, or circumstances indicate that the injury is not the product of an accidental occurrence;

(2) Any dependent adult has been the victim of non-consensual sexual contact or conduct, including, but not limited to:

- (A) Sexual assault, molestation, sexual fondling, incest, prostitution;
- (B) Obscene or pornographic photographing, filming, or depiction; or
- (C) Other similar forms of sexual exploitation;

(3) Any dependent adult is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision;

(4) Any dependent adult is provided with dangerous, harmful, or detrimental drugs as defined by section 712-1240; however, this paragraph shall not apply when such drugs are provided to the dependent adult pursuant to the direction or prescription of a practitioner, as defined in section 712-1240;

(5) There has been a failure to exercise that degree of care toward a dependent adult which a reasonable person with the responsibility of a caregiver would exercise, including, but not limited to, failure to:

- (A) Assist in personal hygiene;
- (B) Provide necessary food, shelter, and clothing;
- (C) Provide necessary health care, access to health care, or prescribed medication;
- (D) Protect a dependent adult from health and safety hazards; or
- (E) Protect against acts of abuse by third parties;

(6) Any dependent adult appears to lack sufficient understanding or capacity to make or communicate responsible decisions concerning the dependent adult's person, and appears to be exposed to a situation or condition which poses an imminent risk of death or risk of serious physical harm; or

(7) There is financial and economic exploitation. For the purpose of this part, "financial and economic exploitation" means the wrongful or negligent taking, withholding, misappropriation, or use of a dependent adult's money, real property, or personal property. "Financial and economic exploitation" can include but is not limited to:

- (A) Breaches of fiduciary relationships such as the misuse of a power of attorney or the abuse of guardianship privileges, resulting in the unauthorized appropriation, sale, or transfer of property;
- (B) The unauthorized taking of personal assets;
- (C) The misappropriation, misuse, or transfer of moneys belonging to the dependent adult from a personal or joint account; or
- (D) The intentional or negligent failure to effectively use a dependent adult's income and assets for the necessities required for the person's support and maintenance.

The exploitation may involve coercion, manipulation, threats, intimidation, misrepresentation, or exertion of undue influence.

<p>Idaho Idaho Code § 39-5302</p>	<p>ABUSE: The intentional or negligent infliction of physical pain, injury, or mental injury.</p> <p>EXPLOITATION: An action which may include, but is not limited to, the misuse of a vulnerable adult's funds, property, or resources by another person for profit or advantage.</p> <p>NEGLECT: The failure of a caretaker to provide food, clothing, shelter or medical care reasonably necessary to sustain the life and health of a vulnerable adult, or the failure of a vulnerable adult to provide those services for himself.</p>
<p>Illinois 320 Ill. Comp. Stat. 20/2</p>	<p>ABUSE: The causing of any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.</p> <p>NEGLECT: Another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.</p>
<p>Indiana Ind. Code Ann. § 12-10-3-2 <i>(Indiana's APS program is unique because it is administered by local prosecutor's offices. This may explain why its definitions seem very different from those of other states.)</i></p>	<p>ENDANGERED ADULT:</p> <p>(a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:</p> <ol style="list-style-type: none"> (1) at least eighteen (18) years of age; (2) incapable by reason of mental illness, mental retardation, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and (3) harmed or threatened with harm as a result of: <ol style="list-style-type: none"> (A) neglect; (B) battery; or (C) exploitation of the individual's personal services or property. <p>(b) For purposes of Ind. Code Ann. § 12-10-3-17, Ind. Code Ann. § 35-42-2-1, and Ind. Code Ann. § 35-46-1-13, "endangered adult" means an individual who is:</p> <ol style="list-style-type: none"> (1) at least eighteen (18) years of age; (2) incapable by reason of mental illness, mental retardation, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and (3) harmed or threatened with harm as a result of: <ol style="list-style-type: none"> (A) neglect; (B) battery; or (C) exploitation of the individual's personal services or property. <p>(c) An individual is not an endangered adult solely:</p> <ol style="list-style-type: none"> (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or (2) on the basis of being physically unable to provide self care when appropriate care is being provided.
<p>Iowa Iowa Code § 235B.2</p>	<p>DEPENDENT ADULT ABUSE means:</p> <ol style="list-style-type: none"> (1) Any of the following as a result of the willful or negligent acts or omissions of a caretaker: <ol style="list-style-type: none"> (a) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult. (b) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult. (c) Exploitation of a dependent adult means the act or process of taking unfair advantage of a dependent

	<p>adult or the adult’s physical or financial resources for one’s own personal or pecuniary profit, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.</p> <p>(d) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult’s life or health.</p> <p>(2) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult’s life or health as a result of the acts or omissions of the dependent adult.</p> <p>(3) Sexual exploitation of a dependent adult who is a resident of a health care facility, as defined in section 135C.1, by a caretaker providing services to or employed by the health care facility, whether within the health care facility or at a location outside of the health care facility.</p> <p>Sexual exploitation means any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.</p> <p>DEPENDENT ADULT ABUSE does not include any of the following:</p> <p>(1) Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.</p> <p>(2) Circumstances in which the dependent adult’s caretaker, acting in accordance with the dependent adult’s stated or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.</p> <p>(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult’s next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.</p>
<p>Kansas Kan. Stat. Ann. § 39-1430</p>	<p>ABUSE: Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:</p> <p>(1) Infliction of physical or mental injury;</p> <p>(2) any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;</p> <p>(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;</p> <p>(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician’s orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult;</p> <p>(5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;</p> <p>(6) fiduciary abuse; or</p> <p>(7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.</p> <p>NEGLECT: The failure or omission by one’s self, caretaker or another person with a duty to supply or provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.</p> <p>EXPLOITATION: The misappropriation of an adult’s property or intentionally taking unfair advantage of an adult’s physical or financial resources for another individual’s personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.</p>

	<p>FIDUCIARY ABUSE: A situation in which any person who is the caretaker of, or who stands in a position of trust to, an adult, takes, secretes, or appropriates their money or property, to any use or purpose not in the due and lawful execution of such person’s trust or benefit.</p>
<p>Kentucky Ky. Rev. Stat. Ann. § 209.020</p>	<p>ABUSE: The infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury;</p> <p>EXPLOITATION: Obtaining or using another person’s resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources;</p> <p>NEGLECT: A situation in which an adult is unable to perform or obtain for himself the goods or services that are necessary to maintain his health or welfare, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult,</p>
<p>Louisiana La. Rev. Stat. Ann. § 14:403.2</p>	<p>ABANDONMENT: The desertion or willful forsaking of an adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.</p> <p>ABUSE: The infliction of physical or mental injury on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value, to such an extent that his health, self-determination, or emotional well-being is endangered.</p> <p>EXPLOITATION: The illegal or improper use or management of an aged person’s or disabled adult’s funds, assets, or property, or the use of an aged person’s or disabled adult’s power of attorney or guardianship for one’s own profit or advantage.</p> <p>EXTORTION: The acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority.</p> <p>ISOLATION: (a) Intentional acts committed for the purpose of preventing, and which do serve to prevent, an adult from having contact with family, friends, or concerned persons. This shall not be construed to affect a legal restraining order. (b) Intentional acts committed to prevent an adult from receiving his mail or telephone calls. (c) Intentional acts of physical or chemical restraint of an adult committed for the purpose of preventing contact with visitors, family, friends, or other concerned persons. (d) Intentional acts which restrict, place, or confine an adult in a restricted area for the purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons. However, medical isolation prescribed by a licensed physician caring for the adult shall not be included in this definition.</p> <p>NEGLECT: The failure, by a caregiver responsible for an adult’s care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused.</p> <p>SELF-NEGLECT: The failure, either by the adult’s action or inaction, to provide the proper or necessary support or medical, surgical, or any other care necessary for his own well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be self- neglected.</p>
<p>Maine Me. Rev. Stat. Ann. tit. 22 § 3472</p>	<p>ABUSE: The infliction of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm or pain or mental anguish; sexual abuse or exploitation; or the willful deprivation of essential needs. ‘Abuse’ includes acts and omissions.</p> <p>EXPLOITATION: The illegal or improper use of an incapacitated or dependent adult or his resources for another’s profit or advantage.</p> <p>NEGLECT: A threat to an adult’s health or welfare by physical or mental injury or impairment,</p>

	<p>deprivation of essential needs or lack of protection from these.</p> <p>SEXUAL ABUSE OR EXPLOITATION: A contact or interaction of a sexual nature involving an incapacitated or dependent adult without that adult’s consent.</p>
<p>Maryland Md. Code Ann., Fam. Law § 14-101</p>	<p>ABUSE: The sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.</p> <p>EXPLOITATION: Any action which involves the misuse of a vulnerable adult’s funds, property, or person.</p> <p>NEGLECT: The willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision. Neglect does not include the providing of nonmedical remedial care and treatment for the healing of injury or disease, with the consent of the vulnerable adult, recognized by State law instead of medical treatment.</p> <p>SELF-NEGLECT: The inability of a vulnerable adult to provide the vulnerable adult with the services: (1) That are necessary for the vulnerable adult’s physical and mental health; and (2) The absence of which impairs or threatens the vulnerable adult’s well-being.</p>
<p>Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, § 14 (<i>applicable to persons who are 60 or older</i>)</p>	<p>ABUSE: An act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; or the failure, inability or resistance of an elderly person to provide for him one or more of the necessities essential for physical and emotional well-being without which the elderly person would be unable to safely remain in the community; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.</p> <p>FINANCIAL EXPLOITATION: An act or omission by another person, which causes a substantial monetary or property loss to an elderly person, or causes a substantial monetary or property gain to the other person, which gain would otherwise benefit the elderly person but for the act or omission of such other person; provided, however, that such an act or omission shall not be construed as financial exploitation if the elderly person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such other person; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by an elderly person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section two of chapter ninety-three A.</p>
<p>Massachusetts (APS) Mass. Gen. Laws ch. 19C, § 1 (<i>applicable to persons with disabilities</i>)</p>	<p>ABUSE: An act or omission which results in serious physical or emotional injury to a disabled person; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.</p>
<p>Michigan Mich. Comp. Laws § 400.11</p>	<p>ABUSE: The harm or threatened harm to an adult’s health or welfare caused by another person. Abuse includes, but is not limited to, non-accidental physical or mental injury, sexual abuse, or maltreatment.</p> <p>EXPLOITATION: An action that involves the misuse of an adult’s funds, property, or personal dignity by another person.</p> <p>NEGLECT: Harm to an adult’s health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult’s health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care. A person shall not be considered to be abused, neglected, or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, and this act shall not require any medical care or treatment in contravention of the stated or implied objection of that person.</p>
<p>Minnesota Minn. Stat. § 626.5572</p>	<p>ABUSE: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:</p>

- (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;
 - (2) the use of drugs to injure or facilitate crime as defined in section 609.235;
 - (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and
 - (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.
- A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
- (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:
- (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;
 - (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;
 - (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and
 - (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.
- (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.
- (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.
- (e) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C or 252A, or sections 253B.03; or 524.5-101 to 524.5-502, , refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation. This paragraph does not enlarge or diminish rights otherwise held under law by:
- (1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or
 - (2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct.
- (f) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult.
- (g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with:
- (1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or
 - (2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship.

FINANCIAL EXPLOITATION:

- (a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person:
 - (1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or
 - (2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.
- (b) In the absence of legal authority a person:
 - (1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;
 - (2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;
 - (3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or

(4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

(c) Nothing in this definition requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

MALTREATMENT:

Abuse as defined in subdivision 2, neglect as defined in subdivision 17, or financial exploitation as defined in subdivision 9.

NEGLECT:

(a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:

(1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
(2) which is not the result of an accident or therapeutic conduct.

(b) The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.

(c) For purposes of this section, a vulnerable adult is not neglected for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or section 253B.03, or 525.539 to 525.6199, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult, or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by:

(i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult;

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in sexual contact with:

(i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or

(ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship; or

(4) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult which does not result in injury or harm which reasonably requires medical or mental health care; or

(5) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult that results in injury or harm, which reasonably requires the care of a physician, and:

(i) the necessary care is provided in a timely fashion as dictated by the condition of the vulnerable adult;

(ii) if after receiving care, the health status of the vulnerable adult can be reasonably expected, as determined by the attending physician, to be restored to the vulnerable adult's preexisting condition;

(iii) the error is not part of a pattern of errors by the individual;

(iv) if in a facility, the error is immediately reported as required under section 626.557, and recorded internally in the facility;

(v) if in a facility, the facility identifies and takes corrective action and implements measures designed to reduce the risk of further occurrence of this error and similar errors; and

(vi) if in a facility, the actions required under items (iv) and (v) are sufficiently documented for review and evaluation by the facility and any applicable licensing, certification, and ombudsman agency.

(d) Nothing in this definition requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation.

(e) If the findings of an investigation by a lead agency result in a determination of substantiated maltreatment for the sole reason that the actions required of a facility under paragraph (c), clause (5), item (iv), (v), or (vi), were not taken, then the facility is subject to a correction order. An individual will

	not be found to have neglected or maltreated the vulnerable adult based solely on the facility's not having taken the actions required under paragraph (c), clause (5), item (iv), (v), or (vi). This must not alter the lead agency's determination of mitigating factors under section 626.557, subdivision 9c, paragraph (c).
Mississippi Miss. Code. Ann. § 43-47-5	<p>ABUSE: The willful or non-accidental infliction of physical pain, injury or mental anguish on a vulnerable adult, the unreasonable confinement of a vulnerable adult, or the willful deprivation by a caretaker of services which are necessary to maintain the mental and physical health of a vulnerable adult. "Abuse" includes sexual abuse. "Abuse" shall not mean conduct which is a part of the treatment and care of, and in furtherance of the health and safety of a patient or resident of a care facility. "Abuse" includes, but is not limited to, a single incident.</p> <p>EXPLOITATION: The illegal or improper use of a vulnerable adult or his resources for another's profit or advantage, with or without the consent of the vulnerable adult, and includes acts committed pursuant to a power of attorney. "Exploitation" includes, but is not limited to, a single incident.</p> <p>NEGLECT: Either the inability of a vulnerable adult who is living alone to provide for himself the food, clothing, shelter, health care or other services which are necessary to maintain his mental and physical health, or failure of a caretaker to supply the vulnerable adult with the food, clothing, shelter, health care, supervision or other services which a reasonably prudent person would do to maintain the vulnerable adult's mental and physical health. "Neglect" includes, but is not limited to, a single incident.</p>
Missouri (#1) Mo. Ann. Stat. § 660.250 <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 or older, or (2) between 18 and 59 and have a disability)</i>	<p>ABUSE: The infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation.</p> <p>NEGLECT: The failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety, or welfare of the client or a substantial probability that death or serious physical harm would result.</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>ABUSE: The infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation.</p> <p>NEGLECT: The failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety, or welfare of the client or a substantial probability that death or serious physical harm would result.</p>
Montana Mont. Code Ann. §52-3-803	<p>ABUSE: (a) the infliction of physical or mental injury; or (b) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes</p>

	<p>lawful authority.</p> <p>EXPLOITATION: (a) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person’s money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person’s money, assets, or property; (b) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person’s money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person’s money, assets, or property; (c) the unreasonable use of an older person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person’s money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person’s money, assets, or property.</p> <p>NEGLECT: The failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a person with a developmental disability or who has voluntarily assumed responsibility for the person’s care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or services necessary to maintain the physical or mental health of the older person or the person with a developmental disability.</p> <p>SEXUAL ABUSE: The commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, or incest, as described in Title 45, chapter 5, part 5.</p>
<p>Nebraska Neb. Rev. Stat. § 28-351</p> <p>Neb. Rev. Stat. § 28-358</p> <p>Neb. Rev. Stat. § 28-363</p> <p>Neb. Rev. Stat. § 28-370</p> <p>Neb. Rev. Stat. § 28-367</p>	<p>ABUSE: Any knowing, intentional, or negligent act or omission on the part of the caregiver, a vulnerable adult, or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, exploitation, or denial of essential services to a vulnerable adult.</p> <p>EXPLOITATION: The taking of property of a vulnerable adult by means of undue influence</p> <p>PHYSICAL INJURY: The damage to bodily tissue caused by nontherapeutic conduct, including, but not limited to, fractures, bruises, lacerations, internal injuries, or dislocations, and shall include, but not be limited to, physical pain, illness, or impairment of physical function.</p> <p>UNREASONABLE CONFINEMENT: The confinement which intentionally causes physical injury to a vulnerable adult.</p> <p>SEXUAL ABUSE: Shall include sexual assault as described in section 28-319 or 28-320 and incest as described in section 28-703.</p>
<p>Nevada Nev. Rev. Stat. § 200.5092</p>	<p>ABUSE: The willful and unjustified:</p> <p>(a) Infliction of pain, injury or mental anguish on an older person or a vulnerable person; or</p> <p>(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person..</p> <p>EXPLOITATION: Any act taken by a person who has the trust and confidence of an older person or a vulnerable person. or any use of the power of attorney or guardianship of an older person or a vulnerable person. to:</p> <p>(a) Obtain control, through deception, intimidation or undue influence, over the older person’s or vulnerable person’s. money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his money, assets or property; or</p> <p>(b) Convert money, assets or property of the older person or vulnerable person with the intention of</p>

	<p>permanently depriving the older person or vulnerable person of the ownership, use, benefit, or possession of his money, assets or property. As used in this subsection, “undue influence” does not include the normal influence that one member of a family has over another.</p> <p>ISOLATION: Willfully, maliciously and intentionally preventing an older person or a vulnerable person from having contact with another person by:</p> <p>(a) Intentionally preventing the older person or vulnerable person from receiving his visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor; or</p> <p>(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person.</p> <p>The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.</p> <p>NEGLECT: The failure of:</p> <p>(a) A person who has assumed legal responsibility or a contractual obligation for caring for an older person or vulnerable person or who has voluntarily assumed responsibility for his care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person; or</p> <p>(b) An older person or a vulnerable person to provide for his own needs because of inability to do so.</p>
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<p>New Hampshire N.H. Rev. Stat. Ann. § 161-F:43</p>	<p>ABUSE: Any one of the following:</p> <p>(a) “Emotional abuse” means the misuse of power, authority, or both, verbal harassment, or unreasonable confinement which results or could result in the mental anguish or emotional distress of an incapacitated adult.</p> <p>(b) “Physical abuse” means the use of physical force which results or could result in physical injury to an incapacitated adult.</p> <p>(c) “Sexual abuse” means contact or interaction of a sexual nature involving an incapacitated adult without his or her informed consent.</p> <p>NEGLECT: An act or omission which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional or physical health and safety of an incapacitated adult.</p> <p>EXPLOITATION: The illegal use of an incapacitated adult’s person or property for another person’s profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person’s property for any purpose not in the proper and lawful execution of a trust, including, but not limited to, situations where a person obtains money, property, or services from an incapacitated adult through the use of undue influence, harassment, duress, deception, or fraud.</p> <p>SELF-NEGLECT: An act or omission by an incapacitated adult which results or could result in the deprivation of essential services or supports necessary to maintain his or her minimum mental, emotional or physical health and safety.</p>
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<p>New Jersey N.J. Stat. Ann. 52:27D-407</p>	<p>ABUSE: The willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services which are necessary to maintain a person’s physical and mental health.</p> <p>EXPLOITATION: The act or process of illegally or improperly using a person or his resources for another person’s profit or advantage.</p> <p>NEGLECT: An act or failure to act by a vulnerable adult or his caretaker which results in the</p>
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	inadequate provision of care or services necessary to maintain the physical and mental health of the vulnerable adult, and which places the vulnerable adult in a situation which can result in serious injury or which is life-threatening.
New Mexico N.M. Stat. Ann. § 27-7-16	<p>ABUSE: (1) knowingly, intentionally or negligently and without justifiable cause inflicting physical pain, injury or mental anguish; or (2) the intentional deprivation by a caretaker or other person of services necessary to maintain the mental and physical health of an adult.</p> <p>EXPLOITATION: An unjust or improper use of an adult’s money or property for another person’s profit or advantage, pecuniary or otherwise.</p> <p>NEGLECT: The failure of the caretaker of an adult to provide basic needs such as clothing, food, shelter, supervision and care for the physical and mental health for that adult or failure by an adult to provide such basic needs for himself;</p>
New York N.Y. Soc. Serv. Law § 473	<p>PHYSICAL ABUSE: The non-accidental use of force that results in bodily injury, pain or impairment, including but not limited to, being slapped, burned, cut, bruised or improperly physically restrained.</p> <p>SEXUAL ABUSE: Non-consensual sexual contact of any kind, including but not limited to, forcing sexual contact or forcing sex with a third party.</p> <p>EMOTIONAL ABUSE: The willful infliction of mental or emotional anguish by threat, humiliation, intimidation or other abusive conduct, including but not limited to, frightening or isolating an adult.</p> <p>ACTIVE NEGLECT: The willful failure by the caregiver to fulfill the care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment, willful deprivation of food, water, heat, clean clothing and bedding, eyeglasses or dentures, or health related services.</p> <p>PASSIVE NEGLECT: The non-willful failure of a caregiver to fulfill care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment or denial of food or health related services because of inadequate caregiver knowledge, infirmity, or disputing the value of prescribed services.</p> <p>SELF NEGLECT: An adult’s inability, due to physical and/or mental impairments to perform tasks essential to caring for oneself, including but not limited to, providing essential food, clothing, shelter and medical care; obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety; or managing financial affairs.</p> <p>FINANCIAL EXPLOITATION: The improper use of an adult’s funds, property or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers or denial of access to assets.</p>
North Carolina N.C. Gen. Stat. § 108A-101	<p>ABUSE: The willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation by a caretaker of services which are necessary to maintain mental and physical health.</p> <p>EXPLOITATION: The illegal or improper use of a disabled adult or his resources for another’s profit or advantage.</p> <p>NEGLECT: A disabled adult who is either living alone and not able to provide for himself the services which are necessary to maintain his mental or physical health or is not receiving services from his caretaker. A person is not receiving services from his caretaker if, among other things and not by way of limitation, he is a resident of one of the State-owned hospitals for the mentally ill, centers for the mentally retarded or North Carolina Special Care Center he is, in the opinion of the professional staff of that hospital or center, mentally incompetent to give his consent to medical treatment, he has no legal guardian appointed pursuant to Chapter 35A, or guardian as defined in G.S. 122C-3(15), and he needs medical treatment.</p>
North Dakota N.D. Cent. Code	ABUSE: Any willful act or omission of a caregiver or any other person which results in physical injury,

<p>§ 50-25.2-01</p>	<p>mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult.</p> <p>FINANCIAL EXPLOITATION: The taking or misuse of property or resources of a vulnerable adult by means of undue influence, breach of a fiduciary relationship, deception, harassment, criminal coercion, theft, or other unlawful or improper means.</p> <p>NEGLECT: The failure of a caregiver to provide essential services necessary to maintain the physical and mental health of a vulnerable adult, or the inability or lack of desire of the vulnerable adult to provide essential services necessary to maintain and safeguard the vulnerable adult’s own physical and mental health.</p> <p>SEXUAL ABUSE OR EXPLOITATION: Includes those sex offenses defined in sections 12.1-20-02, 12.1-20-03, 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20- 07, and 12.1-20-11.</p>
<p>Ohio Ohio Rev. Code Ann. § 5101.60</p>	<p>ABUSE: The infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.</p> <p>EXPLOITATION: The unlawful or improper act of a caretaker using an adult or an adult’s resources for monetary or personal benefit, profit, or gain.</p> <p>NEGLECT: The failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.</p>
<p>Oklahoma Okla. Stat. tit. 43A § 10-103</p>	<p>ABUSE: Causing or permitting: a. the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish, or b. the deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult.</p> <p>EXPLOITATION or EXPLOIT: An unjust or improper use of the resources of a vulnerable adult for the profit or advantage, pecuniary or otherwise, of a person other than the vulnerable adult through the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense;</p> <p>NEGLECT: a. the failure to provide protection for a vulnerable adult who is unable to protect his or her own interest, b. the failure to provide a vulnerable adult with adequate shelter, nutrition, health care, or clothing, or c. negligent acts or omissions that result in harm or the unreasonable risk of harm to a vulnerable adult through the action, inaction, or lack of supervision by a caretaker providing direct services;</p> <p>SEXUAL ABUSE: a. oral, anal, or vaginal penetration of a vulnerable adult by or through the union with the sexual organ of a caretaker or other person providing services to the vulnerable adult, or the anal or vaginal penetration of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult with any other object, or b. for the purpose of sexual gratification, the touching, feeling or observation of the body or private parts of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult, or c. indecent exposure by a caretaker or other person providing services to the vulnerable adult.</p> <p>SELF-NEGLECT: The action or inaction of a vulnerable adult which causes that person to fail to meet the essential requirements for physical or mental health and safety due to the vulnerable adult’s lack of awareness, incompetence or incapacity.</p> <p>SEXUAL EXPLOITATION: Includes, but is not limited to, a caretaker’s causing, allowing, permitting or encouraging a vulnerable adult to engage in prostitution or in the lewd, obscene, or pornographic photographing, filming or depiction of the vulnerable adult as those acts are defined by state law; and</p> <p>VERBAL ABUSE: The use of words, sounds, or other communication including, but not limited to, gestures, actions or behaviors, by a caretaker or other person providing services to a vulnerable adult that are likely to cause a reasonable person to experience humiliation, intimidation, fear, shame or degradation.</p>

<p>Oregon (EPS) Or. Rev. Stat. § 124.050 <i>(applicable to persons 65 or older who are not residents of long-term care facilities)</i></p>	<p>ABUSE: One or more of the following: (a) Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury. (b) Neglect that leads to physical harm through withholding of services necessary to maintain health and well-being. (c) Abandonment, including desertion or willful forsaking of an elderly person or the withdrawal or neglect of duties and obligations owed an elderly person by a caregiver or other person. (d) Willful infliction of physical pain or injury. (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465 or 163.467. (f) Wrongfully taking or appropriating money or property, or knowingly subjecting an elderly person or person with disabilities to alarm by conveying a threat to wrongfully take or appropriate money or property, which threat reasonably would be expected to cause the elderly person or person with disabilities to believe that the threat will be carried out.</p>
<p>Oregon (APS) Or. Rev. Stat. § 430.735 <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></p>	<p>ABUSE: Means one or more of the following: (a) Any death caused by other than accidental or natural means. (b) Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury. (c) Willful infliction of physical pain or injury. (d) Sexual harassment or exploitation, including but not limited to any sexual contact between an employee of a facility or community program and an adult. (e) Neglect that leads to physical harm through withholding of services necessary to maintain health and well-being. For purposes of this paragraph, "neglect" does not include a failure of the state or a community program to provide services due to a lack of funding available to provide the services.</p>
<p>Pennsylvania Pa. Stat. Ann. tit. 35 § 10225.103</p>	<p>ABANDONMENT: The desertion of an older adult by a caretaker.</p> <p>ABUSE: The occurrence of one or more of the following acts: (1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish. (2) The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health. (3) Sexual harassment, rape or abuse, as defined in the act of October 7, 1976 (P.L. 1090, No. 218), known as the Protection From Abuse Act.</p> <p>No older adult shall be found to be abused solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.</p> <p>EXPLOITATION: An act or course of conduct by a caretaker or other person against an older adult or an older adult's resources, without the informed consent of the older adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the older adult.</p> <p>NEGLECT: The failure to provide for oneself or the failure of a caretaker to provide goods or services essential to avoid a clear and serious threat to physical or mental health. No older adult who does not consent to the provision of protective services shall be found to be neglected solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.</p> <p>SEXUAL ABUSE: Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.</p>
<p>Puerto Rico 8 P.R. Laws Ann. § 342</p>	<p>COERCION: Physical or psychological force or violence exerted on a person to compel said person to say or do something.</p> <p>HARASSMENT: Words, gestures or actions addressed to molest, persecute or disturb an elderly person.</p>

	<p>INTIMIDATION: Any action or word whose purpose is to exert moral pressure on the will of an elderly person, who, for fear of suffering physical or emotional harm on his/her person, or property or another person, is compelled to perform an act against his/her will.</p> <p>PHYSICAL ABUSE: Any injury or condition which provokes or creates a substantial risk which may cause the disfigurement or temporary or permanent disability of any bodily part or function, or other forms of bodily harm or injury.</p> <p>MENTAL OR PHYSICAL ABUSE: Any act or conduct which may bring dishonor, discredit or create contempt for personal values, unreasonable limitation of access and management of goods or chattels, isolation, lack of access to proper sustenance or rest, threats, or destruction of objects dear to the person.</p>
<p>Rhode Island R.I. Gen. Laws § 42-66-4.1</p>	<p>ABANDONMENT: The desertion of an elderly person by a caretaker or other person with a duty of care, or the withdrawal of necessary assistance owed an elderly person by a caretaker or other person with an obligation to provide services.</p> <p>ABUSE: The subjection of an elderly person to the willful infliction of physical pain, or willful deprivation of services by a caretaker or other person with a duty of care for the elderly person. Abuse also includes neglect, abandonment, and exploitation.</p> <p>EXPLOITATION: An act or process of taking pecuniary advantage of an elderly person by use of undue influence, harassment, duress, deception, false representation or false pretenses.</p> <p>NEGLECT: The willful refusal to provide services necessary to maintain physical and mental health on the part of a caretaker or other person with a duty of care.</p>
<p>South Carolina S.C. Code Ann. § 43-35-10</p>	<p>ABUSE: Physical abuse or psychological abuse.</p> <p>EXPLOITATION:</p> <ul style="list-style-type: none"> (a) Causing or requiring a vulnerable adult to engage in activity or labor which is improper, illegal, or against the reasonable and rational wishes of the vulnerable adult. Exploitation does not include requiring a vulnerable adult to participate in an activity or labor which is a part of a written plan of care or which is prescribed or authorized by a licensed physician attending the patient; (b) An improper, illegal, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a vulnerable adult by a person for the profit or advantage of that person or another person; or (c) causing a vulnerable adult to purchase goods or services for the profit or advantage of the seller or another person through: (i) undue influence, (ii) harassment, (iii) duress, (iv) force, (v) coercion, or (vi) swindling by overreaching, cheating, or defrauding the vulnerable adult through cunning arts or devices that delude the vulnerable adult and cause him to lose money or other property. <p>NEGLECT: The failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a vulnerable adult including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services. Neglect may be repeated conduct or a single incident which has produced or can be proven to result in serious physical or psychological harm or substantial risk of death. Noncompliance with regulatory standards alone does not constitute neglect. Neglect includes the inability of a vulnerable adult, in the absence of a caretaker, to provide for his or her own health or safety which produces or could reasonably be expected to produce serious physical or psychological harm or substantial risk of death.</p> <p>PHYSICAL ABUSE: Intentionally inflicting or allowing to be inflicted physical injury on a vulnerable adult by an act or failure to act. Physical abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery as defined in Section 16-3-651, use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose of punishment except that a therapeutic procedure prescribed by a licensed physician or other qualified professional or that is part of a written plan of care by a licensed physician or other qualified professional is not considered physical abuse. Physical abuse does not include altercations or acts of assault between vulnerable adults.</p>

	PSYCHOLOGICAL ABUSE: Deliberately subjecting a vulnerable adult to threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.
South Dakota <i>There is no APS statute but the state's APS program is authorized by S.D. Codified Laws Ann. § 28-1-44</i>	
Tennessee Tenn. Code Ann. § 71-6-102	<p>ABUSE OR NEGLECT: The infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services which are necessary to maintain that person's health or welfare. Nothing in this part shall be construed to mean a person is abused or neglected or in need of protective services for the sole reason that the person relies on or is being furnished treatment by spiritual means through prayer alone in accordance with a recognized religious method of healing in lieu of medical treatment; further, nothing in this part shall be construed to require or authorize the provision of medical care to any terminally ill person if such person has executed an unrevoked living will in accordance with the provisions of the Tennessee Right to Natural Death Law, compiled in title 32, chapter 11, and if the provisions of such medical care would conflict with the terms of such living will.</p> <p>EXPLOITATION: The improper use by a caretaker of funds which have been paid by a governmental agency to an adult or to the caretaker for the use or care of the adult.</p> <p>SEXUAL ABUSE: Occurs when an adult, as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult's will. Sexual abuse also occurs when an "adult," as defined in this chapter, is unable to give consent to such sexual activities or contact and is engaged in such activities or contact with another person.</p>
Texas Texas Hum. Res. Code Ann. § 48.002	<p>ABUSE: (A) the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or (B) sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.</p> <p>EXPLOITATION: The illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with the elderly or disabled person using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person.</p> <p>NEGLECT: The failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.</p>
Utah Utah Code Ann. § 62A-3-301	<p>ABANDONMENT: Any knowing or intentional action or inaction, including desertion, by a person or entity acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or medical or other health care.</p> <p>ABUSE: (a) attempting to cause harm, intentionally or knowingly causing harm, or intentionally or knowingly placing another in fear of imminent harm; (b) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult that is in conflict with a physician's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the adult; (c) emotional or psychological abuse;</p>

	<p>(d) sexual offense as described in Title 76, Chapter 5, Offenses Against the Person; or (e) deprivation of life sustaining treatment, except: (i) as provided in Title 75, Chapter 2, Part 11, Personal Choice and Living Will Act; or (ii) when informed consent, as defined in Section 76-5-111, has been obtained.</p> <p>ELDER ABUSE: Abuse, neglect, or exploitation of an elder adult.</p> <p>EMOTIONAL OR PSYCHOLOGICAL ABUSE: Intentional or knowing verbal or nonverbal conduct directed at a vulnerable adult including ridiculing, intimidating, yelling, swearing, threatening, isolating, coercing, harassing, or other forms of intimidating behavior that results or could result in the vulnerable adult suffering mental anguish or emotional distress, including fear, humiliation, degradation, agitation, confusion, or isolation.</p> <p>EXPLOITATION: The offense described in Subsection 76-5-111(4).</p> <p>INTIMIDATION: Communication through verbal or nonverbal conduct which threatens deprivation of money, food, clothing, medicine, shelter, social interaction, supervision, health care, or companionship, or which threatens isolation or abuse.</p> <p>ISOLATION: (a) ...knowingly or intentionally preventing a vulnerable adult from having contact with another person by: (i) preventing the vulnerable adult from receiving visitors, mail, or telephone calls, contrary to the express wishes of the vulnerable adult, including communicating to a visitor that the vulnerable adult is not present or does not want to meet with or talk to the visitor, knowing that communication to be false; (ii) physically restraining the vulnerable adult in order to prevent the vulnerable adult from meeting with a visitor; or (iii) making false or misleading statements to the vulnerable adult in order to induce the vulnerable adult to refuse to receive communication from visitors or other family members. (b) The term “isolation” does not include an act intended to protect the physical or mental welfare of the vulnerable adult or an act performed pursuant to the treatment plan or instructions of a physician or other professional advisor of the vulnerable adult.</p> <p>NEGLECT: (a) (i) failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care, or dental, medical, or other health care; or (ii) failure to provide protection from health and safety hazards or maltreatment; (b) failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise; (c) a pattern of conduct by a caretaker, without the vulnerable adult’s informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating, or other services necessary to maintain the vulnerable adult’s well being; (d) knowing or intentional failure by a caretaker to carry out a prescribed treatment plan that causes or is likely to cause harm to the vulnerable adult; (e) self-neglect by the vulnerable adult; or (f) abandonment by a caretaker.</p> <p>SELF-NEGLECT: The failure of a vulnerable adult to provide food, water, medication, health care, shelter, cooling, heating, safety, or other services necessary to maintain the vulnerable adult’s well being when that failure is the result of the adult’s mental or physical impairment. Choice of lifestyle or living arrangements may not, by themselves, be evidence of self-neglect.</p>
<p>Vermont Vt. Stat. Ann. tit. 33 § 6902</p>	<p>ABUSE: (A) Any treatment of a vulnerable adult which places life, health or welfare in jeopardy or which is likely to result in impairment of health; (B) Any conduct committed with an intent or reckless disregard that such conduct is likely to cause unnecessary harm, unnecessary pain or unnecessary suffering to a vulnerable adult; (C) Unnecessary or unlawful confinement or unnecessary or unlawful restraint of a vulnerable adult; (D) Any sexual activity with a vulnerable adult by a caregiver who volunteers for or is paid by a caregiving facility or program. This definition shall not apply to a consensual relationship between a vulnerable adult and a spouse, nor to a consensual relationship between a vulnerable adult and a</p>

	<p>caregiver hired, supervised, and directed by the vulnerable adult;</p> <p>(E) Intentionally subjecting a vulnerable adult to behavior which should reasonably be expected to result in intimidation, fear, humiliation, degradation, agitation, disorientation, or other forms of serious emotional distress; or</p> <p>(F) Administration, or threatened administration, of a drug, substance, or preparation to a vulnerable adult for a purpose other than legitimate and lawful medical or therapeutic treatment.</p> <p>EXPLOITATION:</p> <p>(A) Willfully using, withholding, transferring or disposing of funds or property of a vulnerable adult without or in excess of legal authority for the wrongful profit or advantage of another;</p> <p>(B) Acquiring possession or control of or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, or fraud;</p> <p>(C) The act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or advantage of another;</p> <p>(D) Any sexual activity with a vulnerable adult when the vulnerable adult does not consent or when the actor knows or should know that the vulnerable adult is incapable of resisting or declining consent to the sexual activity due to age or disability or due to fear of retribution or hardship, whether or not the actor has actual knowledge of vulnerable status.</p> <p>NEGLECT: The purposeful or reckless failure or omission by a caregiver to:</p> <p>(A)(i) provide care or arrange for goods or services necessary to maintain the health or safety of a vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or a terminal care document, as defined in chapter 111 of Title 18;</p> <p>(ii) make a reasonable effort, in accordance with the authority granted the caregiver, to protect a vulnerable adult from abuse, neglect or exploitation by others;</p> <p>(iii) carry out a plan of care for a vulnerable adult when such failure results in or could reasonably be expected to result in physical or psychological harm or a substantial risk of death to the vulnerable adult, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or a terminal care document, as defined in chapter 111 of Title 18; or</p> <p>(iv) report significant changes in the health status of a vulnerable adult to a physician, nurse, or immediate supervisor, when the caregiver is employed by an organization that offers, provides or arranges for personal care.</p> <p>(B) Neglect may be repeated conduct or a single incident which has resulted in or could be expected to result in physical or psychological harm, as a result of subdivisions (A)(i), (ii), or (iii) of this subdivision (7).</p>
<p>Virgin Islands 34 V.I. Code Ann. § 452</p>	<p>ABANDONMENT: Desertion by a caretaker or other person who has an obligation to provide services.</p> <p>ABUSE: The infliction of verbal, psychological or physical pain, injury or harm, mental anguish or harm, or unreasonable confinement.</p> <p>EXPLOITATION: An act or course of conduct to influence or interfere by misrepresentation, coercion or threats of force whether for monetary, personal, or other benefit, gain or profit.</p> <p>NEGLECT: Failure or refusal to provide treatment or services necessary to maintain physical or mental health.</p>
<p>Virginia Va. Code Ann. § 63.2-100</p>	<p>ADULT ABUSE: The willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.</p> <p>ADULT EXPLOITATION: The illegal use of an incapacitated adult or his resources for another's profit or advantage.</p> <p>ADULT NEGLECT: An adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being.</p>
<p>Washington Wash. Rev. Code § 74.34.020</p>	<p>ABANDONMENT: An action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.</p>

	<p>ABUSE: The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:</p> <p>(a) Sexual abuse means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.</p> <p>(b) Physical abuse means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.</p> <p>(c) Mental abuse means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.</p> <p>(d) Exploitation means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.</p> <p>FINANCIAL EXPLOITATION: The illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person’s profit or advantage.</p> <p>NEGLECT: (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult’s health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.</p> <p>SELF-NEGLECT: The failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult’s physical or mental health, and the absence of which impairs or threatens the vulnerable adult’s well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.</p>
<p>West Virginia W. Va. Code § 9-6-1</p>	<p>ABUSE: The infliction or threat to inflict physical pain or injury on or the imprisonment of any incapacitated adult or facility resident.</p> <p>NEGLECT: The failure to provide the necessities of life to an incapacitated adult or facility resident with intent to coerce or physically harm the incapacitated adult or resident; and the unlawful expenditure or willful dissipation of the funds or other assets owned or paid to or for the benefit of an incapacitated adult or resident.</p>
<p>Wisconsin (EPS) Wis. Stat. Ann. § 46.90(1) <i>(applicable to persons who are 60 or older)</i></p>	<p>ABUSE: Means any of the following:</p> <ol style="list-style-type: none"> 1. Physical abuse. 2. Emotional abuse. 3. Sexual abuse. 4. Treatment without consent. 5. Unreasonable confinement or restraint. <p>EMOTIONAL ABUSE: Means language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.</p> <p>FINANCIAL EXPLOITATION: Means any of the following:</p>

	<p>1. Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his or her will without his or her informed consent.</p> <p>2. Theft, as prohibited in s. 943.20.</p> <p>3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.</p> <p>4. Unauthorized use of an individual's personal identifying information or documents, as prohibited in s. 943.201.</p> <p>5. Unauthorized use of an entity's identifying information or documents, as prohibited in s. 943.203.</p> <p>6. Forgery, as prohibited in s. 943.38.</p> <p>7. Financial transaction card crimes, as prohibited in s. 943.41.</p> <p>NEGLECT: Means the failure of a caregiver, as evidenced by an act, omission or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. "Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under ch. 154, a power of attorney for health care under ch. 155, or as otherwise authorized by law.</p> <p>PHYSICAL ABUSE: Means the intentional or reckless infliction of bodily harm</p> <p>SELF-NEGLECT: Means a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care.</p> <p>SEXUAL ABUSE: Means a violation of s. 940.225(1), (2), (3), or (3m).</p>
<p>Wisconsin (APS) Wis. Stat. Ann. § 55.01 <i>(applicable to adults with disabilities)</i></p>	<p>ABUSE: Has the meaning given in s. 46.90(1)(a)</p> <p>FINANCIAL EXPLOITATION: as the meaning given in s. 46.90(1)(ed).</p> <p>NEGLECT: Has the meaning given in s. 46.90(1)(f).</p> <p>SELF-NEGLECT: Has the meaning given in s. 46.90(1)(g).</p>
<p>Wyoming Wyo. Stat. Ann. § 35-20-102</p>	<p>ABANDONMENT: Leaving a vulnerable adult without financial support or the means or ability to obtain food, clothing, shelter or health care;</p> <p>ABUSE: The intentional or reckless infliction, by the vulnerable adult's caregiver, family member or other individual of: (A) Injury; (B) Unreasonable confinement which threatens the welfare and well being of a vulnerable adult; or (C) Intimidation or cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult.</p> <p>EXPLOITATION: The reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult, to obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult's money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property;</p> <p>NEGLECT: The deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a vulnerable adult's life or health, or which may result in a life-threatening situation. The withholding of health care from a vulnerable adult is not neglect if: (A) Treatment is given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination; or (B) The withholding of health care is in accordance with a declaration executed pursuant to W.S. 35-22-401 through 35-22-416.</p>

	SELF NEGLECT: When a vulnerable adult is unable, due to physical or mental disability, or refuses to perform essential self-care tasks, including providing essential food, clothing, shelter or medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety, or managing financial affairs.
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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.

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