

**LIVING SITUATION - 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 LIVING SITUATION	24-HOUR HEALTH FACILITY	ADULT FAMILY HOME	DOMESTIC/COMMUNITY	FACILITY PROVIDING ASSISTED LIVING SERVICES	FACILITY/CARE FACILITY	HOME OF FAMILY MEMBER	HOME OF FRIEND	INDEPENDENT LIVING ARRANGEMENT	LONG TERM CARE FACILITY	NOT A RESIDENT OF A LONG TERM CARE FACILITY	PSYCHIATRIC HOSPITAL/UNIT
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 (relating to reporting & investigation)												
-Endangered person in LTCF	resident of a long-term care facility									X		

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<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 protective custody)</i>												
<i>-Endangered adult in LTCF</i>	An adult resident of a long-term care facility									X		
<i>-Impaired adult in LTCF</i>	for purposes of this chapter, residents of a long-term care facility are presumed to be impaired persons;									X		
California												
<i>-Dependent adult admitted as</i>	who is admitted as an inpatient to a 24-hour	X										

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<i>inpatient in 24-hour health facility</i>	health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code											
Georgia												
<i>-Elder person</i>	who is not a resident of a long-term care facility as defined in Article 4 of Chapter 8 of Title 31			X							X	
<i>-Disabled adult</i>	who is not a resident of a long-term care facility, as defined in Article 4 of Chapter 8 of Title 31			X								
Illinois												
<i>-Eligible adult</i>	resides in a domestic living situation			X								
Kansas												
<i>-Adult in own home or home of a family member or</i>	such person is residing in such person's own home, the home of a			X			X	X				

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<i>home of a friend</i>	family member or the home of a friend											
<i>-Adult in an adult family home</i>	such person resides in an adult family home as defined in K.S.A. 39-1501 and amendments thereto			X								
Maine												
<i>-Dependent adult who resides in a nursing home</i>	A resident of a nursing home licensed or required to be licensed under section 1817									X		
<i>-Dependent adult who resides in a facility providing assisted living services</i>	A resident of a facility providing assisted living services licensed or required to be licensed pursuant to section 7801				X							
Minnesota												
<i>-Vulnerable adult who is a facility resident or inpatient</i>	is a resident or inpatient of a facility					X						

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Mississippi												
<i>-Vulnerable adult in a care facility</i>	also includes all residents or patients, regardless of age, in a care facility for the purposes of Sections 43-47-19 and 43-47-37 only					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 §</i>												

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<p>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 have labeled as Missouri #2; 660.300 –</p>												

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660.321)												
-Eligible adult who is an “in-home services client”	in his or her private residence			X								
-Eligible adult with a disability who is an “in-home services client”	in his or her private residence			X								
New Jersey												
-Vulnerable adult	who resides in a community setting			X								
Ohio												
-Adult	and who resides in an independent living arrangement								X			
Oregon (EPS) Or. Rev. Stat. §§ 124.050 – 124.095 <i>(applicable to</i> <i>persons 65 or</i> <i>older who are not</i> <i>residents of long-</i>												

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<i>term care facilities)</i>												
<i>-Elderly person</i>	who is not subject to the provisions of ORS 441.640 to 441.665 (long term care facility)									X		
South Carolina												
<i>-Vulnerable adult residing in a facility</i>	A resident of a facility is a vulnerable adult					X						
Vermont												
<i>-Vulnerable adult who is a facility resident</i>	is a resident of a facility					X						
<i>-Vulnerable adult who is a resident of a psychiatric hospital or psychiatric unit of a hospital</i>	is a resident of a psychiatric hospital or a psychiatric unit of a hospital											X
Washington												

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<i>-Vulnerable adult who is admitted to any facility</i>	Admitted to any facility					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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