

**FUNCTION - 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 FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
Alabama										
<i>-Adult in need of protective services who is mentally incapable</i>	adequately caring for himself or herself and his or her interests without serious consequences to himself or herself or others						X			
<i>- Adult in need of</i>	unable to protect himself									X

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<i>protective services who has a physical or mental impairment</i>	or herself from abuse, neglect, exploitation or sexual abuse, or emotional abuse by others									
Alaska										
<i>-Vulnerable adult</i>	is unable to meet the person's own needs or to seek help without assistance						X			
Arizona										
<i>-Vulnerable adult</i>	who is unable to protect himself from abuse, neglect or exploitation by others									X
<i>-Incapacitated adult</i>	to the extent that the person lacks sufficient understanding or		X							

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	capacity to make or communicate informed decisions concerning his person									
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12- 1721 (relating to reporting & investigation)										
<i>-Endangered person</i>	Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition			X						
<i>-Endangered person in LTCF</i>	Demonstrates a lack of capacity to comprehend			X						

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	the nature and consequences of remaining in that situation or condition									
<i>-Impaired person</i>	is unable to protect himself or herself from abuse, sexual abuse, neglect, or exploitation									X
<i>-Impaired person in LTCF</i>	for purposes of this subchapter, a long term care facility resident is presumed to be an impaired person									X
Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9-20-121 <i>(authorizing APS to take victims into</i>										

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<i>protective custody)</i>										
<i>-Endangered adult</i>	Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition			X						
<i>-Endangered adult in LTCF</i>	Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition;			X						
<i>-Impaired adult</i>	is unable to protect himself or herself from abuse, sexual abuse, neglect, or exploitation.									X
<i>-Impaired adult in</i>	for purposes of this									X

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<i>LTCF</i>	chapter, residents of long term care facilities are presumed to be impaired persons									
California										
<i>-Elder</i>	None									
<i>-Dependent adult</i>	that restrict his or her ability to carry out normal activities or protect his or her rights					X				X
<i>-Dependent adult admitted as inpatient in 24-hour health facility</i>	None									
Colorado										
<i>-At-risk adult</i>	because the individual is unable to perform or		X						X	

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	obtain services necessary for the individual's health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs									
Connecticut										
<i>-Elderly person</i>	None									
Delaware										
<i>-Infirm adult</i>	is substantially impaired in the ability to provide adequately for the person's own care and custody						X			

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<i>-Incapacitated person</i>	None									
District of Columbia										
<i>-Adult in need of protective services</i>	None									
Florida										
<i>-Vulnerable adult</i>	whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired					X	X			X
Georgia										
<i>-Elder person</i>	None									
<i>-Disabled adult</i>	None									
Guam										
<i>-Elderly</i>	None									

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<i>-Disabled adult who has a physical or mental impairment</i>	which substantially limits one (1) or more major life activities					X				
<i>-Disabled adult who has a history of or has been classified as having an impairment</i>	which substantially limits one or more major life activities					X				
Hawaii										
<i>-Dependent adult</i>	dependent upon another person, a care organization, or a care facility for personal health, safety, or welfare	X								
Idaho										
<i>-Vulnerable adult</i>	who is unable to protect himself from abuse, neglect or		X							X

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	exploitation/which affects the person's judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person									
Illinois										
<i>-Eligible adult</i>	None									
Indiana										
<i>-Endangered adult</i>	incapable/of managing or directing the management of the individual's property or providing or directing the provision of self-care						X			

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Iowa										
<i>-Dependent adult</i>	unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs								X	X
Kansas										
<i>-Adult in own home or home of a family member or home of a friend</i>	alleged to be unable to protect their own interest									X
<i>-Adult in an adult family home</i>	alleged to be unable to protect their own interest									X
<i>-Adult receiving services through a provider of</i>	alleged to be unable to protect their own interest									X

<p>STATE-PERSONS ELIGIBLE</p>	<p>STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p>DEPENDENT UPON OTHERS</p>	<p>LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p>LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p>REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p>RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p>UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	<p>UNABLE TO DELEGATE RESPONSIBILITY</p>	<p>UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p>UNABLE TO PROTECT SELF</p>
<p><i>community services and affiliates thereof</i></p>										
<p>Kentucky <i>-Adult</i></p>	<p>is unable to manage his own resources or carry out the activity of daily living or protect himself from neglect, exploitation, or a hazardous or abusive situation without assistance from others</p>					<p>X</p>	<p>X</p>			<p>X</p>
<p>Louisiana <i>#</i> <i>-Adult</i></p>										
	<p>None</p>									

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<i>-Disabled person</i>	that substantially impairs the person's ability to provide adequately for his own care or protection						X			X
Maine										
<i>-Dependent adult</i>	that substantially impairs the adult's ability to adequately provide for that adult's daily needs					X				
<i>-Dependent adult who resides in a nursing home</i>	that substantially impairs the adult's ability to adequately provide for that adult's daily needs					X				

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<i>-Dependent adult who resides in a facility providing assisted living services</i>	that substantially impairs the adult's ability to adequately provide for that adult's daily needs					X				
<i>-Dependent adult who is considered to be a dependent person under Title 17-A, section 555</i>	unable to perform self- care because of						X			
<i>-Incapacitated adult</i>	to the extent that that individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual's person, or to the extent the adult		X				X			

<p>STATE-PERSONS ELIGIBLE</p>	<p>STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p>DEPENDENT UPON OTHERS</p>	<p>LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p>LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p>REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p>RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p>UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	<p>UNABLE TO DELEGATE RESPONSIBILITY</p>	<p>UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p>UNABLE TO PROTECT SELF</p>
<p>Maryland</p>	<p>cannot effectively manage or apply that individual’s estate to necessary ends</p>									
<p><i>-Vulnerable adult</i></p>	<p>who lacks the physical or mental capacity to provide for the adult’s daily needs</p>						<p>X</p>			
<p><i>-Disabled person</i></p>	<p>None</p>									
<p>Massachusetts (EFS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 (applicable to persons who are 60 or older)</p>										

<p style="text-align: center;">STATE-PERSONS ELIGIBLE</p>	<p style="text-align: center;">STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p style="text-align: center;">DEPENDENT UPON OTHERS</p>	<p style="text-align: center;">LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p style="text-align: center;">LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p style="text-align: center;">REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p style="text-align: center;">RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p style="text-align: center;">UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	<p style="text-align: center;">UNABLE TO DELEGATE RESPONSIBILITY</p>	<p style="text-align: center;">UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p style="text-align: center;">UNABLE TO PROTECT SELF</p>
<p><i>-Elderly person</i></p>	<p>and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs</p>	<p style="text-align: center;">X</p>								
<p>Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 (applicable to persons with disabilities)</p>										
<p><i>-Disabled person</i></p>										
<p>Michigan</p>	<p style="text-align: center;">None</p>									

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<i>-Vulnerable person</i>	is unable to protect himself or herself from abuse, neglect, or exploitation									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 home care provider</i>	None									
<i>-Vulnerable adult</i>	that impairs the individual's ability to provide adequately for						X			X

<p style="text-align: center;">STATE-PERSONS ELIGIBLE</p>	<p style="text-align: center;">MISSISSIPPI</p>
<p style="text-align: center;">STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p>the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment</p>
<p style="text-align: center;">DEPENDENT UPON OTHERS</p>	
<p style="text-align: center;">LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	
<p style="text-align: center;">LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	
<p style="text-align: center;">REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	
<p style="text-align: center;">RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	
<p style="text-align: center;">UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY</p>	
<p style="text-align: center;">UNABLE TO DELEGATE RESPONSIBILITY</p>	
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<i>-Vulnerable adult</i>	whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired					X	X			
<i>-Vulnerable adult in a care facility</i>	None									
Missouri (#1) Mo. Ann. Stat. §§ 660.250 – 660.295 (applicable only to persons who are unable to protect their own interests or adequately perform or obtain services necessary to meet their essential										

<p style="text-align: center;">STATE-PERSONS ELIGIBLE</p>	<p style="text-align: center;">STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p style="text-align: center;">DEPENDENT UPON OTHERS</p>	<p style="text-align: center;">LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p style="text-align: center;">LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p style="text-align: center;">REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p style="text-align: center;">RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p style="text-align: center;">UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	<p style="text-align: center;">UNABLE TO DELEGATE RESPONSIBILITY</p>	<p style="text-align: center;">UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p style="text-align: center;">UNABLE TO PROTECT SELF</p>
<p style="text-align: center;"><i>human needs and are either: (1) 60 or older, or (2) between 18 and 59 and have a disability)</i></p>										
<p style="text-align: center;"><i>-Eligible adult</i></p>	<p style="text-align: center;">who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs</p>								X	X

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<i>-Eligible adult with a disability</i>	who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs								X	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</i>										

<p>STATE-PERSONS ELIGIBLE</p>	<p>STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p><i>provider agency” as defined by § 660.250(11). Missouri does not have two 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</i></p>	
<p>DEPENDENT UPON OTHERS</p>		<p>LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	
<p>LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>		<p>REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	
<p>RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>		<p>UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	
<p>UNABLE TO DELEGATE RESPONSIBILITY</p>		<p>UNABLE TO PERFORM OR OBTAIN SERVICES</p>	
<p>UNABLE TO PROTECT SELF</p>			

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<i>have labeled as Missouri #2; 660.300 – 660.321.)</i>										
<i>-Eligible adult who is an “in-home services client”</i>	who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs								X	X
<i>-Eligible adult with a disability who is an “in-home services client”</i>	who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs								X	X
Montana										

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<i>-Older person</i>	None									
<i>-Person with a developmental disability</i>	None									
Nebraska										
<i>-Vulnerable adult who has a substantial mental impairment</i>	that grossly impairs judgment, behavior, or ability to live independently or provide self-care						X			
<i>-Vulnerable adult who has a substantial functional impairment</i>	a substantial incapability/of living independently or providing self-care						X			
<i>-Vulnerable adult for whom a guardian has been appointed</i>	None									

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
Nevada										
<i>-Older person</i>	None									
New Hampshire										
<i>-Incapacitated adult</i>	unable to manage personal, home or financial affairs in his own best interest, or he is unable to act or unable to delegate responsibility to a responsible caretaker or caregiver						X	X		
New Jersey										
<i>-Vulnerable adult</i>	lacks sufficient understanding or capacity to make, communicate, or carry out decisions concerning his well-being		X							

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
New Mexico										
<i>-Incapacitated adult</i>	demonstrates over time partial or complete functional impairment/to the extent that he is unable to manage his personal affairs or he is unable to manage his estate or financial affairs						X			
<i>-Protected adult</i>	None									
New York										
<i>-Adult</i>	are unable to manage their own resources, carry out the activities of daily living, or protect themselves from physical abuse, sexual abuse, emotional abuse, active,					X	X			X

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
	passive or self neglect, financial exploitation or other hazardous situations without assistance from others									
North Carolina										
<i>-Disabled adult</i>	due to his physical or mental incapacity, is unable to perform or obtain for himself essential services								X	
North Dakota										
<i>-Vulnerable adult who has a substantial mental impairment</i>	that grossly impairs judgment, behavior, or ability to live independently or provide self-care						X			

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<i>-Vulnerable adult who has a substantial functional impairment</i>	a substantial incapability/of living independently or providing self-care						X			
Ohio										
<i>-Adult</i>	which prevents the person from providing for the person's own care or protection						X			X
Oklahoma										
<i>-Vulnerable adult</i>	is substantially impaired in the ability to provide adequately for the care or custody of himself or herself, or is unable to manage his or her property and financial						X			X

<p align="center">STATE-PERSONS ELIGIBLE</p>	<p align="center">STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p align="center">DEPENDENT UPON OTHERS</p>	<p align="center">LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p align="center">LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p align="center">REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p align="center">RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p align="center">UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY</p>	<p align="center">UNABLE TO DELEGATE RESPONSIBILITY</p>	<p align="center">UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p align="center">UNABLE TO PROTECT SELF</p>
	<p>affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect himself or herself from abuse, verbal abuse, neglect, or exploitation without assistance from others</p>									
<p><i>-Incapacitated person</i></p>	<p>whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that such person lacks the capacity to</p>		<p align="center">X</p>	<p align="center">X</p>			<p align="center">X</p>			

<p>STATE-PERSONS ELIGIBLE</p>	<p>STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p>DEPENDENT UPON OTHERS</p>	<p>LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p>LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p>REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p>RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p>UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	<p>UNABLE TO DELEGATE RESPONSIBILITY</p>	<p>UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p>UNABLE TO PROTECT SELF</p>
<p><i>-Incapacitated person with a guardian, limited guardian, or conservator</i></p>	<p>manage his or her financial affairs or to meet essential requirements for his or her mental or physical health or safety without assistance from others</p>									
<p>Oregon (EPS) Or. Rev. Stat. §§ 124.050 – 124.095 (applicable to persons 65 or older who are not</p>	<p>None</p>									

<p>STATE-PERSONS ELIGIBLE</p>	<p>STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p>DEPENDENT UPON OTHERS</p>	<p>LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p>LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p>REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p>RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p>UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	<p>UNABLE TO DELEGATE RESPONSIBILITY</p>	<p>UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p>UNABLE TO PROTECT SELF</p>
<p><i>residents of long-term care facilities)</i> -Elderly person</p>	<p>None</p>									
<p>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 or facility)</p>										
<p>-Adult</p>	<p>None</p>									
<p>Pennsylvania</p>										
<p>-Older adult</p>	<p>None</p>									

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
Puerto Rico										
<i>-Aged person</i>	None									
Rhode Island										
<i>-Elderly person</i>	None									
South Carolina										
<i>-Vulnerable adult</i>	which substantially impairs the person from adequately providing for his or her own care or protection						X			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.)</i>										

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<i>Codified Laws Ann. § 28-1-44.)</i>										
<i>-None</i>	None									
Tennessee										
<i>-Adult</i>	unable to manage such person's own resources, carry out the activities of daily living, or protect such person from neglect, hazardous or abusive situations without assistance from others					X	X			X
<i>-Adult of advanced age</i>	unable to manage such person's own resources, carry out the activities of daily living, or protect such person from					X	X			X

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
	neglect, hazardous or abusive situations without assistance from others									
Texas										
<i>-Elderly person</i>	None									
<i>-Disabled person</i>	that substantially impairs the person's ability to provide adequately for the person's care or protection						X			X
Utah										
<i>-Vulnerable elder adult</i>	None									
<i>-Vulnerable adult</i>	which substantially affects that person's ability to: (a) provide			X		X	X		X	X

<p align="center">STATE-PERSONS ELIGIBLE</p>	<p align="center">STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p align="center">DEPENDENT UPON OTHERS</p>	<p align="center">LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p align="center">LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p align="center">REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p align="center">RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p align="center">UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY</p>	<p align="center">UNABLE TO DELEGATE RESPONSIBILITY</p>	<p align="center">UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p align="center">UNABLE TO PROTECT SELF</p>
	<p>personal protection; (b) provide necessities such as food, shelter, clothing, or mental or other health care; (c) obtain services necessary for health, safety, or welfare; (d) carry out the activities of daily living; (e) manage the adult's own resources; or (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation</p>									
<p>Vermont</p>										

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<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 impaired in ability to provide self-care</i>	that results in some impairment of the individual's ability to provide for his or her						X			

<p style="text-align: center;">STATE-PERSONS ELIGIBLE</p>	<p style="text-align: center;">STATUTORY PROVISION(S) REGARDING FUNCTION</p>	<p style="text-align: center;">DEPENDENT UPON OTHERS</p>	<p style="text-align: center;">LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>	<p style="text-align: center;">LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>	<p style="text-align: center;">REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>	<p style="text-align: center;">RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>	<p style="text-align: center;">UNABLE TO CARE FOR OR MANAGE ONE’S SELF OR PROPERTY</p>	<p style="text-align: center;">UNABLE TO DELEGATE RESPONSIBILITY</p>	<p style="text-align: center;">UNABLE TO PERFORM OR OBTAIN SERVICES</p>	<p style="text-align: center;">UNABLE TO PROTECT SELF</p>
<p style="text-align: center;"><i>-Vulnerable adult who is impaired in ability to protect self</i></p>	<p style="text-align: center;">own care without assistance</p> <p style="text-align: center;">Because of the disability or infirmity, the individual has an impaired ability to protect himself or herself from abuse, neglect, or exploitation</p>									X
Virgin Islands										
<i>-Elderly person</i>	None									

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<i>-Disabled adult</i>	is unable to manage his own resources, carry out the activities of daily living or protect himself from neglect, hazardous or abusive situations without assistance from others					X	X			X
Virginia										
<i>-Adult</i>	None									
<i>-Adult who is incapacitated</i>	to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out responsible decisions concerning his or her well-being		X							

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
Washington							X			
<i>-Vulnerable adult</i>	has the functional, mental, or physical inability to care for himself or herself									
<i>-Vulnerable adult who is found incapacitated under the guardianship chapter</i>	None									
<i>-Vulnerable adult who has a developmental disability</i>	None									
<i>-Vulnerable adult who is admitted to any facility</i>	None									

<p><i>-Vulnerable adult who receives services from home health, hospice, or home care agencies</i></p>	<p><i>-Vulnerable adult who receives services from home health, hospice, or home care agencies</i></p>	<p>STATE-PERSONS ELIGIBLE</p>
<p>None</p>	<p>None</p>	<p>STATUTORY PROVISION(S) REGARDING FUNCTION</p>
		<p>DEPENDENT UPON OTHERS</p>
		<p>LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS</p>
		<p>LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR</p>
		<p>REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS</p>
		<p>RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING</p>
		<p>UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY</p>
		<p>UNABLE TO DELEGATE RESPONSIBILITY</p>
		<p>UNABLE TO PERFORM OR OBTAIN SERVICES</p>
		<p>UNABLE TO PROTECT SELF</p>

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
<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 in his or her home"</i>	None									
West Virginia										
<i>-Incapacitated adult</i>	is unable to independently carry on the daily activities of life necessary to sustaining life and reasonable health					X				
Wisconsin (EPS) Wis. Stat. Ann. §										

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING FUNCTION	DEPENDENT UPON OTHERS	LACK OF CAPACITY OR UNDERSTANDING TO MAKE, COMMUNICATE, OR IMPLEMENT DECISIONS	LACK OF CAPACITY TO UNDERSTAND RISKS AND CONSEQUENCES OF BEHAVIOR	REQUIRES CARE, TREATMENT, OR CUSTODY FOR OWN WELFARE OR WELFARE OF OTHERS	RESTRICTED ABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING	UNABLE TO CARE FOR OR MANAGE ONE'S SELF OR PROPERTY	UNABLE TO DELEGATE RESPONSIBILITY	UNABLE TO PERFORM OR OBTAIN SERVICES	UNABLE TO PROTECT SELF
46.90 (applicable to persons who are 60 or older)										
-Elder adult at risk	None									
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 (applicable to adults with disabilities)										
Adult at risk	substantially impairs his or her ability to care for his or her needs						X			
Wyoming										
-Vulnerable adult	who is unable to manage and take care of himself of his property without assistance						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).