

Explanation of the “Caregiver Definitions: Provisions and Citations in Adult Protective Services Laws, by State” Chart

(Laws current as of 12/31/06)

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The chart addresses the adult protective services (APS) laws for each state, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. This explanation and the chart refer to these jurisdictions generically as “state” or “states.”

Unless otherwise indicated, this explanation (1) uses the term “abuse” generally to include abuse, neglect, and exploitation, and (2) uses “elder abuse” to include elder abuse and adult abuse.

CAUTION: This chart is based only on the state APS laws; APS regulations were not reviewed. It is important to recognize that there may be other state laws or regulations or federal laws or regulations that address the issue covered by this chart.

NOTE: A few states have multiple laws. Some of those states have separate elder protective services (EPS) laws and APS laws, and those laws are designated in the chart by following the state abbreviation with “EPS” or “APS”. Some states have more than one APS law, and those laws are designated in the chart by following the state abbreviation with #1 or #2. Unless otherwise indicated in this explanation or the chart, both APS and EPS laws will generally be referred to as APS laws.

I. Why We Developed This Chart

The definition of caregiver, often relevant to other aspects of the APS law, is important to know. For example, the APS laws usually define neglect as a caregiver’s failure to act. In addition, states that include abandonment as a category of elder abuse usually include the term “caregiver” in the definition of abandonment. Some states also use the term “caregiver” in their definitions of abuse or physical abuse. Accordingly, most APS laws provide a definition of “caregiver.”

State and federal legislative staff, other policy makers, program administrators, practitioners, educators, researchers, reporters, victims or their family members, and others often want to know what state APS laws have provisions defining “caregiver” and what those laws say. The “Caregiver Definitions: Provisions and Citations in Adult Protective Services Laws, by State” chart offers that information.

II. Detailed Explanation of the “Caregiver Definitions: Provisions and Citations in Adult Protective Services Laws, by State” Chart

This chart contains the following two columns:

1. State. All states are included.
2. Statutory Provision(s) and Citation(s). The pertinent statutory provision(s) and citation(s) defining “caregiver” are presented in this column. They are copied verbatim from the state laws, unless indicated otherwise with parentheses or brackets. If a state has no statutory provision, that is indicated.

In this explanation and in the title and column header of the chart, “caregiver” is used generally. Some states use the terms “caretaker” or “care provider” instead of “caregiver.”

III. If You Find an Error

We strived to be consistent in our interpretation and categorization of the statutes. Despite our best efforts, we may have made errors. It is also possible that APS or other professionals interpret a statute differently than we did or there are state regulations or policies that lead to a different interpretation. Additionally, state laws may have changed since December 31, 2006. If you think we erred or your state has a regulation or policy that leads to a different interpretation, please contact Lori Stiegel of the American Bar Association Commission on Law and Aging at lstiegel@staff.abanet.org or 202-662-8692.

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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