

**CONDITION - 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 CONDITION	ACCIDENT	ADVANCED AGE	BRAIN DAMAGE	DEMENTIA	DEVELOPMENTAL DISABILITY	EMOTIONAL IMPAIRMENT	IMMINENT RISK OF DEATH OR HARM	IMPAIRMENT/DISABILITY	MENTAL ILLNESS	MENTAL IMPAIRMENT	MENTAL RETARDATION	PHYSICAL ILLNESS	PHYSICAL IMPAIRMENT	SUBSTANCE ABUSE
Alabama															
<i>-Adult in need of protective services who is mentally incapable</i>	mentally incapable										X				
<i>- Adult in need of protective services who has a physical or mental impairment</i>	physical or mental impairment									X			X		

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Alaska															
<i>-Vulnerable adult</i>	because of physical or mental impairment										X				X
Arizona															
<i>-Vulnerable adult</i>	because of a physical or mental impairment										X			X	
<i>-Incapacitated adult</i>	an impairment by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause		X							X	X		X	X	X
Arkansas (#1) Ark. Code Ann. §§ 12-12- 1701 – 12-12-															

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1721 (relating to reporting & investigation)															
<i>-Endangered person</i>	is found to be in a situation or condition that poses a danger to himself or herself;							X							
<i>-Endangered person in LTCF</i>	is found to be in a situation or condition that poses an imminent risk of death or serious bodily harm to that person							X							
<i>-Impaired person</i>	who as a result of mental or physical impairment									X				X	
<i>-Impaired person in LTCF</i>	for purposes of this subchapter, a long term care facility resident is presumed to be an impaired								X						

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	person														
Arkansas (#2) Ark. Code Ann. §§ 9-20- 101 – 9-20-121 (authorizing APS to take victims into protective custody)															
-Endangered adult	is found to be in a situation or condition that poses a danger to himself or herself;							X							
-Endangered adult in LTCF	is found to be in a situation or condition that poses an imminent risk of death or serious bodily harm to that person;							X							

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<i>-Impaired adult</i>	who, as a result of mental or physical impairment,										X			X	
<i>-Impaired adult in LTCF</i>	for purposes of this chapter, residents of long term care facilities are presumed to be impaired persons								X						
California															
<i>-Elder</i>	None														
<i>-Dependent adult</i>	who has physical or mental limitation/including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age		X			X					X			X	

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<i>-Dependent adult admitted as inpatient in 24-hour health facility</i>	None															
Colorado																
<i>-At-risk adult</i>	None															
Connecticut																
<i>-Elderly person</i>	None															
Delaware																
<i>-Infirm adult</i>	because of physical or mental disability										X			X		
<i>-Incapacitated person</i>	None															
District of Columbia																

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<i>-Adult in need of protective services</i>	Highly vulnerable to abuse, neglect, self-neglect, or exploitation because of a physical or mental impairment, self-neglect, or incapacity										X			X	
Florida															
<i>-Vulnerable adult</i>	due to a mental, emotional, long-term physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging		X	X		X	X				X			X	
Georgia															
<i>-Elder person</i>	None														
<i>-Disabled adult</i>	but who is mentally or physically incapacitated										X			X	
Guam															

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<i>-Elderly</i>	None															
<i>-Disabled adult who has a physical or mental impairment</i>	Has a physical or mental impairment										X			X		
<i>-Disabled adult who has a history of or has been classified as having an impairment</i>	Has a history of, or has been classified as having an impairment								X							
Hawaii																
<i>-Dependent adult</i>	because of mental or physical impairment										X			X		
Idaho																
<i>-Vulnerable adult</i>	due to physical or mental impairment										X			X		
Illinois																
<i>-Eligible adult</i>	None															
Indiana																

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<i>-Endangered adult</i>	by reason of mental illness, mental retardation, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity				X					X	X	X		X	X
Iowa															
<i>-Dependent adult</i>	as a result of a physical or mental condition which requires assistance from another										X			X	
Kansas															
<i>-Adult in own home or home of a family member or home of a friend</i>	None														

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<i>-Adult in an adult family home</i>	None															
<i>-Adult receiving services through a provider of community services and affiliates thereof</i>	None															
Kentucky																
<i>-Adult</i>	because of mental or physical dysfunctioning										X			X		
Louisiana[#]																
<i>-Adult</i>	None															
<i>-Disabled person</i>	mental, physical, or developmental disability					X					X			X		
Maine																
<i>-Dependent adult</i>	has a physical or mental condition										X			X		
<i>-Dependent adult who</i>	has a physical or mental condition										X			X		

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<i>resides in a nursing home</i>															
<i>-Dependent adult who resides in a facility providing assisted living services</i>	has a physical or mental condition										X		X		
<i>-Dependent adult who is considered to be a dependent person under Title 17-A, section 555</i>	advanced age or physical or mental disease, disorder or defect		X								X		X		
<i>-Incapacitated adult</i>	who is impaired by reason of mental illness, mental deficiency, physical illness or disability									X	X		X	X	
Maryland															

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<i>-Vulnerable adult</i>	None														
<i>-Disabled person</i>	None														
Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 (applicable to persons who are 60 or older)															
<i>-Elderly person</i>	None														
Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 (applicable to persons with disabilities)															
<i>-Disabled person</i>	who is mentally retarded/or who is										X	X		X	

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	otherwise mentally or physically disabled														
Michigan															
<i>-Vulnerable person</i>	because of a mental or physical impairment or because of advanced age		X								X			X	
Minnesota															
<i>-Vulnerable adult who is a facility resident or inpatient</i>	None														
<i>-Vulnerable adult who receives services at or from a facility</i>	None														
<i>-Vulnerable adult who receives services from a</i>	None														

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<i>home care provider</i>															
<i>-Vulnerable adult</i>	regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction						X				X			X	
Mississippi															
<i>-Vulnerable adult</i>	due to a mental, emotional, physical or developmental disability or dysfunction, or brain damage or the infirmities of aging		X	X		X	X				X			X	
<i>-Vulnerable adult in a care facility</i>	None														

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Missouri (#1) Mo. Ann. Stat. §§ 660.250 – 660.295 <i>(applicable only to persons who are unable to protect their own interests or adequately perform or obtain services necessary to meet their essential human needs and are either: (1) 60 or older, or (2) between 18 and 59 and have a disability)</i>															
-Eligible adult	None														

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<i>-Eligible adult with a disability</i>	with a disability								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</i>															

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<p><i>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>															

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<i>-Eligible adult who is an “in-home services client”</i>	None															
<i>-Eligible adult with a disability who is an “in-home services client”</i>	with a disability								X							
Montana																
<i>-Older person</i>	None															
<i>-Person with a developmental disability</i>	who has a developmental disability as defined in 53-20-102					X										
Nebraska																
<i>-Vulnerable adult who has a substantial mental impairment</i>	a substantial disorder of thought, mood, perception, orientation, or memory										X					
<i>-Vulnerable adult who has a</i>	because of physical limitations													X		

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<i>substantial functional impairment</i>																
<i>-Vulnerable adult for whom a guardian has been appointed</i>	None															
Nevada																
<i>-Older person</i>	None															
New Hampshire																
<i>-Incapacitated adult</i>	physical, mental or emotional ability						X				X			X		
New Jersey																
<i>-Vulnerable adult</i>	because of a physical or mental illness, disability or deficiency									X	X		X	X		
New Mexico																
<i>-Incapacitated adult</i>	by reason of mental illness, mental deficiency, physical illness or disability,									X	X		X	X		X

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	chronic use of drugs, chronic intoxication or other causes														
<i>-Protected adult</i>	None														
New York															
<i>-Adult</i>	because of mental or physical impairments										X			X	
North Carolina															
<i>-Disabled adult</i>	physically or mentally incapacitated due to mental retardation, cerebral palsy, epilepsy or autism; organic brain damage caused by advanced age or other physical degeneration in connection therewith; or due to	X		X		X				X		X	X		X

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	conditions incurred at any age which are the result of accident, organic brain damage, mental or physical illness, or continued consumption or absorption of substances														
North Dakota															
<i>-Vulnerable adult who has a substantial mental impairment</i>	a substantial disorder of thought, mood, perception, orientation, or memory										X				
<i>-Vulnerable adult who has a substantial functional impairment</i>	because of physical limitations													X	
Ohio															

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<i>-Adult</i>	handicapped by the infirmities of aging or who has a physical or mental impairment		X								X			X	
Oklahoma															
<i>-Vulnerable adult</i>	because of physical or mental disability, incapacity, or other disability								X		X			X	
<i>-Incapacitated person</i>	impaired by reason of mental or physical illness or disability, dementia or related disease, mental retardation, developmental disability, or other cause				X	X				X	X		X	X	
<i>-Incapacitated person with a guardian, limited</i>	None														

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<i>guardian, or conservator</i>															
Oregon (EPS) Or. Rev. Stat. §§ 124.050 – 124.095 <i>(applicable to persons 65 or older who are not residents of long-term care facilities)</i>															
<i>-Elderly person</i>	None														
Oregon (APS) Or. Rev. Stat. §§ 430.735 – 430.768 <i>(applicable only to persons 18 or older who are mentally ill or developmentally disabled and</i>															

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<i>receive services from a community program or facility)</i>																
<i>-Adult</i>	mentally ill or developmentally disabled					X				X						
Pennsylvania																
<i>-Older adult</i>	None															
Puerto Rico																
<i>-Aged person</i>	None															
Rhode Island																
<i>-Elderly person</i>	None															
South Carolina																
<i>-Vulnerable adult</i>	who has a physical or mental condition										X			X		
<i>-Vulnerable adult residing in a facility</i>	None															
South Dakota (There is no APS statute but																

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<i>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>	because of mental or physical dysfunctioning or advanced age		X							X			X		
<i>-Adult of advanced age</i>	None														
Texas															
<i>-Elderly person</i>	None														
<i>-Disabled person</i>	with a mental, physical, or developmental disability					X				X			X		
Utah															
<i>-Vulnerable elder adult</i>	None														

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<i>-Vulnerable adult</i>	who has a mental or physical impairment										X			X	
Vermont															
<i>-Vulnerable adult who is a facility resident</i>	None														
<i>-Vulnerable adult who is a resident of a psychiatric hospital or psych unit of a hospital</i>	None														
<i>-Vulnerable adult who has been receiving services for more than a month from a home health agency, etc.</i>	None														
<i>-Vulnerable adult who is</i>	is impaired due to brain damage,		X	X		X						X		X	

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<i>impaired in ability to provide self-care</i>	infirmities of aging, or a physical, mental, or developmental disability															
<i>-Vulnerable adult who is impaired in ability to protect self</i>	is impaired due to brain damage, infirmities of aging, or a physical, mental, or developmental disability								X							
Virgin Islands																
<i>-Elderly person</i>	None															
<i>-Disabled adult</i>	because of mental or physical dysfunctioning or advanced age		X								X			X		
Virginia																
<i>-Adult</i>	None															
<i>-Adult who is incapacitated</i>	impaired by reason of mental illness, mental retardation,		X							X		X	X	X		

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	physical illness or disability, advanced age or other causes														
Washington															
<i>-Vulnerable adult</i>	None														
<i>-Vulnerable adult who is found incapacitated under the guardianship chapter</i>	None														
<i>-Vulnerable adult who has a developmental disability</i>	has a developmental disability					X									
<i>-Vulnerable adult who is admitted to any facility</i>	None														
<i>-Vulnerable adult who</i>	None														

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<i>receives services from home health, hospice, or home care agencies</i>															
<i>-Vulnerable adult who is receiving services from an individual provider</i>	None														
<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 own care</i>	None														

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<i>in his or her home”</i>															
West Virginia															
<i>-Incapacitated adult</i>	by reason of physical, mental or other infirmity										X			X	
Wisconsin (EPS) Wis. Stat. Ann. § 46.90 <i>(applicable to persons who are 60 or older)</i>															
<i>-Elder adult at risk</i>	None														
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 <i>(applicable to adults with disabilities)</i>															

STATE- PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING CONDITION	ACCIDENT	ADVANCED AGE	BRAIN DAMAGE	DEMENTIA	DEVELOPMENTAL DISABILITY	EMOTIONAL IMPAIRMENT	IMMINENT RISK OF DEATH OR HARM	IMPAIRMENT/DISABILITY	MENTAL ILLNESS	MENTAL IMPAIRMENT	MENTAL RETARDATION	PHYSICAL ILLNESS	PHYSICAL IMPAIRMENT	SUBSTANCE ABUSE
<i>-Adult at risk</i>	has a physical or mental condition that substantially impairs his or her ability to care for his or her needs										X			X	
Wyoming															
<i>-Vulnerable adult</i>	as a result of advanced age or physical or mental disability		X								X			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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[#] 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).