

Types of Abuse Defined in Adult Protective Services Statutes (June 2021)

This chart summarizes the definitions of types abuse in adult protective services and elder abuse law in each state. This chart is a summary, and not a comprehensive review of the law in any state. Please review the full text of the law for further details and context.

The primary purpose of these definitions is to guide investigation by adult protective services.

Some states criminalize acts defined as adult or elder abuse; other states use definitions in criminal law that may vary from these definitions. The criminal laws of each state will define many additional acts as crimes that are not covered under the elder or adult abuse laws.

Many acts of maltreatment give rise to a civil cause of action for recovery or damages. The statutes in some states create a civil cause of action based on the definitions in the elder abuse statute. Consult an attorney with expertise in this area of state law for guidance.

Some states have separate laws for maltreatment of adults in the community, adults in inpatient settings, or adults with disabilities. Look beyond these definitions if it is unclear that an individual fall within the covered definitions.

Laws change and mistakes happen, always review the current law in the state.



<p>Alabama Ala. Code § 38-9-2</p>	<p>Abuse: The infliction of physical pain, injury, or the willful deprivation by a caregiver or other person of services necessary to maintain mental and physical health.</p> <p>Emotional Abuse: The willful or reckless infliction of emotional or mental anguish or the use of a physical or chemical restraint, medication, or isolation as punishment or as a substitute for treatment or care of any protected person.</p> <p>Exploitation: The expenditure, diminution, or use of the property, assets, or resources of a protected person without the express voluntary consent of that person or his or her legally authorized representative or the admission of or provision of care to a protected person who needs to be in the care of a licensed hospital by an unlicensed hospital after a court order obtained by the State Board of Health has directed closure of the unlicensed hospital. For the purpose of this section and Sections 38-9-6 and 38-9-7, the term "unlicensed hospital" shall have the meaning ascribed to it in Section 22-21-33, and the term "licensed hospital" shall have the meaning ascribed to it in Section 22-21-20.</p> <p>Neglect: The failure of a caregiver to provide food, shelter, clothing, medical services, or health care for the person unable to care for himself or herself; or the failure of the person to provide these basic needs for himself or herself when the failure is the result of the person's mental or physical inability.</p> <p>Sexual Abuse: Any conduct that is a crime as defined in Sections 13A-6- 60 to 13A-6-70, inclusive.</p>
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<p>Alaska Alaska Stat. § 47.24.900</p>	<p>Abandonment: The desertion of a vulnerable adult by a caregiver.</p> <p>Abuse: (A) the intentional, knowing, or reckless nonaccidental and nontherapeutic infliction of physical pain, injury, mental or emotional distress, or fear, including coercion and intimidation; or (B) sexual assault under <u>AS 11.41.410</u> or 11.41.420.</p> <p>Exploitation: (A) means unjust or improper use of another person or another person’s resources for one’s own profit or advantage, with or without the person’s consent; and (B) includes acts by a person who stands in a position of trust or confidence with a vulnerable adult or who knows or should know that the vulnerable adult lacks the capacity to consent that involve obtaining profit or advantage through undue influence, deception, fraud, intimidation, or breach of fiduciary duty; in this subparagraph, “fraud” has the meaning given in <u>AS 13.26.595(1)</u> and (2).</p> <p>Fiduciary Duty: means the duty of a third party who stands in a position</p>
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<p>Arizona Ariz. Rev. Stat. § 46-451</p>	<p>Abuse: (a) The intentional infliction of physical harm; (b) injury caused by negligent acts or omissions; (c) unreasonable confinement; or (d) sexual abuse or sexual assault.</p> <p>Exploitation: The illegal or improper use of a vulnerable adult or the vulnerable adult’s resources for another’s profit or advantage.</p> <p>Neglect: The deprivation of food, water, medication, medical services, shelter, supervision, cooling, heating or other services necessary to maintain a vulnerable adult’s minimum physical or mental health.</p>
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Arkansas
Ark. Code Ann. § 12-12-1703

Abuse:

(A) With regard to any long-term care facility resident or any patient at the Arkansas State Hospital by a caregiver: (i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered person or an impaired person, excluding court-ordered medical care or medical care requested by the patient or long-term care facility resident or a person legally authorized to make medical decisions on behalf of the patient or long-term care facility resident; (ii) Any intentional act that a reasonable person would believe subjects an endangered person or an impaired person, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm, excluding necessary care and treatment provided in accordance with generally recognized professional standards of care; (iii) Any intentional threat that a reasonable person would find credible and nonfrivolous to inflict pain on or cause injury to an endangered person or an impaired person except in the court of medical treatment or for justifiable cause; or (iv) Any willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish.

(B) With regard to any person who is not a long-term care facility resident or a patient at the Arkansas State Hospital: (i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered person or an impaired person; (ii) Any intentional act that a reasonable person would believe subjects an endangered person or an impaired person, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm; or (iii) Any intentional threat that a reasonable person would find credible and nonfrivolous to inflict pain on or cause injury to an

endangered person or an impaired person except in the course of medical treatment or for justifiable cause.

Adult Maltreatment: Means abuse, exploitation, neglect, or sexual abuse of an adult.

Exploitation: (A) Illegal or unauthorized use or management of an endangered person's or an impaired person's funds, assets, or property; (B) Use of an adult endangered person's or an adult impaired person's power of attorney or guardianship for the profit or advantage of one's own self or another; (C) The fraudulent or otherwise illegal, unauthorized, or improper act or process of a person, including a caregiver or fiduciary, that uses the resources of an endangered person, impaired person, or long-term care facility resident for monetary or personal benefit, profit, or gain, or that results in depriving the endangered person, impaired person, or long-term care facility resident of rightful access to or use of benefits, resources, belongings, or assets; or (D) misappropriation of property of a long-term care facility resident, that is, the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a long-term care facility resident's belongings or money without the long-term care facility resident's consent.

Neglect: (A) An act or omission by an endangered or impaired person, for example, self-neglect; or (B) Acts or omissions by a caregiver responsible for the care and supervision of an endangered or impaired adult constituting: (i) Negligently failing to provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, or medical services to an endangered or impaired person; (ii) Negligently failing to report health problems or changes in health problems or changes in the health condition of an endangered or impaired adult to the appropriate medical personnel; (iii) Negligently failing to carry out a treatment plan developed or implemented by the facility; or (iv) Negligently failing to provide goods and services to a long-term facility resident necessary to avoid physical harm, mental anguish, or mental illness.

Sexual Abuse: Means deviate sexual activity, sexual contact, or sexual intercourse, as those terms are defined in § 5-14-101, with another person who is not the actor's spouse and who is incapable of consent because he or she is mentally defective, mentally incapacitated, or physically helpless.

California
Cal. Welf. & Inst. Code
§ 15610.05 - 15610.70

Abandonment: The desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Abduction: means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Abuse of An Elder or A Dependent Adult means any of the following:

- (1) Physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering;
- (2) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering;
- (3) Financial abuse, as defined in Section 15610.30.

Financial Abuse of An Elder or Dependent Adult: (a) occurs when a person or entity does any of the following:

- (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both;
- (2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both;
- (3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless

of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, “representative” means a person or entity that is either of the following: (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Isolation: (a) means any of the following:

- (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls;
- (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons;
- (3) False imprisonment, as defined in Section 236 of the Penal Code;
- (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safety.

Mental Suffering: means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts performed or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress of the elder or dependent adult.

Neglect: (a) Means either of the following:

- (1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise;
- (2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

- (1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
- (2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment;
- (3) Failure to protect from health and safety hazards;
- (4) Failure to prevent malnutrition or dehydration;
- (5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Physical Abuse: Means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following: (1) Sexual battery, as defined in Section 243.4 of the Penal Code; (2) Rape, as defined in Section 261 of the Penal Code; (3) Rape in concert, as described in Section 264.1 of the Penal Code; (4) Spousal rape, as defined in Section 262 of the Penal Code; (5) Incest, as defined in Section 285 of the Penal Code; (6) Sodomy, as defined in Section 286 of the Penal Code; (7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code; (8) Sexual penetration, as defined in Section 289 of the Penal Code; (9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions: (1) For punishment; (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given; (3) For any purpose not authorized by the physician and surgeon.

Undue influence: (a) means excessive persuasion that causes another person to act or refrain from acting by overcoming that person’s free will and results in inequity. In determining whether a result was produced by undue influence, all of the following shall be considered:

(1) The vulnerability of the victim. Evidence of vulnerability may include, but is not limited to, incapacity, illness, disability, injury, age, education, impaired cognitive function, emotional distress, isolation, or dependency, and whether the influencer knew or should have known of the alleged victim’s vulnerability.

(2) The influencer’s apparent authority. Evidence of apparent authority may include, but is not limited to, status as a fiduciary, family member, care provider, health care professional, legal professional, spiritual adviser, expert, or other qualification.

(3) The actions or tactics used by the influencer. Evidence of actions or tactics used may include, but is not limited to, all of the following: (A) Controlling necessities of life, medication, the victim’s interactions with others, access to information, or sleep; (B) Use of affection, intimidation, or coercion; (C) Initiation of changes in personal or property rights, use of haste or secrecy in effecting those changes, effecting changes at inappropriate times and places, and claims of expertise in effecting changes.

(4) The equity of the result. Evidence of the equity of the result may include, but is not limited to, the economic consequences to the victim, any divergence from the victim’s prior intent or course of conduct or dealing, the relationship of the value conveyed to the value of any services or consideration received, or the appropriateness of the change in light of the length and nature of the relationship.

(b) Evidence of an inequitable result, without more, is not sufficient to prove undue influence.

Colorado
Colo. Rev. Stat. § 26-3.1-101

Abuse: means any of the following acts or omissions committed against an at-risk adult: (a) The nonaccidental infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation; (b) Confinement or restraint that is unreasonable under generally accepted caretaking standards; or (c) Unlawful sexual behavior as defined in section 16-22-102(9).

Caretaker neglect: means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or other treatment necessary for the health or safety of the at-risk adult is not secured for an at-risk adult or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or a caretaker knowingly uses harassment, undue influence, or intimidation to create a hostile or fearful environment for an at-risk adult.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2.3), the withholding, withdrawing, or refusing of any medication, any medical procedure or device, or any treatment, including but not limited to resuscitation, cardiac pacing, mechanical ventilation, dialysis, artificial nutrition and hydration, any medication or medical procedure or device, in accordance with any valid medical directive or order, or as described in a palliative plan of care, is not deemed caretaker neglect.

(c) As used in this subsection (2.3), “medical directive or order” includes a medical durable power of attorney, a declaration as to medical treatment executed pursuant to section 15-18-104, C.R.S., a medical order for scope of treatment form executed pursuant to article 18.7 of title 15, C.R.S., and a CPR directive executed pursuant to article 18.6 of title 15, C.R.S.

Exploitation: means an act or omission that: (a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit, or possession of any thing of value; or (b) Employs the services of a third party

	<p>for the profit or advantage of the person or another person to the detriment of the at-risk adult; or (c) Forces, compels, coerces, or entices an at-risk adult to perform services for the profit or advantage of the person or another person against the will of the at-risk adult; or (d) Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.</p> <p>Mistreatment: means (a) abuse; (b) caretaker neglect; (c) exploitation; or (d) a harmful act.</p> <p>Self-neglect: means an act or failure to act whereby an at-risk adult substantially endangers his or her health, safety, welfare, or life by not seeking or obtaining services necessary to meet his or her essential human needs. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect. Refusal of medical treatment, medications, devices, or procedures by an adult or on behalf of an adult by a duly authorized surrogate medical decision maker or in accordance with a valid medical directive or order, or as described in a palliative plan of care, shall not be deemed self-neglect. Refusal of food and water in the context of a life-limiting illness shall not, by itself, be evidence of self-neglect. As used in this subsection (10), "medical directive or order" includes, but is not limited to, a medical durable power of attorney, a declaration as to medical treatment executed pursuant to section 15-18-104, C.R.S., a medical orders for scope of treatment form executed pursuant to article 18.7 of title 15, C.R.S., and a CPR directive executed pursuant to article 18.6 of title 15, C.R.S.</p> <p>Undue influence: means the use of influence to take advantage of an at-risk adult's vulnerable state of mind, neediness, pain, or emotional distress.</p>
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<p>Connecticut Conn. Gen. Stat. § 17b-450</p>	<p>Abuse: Includes, but is not limited to, the willful infliction of physical pain, injury or mental anguish, or the willful deprivation by a caregiver of services which are necessary to maintain physical and mental health.</p> <p>Neglect: Refers to the failure or inability of an elderly person to provide for himself or herself the services which are necessary to maintain physical and mental health or the failure to provide or arrange for provision of such necessary services by a caregiver.</p> <p>Exploitation: The act or process of taking advantage of an elderly person by another person or caregiver whether for monetary, personal or other benefit, gain or profit.</p> <p>Abandonment: Refers to the desertion or willful forsaking of an elderly person by a caregiver or the foregoing of duties or the withdrawal or neglect of duties and obligations owed an elderly person by a caregiver or other person.</p>
<p>Delaware Del. Code Ann. tit. 31, § 3902</p>	<p>Abuse: (a) Physical abuse by unnecessarily inflicting pain or injury on an adult who is impaired; or (b) a pattern of emotional abuse, which includes, but is not limited to, ridiculing or demeaning an adult who is impaired Making derogatory remarks to an adult who is impaired or cursing or threatening to inflict physical or emotional harm on an adult who is impaired.</p> <p>Exploitation: means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.</p> <p>Financial Exploitation: means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the elderly person or the vulnerable adult by any person or entity for any person’s or entity’s profit or advantage other than for the elder person or the vulnerable adult’s profit or advantage. “Financial exploitation” includes, but is not limited to:</p> <p>(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with an elderly person or a vulnerable adult to obtain or use the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult;</p> <p>(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult; and</p>

	<p>(c) Obtaining or using an elderly person or a vulnerable adult’s property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the elderly person or the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.</p> <p>Mistreatment: The failure to provide appropriate physical or emotional care to an adult who is impaired, including the inappropriate use of medications, isolation or physical or chemical restraints on or of an adult who is impaired.</p> <p>Neglect: (a) Lack of attention by a caregiver to physical needs of an adult who is impaired including but not limited to toileting, bathing, meals and safety; (b) Failure by a caregiver to carry out a treatment plan prescribed by a health care professional for an adult who is impaired; or, (c) Intentional and permanent abandonment or desertion in any place of an adult who is impaired by a caregiver who does not make reasonable efforts to ensure that essential services, as defined in this section, will be provided for said adult who is impaired.</p>
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District of Columbia
D.C. Code Ann. § 7-1901

Abuse: (A) means (i) The intentional or reckless infliction of serious physical pain or injury; (ii) The use or threatened use of violence to force participation in “sexual conduct,” defined in § 22-3101(5); (iii) The repeated, intentional imposition of unreasonable confinement or threats to impose unreasonable confinement, resulting in severe mental distress; (iv) The repeated use of threats or violence, resulting in shock or an intense, expressed fear for one’s life or of serious physical injury; or (v) The intentional or deliberately indifferent deprivation of essential food, shelter, or health care in violation of a caregiver’s responsibilities, when that deprivation constitutes a serious threat to one’s life or physical health. (B) An adult shall not be considered abused under this chapter for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.

Exploitation: The unlawful appropriation or use of another’s “property,” defined in section 22-3201, for one’s own benefit or that of a 3rd person.

Neglect: (A) means (i) The repeated, careless infliction of serious physical pain or injury; (ii) The repeated failure of a caregiver to take reasonable steps, within the purview of his or her responsibilities, to protect against acts of abuse described in paragraph (1)(B) of this section; (iii) The repeated, careless imposition of unreasonable confinement, resulting in severe mental distress; or (iv) The careless deprivation of essential food, shelter, or health care in violation of a caregiver’s responsibilities, when that deprivation constitutes a serious threat to one’s life or physical health. (B) An adult shall not be considered neglected under this chapter for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.

Self-neglect: (A) means the failure of an adult, due to physical or mental impairments or incapacity, to perform essential self-care tasks, including: (i) Providing essential food, clothing, shelter, or medical care; (ii) Obtaining goods or services necessary to maintain physical health, mental health, emotional well-being, and general safety; or (iii) Managing his or her financial affairs. (B) An adult shall not be considered to be committing self-neglect under this chapter for the sole reason that he or she seeks treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.

Florida
Fla. Stat. Ann. § 415.102

other than the vulnerable adult.

(b) Exploitation may include, but is not limited to:

- (1) Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property;
- (2) Unauthorized taking of personal assets;
- (3) Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or
- (4) Intentional or negligent failure to effectively use a vulnerable adult's income and assets for the necessities required for that person's support and maintenance.

Intimidation: The communication by word or act to a vulnerable adult that that person will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.

Neglect: The failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, which a prudent person would consider essential for the well-being of a vulnerable adult. The term "neglect" also means the failure of a caregiver or vulnerable adult to make a reasonable effort to protect a vulnerable adult from abuse, neglect, or exploitation by others. "Neglect" is repeated conduct or a single incident of carelessness which produces or could reasonably be expected to result in serious physical or psychological injury or a substantial risk of death.

Psychological Injury: An injury to the intellectual functioning or emotional state of a vulnerable adult as evidenced by an observable or measurable reduction in the vulnerable adult's ability to function within that person's customary range of performance and that person's behavior.

Sexual Abuse: means acts of a sexual nature committed in the presence of a vulnerable adult without that person's informed consent. "Sexual abuse" includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a vulnerable adult's sexual organs, or the use of a vulnerable adult to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal caregiving action or appropriate display of affection.

<p>Georgia Ga. Code Ann. § 30-5-3</p>	<p>Abuse: The willful infliction of physical pain, physical injury, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person.</p> <p>Exploitation: The illegal or improper use of a disabled adult or elder person or that person’s resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for one’s own or another’s profit or advantage.</p> <p>Neglect: The absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a disabled adult or elder person.</p> <p>Sexual Abuse: means the coercion for the purpose of self-gratification by a guardian or other person supervising the welfare or having immediate charge, control, or custody of a disabled adult or elder person to engage in any of the following conduct:</p> <ul style="list-style-type: none"> (A) Lewd exhibition of the genitals or pubic area of any person; (B) Flagellation or torture by or upon a person who is unclothed or partially unclothed; (C) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is unclothed or partially clothed unless physical restraint is medically indicated; (D) Physical contact in an act of sexual stimulation or gratification with any person's unclothed genitals, pubic area, or buttocks or with a female's nude breasts; (E) Defecation or urination for the purpose of sexual stimulation of the viewer; or <p>Penetration of the vagina or rectum by any object except when done as part of a recognized medical or nursing procedure.</p>
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Guam
10 Guam Code Ann. § 21002

Abandonment: The desertion of an elderly or adult with a disability by his or her caregiver under circumstances in which a reasonable person would continue to provide care or custody.

Elderly or Adult with a Disability Abuse: self-neglect or any one or more of the following acts inflicted on an elderly or adult with a disability by other than accidental means by another person: physical abuse, neglect, or abandonment.

Emotional or Psychological Abuse: means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress of the elderly or adult with a disability.

Financial or Property Exploitation: means illegal or improper use of an elderly or adult with a disability's money, property, or other resources for monetary or personal benefit, profit or gain. This includes, but is not limited to, theft, misappropriation, concealment, misuse or fraudulent deprivation of money or property belonging to the elderly or adult with a disability.

Neglect: The failure of a reasonable caregiver to provide for the physical, mental or emotional health and well-being of the elderly or adult with a disability and includes, but is not limited to:

- (1) Failure to assist or provide personal hygiene for the elderly or adult with a disability.
- (2) Failure to provide adequate food, water, clothing or shelter.
- (3) Failure to provide medical care for the physical and mental health of the elderly or adult with a disability. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
- (4) Failure to protect an elderly or adult with a disability from health, safety hazards, or physical harm.

Physical Abuse: The willful infliction of or omission which results in physical harm. It includes, but is not limited to, cruel punishment resulting in physical harm or pain or mental anguish, such as direct beatings, slapping, kicking, biting, choking, burning or unreasonable physical restraint or confinement resulting in physical injury.

Self-Neglect Abuse: The behavior of an elderly or adult with a disability that threatens his/her own health or safety. Self-neglect generally manifests itself when an elderly or adult with a disability refuses to provide him/herself with adequate food, clothing, shelter, personal hygiene, medication (when indicated), and safety precautions.

	<p>The definition of self-neglect excludes a situation in which a mentally competent elderly or adult with a disability, who understands the consequences of his/her decisions, makes a conscious and voluntary decision to engage in acts that threaten his/her health or safety as a matter of personal choice.</p> <p>Serious Abuse: An act or omission resulting in serious bodily injury which creates: serious permanent disfigurement; a substantial risk of death or serious, permanent disfigurement; severe or intense physical pain or protracted loss or impairment of consciousness or of the function of any bodily member or organ, as defined in Chapter 16 of Title 9, Guam Code Annotated; or sexual offenses pursuant to Chapter 25 of Title 9, Guam Code Annotated.</p> <p>Sexual Abuse: means any form of non-consensual sexual contact, including but not limited to, unwanted or inappropriate sexual gratification, touching, rape, sodomy, sexual coercion, sexually explicit photographing, sexual harassment, involuntary exposure to sexually explicit material or language, and as defined in the penal code of Guam.</p>
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Hawaii
Haw. Rev. Stat. § 346-222

Abuse: means any of the following, separately or in combination: (1) physical abuse; (2) psychological abuse; (3) sexual abuse; (4) financial exploitation; (5) caregiver neglect; or (6) self-neglect; each as further defined in this chapter. Abuse does not include, and a determination of abuse shall not be based solely on, physical, psychological, or financial conditions that result when a vulnerable adult seeks, or when a caregiver provides or permits to be provided, treatment with the express consent of the vulnerable adult or in accordance with the vulnerable adult's religious or spiritual practices.

Caregiver Neglect: means the failure of a caregiver to exercise that degree of care for a vulnerable adult that a reasonable person with the responsibility of a caregiver would exercise within the scope of the caregiver's assumed, legal or contractual duties, including but not limited to the failure to: (1) Assist with personal hygiene; (2) Protect the vulnerable adult from abandonment; (3) Provide, in a timely manner, necessary food, shelter, or clothing; (4) Provide, in a timely manner, necessary health care, access to health care, prescribed medication, psychological care, physical care, or supervision; (5) Protect the vulnerable adult from dangerous, harmful, or detrimental drugs, as defined in section 712-1240; provided that this paragraph shall not apply to drugs that are provided to the vulnerable adult pursuant to the direction or prescription of a practitioner, as defined in section 712-1240; (6) Protect the vulnerable adult from health and safety hazards; or (7) Protect the vulnerable adult from abuse by third parties.

Financial Exploitation: means the wrongful taking, withholding, appropriation, or use of a vulnerable adult's money, real property, or personal property, including but not limited to: (1) The breach of a fiduciary duty, such as the misuse of a power of attorney or the misuse of guardianship privileges, resulting in the unauthorized appropriation, sale, or transfer of property; (2) The unauthorized taking of personal assets; (3) The misappropriation or misuse of moneys belonging to the vulnerable adult from a personal or joint account; or (4) The failure to effectively use a vulnerable adult's income and assets for the necessities required for the vulnerable adult's support and maintenance, by a person with a duty to expend income and assets on behalf of the vulnerable adult for such purposes. Financial exploitation may be accomplished through coercion, manipulation, threats, intimidation, misrepresentation, or exertion of undue influence.

Physical abuse: (1) The nonaccidental infliction of physical or bodily injury, pain, or impairment, including but not limited to hitting, slapping, causing burns or bruises, poisoning, or improper physical restraint; or (2) Causing physical injuries that are not justifiably explained or where the history given for an injury is at variance with the degree or type of injury.

Psychological Abuse: means the infliction of mental or emotional distress by use of threats, insults, harassment, humiliation, provocation,

	<p>intimidation, or other means that profoundly confuse or frighten a vulnerable adult.</p> <p>Self-neglect: (1) A vulnerable adult's inability or failure, due to physical or mental impairment, or both, to perform tasks essential to caring for oneself, including but not limited to: (A) Obtaining essential food, clothing, shelter, and medical care; (B) Obtaining goods and services reasonably necessary to maintain minimum standards of physical health, mental health, emotional well-being, and general safety; or (C) Management of one's financial assets and obligations to accomplish the activities in subparagraphs (A) and (B), and (2) The vulnerable adult appears to lack sufficient understanding or capacity to make or communicate responsible decisions and appears to be exposed to a situation or condition that poses an immediate risk of death or serious physical harm. Sexual Abuse: means nonconsensual sexual contact or conduct caused by another person, including but not limited to: (1) Sexual assault, molestation, sexual fondling, incest, or prostitution; or (2) Pornographic photographing, filming, or depiction.</p>
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<p>Idaho Idaho Code § 39-5302</p>	<p>Abuse: The intentional or negligent infliction of physical pain, injury, or mental injury.</p> <p>Exploitation: An action which may include, but is not limited to, the unjust or improper misuse of a vulnerable adult’s financial power of attorney, funds, property, or resources by another person for profit or advantage.</p> <p>Neglect: The failure of a caretaker to provide food, clothing, shelter or medical care reasonably necessary to sustain the life and health of a vulnerable adult, or the failure of a vulnerable adult to provide those services for himself.</p> <p>Nothing in this chapter shall be construed to mean a person is abused, neglected, or exploited for the sole reason he is relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination; nor shall the provisions of this chapter be construed to require any medical care or treatment in contravention of the stated or implied objection of such a person.</p>
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Illinois
320 Ill. Comp. Stat. 20/2

Abuse: The causing of any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

Financial Exploitation: means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.

Neglect: Another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

Self-neglect: means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

<p>Indiana Ind. Code Ann. § 12-10-3-2</p> <p><i>(Indiana’s APS program is unique because it is administered by local prosecutor’s offices. This may explain why its definitions seem very different from those of other states.)</i></p>	<p>Endangered Adult:</p> <p>(a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:</p> <p>(1) at least eighteen (18) years of age;</p> <p>(2) incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and</p> <p>(3) harmed or threatened with harm as a result of: (A) neglect; (B) a battery offense included in IC 35-42-2; or (C) exploitation of the individual's personal services or property.</p> <p>(c) An individual is not an endangered adult solely: (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or (2) on the basis of being physically unable to provide self care when appropriate care is being provided.</p>
<p>Iowa Iowa Code § 235B.2</p>	<p>Dependent Adult Abuse: means (1) any of the following as a result of the willful or negligent acts or omissions of a caretaker:</p> <p>(a) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult.</p> <p>(b) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.</p> <p>(c) Exploitation of a dependent adult means the act or process of taking unfair advantage of a dependent adult or the adult’s physical or financial resources for one’s own personal or pecuniary profit, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.</p> <p>(d) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult’s life or health.</p> <p>(2) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult’s life or health as a result of the acts or omissions of the dependent adult.</p> <p>(3)(a) Sexual exploitation of a dependent adult by a caretaker.</p> <p>(b) “Sexual exploitation” means any consensual or nonconsensual sexual conduct with a dependent adult which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin,</p>

	<p>buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. “Sexual exploitation” includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.</p> <p>(4)(a) Personal degradation of a dependent adult by a caretaker.</p> <p>(b)(i) “Personal degradation” means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. “Personal degradation” includes the taking, transmission, display of an electronic image of a dependent adult by a caretaker, where the caretaker’s actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person.</p> <p>(ii) “Personal degradation” does not include any of the following: (A) The taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or any other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation. (B) The taking, transmission, or display of an electronic image by a caretaker who takes, transmits, or displays the electronic image in accordance with the confidentiality policy and release of information or consent policies of a contractor, employer, or facility or program not covered under section 235E.1, subsection 5, paragraph “a”, subparagraph (3).</p> <p>(C) A statement by a caretaker who is the spouse of a dependent adult that is not intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult spouse.</p> <p>Dependent Adult Abuse does not include any of the following:</p> <p>(1) Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.</p>
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	<p>(2) Circumstances in which the dependent adult’s caretaker, acting in accordance with the dependent adult’s stated or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.</p> <p>(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult’s next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.</p>
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Kansas
Kan. Stat. Ann. § 39-1430

Abuse: Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:

- (1) Infliction of physical or mental injury;
- (2) any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;
- (3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;
- (4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult;
- (5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;
- (6) fiduciary abuse; or
- (7) omission or deprivation by a caretaker or another person of goods or services that are necessary to avoid physical or mental harm or illness.

Neglect: The failure or omission by one's self, caretaker or another person with a duty to supply or provide goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

Exploitation: The misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.

Fiduciary Abuse: A situation in which any person who is the caretaker of, or who stands in a position of trust to, an adult, takes, secretes, or appropriates their money or property to any use or purpose not in the due and lawful execution of such person's trust or benefit.

No person shall be considered to be abused, neglected or exploited or in need of protective services for the sole reason that such person relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

<p>Kentucky Ky. Rev. Stat. Ann. § 209.020</p>	<p>Abuse: the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury.</p> <p>Exploitation: means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources.</p> <p>Neglect: A situation in which an adult is unable to perform or obtain for himself or herself the goods or services that are necessary to maintain his or her health or welfare, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult.</p>
<p>Louisiana La. Rev. Stat. Ann. § 15:1503</p>	<p>Abandonment: The desertion or willful forsaking of an adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.</p> <p>Abuse: The infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value.</p> <p>Exploitation: The illegal or improper use or management of the funds, assets, or property of a person who is aged or an adult with a disability, or the use of power of attorney or guardianship of a person who is aged or an adult with a disability for one's own profit or advantage.</p> <p>Extortion: The acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority.</p>

	<p>Isolation: includes (a) Intentional acts committed for the purpose of preventing, and which do serve to prevent, an adult from having contact with family, friends, or concerned persons. This shall not be construed to affect a legal restraining order.</p> <p>(b) Intentional acts committed to prevent an adult from receiving his mail or telephone calls.</p> <p>(c) Intentional acts of physical or chemical restraint of an adult committed for the purpose of preventing contact with visitors, family, friends, or other concerned persons.</p> <p>(d) Intentional acts which restrict, place, or confine an adult in a restricted area for the purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons. However, medical isolation prescribed by a licensed physician caring for the adult shall not be included in this definition.</p> <p>Neglect: The failure, by a caregiver responsible for an adult’s care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused.</p> <p>Self-Neglect: The failure, either by the adult’s action or inaction, to provide the proper or necessary support or medical, surgical, or any other care necessary for his own well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be self- neglected.</p> <p>Sexual Abuse: The abuse of an adult, as defined in this Section, when any of the following occur: (a) The adult is forced, threatened, or otherwise coerced by a person into sexual activity or contact.</p> <p>(b) The adult is involuntarily exposed to sexually explicit material, sexually explicit language, or sexual activity or contact.</p> <p>(c) The adult lacks the capacity to consent, and a person engages in sexual activity or contact with that adult.</p>
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<p>Maine Me. Rev. Stat. Ann. tit. 22 § 3472</p>	<p>Abuse: The infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or exploitation; financial exploitation; or the intentional, knowing or reckless deprivation of essential needs. ‘Abuse’ includes acts and omissions.</p> <p>Exploitation: The illegal or improper use of an incapacitated or dependent adult or that adult’s resources for another’s profit or advantage.</p> <p>Financial Exploitation: The use of deception, intimidation, undue influence, force or other unlawful means to obtain control over the property of a dependent adult for another’s profit or advantage.</p> <p>Neglect: A threat to an adult’s health or welfare by physical or mental injury or impairment, deprivation of essential needs or lack of protection from these.</p> <p>Sexual Abuse or Sexual Exploitation: Contact or interaction of a sexual nature involving an incapacitated or dependent adult without that adult’s informed consent.</p> <p>Undue Influence: means the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary relationship with a person who is a dependent adult or an incapacitated adult.</p>
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<p>Maryland Md. Code Ann., Fam. Law § 14-101</p>	<p>Abuse: The sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.</p> <p>Exploitation: Any action which involves the misuse of a vulnerable adult’s funds, property, or person.</p> <p>Neglect: (1) The willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision. (2) “Neglect” does not include the providing of nonmedical remedial care and treatment for the healing of injury or disease, with the consent of the vulnerable adult, recognized by State law instead of medical treatment.</p> <p>Self-Neglect: The inability of a vulnerable adult to provide the vulnerable adult with the services: (1) That are necessary for the vulnerable adult’s physical and mental health; and (2) The absence of which impairs or threatens the vulnerable adult’s well-being.</p>
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<p>Massachusetts Mass. Gen. Laws ch. 19A, § 14 <i>(these provisions apply to persons who are sixty years of age or over)</i></p>	<p>Abuse: An act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; or the failure, inability or resistance of an elderly person to provide for him one or more of the necessities essential for physical and emotional well-being without which the elderly person would be unable to safely remain in the community; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.</p> <p>Financial Exploitation: An act or omission by another person, which causes a substantial monetary or property loss to an elderly person, or causes a substantial monetary or property gain to the other person, which gain would otherwise benefit the elderly person but for the act or omission of such other person; provided, however, that such an act or omission shall not be construed as financial exploitation if the elderly person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such other person; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by an elderly person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section two of chapter ninety-three A.</p>
<p>Massachusetts Mass. Gen. Laws ch. 19C, § 1 <i>(these provisions only apply to persons with disabilities)</i></p>	<p>Abuse: An act or omission which results in serious physical or emotional injury to a disabled person; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.</p>

<p>Michigan Mich. Comp. Laws § 400.11</p>	<p>Abuse: The harm or threatened harm to an adult’s health or welfare caused by another person. Abuse includes, but is not limited to, nonaccidental physical or mental injury, sexual abuse, or maltreatment.</p> <p>Exploitation: An action that involves the misuse of an adult’s funds, property, or personal dignity by another person.</p> <p>Neglect: Harm to an adult’s health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult’s health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care. A person shall not be considered to be abused, neglected, or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, and this act shall not require any medical care or treatment in contravention of the stated or implied objection of that person.</p>
<p>Minnesota Minn. Stat. § 626.5572</p>	<p>Abuse: an act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.</p> <p>A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.</p> <p>(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:</p> <ol style="list-style-type: none"> (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.

(c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

(e) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C or 252A, or sections 253B.03, or 524.5-313, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation. This paragraph does not enlarge or diminish rights otherwise held under law by:

- (1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or
- (2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct.

(f) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult.

(g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with: (1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or (2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship.

Financial Exploitation: means (a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person:

- (1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or
- (2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in

detriment to the vulnerable adult.

(b) In the absence of legal authority a person: (1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;

(2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;

(3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or

(4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

(c) Nothing in this definition requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

Maltreatment: Abuse as defined in subdivision 2, neglect as defined in subdivision 17, or financial exploitation as defined in subdivision 9.

Neglect: means (a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.

(b) The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.

(c) For purposes of this section, a vulnerable adult is not neglected for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections 253B.03, or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult, or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by:

(i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult;

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in sexual contact with: (i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship; or

(4) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult which does not result in injury or harm which reasonably requires medical or mental health care; or

(5) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult that results in injury or harm, which reasonably requires the care of a physician, and:

(i) the necessary care is provided in a timely fashion as dictated by the condition of the vulnerable adult;

(ii) if after receiving care, the health status of the vulnerable adult can be reasonably expected, as determined by the attending physician, to be restored to the vulnerable adult's preexisting condition;

(iii) the error is not part of a pattern of errors by the individual;

(iv) if in a facility, the error is immediately reported as required under section 626.557, and recorded internally in the facility;

(v) if in a facility, the facility identifies and takes corrective action and implements measures designed to reduce the risk of further occurrence of this error and similar errors; and

(vi) if in a facility, the actions required under items (iv) and (v) are sufficiently documented for review and evaluation by the facility and any applicable licensing, certification, and ombudsman agency.

(d) Nothing in this definition requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation.

(e) If the findings of an investigation by a lead agency result in a determination of substantiated maltreatment for the sole reason that the actions required of a facility under paragraph (c), clause (5), item (iv), (v), or (vi), were not taken, then the facility is subject to a correction order. An individual will not be found to have neglected or maltreated the vulnerable adult based solely on the facility's not having taken the actions required under paragraph (c), clause (5), item (iv), (v), or (vi). This must not alter the lead agency's determination of mitigating factors under section 626.557, subdivision 9c, paragraph (c).

Mississippi
Miss. Code. Ann. § 43-47-5

Abuse: means the commission of a willful act, or the willful omission of the performance of a duty, which act or omission contributes, tends to contribute to, or results in the infliction of physical pain, injury or mental anguish on or to a vulnerable person, the unreasonable confinement of a vulnerable person, or the willful deprivation by a caretaker of services which are necessary to maintain the mental or physical health of a vulnerable person. "Abuse" includes the sexual abuse delineated in Section 43-47-18. "Abuse" does not mean conduct that is a part of the treatment and care of, and in furtherance of the health and safety of, a patient or resident of a care facility, nor shall it mean a normal caregiving action or appropriate display of affection. "Abuse" includes, but is not limited to, a single incident.

Exploitation: The illegal or improper use of a vulnerable person or his resources for another's profit, advantage or unjust enrichment, with or without the consent of the vulnerable person, and may include actions taken pursuant to a power of attorney. "Exploitation" includes, but is not limited to, a single incident.

Improper use: means any use without the consent of the vulnerable person, any use with the consent of the vulnerable person if the consent is obtained by undue means, or any use that deprives the vulnerable person of his ability to obtain essential services or a lifestyle to which the vulnerable person has become accustomed and could have otherwise afforded.

Neglect: means either the inability of a vulnerable person who is living alone to provide for himself the food, clothing, shelter, health care or other services which are necessary to maintain his mental or physical health, or failure of a caretaker to supply the vulnerable person with the food, clothing, shelter, health care, supervision or other services which a reasonably prudent person would do to maintain the vulnerable person's mental and physical health. "Neglect" includes, but is not limited to, a single incident.

Undue Means: means the use of deceit, power, or persuasion over a vulnerable person resulting in the vulnerable person being influenced to act otherwise than by his own free will or without adequate attention to the consequences.

<p>Missouri V.A.M.S. § 192.2400</p>	<p>Abuse: The infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation.</p> <p>Bullying: intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property and may consist of physical actions including gestures; cyberbullying; oral, electronic, or written communication; and any threat of retaliation for reporting of such acts.</p> <p>Neglect: The failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety, or welfare of the client or a substantial probability that death or serious physical harm would result.</p>
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Montana
Mont. Code Ann. §52-3-803

Abuse: means (a) the infliction of physical or mental injury; (b) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes lawful authority. (c) The causing of personal degradation of an older person or a person with a developmental disability in a place where the older person or person with a development disability has a reasonable expectation of privacy.

Exploitation: (a) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(b) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(c) the unreasonable use of an older person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person's money, assets, or property.

Neglect: The failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a person with a developmental disability or who has voluntarily assumed responsibility for the person's care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or

	<p>services necessary to maintain the physical or mental health of the older person or the person with a developmental disability.</p> <p>Personal Degradation: means publication or distribution of a printed or electronic photograph or video of an older person or a person with a developmental disability when the person publishing or distributing intends to demean or humiliate the older person or person with a developmental disability or knows or reasonably should know that the publication or distribution would demean or humiliate a reasonable person. Personal degradation does not include the recording and dissemination of images or video for treatment, diagnosis, regulatory compliance, or law enforcement purposes, as part of an investigation, or in accordance with a facility or program's confidentiality policy and release of information or consent policy.</p> <p>Sexual Abuse: The commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, incest, or sexual abuse of children as described in Title 45, chapter 5, part 5, and Title 45, chapter 8, part 2.</p>
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Nebraska

Neb. Rev. Stat. § 28-351 -370

Abuse: Any knowing or intentional act on the part of a caregiver or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, or sexual exploitation of a vulnerable adult.

Exploitation: Exploitation means the wrongful or unauthorized taking, withholding, appropriation, conversion, control, or use of money, funds, securities, assets, or any other property of a vulnerable adult or senior adult by any person by means of undue influence, breach of a fiduciary relationship, deception, extortion, intimidation, force or threat of force, isolation, or any unlawful means or by the breach of a fiduciary duty by the guardian, conservator, agent under a power of attorney, trustee, or any other fiduciary of a vulnerable adult or senior adult.

Isolation: (1) means intentional acts (a) committed for the purpose of preventing, and which do prevent, a vulnerable adult or senior adult from having contact with family, friends, or concerned persons, (b) committed to prevent a vulnerable adult or senior adult from receiving his or her mail or telephone calls, (c) of physical or chemical restraint of a vulnerable adult or senior adult committed for purposes of preventing contact with visitors, family, friends, or other concerned persons, or (d) which restrict, place, or confine a vulnerable adult or senior adult in a restricted area for purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons.

(2) Isolation does not include (a) medical isolation prescribed by a licensed physician caring for the vulnerable adult or senior adult, (b) action taken in compliance with a harassment protection order issued pursuant to section 28-311.09, a valid foreign harassment protection order recognized pursuant to section 28-311.10, a sexual assault protection order issued pursuant to section 28-311.11, a valid foreign sexual assault protection order recognized pursuant to section 28-311.12, an order issued pursuant to section 42-924, an ex parte order issued pursuant to section 42-925, an order excluding a person from certain premises issued pursuant to section 42-357, or a valid foreign protection order recognized pursuant to section 42-931, or (c) action authorized by an administrator of a nursing home pursuant to section 71-6021.

Neglect: Any knowing or intentional act or omission on the part of a caregiver to provide essential services or the failure of a vulnerable adult, due to physical or mental impairments, to perform self-care or obtain essential services to such an extent that there is actual physical injury to a vulnerable adult or imminent danger of the vulnerable adult suffering physical injury or death.

Physical Injury: The damage to bodily tissue caused by nontherapeutic conduct, including, but not limited to, fractures, bruises, lacerations,

	<p>internal injuries, or dislocations, and shall include, but not be limited to, physical pain, illness, or impairment of physical function.</p> <p>Sexual Abuse: Shall include sexual assault as described in section 28-319 or 28-320 and incest as described in section 28-703.</p> <p>Sexual exploitation: includes, but is not limited to, a violation of section 28-311.08 and causing, allowing, permitting, inflicting, or encouraging a vulnerable adult to engage in voyeurism, in exhibitionism, in prostitution, or in the lewd, obscene, or pornographic photographing, filming, or depiction of the vulnerable adult.</p> <p>Unreasonable Confinement: Confinement which intentionally causes physical injury to a vulnerable adult or false imprisonment as described in section 28-314 or 28-315.</p>
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Nevada
Nev. Rev. Stat. § 200.5092

Abandonment: means (a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or (b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

Abuse: means willful: (a) Infliction of pain or injury on an older person or a vulnerable person;
(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;
(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation: (1) Threatening, controlling or socially isolating the older person or vulnerable person; (2) Disregarding the needs of the older person or vulnerable person; or (3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;
(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation: (1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or (2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or
(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

Exploitation: means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to: (a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or (b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

Undue Influence: means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

	<p>Isolation: means preventing an older person or a vulnerable person from having contact with another person by: (a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;</p> <p>(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or</p> <p>(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.</p> <p>The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.</p> <p>Neglect: means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.</p>
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<p>New Hampshire N.H. Rev. Stat. Ann. § 161-F:43</p>	<p>Abuse: Any one of the following: (a) “Emotional abuse” means the misuse of power, authority, or both, verbal harassment, or unreasonable confinement which results or could result in the mental anguish or emotional distress of a vulnerable adult. (b) “Physical abuse” means the use of physical force which results or could result in physical injury to a vulnerable adult. (c) “Sexual abuse” means contact or interaction of a sexual nature involving an vulnerable adult without his or her informed consent.</p> <p>Neglect: An act or omission which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional or physical health and safety of a vulnerable adult.</p> <p>Exploitation: The illegal use of a vulnerable adult’s person or property for another person’s profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person’s property for any purpose not in the proper and lawful execution of a trust, including, but not limited to, situations where a person obtains money, property, or services from a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud.</p> <p>Self-Neglect: An act or omission by a vulnerable adult which results or could result in the deprivation of essential services or supports necessary to maintain his or her minimum mental, emotional or physical health and safety.</p>
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<p>New Jersey N.J. Stat. Ann. 52:27D-407</p>	<p>Abuse: The willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services which are necessary to maintain a person’s physical and mental health.</p> <p>Exploitation: The act or process of illegally or improperly using a person or his resources for another person’s profit or advantage.</p> <p>Neglect: An act or failure to act by a vulnerable adult or his caretaker which results in the inadequate provision of care or services necessary to maintain the physical and mental health of the vulnerable adult, and which places the vulnerable adult in a situation which can result in serious injury or which is life-threatening.</p>
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<p>New Mexico N.M. Stat. Ann. § 27-7-16</p>	<p>Abuse: (1) knowingly, intentionally or negligently and without justifiable cause inflicting physical pain, injury or mental anguish; (2) the intentional deprivation by a caretaker or other person of services necessary to maintain the mental and physical health of an adult; or (3) sexual abuse, including criminal sexual contact, incest and criminal sexual penetration.</p> <p>Exploitation: An unjust or improper use of an adult’s money or property for another person’s profit or advantage, pecuniary or otherwise.</p> <p>Neglect: The failure of the caretaker of an adult to provide basic needs of the adult, such as clothing, food, shelter, supervision and care for the physical and mental health of that adult; “neglect” includes self-neglect.</p> <p>Self-neglect means an act or omission by an incapacitated adult that results in the deprivation of essential services or supports necessary to maintain the incapacitated adult’s minimal mental, emotional or physical health and safety.</p>
<p>New York McKinney’s Soc. Serv. Law § 473</p>	<p>Physical Abuse: The non-accidental use of force that results in bodily injury, pain or impairment, including but not limited to, being slapped, burned, cut, bruised or improperly physically restrained.</p> <p>Sexual Abuse: Non-consensual sexual contact of any kind, including but not limited to, forcing sexual contact or forcing sex with a third party.</p> <p>Emotional Abuse: The willful infliction of mental or emotional anguish by threat, humiliation, intimidation or other abusive conduct, including but not limited to, frightening or isolating an adult.</p> <p>Active Neglect: The willful failure by the caregiver to fulfill the care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment, willful deprivation of food, water, heat, clean</p>

	<p>clothing and bedding, eyeglasses or dentures, or health related services.</p> <p>Passive Neglect: The non-willful failure of a caregiver to fulfill care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment or denial of food or health related services because of inadequate caregiver knowledge, infirmity, or disputing the value of prescribed services.</p> <p>Self Neglect: An adult’s inability, due to physical and/or mental impairments to perform tasks essential to caring for oneself, including but not limited to, providing essential food, clothing, shelter and medical care; obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety; or managing financial affairs.</p> <p>Financial Exploitation: The improper use of an adult’s funds, property or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers or denial of access to assets.</p>
<p>North Carolina N.C. Gen. Stat. § 108A-101</p>	<p>Abuse: The willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation by a caretaker of services which are necessary to maintain mental and physical health.</p> <p>Exploitation: The illegal or improper use of a disabled adult or his resources for another’s profit or advantage.</p> <p>Neglect: A disabled adult who is either living alone and not able to provide for himself or herself the services which are necessary to maintain the person’s mental or physical health or is not receiving services from the person’s caretaker. A person is not receiving services from his caretaker if, among other things and not by way of limitation, the person is a resident of one of the State-owned psychiatric hospitals listed in G.S. 122C-181(a)(1), the State-owned Developmental Centers listed in G.S. 122C-181(a)(2), or the State-owned Neuro-Medical Treatment Centers listed in G.S. 122C-181(a)(3), the person is, in the opinion of the professional staff of that State-owned facility, mentally incompetent to give his consent to medical treatment, the person has no legal guardian appointed pursuant to Chapter 35A, or guardian as defined in G.S. 122C-3(15), and the person needs medical treatment.</p>

<p>North Dakota N.D. Cent. Code § 50-25.2-01</p>	<p>Abuse: Any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult.</p> <p>Financial Exploitation: The use or receipt of services provided by the vulnerable adult without just compensation, the taking, acceptance, misappropriation, or misuse of property or resources of a vulnerable adult by means of undue influence, breach of a fiduciary relationship, deception, harassment, criminal coercion, theft, or other unlawful or improper means.</p> <p>Neglect: The failure of a caregiver to provide essential services necessary to maintain the physical and mental health of a vulnerable adult, or the inability or lack of desire of the vulnerable adult to provide essential services necessary to maintain and safeguard the vulnerable adult’s own physical and mental health.</p> <p>Sexual Abuse Or Exploitation: Includes those sex offenses defined in sections 12.1-20-02, 12.1-20-03, 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.120-07, and 12.1-20-11.</p>
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<p>Ohio Ohio Rev. Code Ann. § 5101.60</p>	<p>Abandonment: means desertion of an adult by a caretaker without having made provision for transfer of the adult's care.</p> <p>Abuse: The infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.</p> <p>Exploitation: The unlawful or improper act of a person using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit, or gain when the person obtained or exerted control over the adult or the adult's resources in any of the following ways: (1) Without the adult's consent or the consent of the person authorized to give consent on the adult's behalf; (2) Beyond the scope of the express or implied consent of the adult or the person authorized to give consent on the adult's behalf; (3) By deception; (4) By threat; (5) By intimidation.</p> <p>Neglect: (1) The failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness; (2) the failure of a caretaker to provide such goods or services; (3) abandonment.</p>
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Oklahoma

Okla. Stat. tit. 43A § 10-103

Abuse: Causing or permitting:

(a) the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, mental anguish or personal degradation, or

(b) the deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult.

Exploitation Or Exploit: An unjust or improper use of the resources of a vulnerable adult for the profit or advantage, pecuniary or otherwise, of a person other than the vulnerable adult through the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense;

Financial Neglect: means repeated instances by a caretaker, or other person, who has assumed the role of financial management, of failure to use the resources available to restore or maintain the health and physical well-being of a vulnerable adult, including, but not limited to: (a) squandering or negligently mismanaging the money, property, or accounts of a vulnerable adult, (b) refusing to pay for necessities or utilities in a timely manner, or (c) providing substandard care to a vulnerable adult despite the availability of adequate financial resources.

Neglect: (a) the failure to provide protection for a vulnerable adult who is unable to protect his or her own interest, (b) the failure to provide a vulnerable adult with adequate shelter, nutrition, health care, or clothing, or (c) negligent acts or omissions that result in harm or the unreasonable risk of harm to a vulnerable adult through the action, inaction, or lack of supervision by a caretaker providing direct services.

Personal Degradation: means a willful act by a caretaker intended to shame, degrade, humiliate or otherwise harm the personal dignity of a vulnerable adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation or harm to the personal dignity of a reasonable person. Personal degradation includes the taking, transmitting, or display of an electronic image of a vulnerable adult by a caretaker, where the caretaker's actions constitute a willful act intended to shame, degrade, humiliate or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation or harm to the personal dignity of a reasonable person. Personal degradation does not include:

(a) the taking, transmission or display of an electronic image of a vulnerable adult for the purpose of reporting vulnerable adult abuse to law enforcement, the Department of Human Services or other regulatory agency that oversees caretakers or enforces abuse or neglect laws or rules,

(b) the taking, transmission or display of an electronic image of a vulnerable adult for the purpose of treatment or diagnosis, or

(c) the taking, transmission or display of an electronic image of a vulnerable adult as part of an ongoing investigation.

Sexual Abuse: (a) oral, anal, or vaginal penetration of a vulnerable adult by or through the union with the sexual organ of a caretaker or other person providing services to the vulnerable adult, or the anal or vaginal penetration of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult with any other object, or (b) for the purpose of sexual gratification, the touching, feeling or observation of the body or private parts of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult, or (c) indecent exposure by a caretaker or other person providing services to the vulnerable adult.

Self-Neglect: The action or inaction of a vulnerable adult which causes that person to fail to meet the essential requirements for physical or mental health and safety due to the vulnerable adult's lack of awareness, incompetence or incapacity.

Sexual Exploitation: Includes, but is not limited to, a caretaker's causing, allowing, permitting or encouraging a vulnerable adult to engage in prostitution or in the lewd, obscene, or pornographic photographing, filming or depiction of the vulnerable adult as those acts are defined by state law;

	<p>and</p> <p>Verbal Abuse: The use of words, sounds, or other communication including, but not limited to, gestures, actions or behaviors, by a caretaker or other person providing services to a vulnerable adult that are likely to cause a reasonable person to experience humiliation, intimidation, fear, shame or degradation.</p> <p>Nothing in this section shall be construed to mean a vulnerable adult is abused or neglected for the sole reason the vulnerable adult, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the practices of a recognized religious method of healing, for the treatment or cure of disease or remedial care, or a caretaker or other person responsible, in good faith, is furnishing such vulnerable adult spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, for the treatment or cure of disease or remedial care in accordance with the practices of or express consent of the vulnerable adult.</p>
<p>Oregon Or. Rev. Stat. § 124.050 <i>(these provisions apply to persons 65 or older who are not residents of long-term care facilities)</i></p>	<p>Abuse: One or more of the following:</p> <ul style="list-style-type: none"> (a) Any physical injury to an elderly person caused by other than accidental means, or which appears to be at variance with the explanation given of the injury; (b) neglect; (c) abandonment, including desertion or willful forsaking of an elderly person or the withdrawal or neglect of duties and obligations owed an elderly person by a caretaker or other person; (d) Willful infliction of physical pain or injury; (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467, or 163.525; (f) verbal abuse (g) Financial exploitation (h) sexual abuse (i) involuntary seclusion of an elderly person for the convenience of a caregiver or to discipline the person (j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order. <p>Financial Exploitation: (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an elderly person or a person with a disability; (b) alarming an elderly person or a person with a disability by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed</p>

would be carried out; (c) misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an elderly person or a person with a disability; (d) failing to use the income or assets of an elderly person or a person with a disability.

Neglect: failure to provide basic care or services that are necessary to maintain the health or safety of an elderly person.

Sexual Abuse: (a) means (A) sexual contact with an elderly person who does not consent or is considered incapable of consenting to a sexual act under ORS 163.315; (B) Verbal or physical harassment of a sexual nature, including not limited to severe or pervasive exposure to sexually explicit material or language; (C) Sexual exploitation; (D) Any contact between an employee of a facility or paid caregiver and an elderly person served by the facility or caregiver; or (E) Any sexual contact that is achieved through force, trickery, threat, or coercion.

(b) "Sexual Abuse" does not mean consensual sexual contact between an elderly person and: (A) An employee of a facility who is also the spouse of the elderly person; or (B) A paid caregiver.

Verbal Abuse: means to threaten significant physical or emotional harm to an elderly person or a person with a disability through the use of: (a) derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

Oregon

Or. Rev. Stat. § 430.735 (these provisions apply only to persons 18 or older who are mentally ill or developmentally disabled and receive services from a community program or facility) Abuse: means one or more of the following:

- (a) Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neglect of duties and obligations owed an adult by a caregiver or other person.
- (b) Any physical injury to an adult caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.
- (c) Willful infliction of physical pain or injury upon an adult.
- (d) Sexual abuse
- (e) Neglect.
- (f) Verbal abuse of an adult
- (g) Financial exploitation of an adult
- (h) Involuntary seclusion of an adult for the convenience of a caregiver or to discipline the adult.
- (i) A wrongful use of a physical or chemical restraint upon an adult, excluding an act of restraint prescribed by a physician licensed under ORS

chapter 677, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practitioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

(j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.426, 163.465 or 163.467.

(k) Any death of an adult caused by other than accidental or natural means.

Financial Exploitation: means: (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an adult; (b) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out; (c) Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an adult; (d) Failing to use the income or assets of an adult effectively for the support and maintenance of the person.

Intimidation: means compelling or deterring conduct by threat.

Neglect: means (a) failure to provide the care, supervision or services necessary to maintain the physical and mental health of an adult that may result in physical harm or significant emotional harm to the adult; (b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or (c) Withholding of services necessary to maintain the health and well-being of an adult that leads to physical harm of the adult.

Sexual Abuse: (a) means (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315; (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language; (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver; (D) Any sexual contact between an adult and a relative of the adult other than a spouse; (E) Any sexual contact that is achieved through force, trickery, threat or coercion; or (F) Any sexual contact between an individual receiving mental health or substance abuse treatment and the individual providing the mental health or substance abuse treatment.

(b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse of the adult.

Verbal Abuse: means to threaten significant physical or emotional harm to an adult through the use of: (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

Pennsylvania
Pa. Stat. Ann. tit. 35
§ 10225.103

maintain physical or mental health. (3) Sexual harassment, rape or abuse, as defined in the act of October 7, 1976 (P.L. 1090, No. 218), known as the Protection From Abuse Act.

No older adult shall be found to be abused solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.

Exploitation: An act or course of conduct by a caretaker or other person against an older adult or an older adult's resources, without the informed consent of the older adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the older adult.

Intimidation: An act or omission by any person or entity toward another person which is intended to, or with knowledge that the act or omission will, obstruct, impede, impair, prevent, or interfere with the administration of this act or any law intended to protect older adults from mistreatment.

Neglect: The failure to provide for oneself or the failure of a caretaker to provide goods or services essential to avoid a clear and serious threat to physical or mental health. No older adult who does not consent to the provision of protective services shall be found to be neglected solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.

Sexual Abuse: Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.

Puerto Rico
8 L.P.R.A. § 342

Coercion: Physical or psychological force or violence exerted on a person to compel said person to say or do something.

Harassment: Words, gestures or actions addressed to molest, persecute or disturb an elderly person.

Intimidation: Any action or word whose purpose is to exert moral pressure on the will of an elderly person, who, for fear of suffering physical or emotional harm on his/her person, or property or another person, is compelled to perform an act against his/her will.

Physical Abuse: Any injury or condition which provokes or creates a substantial risk which may cause the disfigurement or temporary or permanent disability of any bodily part or function, or other forms of bodily harm or injury.

Mental Or Physical Abuse: Any act or conduct which may bring dishonor, discredit or create contempt for personal values, unreasonable limitation of access and management of goods or chattels, isolation, lack of access to proper sustenance or rest, threats, or destruction of objects dear to the person.

Financial Exploitation: The improper use of an adult's funds, property or resources by another individual including, but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coercion, property transfers or denial of access to assets.

Rhode Island

R.I. Gen. Laws § 42-66-4.1

Abuse: means physical abuse, sexual abuse, and/or emotional abuse of an elderly person by a caregiver as defined in subsection (5).

Physical Abuse: means the willful infliction of physical pain or injury (e.g. slapping, bruising or restraining) upon an elderly person.

Sexual Abuse: means the infliction of non-consensual sexual contact of any kind upon an elderly person. Sexual abuse includes, but is not limited to, sexual assault, rape, sexual misuse or exploitation of an elder, as well as threats of sexual abuse where the perpetrator has the intent and the capacity to carry out the threatened abuse.

Emotional Abuse: means a pattern of willful infliction of mental or emotional harm upon an elder by threat, intimidation, isolation or other abusive conduct.

Exploitation: means the fraudulent or otherwise illegal, unauthorized or improper act or process of an individual, including, but not limited to, a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets by use of undue influence, harassment, duress, deception, false representation or false pretenses.

Neglect: means the willful failure by a caregiver or other person with a duty of care to provide goods or services necessary to avoid physical harm, mental harm or mental illness to an elderly person, including, but not limited to, "abandonment" (withdrawal of necessary assistance) and denial of food or health related services.

Self-neglect: means a pattern of behavior in an elderly person that directly, imminently and significantly threatens his/her own health and/or, safety. Self-neglect includes, but is not limited to, an inability or an incapacity to provide self with food, water, shelter, or safety to the point of establishing imminent risk of any of the harm(s) described in the immediately preceding sentence.

South Carolina
S.C. Code Ann. § 43-35-10

Abuse: Physical abuse or psychological abuse.

Exploitation: (a) Causing or requiring a vulnerable adult to engage in activity or labor which is improper, unlawful, or against the reasonable and rational wishes of the vulnerable adult. Exploitation does not include requiring a vulnerable adult to participate in an activity or labor which is a part of a written plan of care or which is prescribed or authorized by a licensed physician attending the patient;

(b) An improper, unlawful, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a vulnerable adult by a person for the profit or advantage of that person or another person; or

(c) causing a vulnerable adult to purchase goods or services for the profit or advantage of the seller or another person through: (i) undue influence, (ii) harassment, (iii) duress, (iv) force, (v) coercion, or (vi) swindling by overreaching, cheating, or defrauding the vulnerable adult through cunning arts or devices that delude the vulnerable adult and cause him to lose money or other property.

Neglect: The failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a vulnerable adult including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services and the failure or omission has caused, or presents a substantial risk of causing, physical or mental injury to the vulnerable adult. Noncompliance with regulatory standards alone does not constitute neglect. Neglect includes the inability of a vulnerable adult, in the absence of a caretaker, to provide for his or her own health or safety which produces or could reasonably be expected to produce serious physical or psychological harm or substantial risk of death.

Physical Abuse: Intentionally inflicting or allowing to be inflicted physical injury on a vulnerable adult by an act or failure to act. Physical abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery as defined in Section 16-3-651, use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose of punishment except that a therapeutic procedure prescribed by a licensed physician or other qualified professional or that is part of a written plan of care by a licensed physician or other qualified professional is not considered physical abuse. Physical abuse does not include altercations or acts of assault between vulnerable adults.

Psychological Abuse: Deliberately subjecting a vulnerable adult to threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.

South Dakota
S.D. Codified Laws § 22-46-1

Exploitation: The wrongful taking or exercising of control over property of an elder or adult with a disability with intent to defraud the elder or adult with a disability.

Emotional And Psychological Abuse: a caretaker's willful, malicious, and repeated infliction of: (a) A sexual act or the simulation of a sexual act directed at and without the consent of the elder or adult with a disability that involves nudity or is obscene; (b) Unreasonable confinement; (c) Harm or damage or destruction of the property of an elder or adult with a disability, including harm to or destruction of pets; or (d) Ridiculing or demeaning conduct, derogatory remarks, verbal harassment, or threats to inflict physical or emotional and psychological abuse, directed at an elder or adult with a disability;

Neglect: Harm to the health or welfare of an elder or an adult with a disability, without reasonable medical justification, caused by a caretaker, within the means available for the elder or adult with a disability, including the failure to provide adequate food, clothing, shelter or medical care.

For the purposes of this chapter, the term, neglect, does not include a decision that is made to not seek medical care for an elder or disabled adult upon the expressed desire of the elder or disabled adult; a decision to not seek medical care for an elder or disabled adult based upon a previously executed declaration, do-not-resuscitate order, or a power of attorney for health care; a decision to not seek medical care for an elder or disabled adult if otherwise authorized by law; or the failure to provide goods and services outside the means available for the elder or disabled adult. [See SDCL § 22-46-1.1]

Physical Abuse: Physical harm, bodily injury, attempt to cause physical harm or injury, or fear of imminent physical harm or bodily injury.

Tennessee
Tenn. Code Ann. § 71-6-102

Abuse Or Neglect: (A) The infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services that are necessary to maintain that person's health or welfare. Nothing in this part shall be construed to mean a person is abused or neglected or in need of protective services for the sole reason that the person relies on or is being furnished treatment by spiritual means through prayer alone in accordance with a recognized religious method of healing in lieu of medical treatment; further, nothing in this part shall be construed to require or authorize the provision of medical care to any terminally ill person if such person has executed an unrevoked living will in accordance with the provisions of the Tennessee Right to Natural Death Law, compiled in title 32, chapter 11, and if the provisions of such medical care would conflict with the terms of such living will.

(B) Transporting an adult and knowingly abandoning, leaving or failing to provide additional planned transportation for the adult if the adult's caretaker knows, or should know, that: (i) The adult is unable to protect or care for himself or herself without assistance or supervision; and (ii) The caretaker's conduct causes any of the results listed in subdivision (1)(A) or creates a substantial risk of such results.

Exploitation: The improper use by a caretaker of funds which have been paid by a governmental agency to an adult or to the caretaker for the use or care of the adult.

Sexual Abuse: Occurs when an adult, as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult's will. Sexual abuse also occurs when an "adult," as defined in this chapter, is unable to give consent to such sexual activities or contact and is engaged in such activities or contact with another person.

Texas

Texas Hum. Res. Code Ann. §
48.002

Abuse: (A) the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly person or person with a disability by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
(B) sexual abuse of an elderly or person with a disability, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

Exploitation: The illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or a person with a disability that involves using, or attempting to use, the resources of an elderly person or a person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person.

Neglect: The failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

<p>Utah Utah Code Ann. § 62A-3-301</p>	<p>Abandonment: Any knowing or intentional action or failure to act, including desertion, by a person acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or medical or other health care.</p> <p>Abuse:</p> <p>(a) knowingly or intentionally: (i) attempting to cause harm; (ii) causing harm; or (iii) placing another in fear of harm;</p> <p>(b) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult;</p> <p>(c) emotional or psychological abuse;</p> <p>(d) a sexual offense as described in Title 76, Chapter 5, Offenses Against the Person; or</p> <p>(e) deprivation of life sustaining treatment, or medical or mental health treatment, except: (i) as provided in Title 75, Chapter 2a, Advance Health Care Directive Act; or (ii) when informed consent, as defined in Section 76-5-111, has been obtained.</p> <p>Elder Abuse: Abuse, neglect, or exploitation of an elder adult.</p> <p>Emotional Or Psychological Abuse: (a) knowing or intentional verbal or nonverbal conduct directed at a vulnerable adult that results in the vulnerable adult suffering mental anguish, emotional distress, fear, humiliation, degradation, agitation, or confusion.</p> <p>(b) “Emotional or psychological abuse” includes intimidating, threatening, isolating, coercing, harassing.</p>
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(c) “Emotional or psychological abuse” does not include verbal or non-verbal conduct by a vulnerable adult who lacks the capacity to intentionally or knowingly: (i) engage in the conduct, or (ii) cause mental anguish, emotional distress, fear, humiliation, degradation, agitation, or confusion.

Exploitation: The offense described in Subsection 76-5-111(4) or (9) or Section 76-5b-202.

Intimidation: Communication through verbal or nonverbal conduct which threatens deprivation of money, food, clothing, medicine, shelter, social interaction, supervision, health care, or companionship, or which threatens isolation or abuse.

Isolation: (a) knowingly or intentionally preventing a vulnerable adult from having contact with another person, unless the restriction of personal rights is authorized by court order, by:

(i) preventing the vulnerable adult from communicating, visiting, interacting, or initiating interaction with others, including receiving or inviting visitors, mail, or telephone calls, contrary to the express wishes of the vulnerable adult, or communicating to a visitor that the vulnerable adult is not present or does not want to meet with or talk to the visitor, knowing that communication to be false;

(ii) physically restraining the vulnerable adult in order to prevent the vulnerable adult from meeting with a visitor; or

(iii) making false or misleading statements to the vulnerable adult in order to induce the vulnerable adult to refuse to receive communication from visitors or other family members.

(b) The term “isolation” does not include an act: (i) intended in good faith to protect the physical or mental welfare of the vulnerable adult; or (ii) performed pursuant to the treatment plan or instructions of a physician or other professional advisor of the vulnerable adult.

Neglect: (a)(i)(A) failure of a caretaker to provide necessary care, including nutrition, clothing, shelter, supervision, personal care, or dental, medical, or other health care for a vulnerable adult, unless the vulnerable adult is able to provide or obtain the necessary care without assistance; or (B) failure of a caretaker to provide protection from health and safety hazards or maltreatment;

(ii) failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise;

(iii) a pattern of conduct by a caretaker, without the vulnerable adult’s informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating, or other services necessary to maintain the vulnerable adult’s well being;

(iv) knowing or intentional failure by a caretaker to carry out a prescribed treatment plan that causes or is likely to cause harm to the vulnerable adult;
(v) self-neglect by the vulnerable adult; or
(vi) abandonment by a caretaker.
(b) "Neglect" does not include conduct, or failure to take action, that is permitted or excused under Title 75, Chapter 2a, Advance Health Care Directive Act.

Self-Neglect: The failure of a vulnerable adult to provide or obtain food, water, medication, health care, shelter, cooling, heating, safety, or other services necessary to maintain the vulnerable adult's well being when that failure is the result of the adult's mental or physical impairment. Choice of lifestyle or living arrangements may not, by themselves, be evidence of self-neglect.

Undue Influence: occurs when a person (a) uses influence to take advantage of a vulnerable adult's mental or physical impairment; or (b) uses the person's role, relationship or power (i) to exploit, or knowingly assist or cause another to exploit, the trust, dependency or fear of a vulnerable adult; or (ii) to gain control deceptively over the decision making of a vulnerable adult.

Vermont
Vt. Stat. Ann. tit. 33 § 6902

Abuse:

- (A) Any treatment of a vulnerable adult which places life, health or welfare in jeopardy or which is likely to result in impairment of health;
- (B) Any conduct committed with an intent or reckless disregard that such conduct is likely to cause unnecessary harm, unnecessary pain or unnecessary suffering to a vulnerable adult;
- (C) Unnecessary or unlawful confinement or unnecessary or unlawful restraint of a vulnerable adult;
- (D) Any sexual activity with a vulnerable adult by a caregiver who volunteers for or is paid by a caregiving facility or program. This definition shall not apply to a consensual relationship between a vulnerable adult and a spouse, nor to a consensual relationship between a vulnerable adult and a caregiver hired, supervised, and directed by the vulnerable adult;
- (E) Intentionally subjecting a vulnerable adult to behavior which should reasonably be expected to result in intimidation, fear, humiliation, degradation, agitation, disorientation, or other forms of serious emotional distress; or
- (F) Administration, or threatened administration, of a drug, substance, or preparation to a vulnerable adult for a purpose other than legitimate and lawful medical or therapeutic treatment.

Exploitation:

- (A) Willfully using, withholding, transferring or disposing of funds or property of a vulnerable adult without or in excess of legal authority for the wrongful profit or advantage of another;
- (B) Acquiring possession or control of or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, or fraud;
- (C) The act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or advantage of another;
- (D) Any sexual activity with a vulnerable adult when the vulnerable adult does not consent or when the actor knows or should know that the vulnerable adult is incapable of resisting or declining consent to the sexual activity due to age or disability or due to fear of retribution or hardship, whether or not the actor has actual knowledge of vulnerable status.

- Neglect:** (A) The purposeful or reckless failure or omission by a caregiver to:
- (i) provide care or arrange for goods or services necessary to maintain the health or safety of a vulnerable adult, including food, clothing, medicine, shelter, supervision, and medical services, unless the

	<p>caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or an advance directive, as defined in 18 V.S.A. § 9701;</p> <p>(ii) make a reasonable effort, in accordance with the authority granted the caregiver, to protect a vulnerable adult from abuse, neglect or exploitation by others;</p> <p>(iii) carry out a plan of care for a vulnerable adult when such failure results in or could reasonably be expected to result in physical or psychological harm or a substantial risk of death to the vulnerable adult, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or advance directive, as defined in 18 V.S.A. § 9701; or</p> <p>(iv) report significant changes in the health status of a vulnerable adult to a physician, nurse, or immediate supervisor, when the caregiver is employed by an organization that offers, provides or arranges for personal care.</p> <p>(B) Neglect may be repeated conduct or a single incident which has resulted in or could be expected to result in physical or psychological harm, as a result of subdivisions (A)(i), (ii), or (iii) of this subdivision (7).</p>
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Virgin Islands
34 V.I. Code Ann. § 452

Abandonment: Desertion or willful forsaking of an elder or dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Abduction: means the removal from the dwelling or the territory or the restraint from returning to the dwelling or the territory, of any elder or dependent adult who does not have the capacity to consent to such removal or restraint, by any conservatee without the consent of the conservator or the court.

Abuse Of An Elder Or Dependent Adult: means any of the following:
(1) Physical, emotional or financial abuse, neglect, abandonment, isolation, abduction, or other treatment resulting in physical or emotional injury, maltreatment, sexual conduct with an elder or dependent adult, or financial exploitation of an elder or dependent adult by any person; or
(2) The deprivation by a care custodian of goods or services that are necessary to avoid physical or emotional injury; or
(3) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions: (A) For punishment; (B) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician or surgeon licensed in the Virgin Islands, who is providing medical care to the elder or dependent adult at the time the instructions are given; or (C) For any purpose not authorized by a physician or surgeon.

Financial Abuse: has the meaning set forth in section 470. As written in section 470:

A person commits financial abuse of an elderly person or dependent adult means when all of the following are present: a person or entity takes, secretes, appropriates, or retains property of an elder or dependent adult, or assists with the taking, secreting, appropriating, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud.

Isolation: (1) Acts intentionally committed for the purpose of preventing, and which serve to prevent, an elder or dependent adult from receiving mail or telephone calls; or (2) Preventing the elder or dependent adult from having contact with family, friends, or concerned persons contrary to the express wishes of the elder or dependent adult.

Mental Suffering: Means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts performed or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress of the elder or dependent adult.

	<p>Neglect / Self-Neglect: means (1) The negligence or failure of any person having the care or custody of an elder or dependent adult or a duty to exercise that degree of care that a reasonable person in a like position would exercise; or The negligence or failure of an elder or dependent adult to exercise that degree of self-care that a reasonable person in a like position would exercise, including: Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter; Failure to provide medical care for physical and behavioral health needs; Failure to protect from health and safety hazards; Failure to prevent malnutrition or dehydration, including prolonged or continual deprivation of food or water; Failure of elder or dependent adults to satisfy the needs specified in paragraphs (A) through (D), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.</p>
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Virginia

Va. Code Ann. § 18.2-369; § 63.2-1606

Abuse: means (i) knowing and willful conduct that causes physical injury or pain or (ii) knowing and willful use of physical restraint, including confinement, as punishment, for convenience or as a substitute for treatment, except where such conduct or physical restraint, including confinement, is a part of care or treatment and is in furtherance of the health and safety of the incapacitated person.

Financial exploitation: means the illegal, unauthorized, improper, or fraudulent use of the funds, property, benefits, resources, or other assets of an adult, as defined in § 63.2-1603, for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Financial exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services.

Neglect: means the knowing and willful failure by a responsible person to provide treatment, care, goods or services which results in injury to the health or endangers the safety of an incapacitated adult.

No responsible person shall be in violation of this section whose conduct was (i) in accordance with the informed consent of the incapacitated person that was given when he was not incapacitated or a person authorized to consent on his behalf; (ii) in accordance with a declaration by the incapacitated person under the Health Care Decisions Act (§ 54.1-2981 et seq.) that was given when he was not incapacitated or with the provisions of a valid medical power of attorney; (iii) in accordance with the wishes of the incapacitated person that were made known when he was not incapacitated or a person authorized to consent on behalf of the incapacitated person and in accord with the tenets and practices of a church or religious denomination; (iv) incident to necessary movement of, placement of or protection from harm to the incapacitated person; or (v) a bona fide, recognized or approved practice to provide medical care.

Washington

Wash. Rev. Code § 74.34.020

Effective until January 1, 2022

Abandonment: An action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

Abuse: The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, which have the following meanings:

(a) **Sexual abuse** means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) **Physical abuse** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) **Mental abuse** means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include, ridiculing, yelling, or swearing.

(d) **Personal Exploitation** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) **Improper use of restraint** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(f) **Financial Exploitation:** means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage.

"Financial exploitation" includes, but is not limited to:

- (a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
- (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
- (c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

Isolate or Isolation: (a) means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to: (i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or (ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under *chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

Neglect: (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

Self-Neglect: The failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

West Virginia
W. Va. Code § 9-6-1

Abuse: The infliction or threat of physical or psychological harm, including the use of undue influence or the imprisonment of any vulnerable adult or facility resident.

Financial Exploitation: means the intentional misappropriation, misuse, or use of undue influence to cause the misuse of funds or assets of a vulnerable adult or facility resident, but does not apply to a transaction or disposition of funds or assets where a person made a good faith effort to assist the vulnerable adult or facility resident with the management of his or her money or other things of value.

Neglect: The unreasonable failure by a caregiver to provide the care necessary to maintain the safety or health of a vulnerable adult or self-neglect by a vulnerable adult, including the use of undue influence by a caregiver to cause self-neglect.

<p>Wisconsin Wis. Stat. Ann. § 46.90 (these provisions apply to persons who are 60 or older or who are subject to the infirmities of aging)</p>	<p>Abuse: means any of the following: (1) Physical abuse; (2) Emotional abuse; (3) Sexual abuse; (4) Treatment without consent; (5) Unreasonable confinement or restraint.</p> <p>Emotional Abuse: means language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.</p> <p>Financial Exploitation: means any of the following: (1) Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his or her will without his or her informed consent. (2) Theft, as prohibited in s. 943.20. (3) The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities. (4) Unauthorized use of an individual's personal identifying information or documents, as prohibited in s. 943.201. (5) Unauthorized use of an entity's identifying information or documents, as prohibited in s. 943.203. (6) Forgery, as prohibited in s. 943.38. (7) Financial transaction card crimes, as prohibited in s. 943.41.</p> <p>Neglect: means the failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. "Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under ch. 154, a power of attorney for health care under ch. 155, or as otherwise authorized by law.</p> <p>Physical Abuse: means the intentional or reckless infliction of bodily harm.</p> <p>Self-Neglect: means a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care.</p> <p>Sexual Abuse: means a violation of s. 940.225(1), (2), (3), or (3m).</p>
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Wyoming
Wyo. Stat. Ann. § 35-20-102

Abandonment: Leaving a vulnerable adult without financial support or the means or ability to obtain food, clothing, shelter or health care;

Abuse: The intentional or reckless infliction, by the vulnerable adult's caregiver, person of trust or authority, professional, family member or other individual of:

- (A) Injury;
- (B) Unreasonable confinement which threatens the welfare and well being of a vulnerable adult;
- (C) Cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult;
- (D) Photographing vulnerable adults in violation of W.S 6-4-304(b);
- (E) sexual abuse;
- (F) Intimidation; or
- (G) Exploitation

Exploitation: The reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult, to:

- (A) obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult's money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property;
- (B) In the absence of legal authority: (I) Employ the services of a third party for the profit or advantage of the person or another person to the detriment of a vulnerable adult; (II) Force, compel, coerce or entice a vulnerable adult to perform services for the profit or advantage of another against the will of the vulnerable adult.
- (C) Intentionally misuse the principal's property and, in so doing, adversely affect the principal's ability to receive health care or pay bills for basic needs or obligations; or
- (D) Abuse the fiduciary duty under a power of attorney, conservatorship or guardianship.

Neglect: The deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, other care and prescribed medication as necessary to maintain a vulnerable adult's life or health, or which may result in a life-threatening situation. The withholding of health care from a vulnerable adult is not neglect if:

- (A) Treatment is given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination;
- (B) The withholding of health care is in accordance with a declaration executed pursuant to W.S. 35-22-401 through 35-22-416; or
- (C) Care is provided by a hospice licensed in accordance with and pursuant to W.S. 35-2-901 through 35-2-910.

	<p>Self Neglect: When a vulnerable adult is unable, due to physical or mental disability, or refuses to perform essential self-care tasks, including providing essential food, clothing, shelter or medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety, or managing financial affairs.</p> <p>Intimidation: The communication by word or act to a vulnerable adult that he, his family, friends or pets will be deprived of food, shelter, clothing, supervision, prescribed medication, physical or mental health care and other medical care necessary to maintain a vulnerable adult's health, financial support or will suffer physical violence.</p> <p>Sexual Abuse: means sexual contact including, but not limited to, unwanted touching, all types of sexual assault or battery as defined in W.S. 6-2-302 through 6-2-304, sexual exploitation and sexual photographing.</p>
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The views expressed in this chart have not been approved by the ABA House of Delegates or the Board of Governors and should not be construed as representing the policy of the American Bar Association.