

**PENALTIES FOR MAKING A FALSE REPORT OF 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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Research conducted on WestLaw compliments of West Group

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 advising or causing the making of a false report are the same as the penalties for making a false report.

Pink = Voluntary reporting states

STATE	CIVIL PENALTIES				CRIMINAL PENALTIES				3 RD PARTY PENALTIES	OTHER	STATUTORY PROVISIONS
	Attorney's Fees	Civil Liability for Damages	Civil Fine	Notify Licensing Entity or Employer	Misdemeanor	Felony	Criminal Fine	Jail	Advising or Causing the Making of a False Report	Loss of Immunity or Other Protections	
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 — 12-12-1721 <i>(relating to reporting and investigation)</i>					X	X					(c) Any person, official, or institution willfully making false notification under this subchapter knowing the allegations to be false shall be guilty of a Class A misdemeanor. (d) Any person, official, or institution willfully making

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Arkansas (#1) (continued)											false notification under this subchapter knowing the allegations to be false and who has been previously convicted of making false allegations shall be guilty of a Class D felony. Ark. Code Ann. § 12-12-1720
California										X	(a)...Any other person reporting a known or suspected instance of abuse of an elder or dependent adult shall not incur civil or criminal liability as a result of any report authorized by this article, unless it can be proven that a

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California (continued)											false report was made and the person knew that the report was false. Cal. Welf. & Inst. Code § 15634
Colorado		X			X						(4) No person, including a person specified in subsection (1) of this section, shall knowingly make a false report of mistreatment or self-neglect to a county department or local law enforcement agency. Any person who willfully violates the provisions of this subsection (4) commits a class 3 misdemeanor and shall be punished

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Colorado (continued)											as provided in section 18-1.3-501, C.R.S., and liable for damages proximately caused thereby. Colo. Rev. Stat. Ann. § 26-3.1-102
District of Columbia				X	X		X				(a)(2) Any person who willfully makes a report under § 7-1903 containing information that he or she knows to be false shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$1,000. (a)(5) Any health-care administrator or health

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District of Columbia (continued)											professional licensed in the District who ...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 responsible for his or her licensure. D.C. Code Ann. § 7-1912
Florida			X			X			X ₁		(5) A person who knowingly and willfully makes a false report of abuse,

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Florida (continued)											<p>neglect, or exploitation of a vulnerable adult, or a person who advises another to make a false report, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Fla. State. Ann. § 415.111</p> <p>(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department [of Children and Family Services] may impose a fine, not to exceed \$10,000 for each violation, upon a</p>

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Florida (continued)											person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a vulnerable adult, or a person who counsels another to make a false report. Fla. State. Ann. § 415.1113
Idaho	X	X									(6) Any person who makes a report or allegation in bad faith, with malice or knowing it to be false, shall be liable to the party against whom the report was made for the amount of actual damages sustained or statutory damages in the amount of five hundred dollars (\$500),

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Idaho (continued)											whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater. Idaho Code § 39-5303
Louisiana					X		X	X			(C) Any person who reports an adult as abused or neglected to an adult protection agency as defined in R.S. 15:1503 or to any law enforcement agency, knowing that such information is

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Louisiana (continued)											false, 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
Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 — 13 <i>(applicable to persons with disabilities)</i>										X	A person who willfully files a false report of abuse with the commission or willfully testifies falsely or willfully provides the commission or any designated investigating agency with false information in the course of an investigation or any other commission

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Massachusetts (APS) (continued)											proceeding shall not be afforded the protections of this section. Mass. Gen. Laws Ann. 19C § 11
Minnesota	X	X									Subd. 6. A person or facility who intentionally makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the reported facility, person or persons and for punitive damages up to \$10,000 and attorney fees. Minn. Stat. Ann. § 626.577
Mississippi		X									(5) A person who intentionally makes a false report under the provisions of this

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Mississippi (continued)											section may be found liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. Miss. Code Ann. § 43-47-7
Montana										X	(1) A person who makes a report required or authorized to be made under 52-3-811 is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report unless the report is false in any material respect and the person acted in

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Montana (continued)											bad faith or with malicious purpose. Mont. Code Ann. § 52-3-814
Nebraska										X	Any person participating in an investigation or the making of a report pursuant to the Adult Protective Services Act or participating in a judicial proceeding resulting therefrom shall be immune from any liability except (1) as otherwise provided in the Adult Protective Services Act, (2) for malfeasance in office or willful or wanton neglect of duty, or (3) for false

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Nebraska (continued)											statements of fact made with malicious intent. Neb. Rev. Stat. § 28-375
North Dakota		X			X				X ₁		<p>(1) Any person who willfully makes a false report, or provides false information which causes the report to be made, is guilty of a class B misdemeanor unless the false report is made to a law enforcement official, in which case the person who causes the false report to be made is guilty of a class A misdemeanor.</p> <p>(2) A person who willfully makes a</p>

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North Dakota (continued)											false report, or provides false information that causes a report to be made, is liable in a civil action for all damages suffered by the person reported. N.D. Cent. Code § 50-25-.2-10
Oklahoma		X									(G) Any person who willfully or recklessly makes a false report shall be civilly liable for any actual damages suffered by the person being reported and for any punitive damages set by the court or jury which may be allowed in the discretion of the court or jury. Okla. Stat. Ann. 43A § 10-104

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Texas					X						A person commits an offense if the person knowingly or intentionally reports information as provided in this chapter that the person knows is false or lacks factual foundation. An offense under this section is a Class B misdemeanor. Tex. Hum. Res. Code Ann. § 48.053
Virginia					X				X ₁		(G) Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect, or exploitation that he knows to be

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Virginia (continued)											false shall be guilty of a Class 4 misdemeanor. Any subsequent conviction of this provision shall be a Class 2 misdemeanor. Va. Code Ann. § 63.2-1606
Washington					X						(2) A person who intentionally, maliciously, or in bad faith makes a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult is guilty of a misdemeanor. Wash. Rev. Code Ann. § 74.34.053
Wyoming					X		X	X		X	A person commits a misdemeanor punishable by

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Wyoming (continued)											<p>imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if he reports information pursuant to this act and knows or has reason to know the information is false or lacks factual foundation. Wyo. Stat. Ann. § 35-20-113</p> <p>(a) A person or agency filing a report under this act or testifying or otherwise participating in any judicial proceeding arising from a petition, report,</p>

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Wyoming (continued)											or investigation is immune from civil or criminal liability on account of the person's petition, report, testimony or participation, unless the person knowingly or negligently reports information that is false or lacks factual foundation. The immunity provided under this subsection applies only to those persons whose professional communications are generally confidential or subject to the Wyoming Public Records Act, W.S. 16-4-201 et

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Wyoming (continued)											seq. including: (i) Attorneys; (ii) Members of the clergy; (iii) Medical practitioners; (iv) Social workers; (v) Mental health professionals; (vi) Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker, or other professional adult care, residential or institutional staff; (vii) State, county or municipal criminal justice employees or law enforcement officers; and

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Wyoming (continued)											(viii) Bank, savings and loan or credit union officers, trustees or employees. Wyo. Stat. Ann. § 35-20-114

ⁱ 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.