

## THRESHOLD ELIGIBILITY FOR ADULT PROTECTIVE SERVICES: COMPARISON CHART OF CRITERIA, BY STATE

(Laws current as of 12/31/06)

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**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>.

<b>STATE -PERSONS ELIGIBLE</b>	<b>AGE</b>	<b>CONDITION</b>	<b>FUNCTION</b>	<b>LACKS ASSISTANCE</b>	<b>LIVING SITUATION</b>	<b>RECEIVING SERVICES</b>	<b>HAS GUARDIAN OR CONSERVATOR</b>
<b>Alabama<sup>3</sup></b>							
<i>-Adult in need of protective services who is mentally incapable</i>	X	X	X	X			
<i>- Adult in need of protective services who has a physical or mental impairment</i>	X	X	X	X			
<b>Alaska</b>							
<i>-Vulnerable adult</i>	X	X	X				
<b>Arizona</b>							
<i>-Vulnerable adult</i>	X	X	X				
<i>-Incapacitated adult</i>	X	X	X				
<b>Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 (relating to reporting &amp; investigation)<sup>3</sup></b>							
<i>-Endangered person</i>	X	X	X				

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<i>-Endangered person in LTCF</i>		X	X		X		
<i>-Impaired person</i>	X	X	X				
<i>-Impaired person in LTCF<sup>9</sup></i>		X	X		X		
<b>Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9- 20-121 (authorizing APS to take victims into protective custody)</b>							
<i>-Endangered adult</i>	X	X	X				
<i>-Endangered adult in LTCF</i>	X	X	X		X		
<i>-Impaired adult</i>	X	X	X				
<i>-Impaired adult in LTCF<sup>9</sup></i>	X	X	X		X		
<b>California<sup>3</sup></b>							
<i>-Elder</i>	X						
<i>-Dependent adult</i>	X	X	X				
<i>-Dependent adult admitted as inpatient in 24- hour health facility</i>	X				X		
<b>Colorado</b>							
<i>-At-risk adult</i>	X		X				
<b>Connecticut<sup>3</sup></b>							
<i>-Elderly person</i>	X						
<b>Delaware</b>							
<i>-Infirm adult</i>	X	X	X				
<i>-Incapacitated person</i>	X						X

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<b>District of Columbia</b>							
<i>-Adult in need of protective services</i>	X	X		X			
<b>Florida</b>							
<i>-Vulnerable adult</i>	X	X	X				
<b>Georgia</b>							
<i>-Elder person</i>	X				X		
<i>-Disabled adult</i>	X	X			X		
<b>Guam<sup>3</sup></b>							
<i>-Elderly</i>	X						
<i>-Disabled adult who has a physical or mental impairment</i>	X	X	X				
<i>-Disabled adult who has a history of or has been classified as having an impairment</i>	X	X	X				
<b>Hawaii</b>							
<i>-Dependent adult</i>	X	X	X				
<b>Idaho</b>							
<i>-Vulnerable adult</i>	X	X	X				
<b>Illinois</b>							
<i>-Eligible adult</i>	X				X		
<b>Indiana</b>							
<i>-Endangered adult</i>	X	X	X				
<b>Iowa</b>							
<i>-Dependent adult</i>	X	X	X				
<b>Kansas<sup>3</sup></b>							
<i>-Adult<sup>4</sup> in own home or home of a</i>	X		X		X		

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<i>family member or home of a friend</i>							
<i>-Adult<sup>4</sup> in an adult family home</i>	X		X		X		
<i>-Adult<sup>4</sup> receiving services through a provider of community services and affiliates thereof</i>	X		X		X	X	
<b>Kentucky</b>							
<i>-Adult</i>	X	X	X				
<b>Louisiana<sup>#3</sup></b>							
<i>-Adult</i>	X <sup>5</sup>						
<i>-Disabled person</i>	X <sup>5</sup>	X	X				
<b>Maine<sup>3</sup></b>							
<i>-Dependent adult</i>	X <sup>5</sup>	X	X				
<i>-Dependent adult who resides in a nursing home</i>	X <sup>5</sup>	X	X		X		
<i>-Dependent adult who resides in a facility providing assisted living services</i>	X <sup>5</sup>	X	X		X		
<i>-Dependent adult who is considered to be a dependent person under Title 17-A, section 555</i>		X	X				
<i>-Incapacitated adult</i>	X <sup>5</sup>	X	X				
<b>Maryland</b>							
<i>-Vulnerable adult</i>	X		X				

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<i>-Disabled person</i>	X						X
<b>Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 (applicable to persons who are 60 or older)</b>							
<i>-Elderly person</i>	X						
<b>Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 (applicable to persons with disabilities)</b>							
<i>-Disabled person</i>	X	X	X				
<b>Michigan</b>							
<i>-Vulnerable person</i>	X	X	X				
<b>Minnesota<sup>3</sup></b>							
<i>-Vulnerable adult who is a facility resident or inpatient</i>	X				X		
<i>-Vulnerable adult who receives services at or from a facility</i>	X					X	
<i>-Vulnerable adult who receives services from a</i>	X					X	

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<i>home care provider</i>							
<i>-Vulnerable adult</i>	X	X	X				
<b>Mississippi<sup>3</sup></b>							
<i>-Vulnerable adult</i>	X <sup>6</sup>	X	X				
<i>-Vulnerable adult in a care facility</i>					X		
<b>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 human needs and are either: (1) 60 or older, or (2) between 18 and 59 and have a disability)<sup>3</sup></b>							
<i>-Eligible adult</i>	X		X				
<i>-Eligible adult with a disability</i>	X	X	X				
<b>Missouri (#2) Mo. Ann. Stat. §§ 660.300 – 660.321 (these provisions are applicable only to individuals</b>							

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<p><i>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 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>	X		X		X	X	
<i>-Eligible adult with a disability who is an “in-home services client”</i>	X	X	X		X	X	
<b>Montana</b>							
<i>-Older person</i>	X						
<i>-Person with a developmental disability</i>	X	X					
<b>Nebraska<sup>3</sup></b>							
<i>-Vulnerable adult who has a substantial mental impairment</i>	X	X	X				
<i>-Vulnerable adult who has a substantial functional impairment</i>	X	X	X				
<i>-Vulnerable adult for whom a guardian has been appointed</i>	X						X
<b>Nevada</b>							
<i>-Older person</i>	X						
<b>New Hampshire<sup>3</sup></b>							
<i>-Incapacitated adult</i>	X	X	X				
<b>New Jersey</b>							

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<i>-Vulnerable adult</i>	X	X	X		X		
<b>New Mexico<sup>3</sup></b>							
<i>-Incapacitated adult</i>	X	X	X				
<i>-Protected adult</i>	X						X <sup>7</sup>
<b>New York</b>							
<i>-Adult</i>	X	X	X	X			
<b>North Carolina<sup>3</sup></b>							
<i>-Disabled adult</i>	X <sup>5</sup>	X	X	X			
<b>North Dakota<sup>3</sup></b>							
<i>-Vulnerable adult who has a substantial mental impairment</i>	X <sup>8</sup>	X	X				
<i>-Vulnerable adult who has a substantial functional impairment</i>	X <sup>8</sup>	X	X				
<b>Ohio</b>							
<i>-Adult</i>	X	X	X		X		
<b>Oklahoma<sup>3</sup></b>							
<i>-Vulnerable adult</i>	X	X	X				
<i>-Incapacitated person</i>	X	X	X				
<i>-Incapacitated person with a guardian, limited guardian, or conservator</i>	X						X
<b>Oregon (EPS) Or. Rev. Stat. §§ 124.050 – 124.095 (applicable to</b>							

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<i>persons 65 or older who are not residents of long-term care facilities)</i>							
<i>-Elderly person</i>	X				X		
<b>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)</b>							
<i>-Adult</i>	X	X				X	
<b>Pennsylvania</b>							
<i>-Older adult</i>	X						
<b>Puerto Rico</b>							
<i>-Aged person</i>	X						
<b>Rhode Island</b>							
<i>-Elderly person</i>	X						
<b>South Carolina<sup>3</sup></b>							
<i>-Vulnerable adult</i>	X	X	X				
<i>-Vulnerable adult residing in a facility<sup>9</sup></i>					X		
<b>South Dakota (There is no APS statute but the</b>							

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<i>state's APS program is authorized by S.D. Codified Laws Ann. § 28-1-44.)</i>							
<i>-None</i>							
<b>Tennessee<sup>3</sup></b>							
<i>-Adult</i>	X	X	X	X			
<i>-Adult of advanced age</i>	X		X	X			
<b>Texas</b>							
<i>-Elderly person</i>	X						
<i>-Disabled person</i>	X <sup>5</sup>	X	X				
<b>Utah<sup>3</sup></b>							
<i>-Vulnerable elder adult</i>	X						
<i>-Vulnerable adult</i>	X	X	X				
<b>Vermont<sup>3</sup></b>							
<i>-Vulnerable adult who is a facility resident</i>	X				X		
<i>-Vulnerable adult who is a resident of a psychiatric hospital or psych unit of a hospital</i>	X				X		
<i>-Vulnerable adult who has been receiving services for more than a month from a home health agency, etc.</i>	X					X	

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<i>-Vulnerable adult who is impaired in ability to provide self-care</i>	X	X	X				
<i>-Vulnerable adult who is impaired in ability to protect self</i>	X	X	X				
<b>Virgin Islands</b>							
<i>-Elderly person</i>	X						
<i>-Disabled adult</i>	X	X	X	X			
<b>Virginia<sup>3</sup></b>							
<i>-Adult</i>	X						
<i>-Adult who is incapacitated</i>	X	X	X				
<b>Washington<sup>3</sup></b>							
<i>-Vulnerable adult</i>	X		X				
<i>-Vulnerable adult who is found incapacitated under the guardianship chapter</i>	X						X
<i>-Vulnerable adult who has a developmental disability</i>	X	X					
<i>-Vulnerable adult who is admitted to any facility</i>	X				X		
<i>-Vulnerable adult who receives services from home health,</i>	X					X	

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<i>hospice, or home care agencies</i>							
<i>-Vulnerable adult who is receiving services from an individual provider</i>	X					X	
<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>	X					X	
<b>West Virginia</b>							
<i>-Incapacitated adult</i>	X	X	X				
<b>Wisconsin (EPS) Wis. Stat. Ann. § 46.90 (applicable to persons who are 60 or older)<sup>3</sup></b>							
<i>-Elder adult at risk</i>	X						
<b>Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 (applicable to adults with disabilities)</b>							

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<i>-Adult at risk</i>	X	X	X				
<b>Wyoming</b>							
<i>-Vulnerable adult</i>	X	X	X				

<sup>1</sup> 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.

<sup>2</sup> This document was completed for the National Center on Elder Abuse and supported in part by a grant, No. 90AM2792, from the Administration on Aging, U.S. Department of Health and Human Services. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging policy.

<sup>3</sup> Statutes need to be carefully read for full picture of categories of persons eligible

<sup>4</sup> Excludes residents of adult care home, medical care facility, state psychiatric hospital or state institution for the mentally retarded

<sup>#</sup> 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).

<sup>5</sup> Age category includes “legally emancipated minor,” “lawfully emancipated minor,” or “has had the disabilities of minority removed”

<sup>6</sup> Age category includes minor

<sup>7</sup> Includes person who has requested or accepted adult protective services

<sup>8</sup> Age category includes “minor emancipated by marriage”

<sup>9</sup> By virtue of living situation, person is deemed to be impaired, dependent, or vulnerable