

## TYPES OF ABUSE: COMPARISON CHART OF PROVISIONS IN ADULT PROTECTIVE SERVICES LAWS, BY STATE

(Laws current as of 12/31/06)

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Research conducted on Westlaw compliments of West Group

**CAUTION:** Read the explanation of this chart before relying upon the chart. You can find the explanation online at

<http://www.abanet.org/aging/about/elderabuse.shtml>.

√ = Stand-alone category in APS statute

● = Included as part of another category in APS statute

\* = Authority to include this type of abuse is found by reading a different section of the statute.

# = Authority to include this type of abuse is found in APS program regulations.

NOTE: If sexual abuse is not explicitly defined or subsumed in the statutory language, it is probably safe to interpret the definition of physical abuse as including sexual abuse.

	ABUSE/ PHYSICAL ABUSE	PSYCHOLOGICAL/ EMOTIONAL/ MENTAL/ VERBAL ABUSE	SEXUAL ABUSE/ EXPLOITATION	FINANCIAL EXPLOITATION	NEGLECT	ABANDONMENT	SELF- NEGLECT
Alabama	√	√	√	√	√		●
Alaska	√	●	●	√	√	√	√
Arizona	√		●	√	√		
Arkansas (#1) Ark. Code Ann. § 12-12-1703 (relating to reporting & investigation)	√	●	√	√	√		●
Arkansas (#2) Ark. Code Ann. § 9-20-101 (authorizing APS to take victims into protective custody)	√	●	√	√	√		●
California	√	●	●	√	√	√	●
Colorado	√		●	√	√		√
Connecticut	√	●		√	√	√	●

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Delaware	√	●		√	√	●	
District of Columbia	√	●	●	√	√		√
Florida	√	√	√	√	√		●
Georgia	√	●		√	√		
Guam	√	√	●	√	√	√	●
Hawaii	√	●	●	●	●		●
Idaho	√	●		√	√		●
Illinois	√	●	●	●	√		
Indiana	●			●	●		
Iowa	√		●	●	●		●
Kansas	√	●	●	√	√		●
Kentucky	√	●	●	√	√		●
Louisiana	√	●	●	√	√	√	√
Maine	√	●	√	√	√		●*
Maryland	√			√	√		√
Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, § 14 <i>(applicable to persons who are 60 or older)</i>	√	●	●	√	●		●
Massachusetts (APS) Mass. Gen. Laws ch. 19C, § 1 <i>(applicable to persons with disabilities)</i>	√	●	●		●		
Michigan	√	●	●	√	√		●
Minnesota	√	●	●	√	√		●
Mississippi	√	●	●	√	√		●

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<b>Missouri (#1)</b> <b>Mo. Ann. Stat. § 660.250</b> <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>	√	•	•	•	√		•*
<b>Missouri (#2)</b> <b>Mo. Ann. Stat. §§ 660.300 – 660.321</b> <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</i>	√	•	•	•	√		•*

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<i>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>							
<b>Montana</b>	√	●	√	√	√		
<b>Nebraska</b>	√		√	√	●		●
<b>Nevada</b>	√	●		√	√		●
<b>New Hampshire</b>	√	●	●	√	√		√
<b>New Jersey</b>	√	●		√	√		●
<b>New Mexico</b>	√	●		√	√		●
<b>New York</b>	√	√	√	√	√	●	√
<b>North Carolina</b>	√	●		√	√		●
<b>North Dakota</b>	√	●	√	√	√		●
<b>Ohio</b>	√	●		√	√		●
<b>Oklahoma</b>	√	√	√	√	√		√
<b>Oregon (EPS) Or. Rev. Stat. § 124.050 (applicable to persons 65 or</b>	√			●	●	●	

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<i>older who are not residents of long-term care facilities)</i>							
<b>Oregon (APS)</b> <b>Or. Rev. Stat. § 430.735</b> <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>	√		●		●		●*
<b>Pennsylvania</b>	√	●	√	√	√	√	●
<b>Puerto Rico</b>	√	√					
<b>Rhode Island</b>	√			√	√	√	
<b>South Carolina</b>	√	√	●	√	√		●
<b>South Dakota</b> <i>(There is no APS statute but the state's APS program is authorized by S.D. Codified Laws Ann. § 28-1-44)</i>							
<b>Tennessee</b>	√	●	√	√	√		●
<b>Texas</b>	√	●	●	√	√		●
<b>Utah</b>	√	√	●	√	√	√	√
<b>Vermont</b>	√	●	●	√	√		
<b>Virgin Islands</b>	√	●		√	√	√	●*
<b>Virginia</b>	√	●		√	√		●

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<b>Washington</b>	√	●	●	√	√	√	√
<b>West Virginia</b>	√			●	√		#
<b>Wisconsin (EPS) Wis. Stat. Ann. § 46.90 (applicable to persons who are 60 or older )</b>	√	√	√	√	√		√
<b>Wisconsin (APS) Wis. Stat. Ann. § 55.01 (applicable to adults with disabilities)</b>	√	●	●	√	√		√
<b>Wyoming</b>	√	●		√	√	√	√

<sup>1</sup> 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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