

AGE - THRESHOLD ELIGIBILITY FOR ADULT PROTECTIVE SERVICES: COMPARISON CHART OF CRITERIA, 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>.

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
Alabama								
<i>-Adult in Need of Protective Services who is mentally incapable</i>	a person 18 years of age or older					X		
<i>-Adult in need of protective services who has a physical or mental impairment</i>	a person 18 years of age or older					X		
Alaska								
<i>-Vulnerable adult</i>	18 years or older					X		
Arizona								
<i>-Vulnerable adult</i>	eighteen years of age or older					X		
<i>-Incapacitated adult</i>	Adult (by reference to authorization)					X		
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 (relating to reporting & investigation)								
<i>-Endangered person</i>	eighteen (18) years of age or older					X		

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Endangered person in LTCF</i>	None							
<i>-Impaired person</i>	eighteen (18) years of age or older					X		
<i>-Impaired person in LTCF</i>	None							
Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9-20-121 (authorizing APS to take victims into protective custody)								
<i>-Endangered adult</i>	eighteen (18) years of age or older					X		
<i>-Endangered adult in LTCF</i>	eighteen (18) years of age or older					X		
<i>-Impaired adult</i>	eighteen (18) years of age or older					X		
<i>-Impaired adult in LTCF</i>	eighteen (18) years of age or older					X		
California								
<i>-Elder</i>	65 years of age or older	X						
<i>-Dependent adult</i>	between the ages of 18 and 64			X				
<i>-Dependent adult admitted as inpatient in 24-hour health facility</i>	any person between the ages of 18 and 64			X				
Colorado								
<i>-At-risk adult</i>	eighteen years of age or older					X		
Connecticut								

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Elderly person</i>	sixty years of age or older		X					
Delaware								
<i>-Infirm adult</i>	18 years or over					X		
<i>-Incapacitated person</i>	Adult (by reference to authorization)					X		
District of Columbia								
<i>-Adult in need of protective services</i>	aged 18 or older					X		
Florida								
<i>-Vulnerable adult</i>	18 years of age or older					X		
Georgia								
<i>-Elder person</i>	65 years of age or older	X						
<i>-Disabled adult</i>	18 years of age or older					X		
Guam								
<i>-Elderly</i>	sixty (60) years of age or older		X					
<i>-Disabled adult who has a physical or mental impairment...</i>	over the age of eighteen (18) years					X		
<i>-Disabled adult who has a history of or has been classified as having an impairment</i>	over the age of eighteen (18) years					X		
Hawaii								
<i>-Dependent adult</i>	adult					X		
Idaho								
<i>-Vulnerable adult</i>	eighteen (18) years of age or older					X		
Illinois								

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Eligible adult</i>	60 years of age or older		X					
Indiana								
<i>-Endangered adult</i>	at least eighteen (18) years of age					X		
Iowa								
<i>-Dependent adult</i>	eighteen years of age or older					X		
Kansas								
<i>-Adult in own home or home of a family member or home of a friend</i>	18 years of age or older					X		
<i>-Adult in an adult family home</i>	18 years of age or older					X		
<i>-Adult receiving services through a provider of community services and affiliates thereof</i>	18 years of age or older					X		
Kentucky								
<i>-Adult</i>	eighteen (18) years of age or older					X		
Louisiana[#]								
<i>-Adult</i>	sixty years of age or older, any disabled person eighteen years of age or older, or an emancipated minor		X			X	X	

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Disabled person</i>	sixty years of age or older, any disabled person eighteen years of age or older, or an emancipated minor		X			X	X	
Maine								
<i>-Dependent adult</i>	18 years of age or who is a legally emancipated minor					X	X	
<i>-Dependent adult who resides in a nursing home</i>	18 years of age or who is a legally emancipated minor					X	X	
<i>-Dependent adult who resides in a facility providing assisted living services</i>	18 years of age or who is a legally emancipated minor					X	X	
<i>-Dependent adult who is considered to be a dependent person under Title 17-A, section 555</i>	None							
<i>-Incapacitated adult</i>	18 years of age or who is a legally emancipated minor					X	X	
Maryland								
<i>-Vulnerable adult</i>	adult					X		
<i>-Disabled person</i>	adult					X		
Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 (applicable to persons who are 60 or older)								

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Elderly person</i>	sixty years of age or over		X					
Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 (applicable to persons with disabilities)								
<i>-Disabled person</i>	between the ages of eighteen to fifty-nine, inclusive				X			
Michigan								
<i>-Vulnerable person</i>	adult					X		
Minnesota								
<i>-Vulnerable adult who is a facility resident or inpatient</i>	18 years of age or older					X		
<i>-Vulnerable adult who receives services at or from a facility</i>	18 years of age or older					X		
<i>-Vulnerable adult who receives services from a home care provider</i>	18 years of age or older					X		
<i>-Vulnerable adult</i>	18 years of age or older					X		
Mississippi								
<i>-Vulnerable adult</i>	eighteen (18) years of age or older or any minor					X		X
<i>-Vulnerable adult in a care facility</i>	None							
Missouri (#1) Mo. Ann. Stat. §§ 660.250 – 660.295								

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<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>								
<i>-Eligible adult</i>	sixty years of age or older		X					
<i>-Eligible adult with a disability</i>	adult/between the ages of eighteen and fifty-nine				X			
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</i>								

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>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>								
<i>-Eligible adult who is an “in-home services client”</i>	sixty years of age or older		X					
<i>-Eligible adult with a disability who is an “in-home services client”</i>	adult/between the ages of eighteen and fifty-nine				X			
Montana								
<i>-Older person</i>	at least 60 years of age		X					
<i>-Person with a developmental disability</i>	18 years of age or older					X		
Nebraska-								
<i>-Vulnerable adult who has a substantial mental impairment</i>	eighteen years or older					X		

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Vulnerable adult who has a substantial functional impairment</i>	eighteen years or older					X		
<i>-Vulnerable adult for whom a guardian has been appointed</i>	eighteen years or older					X		
Nevada								
<i>-Older person</i>	60 years of age or older		X					
New Hampshire								
<i>-Incapacitated adult</i>	18 years of age or older					X		
New Jersey								
<i>-Vulnerable adult</i>	eighteen years of age or older					X		
New Mexico								
<i>-Incapacitated adult</i>	eighteen years of age or older					X		
<i>-Protected adult</i>	eighteen years of age or older					X		
New York								
<i>-Adult</i>	Adult (by reference to authorization)					X		
North Carolina								
<i>-Disabled adult</i>	18 years of age or over or any lawfully emancipated minor					X	X	
North Dakota								
<i>-Vulnerable adult who has a substantial mental impairment</i>	Adult or minor emancipated by marriage					X	X	

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Vulnerable adult who has a substantial functional impairment</i>	Adult or minor emancipated by marriage					X	X	
Ohio								
<i>-Adult</i>	sixty years of age or older		X					
Oklahoma								
<i>-Vulnerable adult</i>	adult					X		
<i>-Incapacitated person</i>	eighteen (18) years of age or older					X		
<i>-Incapacitated person with a guardian, limited guardian, or conservator</i>	eighteen (18) years of age or older					X		
Oregon (EPS) Or. Rev. Stat. §§ 124.050 – 124.095 (applicable to persons 65 or older who are not residents of long-term care facilities)								
<i>-Elderly person</i>	65 years of age or older	X						
Oregon (APS) Or. Rev. Stat. §§ 430.735 – 430.768 (applicable only to persons 18 or older who are mentally ill or developmentally disabled and receive services from a community program)								

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>or facility)</i>								
<i>-Adult</i>	18 years of age or older					X		
Pennsylvania								
<i>-Older adult</i>	60 years of age or older		X					
Puerto Rico								
<i>-Aged person</i>	sixty (60) years of age or older		X					
Rhode Island								
<i>-Elderly person</i>	sixty (60) years of age or older		X					
South Carolina								
<i>-Vulnerable adult</i>	eighteen years of age or older					X		
<i>-Vulnerable adult residing in a facility</i>	None							
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>								
<i>-None</i>	None							
Tennessee								
<i>-Adult</i>	eighteen (18) years of age or older					X		
<i>-Adult of advanced age</i>	sixty (60) years of age or older		X					
Texas								
<i>-Elderly person</i>	65 years of age or older		X					

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>-Disabled person</i>	18 years of age or older; or under 18 years of age and has had the disabilities of minority removed					X	X	
Utah								
<i>-Vulnerable elder adult</i>	65 years of age or older	X						
<i>-Vulnerable adult</i>	adult					X		
Vermont								
<i>-Vulnerable adult who is a facility resident</i>	18 years of age or older					X		
<i>-Vulnerable adult who is a resident of a psychiatric hospital or psych unit of a hospital</i>	18 years of age or older					X		
<i>-Vulnerable adult who has been receiving services for more than a month from a home health agency, etc.</i>	18 years of age or older					X		
<i>-Vulnerable adult who is impaired in ability to provide self-care</i>	18 years of age or older					X		
<i>-Vulnerable adult who is impaired in ability to protect self</i>	18 years of age or older					X		
Virgin Islands								
<i>-Elderly person</i>	sixty (60) years of age or over		X					
<i>-Disabled adult</i>	eighteen (18) years of age or older					X		

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
Virginia								
<i>-Adult</i>	60 years of age or older		X					
<i>-Adult who is incapacitated</i>	18 years of age or older					X		
Washington								
<i>-Vulnerable adult</i>	Sixty years of age or older		X					
<i>-Vulnerable adult who is found incapacitated under the guardianship chapter</i>	Adult					X		
<i>-Vulnerable adult who has a developmental disability</i>	Adult					X		
<i>-Vulnerable adult who is admitted to any facility</i>	Adult					X		
<i>-Vulnerable adult who receives services from home health, hospice, or home care agencies</i>	Adult					X		
<i>-Vulnerable adult who is receiving services from an individual provider</i>	Adult					X		
<i>-Vulnerable adult receiving services from an "individual who for compensation serves as a personal aide to a person who self-directs his or her</i>	Adult					X		

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING AGE	65+	60+	18-64	18-59	18+	EMANCIPATED MINOR*	MINOR
<i>own care in his or her home”</i>								
West Virginia								
<i>-Incapacitated adult</i>	adult					X		
Wisconsin (EPS) Wis. Stat. Ann. § 46.90 (applicable to persons who are 60 or older)								
<i>-Elder adult at risk</i>	age 60 years or older		X					
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 (applicable to adults with disabilities)								
<i>-Adult at risk</i>	adult				X			
Wyoming								
<i>-Vulnerable adult</i>	eighteen (18) years of age or older					X		

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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* Emancipated minor includes “legally emancipated minor,” “lawfully emancipated minor,” “minor emancipated by marriage,” or “has had the disabilities of minority removed.”

There is one statute but there are two programs. A separate office handles “persons sixty years of age or older” (EPS) and another handles “disabled persons eighteen years of age or older” (APS).