

**CIRCUMSTANCES UNDER WHICH ADULT PROTECTIVE SERVICES
MUST OR MAY SUBSEQUENTLY REFER A REPORTED CASE TO LAW ENFORCEMENT:
COMPARISON CHART OF PROVISIONS IN ADULT PROTECTIVE SERVICES LAWS, 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>.

PINK = No mandatory reporting
D = Discretionary
M = Mandatory

STATE	ALL REPORTS	WHEN APS HAS REASONABLE CAUSE TO BELIEVE A PERSON WHO HAS REFUSED APS NEEDS APS	WHEN APPROPRIATE	WHEN CRIME IS KNOWN OR SUSPECTED	WHEN DEATH, INJURY, OR HARM RESULTED	WHEN REPORTS ARE SUBSTANTIATED OR BELIEVED TO BE TRUE	WHEN REPORTS OF DESIGNATED FORMS OF ABUSE OR INJURY ARE MADE	NO PROVISION	LAW DOES NOT ADDRESS REPORTING
Alabama								X	
Alaska		D							
Arizona								X	
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 (relating to reporting & investigation)			M						
Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9-20-121 (authorizing APS to take victims into protective									X

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<i>custody)</i>									
California				M					
Colorado	M								
Connecticut								X	
Delaware								X	
District of Columbia							M		
Florida					M		M		
Georgia						M			
Guam								X	
Hawaii								X	
Idaho					M				
Illinois				M	M	D			
Indiana						M	M		
Iowa				M					
Kansas				M					
Kentucky	M								
Louisiana							M		
Maine					M				
Maryland				M/M					
Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 <i>(applicable to persons who are 60 or older)</i>								X	
Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 <i>(applicable to persons with</i>				M					

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<i>disabilities)</i>									
Michigan				M					
Minnesota				M					
Mississippi								X	
Missouri (#1) Mo. Ann. Stat. §§ 660.250 – 660.295 <i>(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)</i>							M		
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 §</i>	M								

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<p>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.)</p>									
Montana								X	
Nebraska	M/M								
Nevada								X	

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New Hampshire				M	M				
New Jersey				M					
New Mexico								X	
New York				M					
North Carolina								X	
North Dakota				M			M		
Ohio								X	
Oklahoma	M								
Oregon (EPS) Or. Rev. Stat. §§ 124.050 – 124.095 <i>(applicable to persons 65 or older who are not residents of long-term care facilities)</i>	D					M			
Oregon (APS) 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>				M					
Pennsylvania								X	
Puerto Rico								X	
Rhode Island				M					

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South Carolina				M/M					
South Dakota									X
Tennessee							M		
Texas				M					
Utah				M					
Vermont								X	
Virgin Islands								X	
Virginia			M		M		M/M		
Washington				M					
West Virginia	M								
Wisconsin (EPS) Wis. Stat. Ann. § 46.90 (applicable to persons who are 60 or older)				D					
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 (applicable to adults with disabilities)				D					
Wyoming	M								

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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