

**CONFIDENTIALITY OF INFORMATION AND RECORDS:**

**COMPARISON CHART OF PROVISIONS IN ADULT PROTECTIVE SERVICES LAWS WITH CITATIONS, 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>.

STATE	CITATION(S)
Alabama	Ala. Code § 38-9-6(e)
Alaska	Alaska Stat. § 47.24.050
Arizona	Ariz. Rev. Stat. Ann. § 46-454(E) Ariz. Rev. Stat. Ann. § 46-454(H) Ariz. Rev. Stat. Ann. § 46-454(I)
Arkansas (#1) Ark. Code Ann. §§ 12-12-1701 – 12-12-1721 ( <i>relating to reporting &amp; investigation</i> )	Ark. Code Ann. § 12-12-1707(c) Ark. Code Ann. § 12-12-1715(b)(2)(A) Ark. Code Ann. § 12-12-1717 Ark. Code Ann. § 12-12-1718
Arkansas (#2) Ark. Code Ann. §§ 9-20-101 – 9-20-121 ( <i>authorizing APS to take victims into protective custody</i> )	Ark. Code Ann. § 9-20-121
California	Cal. Welf. & Inst. Code § 15630(g)(3) Cal. Welf. & Inst. Code § 15633 Cal. Welf. & Inst. Code § 15633.5 Cal. Welf. & Inst. Code § 15754
Colorado	Colo. Rev. Stat. Ann. § 26-3.1-102(7) Colo. Rev. Stat. Ann. § 26-3.1-204(7)
Connecticut	Conn. Gen. Stat. Ann. § 17b-452(c) Conn. Gen. Stat. Ann. § 17b-454
Delaware	Del. Code Ann. tit. 31, § 3912
District of Columbia	D.C. Code Ann. § 7-1903(d)
Florida	Fla. Stat. Ann. § 415.1034(2) Fla. Stat. Ann. § 415.1045(1)(a) Fla. Stat. Ann. § 415.1045(4)(b) Fla. Stat. Ann. § 415.1045(5)

STATE	CITATION(S)
	Fla. Stat. Ann. § 415.107 Fla. Stat. Ann. § 415.1071
Georgia	Ga. Code Ann. § 30-5-7
Guam	10 Guam Code Ann. § 2959
Hawaii	Haw. Rev. Stat. § 346-225
Idaho	Idaho Code § 39-5304 Idaho Code § 39-5307
Illinois	320 Ill. Comp. Stat. § 20/4(c) 320 Ill. Comp. Stat. § 20/8
Indiana	Ind. Code Ann. § 12-10-3-15
Iowa	Iowa Code Ann. § 235B.6
Kansas	Kan. Stat. Ann. § 39-1434 Kan. Stat. Ann. § 39-1436
Kentucky	Ky. Rev. Stat. Ann. § 209.140
Louisiana	La. Rev. Stat. Ann. § 14:403.2(E)(9)
Maine	Me. Rev. Stat. Ann. tit. 22, § 3474 Me. Rev. Stat. Ann. tit. 22, § 3480-A
Maryland	Md. Code Ann., Fam. Law § 14-303(e) Md. Code Ann., Fam. Law § 14-308
Massachusetts (EPS) Mass. Gen. Laws Ann. ch. 19A, §§ 14 – 26 ( <i>applicable to persons who are 60 or older</i> )	Mass. Gen. Laws Ann. ch. 19A, § 23
Massachusetts (APS) Mass. Gen. Laws ch. 19C, §§ 1 – 13 ( <i>applicable to persons with disabilities</i> )	Mass. Gen. Laws Ann. ch. 19C, §3 Mass. Gen. Laws Ann. ch. 19C, § 5(1)
Michigan	Mich. Comp. Laws Ann. § 400.11c(1)
Minnesota	Minn. Stat. Ann. § 626.557, Subd. 5(d) Minn. Stat. Ann. § 626.557, Subd. 12b Minn. Stat. Ann. § 626.5571, Subd. 3
Mississippi	Miss. Code Ann. § 43-47-7(6) Miss. Code Ann. § 43-47-7(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 perform or obtain services necessary to meet their essential human needs and are either: (1) 60 or older, or (2) between 18</i>	Mo. Ann. Stat. §§ 660.263(1) – (4)

STATE	CITATION(S)
<i>and 59 and have a disability)</i>	
<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>Mo. Ann. Stat. § 660.300(8)  Mo. Ann. Stat. § 660.305(6)  Mo. Ann. Stat. § 660.320(1)  Mo. Ann. Stat. § 660.321</p>
Montana	Mont. Code Ann. § 52-3-813
Nebraska	<p>Neb. Rev. Stat. § 28-377  Neb. Rev. Stat. § 28-378  Neb. Rev. Stat. § 28-385</p>
Nevada	<p>Nev. Rev. Stat. Ann. § 200.5095  Nev. Rev. Stat. Ann. § 200.50982</p>
New Hampshire	N.H. Rev. Stat. Ann. § 161-F:57
New Jersey	N.J. Stat. Ann. § 52:27D-420
New Mexico	N.M. Stat. Ann. § 27-7-29
New York	N.Y. Soc. Serv. Law, Art. 9B, § 473-e
North Carolina	There is no statutory provision.
North Dakota	N.D. Cent. Code § 50-25.2-12
Ohio	Ohio Rev. Code Ann. § 5101.61(F)
Oklahoma	<p>Okla. Stat. Ann. tit. 43A, § 10-105.1(C)(2)  Okla. Stat. Ann. tit. 43A, § 10-110</p>
<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>	<p>Or. Rev. Stat. § 124.075(2)  Or. Rev. Stat. § 124.085  Or. Rev. Stat. § 124.090</p>
<p>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>)</p>	<p>Or. Rev. Stat. § 430.753(2)  Or. Rev. Stat. § 430.763</p>
Pennsylvania	<p>35 Pa. Cons. Stat. Ann. § 10225.306  35 Pa. Cons. Stat. Ann. § 10225.705</p>

STATE	CITATION(S)
Puerto Rico	8 P.R. Laws Ann. § 346k
Rhode Island	R.I. Gen. Laws § 42-66-10
South Carolina	S.C. Code Ann. § 43-35-60 S.C. Code Ann. § 43-35-590
South Dakota	S.D. Codified Laws Ann. § 28-1-45.5 <sup>3</sup>
Tennessee	Tenn. Code Ann. § 71-6-118
Texas	Tex. Hum. Res. Code Ann. § 48.101
Utah	Utah Code Ann. § 62A-3-306 Utah Code Ann. § 62A-3-311 Utah Code Ann. § 62A-3-311.1 Utah Code Ann. § 62A-3-312 Utah Code Ann. § 62A-3-313
Vermont	Vt. Stat. Ann. tit. 33, § 6903(c) Vt. Stat. Ann. tit. 33, § 6911(a)
Virgin Islands	34 V.I. Code Ann. § 461
Virginia	Va. Code Ann. § 63.2-1605(I)
Washington	Wash. Rev. Code Ann. § 74.34.035(8) Wash. Rev. Code Ann. § 74.34.063(4) Wash. Rev. Code Ann. § 74.34.068 Wash. Rev. Code Ann. § 74.34.095
West Virginia	W.Va. Code § 9-6-8 W.Va. Code § 9-6-11(d)
Wisconsin (EPS) Wis. Stat. Ann. § 46.90 ( <i>applicable to persons who are 60 or older</i> )	Wis. Stat. Ann. § 46.90(6)
Wisconsin (APS) Wis. Stat. Ann. §§ 55.001 – 55.23 ( <i>applicable to adults with disabilities</i> )	Wis. Stat. Ann. § 55.22
Wyoming	Wyo. Stat. Ann. § 35-20-108 Wyo. Stat. Ann. § 35-20-112

<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.

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<sup>3</sup> There is no APS statute but the state's APS program is authorized by S.D. Codified Laws Ann. §§ 28-1-44, which also contains the referenced provision about confidentiality of information in APS cases.