

**ACCESS TO VICTIMS TO CONDUCT INVESTIGATIONS AND TO PROVIDE SERVICES:  
COMPARISON CHART OF PROVISIONS IN ADULT PROTECTIVE SERVICES LAWS WITH CITATIONS, BY STATE**

(Laws current as of 12/31/06)

Prepared by Lori Stiegel and Ellen Klem of the American Bar Association Commission on Law and Aging<sup>1</sup> for the National Center on Elder Abuse<sup>2</sup>  
Copyright © American Bar Association Commission on Law and Aging (2007)  
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	ACCESS TO CONDUCT INVESTIGATION	ACCESS TO PROVIDE PROTECTIVE SERVICES
Alabama	There is no statutory provision.	There is no statutory provision.
Alaska	There is no statutory provision.	Alaska Stat. § 47.24.019(c)
Arizona	There is no statutory provision.	There is no statutory provision.
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 ( <i>relating to reporting &amp; investigation</i> )	Ark. Code Ann. §§ 12-12-1714(a) & (b)	There is no statutory provision.
Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9-20-121 ( <i>authorizing APS to take victims into protective custody</i> )	There is no statutory provision.	There is no statutory provision.
California	Cal. Welf. & Inst. Code § 15755	There is no statutory provision.
Colorado	There is no statutory provision.	There is no statutory provision.
Connecticut	Conn. Gen. Stat. Ann. § 17b-452	Conn. Gen. Stat. Ann. § 17b-453(b)
Delaware	There is no statutory provision.	Del. Code Ann. tit. 31, § 3905(b)
District of Columbia	D.C. Code Ann. §§ 7-1904(b) & (c)	There is no statutory provision.
Florida	Fla. Stat. Ann. § 415.104(1) Fla. Stat. Ann. § 415.1052(1)	Fla. Stat. Ann. § 415.105(3) Fla. Stat. Ann. § 415.1052(2)
Georgia	Ga. Code Ann. § 30-5-5(b)	Ga. Code Ann. § 30-5-5(d)
Guam	10 Guam Code Ann. § 2957(c)	10 Guam Code Ann. § 2957(d)
Hawaii	Haw. Rev. Stat. § 346-229(a)	There is no statutory provision.
Idaho	There is no statutory provision.	There is no statutory provision.
Illinois	320 Ill. Comp. Stat. § 20/13(b)(2)	320 Ill. Comp. Stat. § 20/13(b)(1)
Indiana	There is no statutory provision.	Ind. Code Ann. § 12-10-3-20 Ind. Code Ann. § 12-12-10-3-28(e)

<b>STATE</b>	<b>ACCESS TO CONDUCT INVESTIGATION</b>	<b>ACCESS TO PROVIDE PROTECTIVE SERVICES</b>
Iowa	There is no statutory provision.	Iowa Code Ann. § 235B.17
Kansas	There is no statutory provision.	Kan. Stat. Ann. § 39-1437(b)
Kentucky	Ky. Rev. Stat. Ann. § 209.030(8)	There is no statutory provision.
Louisiana	La. Rev. Stat. Ann. § 403.2(E)(3)	La. Rev. Stat. Ann. § 403.2(F)(1)(d)
Maine	There is no statutory provision.	Me. Rev. Stat. Ann. tit. 22, § 3481(2)
Maryland	There is no statutory provision.	There is no statutory provision.
Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 ( <i>applicable to persons who are 60 or older</i> )	There is no statutory provision.	Mass. Gen. Laws Ann. ch. 19A, § 19(b)
Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 ( <i>applicable to persons with disabilities</i> )	Mass. Gen. Laws Ann. ch. 19C, § 7(d)	There is no statutory provision.
Michigan	There is no statutory provision.	There is no statutory provision.
Minnesota	There is no statutory provision.	There is no statutory provision.
Mississippi	Miss. Code Ann. §§ 43-47-9(1) & (2)	Miss. Code Ann. § 43-47-11(2)
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> )	Mo. Ann. Stat. § 660.270	Mo. Ann. Stat. § 660.275
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-</i>	There is no statutory provision.	There is no statutory provision.

STATE	ACCESS TO CONDUCT INVESTIGATION	ACCESS TO PROVIDE PROTECTIVE SERVICES
<p><i>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>		
Montana	Mont. Code Ann. § 52-3-804(4)	There is no statutory provision.
Nebraska	There is no statutory provision.	There is no statutory provision.
Nevada	There is no statutory provision.	There is no statutory provision.
New Hampshire	N.H. Rev. Stat. Ann. § 161-F:53	There is no statutory provision.
New Jersey	N.J. Stat. Ann. § 52:27D-410(c)	N.J. Stat. Ann. § 52:27D-412
New Mexico	N.M. Stat. Ann. § 27-7-19(F)	There is no statutory provision.
New York	N.Y. Soc. Serv. Law, Art. 9B, § 473-c	There is no statutory provision.
North Carolina	There is no statutory provision.	N.C. Gen. Stat. § 108A-104(b)
North Dakota	N.D. Cent. Code § 50-25.2-05(3)	There is no statutory provision.
Ohio	Ohio Rev. Code Ann. § 5101.63	Ohio Rev. Code Ann. § 5101.68
Oklahoma	Okla. Stat. Ann. tit. 43A, § 10-105(C)(1)(b)	Okla. Stat. Ann. tit. 43A, § 10-106(B)(1) – (3)
<p>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>)</p>	Or. Rev. Stat. § 124.065(2)	There is no statutory provision.
<p>Oregon (APS) Or. Rev. Stat. §§ 430.735 – 430.768 (<i>applicable only to persons 18 or older who are</i></p>	Or. Rev. Stat. § 430.743(2)	There is no statutory provision.

<b>STATE</b>	<b>ACCESS TO CONDUCT INVESTIGATION</b>	<b>ACCESS TO PROVIDE PROTECTIVE SERVICES</b>
<i>mentally ill or developmentally disabled and receive services from a community program or facility)</i>		
Pennsylvania	35 Pa. Cons. Stat. Ann. §§ 10225.304(e) – (f)	35 Pa. Cons. Stat. Ann. § 10225.304(c) 35 Pa. Cons. Stat. Ann. §§ 10225.304(e) – (f)
Puerto Rico	There is no statutory provision.	There is no statutory provision.
Rhode Island	R.I. Gen. Laws § 42-66-8.2(c) R.I. Gen. Laws § 42-66-9(c)	R.I. Gen. Laws § 42-66-9(a)
South Carolina	S.C. Code Ann. § 43-35-45(A)	There is no statutory provision.
South Dakota	There is no statutory provision.	There is no statutory provision.
Tennessee	Tenn. Code Ann. § 71-6-103(f)	Tenn. Code Ann. § 71-6-103(h)
Texas	Tex. Hum. Res. Code Ann. § 48.153 Tex. Hum. Res. Code Ann. § 48.155	Tex. Hum. Res. Code Ann. § 48.155
Utah	There is no statutory provision.	Utah Code Ann. § 62A-3-321
Vermont	There is no statutory provision.	Vt. Stat. Ann. tit. 33, § 6910
Virgin Islands	34 V.I. Code Ann. § 456(d)	34 V.I. Code Ann. § 456(d)
Virginia	Va. Code Ann. § 63.2-1605(D)	Va. Code Ann. § 63.2-1610(B)
Washington	Wash. Rev. Code Ann. § 74.34.080	There is no statutory provision.
West Virginia	W.Va. Code § 9-6-16	There is no statutory provision.
Wisconsin (EPS) Wis. Stat. Ann. § 46.90 <i>(applicable to persons who are 60 or older )</i>	Wis. Stat. Ann. § 46.90(5)(d)	There is no statutory provision.
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 <i>(applicable to adults with disabilities)</i>	Wis. Stat. Ann. § 55.043(3)	Wis. Stat. Ann. § 55.043(3)
Wyoming	Wyo. Stat. Ann. § 35-20-110	Wyo. Stat. Ann. § 35-20-106

<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.