

**PENALTIES FOR FAILING TO REPORT ELDER ABUSE:
COMPARISON CHART WITH PROVISIONS FROM ADULT PROTECTIVE SERVICES LAWS, BY STATE**

(Laws current as of 12/31/08)

Prepared by Laura Remick of the American Bar Association Commission on Law and Agingⁱ

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CAUTION: Read the explanation of this chart before relying on the information in it. You can find the explanation online at <http://www.abanet.org/aging/about/elderabuse.shtml>.

X₁ = The penalties for impeding reporting are the same as the penalties for failing to report abuse.

X₂ = The penalties for impeding reporting differ from the penalties for failing to report abuse.

Pink = Voluntary reporting states

STATE	CIVIL PENALTIES			CRIMINAL PENALTIES				3 RD PARTY PENALTIES		STATUTORY PROVISIONS
	Admini- strative or Civil Fine	Civil Liability for Damages	Notify Licensing Entity or Employer	Misde- meanor	Unspecified Criminal Offense or Violation	Criminal Fine	Jail	Penalties Against Institutions	Penalties for Impeding Reporting	
Alabama				X		X	X			Any physician or other practitioner of the healing arts who shall knowingly fail to make the report required by this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by imprisonment for not more than six months or a fine

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Alabama (continued)										of not more than \$500.00. Ala. Code § 38-9-10
Alaska			X	X						...A person listed in (a) of this section who, because of the circumstances, should have had reasonable cause to believe that a vulnerable adult suffers from abandonment, exploitation, abuse, neglect, or self-neglect but who knowingly fails to comply with this section is guilty of a class B misdemeanor. If a person convicted under this section is a member of a profession or occupation that is licensed, certified, or regulated by the state, the court

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Alaska (continued)										shall notify the appropriate licensing, certifying, or regulating entity of the conviction. Alaska Stat. § 47.24.010
Arizona				X						(K) A person who violates any provision of this section is guilty of a class 1 misdemeanor. Ariz. Rev. Stat. Ann. § 46-454
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 — 12-12-1721 (relating to reporting and investigation)		X		X						(a) Any person or caregiver required by this subchapter to report a case of suspected adult maltreatment or long-term care facility resident maltreatment who purposely fails to do so shall be guilty of a Class B misdemeanor.

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Arkansas (#1) (continued)										<p>(b) Any person or caregiver required by this subchapter to report a case of suspected adult maltreatment or long-term care facility resident maltreatment who purposely fails to do so shall be civilly liable for damages proximately caused by the failure.</p> <p>(f) Any person required to report a death as the result of suspected adult maltreatment or long-term care facility resident maltreatment who knowingly fails to make the report in the manner and time provided in this subchapter</p>

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Arkansas (#1) (continued)										shall be guilty of a Class C misdemeanor. (g) Any person required to report suspected adult maltreatment or long-term care facility resident maltreatment who knowingly fails to make the report in the manner and time provided in this subchapter shall be guilty of a Class C misdemeanor. Ark. Code Ann. § 12-12-1720
Arkansas (#2) Ark. Code Ann. §§ 9-20-101 —9-20-121 (authorizing APS to take victims into protective custody)										N/A

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California	X (Financial Institutions Only)			X		X	X		X ₁	(h) Failure to report, or impeding or inhibiting a report of, physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. Any mandated reporter who

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California (continued)										willfully fails to report, or impedes or inhibits a report of, physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, where that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. If a mandated reporter

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California (continued)										<p>intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until a law enforcement agency specified in paragraph (1) of subdivision (b) of Section 15630 of the Welfare and Institutions Code discovers the offense. Cal. Welf. & Inst. Code § 15630</p> <p>(f) Failure to report financial abuse under this section shall be subject to a civil penalty not</p>

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California (continued)										<p>exceeding one thousand dollars (\$1,000) or if the failure to report is willful, a civil penalty not exceeding five thousand dollars (\$5,000), which shall be paid by the financial institution that is the employer of the mandated reporter to the party bringing the action.</p> <p>Subdivision (h) of Section 15630 shall not apply to violations of this section.</p> <p>(g)(1) The civil penalty provided for in subdivision (f) shall be recovered only in a civil action brought against</p>

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California (continued)										the financial institution by the Attorney General, district attorney, or county counsel. No action shall be brought under this section by any person other than the Attorney General, district attorney, or county counsel. Multiple actions for the civil penalty may not be brought for the same violation. Cal. Welf. & Inst. Code § 15630.1
Colorado										N/A
Connecticut				X		X				(a) ...Any person required to report under the provisions of this section who fails to make such report within the prescribed time period shall be

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Connecticut (continued)										fined not more than five hundred dollars, except that, if such person intentionally fails to make such report within the prescribed time period, such person shall be guilty of a class C misdemeanor for the first offense and a class A misdemeanor for any subsequent offense. Conn. Gen. Stat. Ann. § 17b-451
Delaware										N/A
District of Columbia			X	X		X				(a)(1) Any person required to report under § 7-1903(a)(1) who willfully fails to do so shall be guilty of a misdemeanor and, upon conviction,

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District of Columbia (continued)										<p>subject to a fine not exceeding \$300...</p> <p>(5) Any health-care administrator or health professional licensed in the District who willfully fails to make a report required by § 7-1903(a)(1), or willfully makes a report under § 7-1903 containing information that he or she knows to be false, shall be guilty of unprofessional conduct and subject to any sanction available to the governmental board, commission, or other authority</p>

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District of Columbia (continued)										responsible for his or her licensure. D.C. Code Ann. § 7-1912
Florida				X					X ₁	(1) A person who knowingly and willfully fails to report a case of known or suspected abuse, neglect, or exploitation of a vulnerable adult, or who knowingly and willfully prevents another person from doing so, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Fla. Stat. Ann. § 415.111
Georgia				X						(b)(1) It shall be unlawful for any person or official required by paragraph (1) of

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Georgia (continued)										<p>subsection (a) of Code Section 30-5-4 to report a case of disabled adult or elder person abuse to fail knowingly and willfully to make such report.</p> <p>(2) Any person violating the provisions of this subsection shall be guilty of a misdemeanor.</p> <p>(c) Any violation of this Code section shall constitute a separate offense. Ga. Code Ann. §30-5-8</p>
Guam	X			X						Any person required by subsection A or B to report a case of suspected elderly or disabled adult

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Guam (continued)										abuse who fails to so report shall be liable for a fine of not more than \$500, except that for a second or subsequent offense, such person shall be guilty of a misdemeanor. 10 Guam Code Ann. § 2954
Hawaii				X					X ₁	(e) Any person who knowingly fails to report as required by this section or who wilfully prevents another person from reporting pursuant to this section shall be guilty of a petty misdemeanor. Haw. Rev. Stat. § 346-224
Idaho				X				X		(2) Failure to report as provided under this section

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Idaho (continued)										is a misdemeanor subject to punishment as provided in section 18-113, Idaho Code. If an employee at a state licensed or certified residential facility fails to report abuse or sexual assault that has resulted in death or serious physical injury jeopardizing the life, health or safety of a vulnerable adult as provided under this section, the department shall also have the authority to: (a) Revoke the facility's license and/or contract with the state to provide services;

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Idaho (continued)										(b) Deny payment; (c) Assess and collect a civil monetary penalty with interest from the facility owner and/or facility administrator; (d) Appoint temporary management; (e) Close the facility and/or transfer residents to another certified facility; (f) Direct a plan of correction; (g) Ban admission of persons with certain diagnoses or requiring specialized care; (h) Ban all admissions to the facility; (i) Assign monitors to the facility; or

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Idaho (continued)										(j) Reduce the licensed bed capacity...Idaho Code § 39-5303
Illinois			X	X						(e) Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with subdivision (A)(22) of Section 22 of the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report as required by this Act shall be referred to the Department of Professional Regulation for action in

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Illinois (continued)										accordance with paragraph 19 of Section 23 of the Illinois Dental Practice Act. Any other mandated reporter required by this Act to report suspected abuse, neglect, or financial exploitation who willfully fails to report the same is guilty of a Class A misdemeanor. 320 Ill. Comp. Stat, Ann. § 20/4
Indiana										N/A
Iowa		X		X					X ₂	(12) A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so commits a simple misdemeanor. A

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Iowa (continued)										person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3, interferes with the making of such a report or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure. Iowa Code Ann. § 235B.3
Kansas				X					X ₁	(e) Any person required to report information or cause a report of information to be made under subsection (a)

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Kansas (continued)										who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor. Kan. Stat. Ann. § 39-1431
Kentucky				X						(1) Anyone knowingly or wantonly violating the provisions of KRS 209.030(2) shall be guilty of a Class B misdemeanor as designated in KRS 532. 090. Each violation shall constitute a separate offense. Ky. Rev. Stat. Ann. § 209.990
Louisiana				X		X	X			(A) Any person, who under R.S. 15:1504(A), is required to report the abuse or

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Louisiana (continued)										neglect of an adult and knowingly and willfully fails to so report shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. La. Rev. Stat. Ann. § 14:403.2
Maine	X		X							A person who knowingly violates a provision of this chapter commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. Any licensed, registered, accredited or certified professional who

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Maine (continued)										has been adjudged to have violated a provision of this chapter must, in addition to any financial penalty, be reported by the court or the department to the appropriate professional licensing organization, registration board, accrediting unit or facility. 22 Me. Rev. Stat. Ann. § 3475
Maryland										N/A
Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 —26 <i>(applicable to persons who are 60 or older)</i>	X									(a) ...Any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars. Mass. Gen. Laws Ann. 19A § 15

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Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 — 13 (<i>applicable to persons with disabilities</i>)	X									...Any person required by this section to make oral and written reports, who fails to do so, shall be punished by a fine of not more than one thousand dollars. Mass. Gen. Laws Ann. 19C § 10
Michigan	X	X								(1) A person required to make a report pursuant to section 11a who fails to do so is liable civilly for the damages proximately caused by the failure to report, and a civil fine of not more than \$500.00 for each failure to report. Mich. Comp. Laws Ann. § 400.11e

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Minnesota		X								Subd. 7. A mandated reporter who negligently or intentionally fails to report is liable for damages caused by the failure. Nothing in this subdivision imposes vicarious liability for the acts or omissions of others. Minn. Stat. Ann. § 626.557
Mississippi			X	X		X	X			(1)(c)...A person who fails to make a report as required under this subsection or who, because of the circumstances, should have known or suspected beyond a reasonable doubt that a vulnerable adult suffers from exploitation, abuse, neglect or

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Mississippi (continued)										self-neglect but who knowingly fails to comply with this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. However, for purposes of this subsection (1), any recognized legal financial transaction shall not be considered cause to report the knowledge or suspicion of the financial

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Mississippi (continued)										exploitation of a vulnerable adult. If a person convicted under this section is a member of a profession or occupation that is licensed, certified or regulated by the state, the court shall notify the appropriate licensing, certifying or regulating entity of the conviction. Miss. Code Ann. § 43-47-7
Missouri (#1) Mo. Ann. Stat. §§ 660.250 — 660.295 <i>(applicable only to persons who are unable to protect their own interests or adequately</i>										N/A

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<i>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>										
Missouri (#2) Mo. Ann. Stat. §§ 660.300 — 660.321 (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 statutes. We established				X		X				(4) Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor... (12) Any person who abuses or neglects an in-home services client or home

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<p><i>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>										<p>health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184, RSMo. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and</p>

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Missouri (#2) (continued)										the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621, RSMo. Any decision of the administrative hearing commission may

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Missouri (#2) (continued)										be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term “violation” means a determination of guilt by a court. Mo. Stat. Ann. §660.300

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Montana					X					(1) A person who purposely or knowingly fails to make a report required by 52- 3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212. Mont. Code Ann. § 52-3-825
Nebraska				X						Any person who willfully fails to make any report required by the Adult Protective Services Act shall be guilty of a Class III misdemeanor. Neb. Rev. Stat. § 28-384

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Nevada				X						9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor. Nev. Rev. Stat. Ann. § 200.5093
New Hampshire				X						Any person who knowingly fails to make any report required by RSA 161-F:46 shall be guilty of a misdemeanor. N.H. Rev. Stat. Ann. § 161-F:50
New Jersey										N/A
New Mexico	X		X	X					X ₁	(C) Any person failing or refusing to report, or obstructing or impeding any investigation, as required by Subsection A of this section is guilty of a misdemeanor.

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New Mexico (continued)										(D) The department may assess a civil penalty not to exceed ten thousand dollars (\$10,000) per violation against a person that violates the provisions of Subsection A of this section or obstructs or impedes any investigation as required pursuant to Subsection A of this section... N.M. Stat. Ann. § 27-7-30
New York										N/A
North Carolina										N/A
North Dakota										N/A
Ohio										N/A
Oklahoma				X		X	X			(E) Any person who knowingly and willfully fails to promptly report

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Oklahoma (continued)										any abuse, neglect, or exploitation as required by the provisions of subsections A and B of this section, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Okla. Stat. Ann. 43A § 10-104
Oregon (EPS) Or. Rev. Stat. §§ 124.050 — 124.095 <i>(applicable to</i>					X					A person who violates ORS 124.060 commits a Class A violation. Or. Rev. Stat. § 124.990

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<i>persons 65 or older who are not residents of long-term care facilities)</i>										
Oregon Or. Rev. Stat. §§ 430.735 — 430.768 <i>(applicable only to persons 18 or older who are mentally ill or developmentally disabled and receive services from a community program or facility)</i>										N/A
Pennsylvania	X			X		X	X		X ₁	(a) Administrative.-- (1) An administrator who intentionally or willfully fails to comply or obstructs compliance with the provisions of

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Pennsylvania (continued)										this chapter or who intimidates or commits a retaliatory act against an employee who complies in good faith with the provisions of this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3). (2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter or that intimidates or commits a retaliatory act against an employee who complies in good

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Pennsylvania (continued)										<p>faith with this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3). (3) The Commonwealth agency or Commonwealth agencies which regulate the facility have jurisdiction to determine violations of this chapter and may issue an order assessing a civil penalty of not more than \$2,500...</p> <p>(b) Criminal.--(1) An administrator who intentionally or willfully fails to comply or</p>

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Pennsylvania (continued)										obstructs compliance with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both. (2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with, this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than

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Pennsylvania (continued)										one year, or both. (c) Penalties for failure to report.-- A person required under this chapter to report a case of suspected abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation. 35 Pa. Cons. Stat. Ann. § 10225.706
Puerto Rico										N/A
Rhode Island	X									... In cases of abuse, neglect, or exploitation, any person who fails to make the report shall be punished by a fine of not more than one thousand dollars

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Rhode Island (continued)										(\$1,000). Nothing in this section shall require an elder who is a victim of abuse, neglect, or exploitation or who is self-neglecting to make a report regarding such abuse, neglect, exploitation or self-neglect to the director or his or her designee. R.I. Gen. Laws § 42-66-8
South Carolina			X	X		X	X			(A) A person required to report under this chapter who has actual knowledge that abuse, neglect, or exploitation has occurred and who knowingly and wilfully fails to report the abuse, neglect, or

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South Carolina (continued)										exploitation is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five hundred dollars or imprisoned not more than one year. A person required to report under this chapter who has reason to believe that abuse, neglect, or exploitation has occurred or is likely to occur and who knowingly and wilfully fails to report the abuse, neglect, or exploitation is subject to disciplinary action as may be determined necessary by the appropriate

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South Carolina (continued)										licensing board. S.C. Code Ann. § 43-35-85
South Dakota There is no APS statute but the state's APS program is authorized by S.D. Codified Laws Ann. § 28-1-44										N/A
Tennessee				X						Any person who knowingly fails to make a report required by this chapter commits a Class A misdemeanor. Tenn. Code Ann. § 71-6-110
Texas				X						(a) A person commits an offense if the person has cause to believe that an elderly or disabled person has been abused, neglected,

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Texas (continued)										or exploited or is in the state of abuse, neglect, or exploitation and knowingly fails to report in accordance with this chapter. An offense under this subsection is a Class A misdemeanor. Tex. Hum. Res. Code Ann. § 48.052
Utah				X						(4) Any person who willfully fails to report suspected abuse, neglect, or exploitation of a vulnerable adult is guilty of a class B misdemeanor. Utah Code Ann. § 62A-3-305
Vermont	X									(b) Whenever the commissioner finds, after notice and hearing, that a

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Vermont (continued)										mandatory reporter, as defined in subdivisions 6903(a)(1), (2), (3), (4), and (5) of this title, has willfully violated the provisions of subsection 6903(a), the commissioner may impose an administrative penalty not to exceed \$500.00 per violation. For purposes of this subsection, every 24 hours that a report is not made beyond the period for reporting required by subsection 6903(a) shall constitute a new and separate violation, and a mandatory

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Vermont (continued)										reporter shall be liable for an administrative penalty of not more than \$500.00 for each 24-hour period, not to exceed a maximum penalty of \$5,000.00 per reportable incident. Vt. Stat. Ann. § 6913
Virgin Islands	X									(a)...The Department may bring a complaint in Superior Court against any person so required to make such report who fails to do so. Any person required to make a report under this subsection who fails to do so shall be punished by a fine of not more than one thousand dollars (\$1,000).

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Virgin Islands (continued)										34 V.I. Code Ann. § 453
Virginia	X									(H) Any person who fails to make a required report or notification pursuant to subsection A shall be subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures... Va. Code Ann. § 63.2-1606

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Washington				X						(1) A person who is required to make a report under this chapter and who knowingly fails to make the report is guilty of a gross misdemeanor. Wash. Rev. Code Ann. § 74.34.053
West Virginia				X		X	X		X ₁	Any person subject to the mandatory reporting provisions of this article who knowingly fails to make any report required herein or any person who knowingly prevents another person from making such a report is guilty of a misdemeanor, and, upon conviction thereof, shall be

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West Virginia (continued)										fined not more than one hundred dollars or imprisoned in the county jail for not more than ten days, or both fined and imprisoned. W.Va. Code § 9-6-14.
Wisconsin (EPS) Wis. Stat. Ann. § 46.90 (<i>applicable to persons who are 60 or older</i>)						X	X			(9)(e) Whoever intentionally violates sub. (4)(ad) by failure to report as required may be fined not more than \$500 or imprisoned not more than 6 months or both. Wis. Stat. Ann. § 46.90
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 — 55.23 (<i>applicable to adults with disabilities</i>)						X	X			(9m)(e) Whoever intentionally violates sub. (1m)(b) by failure to report as required may be fined not more

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Wisconsin (APS) (continued)										than \$500 or imprisoned not more than 6 months or both. Wis. Stat. Ann. § 55.043
Wyoming				X		X	X			(b) Any person or agency who knows or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe that a vulnerable adult is being or has been abused, neglected, exploited, intimidated or abandoned, or is committing self neglect, and knowingly fails to report in accordance with this act is guilty of a misdemeanor

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Wyoming (continued)										punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. Wyo. Stat. Ann. § 35-20-111

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.