

Explanation of “Types of Abuse: Comparison Chart of Provisions in Adult Protective Services Laws, by State” Chart and “Types of Abuse: Provisions and Citations in Adult Protective Services Laws, by State” Chart

(Laws current as of 12/31/06)

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The charts address the adult protective services (APS) laws for each state, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. This explanation and the charts 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: These charts are 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 issues covered by these charts.

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 charts by following the state abbreviation with “EPS” or “APS”. Some states have more than one APS law, and those laws are designated in the charts by following the state abbreviation with #1 or #2. Unless otherwise indicated in this explanation or the charts, both APS and EPS laws will generally be referred to as APS laws.

I. Why we developed these charts

State adult protective services (APS) statutes are complex. The definitions of the types of elder abuse that APS investigates are very diverse in content and structure, and thus are challenging to categorize and explain. Nonetheless, knowledge of the types of elder abuse covered by a state’s law is critical for individuals who are mandated or who wish to report suspected elder abuse and for professions and disciplines that collaborate with APS. Additionally, state and federal legislative staff, other policy makers, educators, researchers, and reporters often want to know what types of abuse are covered by state APS laws.

The first chart – “Types of Abuse: Comparison Chart of Provisions in Adult Protective Services Laws, by State”—indicates the categories of elder abuse that are addressed by each state’s APS law(s). The chart also indicates those few states that have separate laws addressing elder abuse and adult abuse. The chart enables readers to quickly identify which categories of abuse are addressed in each state and to make state-by-state comparisons of those categories. It also allows readers to develop a national picture. For example, while every state law addresses physical abuse, not all state statutes address psychological abuse.

The second chart—“Types of Abuse: Provisions and Citations in Adult Protective Services Laws, by State”—provides the statutory definitions used to create the first chart. This chart enables readers to see the basis for our categorizations in the first chart and to compare statutory provisions in one state with those in another state. It also allows readers to cultivate a national picture of how different the statutes are from state to state.

II. How we determined what categories to use in these charts

The categories used in these charts are based on the types of elder abuse identified by the National Center on Elder Abuse (NCEA) in 1998 in preparation for the National Elder Abuse Incidence Study (NEAIS). The categories were derived from a review of the APS statutes in effect at that time. The types include:

- *physical abuse*
- *psychological/emotional/mental/verbal abuse*
- *sexual abuse*
- *financial exploitation*
- *neglect*
- *abandonment*
- *self-neglect.*

Some state APS laws include other categories (e.g., isolation, intimidation, harassment, coercion, extortion) but we chose not to include those categories in the chart (a) for consistency with the previous NCEA listing of types of elder abuse, and (b) because those categories are not types of abuse but subsets of types of abuse and/or the means by which types of elder abuse are committed.

A few state laws define the term “maltreatment” or “mistreatment” but we declined to include that as a category in the chart for two reasons. First, for consistency with the previous NCEA listing of categories. Second, because “maltreatment” or “mistreatment” is generally used to encompass the concepts of abuse, neglect, and exploitation in the same way that “elder abuse” has historically encompassed those concepts.

III. How we determined whether a state’s law included a category

To develop these charts, we reviewed only the definitions provided in the state APS law(s). The second chart, as discussed previously, merely reprints the statutory definitions. The first chart, however, does not simply indicate the categories as they were listed in the statutes because statutes differ significantly in the ways in which definitions are organized, the types of abuse defined, and the wording of the definitions. To illustrate, some state APS laws list sexual abuse as a category distinct from physical abuse, while others explicitly subsume it in the definition of physical abuse. (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.) If the first chart only reflected the categories that stand alone (i.e., with an explicit header or title) in the state statutes, they would not accurately indicate the types of abuse that are investigated by APS.

The first chart illustrates whether a category was set forth as a stand-alone category or included as part of another category. A check mark (✓) signifies the former and a circle (●) signifies the latter. A circle indicates it will be necessary to read the definitions of other categories carefully in order to find the basis for APS involvement in that type of elder abuse. The definitions are provided in the second chart.

CAUTION: We tried to be consistent in our interpretation and categorization of the statutes. When the wording of a statute was unclear, we asked state APS staff if our interpretation was correct. In those situations, we usually learned that the APS program's authority to include a type of abuse was found either by reading the section in question in conjunction with a different section of the statute (usually the section indicating to whom APS programs can provide their services) or in APS program regulations. The first chart indicates those situations with an asterisk (*) and a pound (#) symbol, respectively.

IV. 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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