

CAREGIVER DEFINITIONS: PROVISIONS AND CITATIONS IN ADULT PROTECTIVE SERVICES LAWS, 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>.

STATE	STATUTORY PROVISION(S) AND CITATION(S)
Alabama	“Caregiver.” An individual who has the responsibility for the care of a protected person as a result of family relationship or who has assumed the responsibility for the care of the person voluntarily, by contract or as a result of the ties of friendship. Ala. Code § 38-9-2(3)
Alaska	“Caregiver” means (A) a person who is providing care to a vulnerable adult as a result of a family relationship, or who has assumed responsibility for the care of a vulnerable adult voluntarily, by contract, or by court order; or (B) an employee of an out-of-home care facility who provides care to one or more vulnerable adults; Alaska Stat. § 47.24.900(3)
Arizona	There is no statutory provision.
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 (<i>relating to reporting & investigation</i>)	“Caregiver” means a related person or an unrelated person, an owner, an agent, a high managerial agent of a public or private organization, or a public or private organization that has the responsibility for the protection, care, or custody of an endangered person or an impaired person as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of a court; Ark. Code Ann. § 12-12-1703(3)
Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9-20-121 (<i>authorizing APS to take victims into protective custody</i>)	"Caregiver" means a related person or an unrelated person, an owner, an agent, a high managerial agent of a public or private organization, or a public or private organization that has the responsibility for the protection, care, or custody of an endangered adult or impaired adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the circuit court; Ark. Code Ann. § 9-20-103(3)
California	There is no statutory provision.
Colorado	"Caretaker" means a person, as such term is defined in subsection (5) of this section, who is responsible for the care of an at-risk adult, as such term is defined in subsection (1) of this section, as a result of a family or legal relationship or who has assumed responsibility for the care of an at-risk adult. Colo. Rev. Stat. Ann. § 26-3.1-101(2)
Connecticut	The term "caretaker" means a person who has the responsibility for the care of an elderly person as a result of family relationship or who has assumed the responsibility for the care of the elderly voluntarily, by contract or by order of a court of competent jurisdiction. Conn. Gen. Stat. Ann. § 17b-450(5)
Delaware	"Caregiver" means any adult who has assumed the permanent or temporary care, custody or responsibility for the supervision of an infirm adult. Del. Code Ann. Tit. 31, § 3902(17)

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District of Columbia	"Caregiver" means a person that, by law, contract, court order, or voluntary action, is charged with or has assumed the responsibility for an adult's essential food, shelter, or health-care needs. D.C. Code Ann. § 7-1901(4)
Florida	"Caregiver" means a person who has been entrusted with or has assumed the responsibility for frequent and regular care of or services to a vulnerable adult on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person's guardian that a caregiver role exists. "Caregiver" includes, but is not limited to, relatives, household members, guardians, neighbors, and employees and volunteers of facilities as defined in subsection (8). For the purpose of departmental investigative jurisdiction, the term "caregiver" does not include law enforcement officers or employees of municipal or county detention facilities or the Department of Corrections while acting in an official capacity. Fla. Stat. Ann. § 415.102(4)
Georgia	"Caretaker" means a person who has the responsibility for the care of a disabled adult or elder person as a result of family relationship, contract, voluntary assumption of that responsibility, or by operation of law. Ga. Code Ann. § 30-5-3(2)
Guam	<i>Caregiver</i> is any family member or any person, health facility, community care facility, clinic, home health care agency, or legal guardian who has the care or custody of the elderly or disabled client. 10 Guam Code Ann. § 2951(c)
Hawaii	There is no statutory provision.
Idaho	"Caretaker" means any individual or institution that is responsible by relationship, contract, or court order to provide food, shelter or clothing, medical or other life-sustaining necessities to a vulnerable adult. Idaho Code § 39-5302(2)
Illinois	"Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living. 320 Ill. Comp. Stat. § 20/2(a-7)
Indiana	There is no statutory provision.
Iowa	"Caretaker" means a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. Iowa Code Ann. § 235B.2(1)
Kansas	'Caretaker' means a person who has assumed the responsibility, whether legally or not, for an adult's care or financial management or both. Kan. Stat. Ann. § 39-1430(i)
Kentucky	"Caretaker" means an individual or institution who has been entrusted with or who has the responsibility for the care of the adult as a result of family relationship, or who has assumed the responsibility for the care of the adult person voluntarily or by contract, employment, legal duty, or agreement; Ky. Rev. Stat. Ann. § 209.020(6)

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Louisiana	"Caregiver" is any person or persons, either temporarily or permanently, responsible for the care of an aged person or a physically or mentally disabled adult. Caregiver includes but is not limited to adult children, parents, relatives, neighbors, daycare personnel, adult foster home sponsors, personnel of public and private institutions and facilities, adult congregate living facilities, and nursing homes which have voluntarily assumed the care of an aged person, or disabled adult, have assumed voluntary residence with an aged person or disabled adult, or have assumed voluntary use or tutelage of an aged or disabled person's assets, funds, or property, and specifically shall include city, parish, or state law enforcement agencies. La. Rev. Stat. Ann. § 14:403.2(5)
Maine	"Caretaker" means any individual or institution who has or assumes the responsibility for the care of an adult. Me. Rev. Stat. Ann. tit. 22, § 3472(3)
Maryland	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>)	"Caretaker", the person responsible for the care of an elderly person, which responsibility may arise as the result of a family relationship, or by a voluntary or contractual duty undertaken on behalf of an elderly person, or may arise by a fiduciary duty imposed by law. Mass. Gen. Laws Ann. ch. 19A, § 14
Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 (<i>applicable to persons with disabilities</i>)	"Caretaker", a disabled person's parent, guardian or other person or agency responsible for a disabled person's health or welfare, whether in the same home as the disabled person, a relative's home, a foster home or any other day or residential setting. Mass. Gen. Laws Ann. ch. 19C, § 1
Michigan	There is no statutory provision.
Minnesota	"Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement. Minn. Stat. Ann. § 626.5572(Subd. 4)
Mississippi	"Caretaker" means an individual, corporation, partnership or other organization which has assumed the responsibility for the care of a vulnerable adult, but shall not include the Division of Medicaid, a licensed hospital, or a licensed nursing home within the state. Miss. Code Ann. § 43-47-5(c)
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>)	There is no statutory provision.

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<p>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-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>	<p>There is no statutory provision.</p>
Montana	There is no statutory provision.
Nebraska	Caregiver shall mean any person or entity which has assumed the responsibility for the care of a vulnerable adult voluntarily, by express or implied contract, or by order of a court of competent jurisdiction. Neb. Rev. Stat. § 28-353
Nevada	There is no statutory provision.
New Hampshire	There is no statutory provision.
New Jersey	"Caretaker" means a person who has assumed the responsibility for the care of a vulnerable adult as a result of family relationship or who has assumed responsibility for the care of a vulnerable adult voluntarily, by contract, or by order of a court of competent jurisdiction, whether or not they reside together. N.J. Stat. Ann. § 52:27D-407
New Mexico	"(C)aretaker" means a facility, provider or individual that has assumed the responsibility for the care of an adult; N.M. Stat. Ann. § 27-7-16(D)
New York	There is no statutory provision.
North Carolina	The word "caretaker" shall mean an individual who has the responsibility for the care of the disabled adult as a result of family relationship or who has assumed the responsibility for the care of the disabled adult voluntarily or by contract. N.C. Gen. Stat. § 108A-101(b)

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North Dakota	"Caregiver" means any person who has assumed the legal responsibility or a contractual obligation for the care of a vulnerable adult or has voluntarily assumed responsibility for the care of a vulnerable adult. The term includes a facility operated by any public or private agency, organization, or institution which provides services to, and has assumed responsibility for the care of, a vulnerable adult. N.D. Cent. Code § 50-25.2-01(4)
Ohio	"Caretaker" means the person assuming the responsibility for the care of an adult on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction. Ohio Rev. Code Ann. § 5101.60(C)
Oklahoma	"Caretaker" means a person who has: a. the responsibility for the care of a vulnerable adult or the financial management of the resources of a vulnerable adult as a result of a family relationship, b. assumed the responsibility for the care of a vulnerable adult voluntarily, by contract, or as a result of the ties of friendship, or c. been appointed a guardian, limited guardian, or conservator pursuant to the Oklahoma Guardianship and Conservatorship Act; Okla. Stat. Ann. tit. 43A, § 10-103(6)
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>)	There is no statutory provision.
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>)	"Care provider" means an individual or facility that has assumed responsibility for all or a portion of the care of an adult as a result of a contract or agreement. Or. Rev. Stat. § 430.735(4)
Pennsylvania	"Caretaker." An individual or institution that has assumed the responsibility for the provision of care needed to maintain the physical or mental health of an older adult. This responsibility may arise voluntarily, by contract, by receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction. It is not the intent of this act to impose responsibility on any individual if such responsibility would not otherwise exist in law. 35 Pa. Cons. Stat. Ann. § 10225.103
Puerto Rico	There is no statutory provision.
Rhode Island	There is no statutory provision.
South Carolina	"Caregiver" means a person who provides care to a vulnerable adult, with or without compensation, on a temporary or permanent or full or part-time basis and includes, but is not limited to, a relative, household

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	member, day care personnel, adult foster home sponsor, and personnel of a public or private institution or facility. S.C. Code Ann. § 43-35-10(2)
South Dakota	There is no statutory provision.
Tennessee	(A) "Caretaker" means an individual or institution who has the responsibility for the care of the adult as a result of family relationship, or who has assumed the responsibility for the care of the adult person voluntarily, or by contract, or agreement; (B) A financial institution is not a caretaker of funds or other assets unless such financial institution has entered into an agreement to act as a trustee of such property or has been appointed by a court of competent jurisdiction to act as a trustee with regard to the property of the adult; Tenn. Code Ann. § 71-6-102(5)
Texas	There is no statutory provision.
Utah	"Caretaker" means any person, entity, corporation, or public institution that assumes the responsibility to provide a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care, or other necessities. "Caretaker" includes a relative by blood or marriage, a household member, a person who is employed or who provides volunteer work, or a person who contracts or is under court order to provide care. Utah Code Ann. § 62A-3-301(6)
Vermont	"Caregiver" means a person, agency, facility or other organization with responsibility for providing subsistence or medical or other care to an elderly or disabled adult, who has assumed the responsibility voluntarily, by contract or by an order of the court; or a person providing care including but not limited to medical care, custodial care, personal care, mental health services, rehabilitative services or any other kind of care provided which is required because of another's age or disability. Vt. Stat. Ann. tit. 33, § 6902(2)
Virgin Islands	'Caretaker' means a person with the responsibility for the care of an adult person. The responsibility may arise as the result of a family relationship, or by the voluntary or contractual duty undertaken on behalf of an adult person, or by a fiduciary duty imposed by law. 34 V.I. Code Ann. § 452(3)
Virginia	There is no statutory provision.
Washington	There is no statutory provision.
West Virginia	There is no statutory provision.
Wisconsin (EPS) Wis. Stat. Ann. § 46.90 (<i>applicable to persons who are 60 or older</i>)	"Caregiver" means a person who has assumed responsibility for all or a portion of an individual's care voluntarily, by contract, or by agreement, including a person acting or claiming to act as a legal guardian. Wis. Stat. Ann. § 46.90(1)(an)
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 (<i>applicable to adults with disabilities</i>)	"Caregiver" has the meaning given in s. 46.90(1)(an). Wis. Stat. Ann. § 55.01(1p) [NOTE: See section above for the definition.]

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Wyoming	<p>"Caregiver" means any person or agency responsible for the care of a vulnerable adult because of:</p> <p>(A) A family relationship;</p> <p>(B) Voluntary assumption of responsibility for care;</p> <p>(C) Court ordered responsibility or placement;</p> <p>(D) Rendering services in an adult workshop or adult residential program;</p> <p>(E) Rendering services in an institution or in a community-based program; or</p> <p>(F) Acceptance of a legal obligation or responsibility to the vulnerable adult through a power of attorney, advanced health care directive or other legal designation. Wyo. Stat. Ann. § 35-20-102(iv)</p>

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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