

**Mistreatment Definitions Statutory Crosswalk May 2017**

	<b>Department of Health Care Policy and Financing- Office of Community Living</b>	<b>Colorado Criminal Code</b>	<b>Department of Human Services- Adult Protective Services</b>
Caretaker	<p>"Caretaker" means a person who:</p> <ul style="list-style-type: none"> <li>• Is responsible for the care of a person with an intellectual and developmental disability as a result of a family or legal relationship;</li> <li>• Has assumed responsibility for the care of a person with an intellectual and developmental disability; or</li> <li>• Is paid to provide care, services, or oversight of services to a person with an intellectual and developmental disability.</li> </ul> <p align="right">C.R.S. 25.5-10-202 (1.6) (a)-(c)</p>	<p>"Caretaker" means a person who:</p> <ul style="list-style-type: none"> <li>• Is responsible for the care of an at-risk person as a result of a family or legal relationship;</li> <li>• Has assumed responsibility for the care of an at-risk person; or</li> <li>• Is paid to provide care or services to an at-risk person.</li> </ul> <p align="right">C.R.S. 18-6.5-102 (5) (a)-(c)</p>	<p>"Caretaker" means a person who:</p> <ul style="list-style-type: none"> <li>• Is responsible for the care of an at-risk adult as a result of a family or legal relationship;</li> <li>• Has assumed responsibility for the care of an at-risk adult; or</li> <li>• Is paid to provide care, services, or oversight of services to an at-risk adult.</li> </ul> <p align="right">C.R.S. 26-3.1-102 (2) (a)-(c)</p>
At-Risk Adult	N/A	<p>"At-risk adult with IDD" means a person who is eighteen years of age or older and is a person with an intellectual and developmental disability, as defined in section 25.5-10-202 (26) (a), C.R.S.</p> <p>"At-risk person" means an at-risk adult, an at-risk adult with IDD, an at-risk elder, or an at-risk juvenile.</p> <p align="right">C.R.S. 18-6.5-102 (2.5) &amp; (4.5)</p>	<p>"At-risk adult" means an individual eighteen years of age or older who is susceptible to mistreatment or self-neglect because the individual is unable to perform or obtain services necessary for his or her health, safety, or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or affairs.</p> <p align="right">C.R.S. 26-3.1-101 (1.5)</p>

Mistreatment	<p>"Mistreated" or "Mistreatment" means:</p> <ul style="list-style-type: none"> <li>• Abuse;</li> <li>• Caretaker neglect;</li> <li>• Exploitation;</li> <li>• An act or omission that threatens the health, safety, or welfare of a person with an intellectual and developmental disability; or</li> <li>• An act or omission that exposes a person with an intellectual and developmental disability to a situation or condition that poses an imminent risk of bodily injury to the person with an intellectual and developmental disability.</li> </ul> <p style="text-align: right;">C.R.S. 25.5-10-202 (29.5) (a)-(e)</p>	<p>"Mistreated" or "Mistreatment" means:</p> <ul style="list-style-type: none"> <li>• Abuse;</li> <li>• Caretaker neglect; or</li> <li>• Exploitation.</li> </ul> <p style="text-align: right;">C.R.S. 18-6.5-102 (10.5) (a)-(c)</p>	<p>"Mistreatment" means:</p> <ul style="list-style-type: none"> <li>• Abuse;</li> <li>• Caretaker neglect;</li> <li>• Exploitation;</li> <li>• An act or omission that threatens the health, safety, or welfare of an at-risk adult; or</li> <li>• An act or omission that exposes an at-risk adult to a situation or condition that poses an imminent risk of bodily injury to the at-risk adult.</li> </ul> <p style="text-align: right;">C.R.S. 26-3.1-101 (7) (a)-(e)</p>
Undue Influence	<p>"Undue influence" means the use of influence to take advantage of a person with an intellectual and developmental disability's vulnerable state of mind, neediness, pain, or emotional distress.</p> <p style="text-align: right;">C.R.S. 25.5-10-202 (37.5)</p>	<p>"Undue influence" means the use of influence to take advantage of an at-risk person's vulnerable state of mind, neediness, pain, or emotional distress.</p> <p style="text-align: right;">C.R.S. 18-6.5-102 (13)</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> <p style="text-align: right;">C.R.S. 26-3.1-101 (11)</p>

Abuse	<p>"Abuse" means any of the following acts or omissions committed against a person with an intellectual and developmental disability:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Confinement or restraint that is unreasonable under generally accepted caretaking standards; or</li> <li>• Subjection to sexual conduct or contact classified as a crime under the "Colorado Criminal Code", Title 18, C.R.S.</li> </ul> <p style="text-align: right;">C.R.S. 25.5-10-202 (1) (a)-(c)</p>	<p>"Abuse" means any of the following acts or omissions committed against an at-risk person:</p> <ul style="list-style-type: none"> <li>• The nonaccidental infliction of bodily injury, serious bodily injury, or death;</li> <li>• Confinement or restraint that is unreasonable under generally accepted caretaking standards; or</li> <li>• Subjection to sexual conduct or contact classified as a crime under this title.</li> </ul> <p style="text-align: right;">C.R.S. 18-6.5-102 (1) (a)-(c)</p>	<p>"Abuse" means any of the following acts or omissions committed against an at-risk adult:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Confinement or restraint that is unreasonable under generally accepted caretaking standards; or</li> <li>• Subjection to sexual conduct or contact classified as a crime under the "Colorado Criminal Code", title 18, C.R.S.</li> </ul> <p style="text-align: right;">C.R.S. 26-3.1-101 (1) (a)-(c)</p>
Bodily Injury	N/A- included as part of Abuse definition	<p>"Bodily injury" means physical pain, illness, or any impairment of physical or mental condition.</p> <p style="text-align: right;">C.R.S 18-1-901 (3) (c)</p>	N/A- included as part of Abuse definition
Serious Bodily Injury	N/A- included as part of Abuse definition	<p>"Serious bodily injury" means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.</p> <p style="text-align: right;">C.R.S 18-1-901 (3) (p)</p>	N/A- included as part of Abuse definition

Caretaker Neglect	<p>"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 and safety of a person with an intellectual and developmental disability is not secured for a person with an intellectual and developmental disability 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 with IDD.</p> <p style="text-align: right;">C.R.S. 25.5-10-202 (1.8) (a)</p>	<p>"Caretaker neglect" means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or any other treatment necessary for the health or safety of an at-risk person is not secured for an at-risk person 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 person.</p> <p style="text-align: right;">C.R.S. 18-6.5-102 (6) (a)</p>	<p>"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.</p> <p style="text-align: right;">C.R.S. 26-3.1-101 (2.3) (a)</p>
Exploitation	<p>"Exploitation" means an act or omission committed by a person who:</p> <ul style="list-style-type: none"> <li>• Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive a person with an intellectual and developmental disability of the use, benefit, or possession of any thing of value;</li> <li>• Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the person with an intellectual and developmental disability;</li> <li>• Forces, compels, coerces, or entices a person with an intellectual and developmental disability to perform services for the profit or advantage of the person or another person</li> </ul>	<p>"Exploitation" means an act or omission committed by a person who:</p> <ul style="list-style-type: none"> <li>• Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk person of the use, benefit, or possession of any thing of value;</li> <li>• Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk person;</li> <li>• Forces, compels, coerces, or entices an at-risk person to perform services for the profit or advantage of the person or another person against the will of the at-risk person; or</li> <li>• Misuses the property of an at-risk person in a manner that adversely affects the at-risk</li> </ul>	<p>"Exploitation" means an act or omission committed by a person that:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk adult;</li> <li>• 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</li> <li>• Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult's</li> </ul>

	<p>against the will of the person with an intellectual and developmental disability; or</p> <ul style="list-style-type: none"> <li>Misuses the property of a person with an intellectual and developmental disability in a manner that adversely affects the person with an intellectual and developmental disability's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.</li> </ul> <p>C.R.S. 25.5-10-202 (15.5) (a)-(d)</p>	<p>person's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.</p> <p>C.R.S. 18-6.5-102 (10) (a)-(d)</p>	<p>ability to receive health care or health care benefits or to pay bills for basic needs or obligations.</p> <p>C.R.S. 26-3.1-101 (4) (a)-(d)</p>
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