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Adult Protective Services: Background and Funding

Background

All 50 states, the District of Columbia, and five U.S. territories provide Adult Protective Services (APS) to address abuse, neglect, and exploitation of adults. APS programs serve seniors and adults with disabilities by offering a system for reporting and investigating abuse, providing protective and social services to victims, and coordinating with other state and local government entities and community-based organizations.

APS programs differ in the populations and settings they serve as defined under state laws. There is no uniform definition across state APS programs for who is served or what social services are provided. In general, APS programs use age and disability criteria to define the populations they serve. Most states (35 states) serve adults with a disability (of any age). Another 13 states serve younger individuals with a disability and older adults (aged 60 or 65 and older with or without disability). A few states serve only older adults. APS programs investigate reports involving those who live in the community, either in their own home or another private residence. The authority for APS to investigate incidents in residential facilities varies by state. Data on APS programs described in this In Focus are from the most recent National Adult Maltreatment Reporting System (NAMRS) 2023 Report.

Anyone can make a report to APS, and some states require certain professionals, relatives, or caregivers to be mandatory reporters. Most reports are made by phone to a hotline number. Nationally, APS programs accepted just over 885,000 reports for investigation (58%) out of almost 1.532 million reports of adult maltreatment in FY2023, the most recent data available. Many reports are screened out if the alleged maltreatment does not meet the population, setting, or jurisdiction eligibility criteria. In those situations, APS may refer the case to a more appropriate agency, such as a state regulatory or licensing program, law enforcement agency, or social services program. APS may also provide information to assist the alleged victim.

APS programs investigate various types of abuse by alleged perpetrators, and most programs also investigate self-neglect, which, for some states, does not have a named alleged perpetrator. APS cases consist of the investigation and, in some states, the provision of protective services to address the safety, health, and well-being of a victim based on identified needs. APS programs investigate a variety of adult maltreatment types that are state-defined, and definitions of maltreatment vary across states. In FY2023, all state APS programs investigated allegations of neglect and physical abuse. Over 90% of states investigated self-neglect and sexual abuse; more than 80% of states investigated financial exploitation and emotional abuse.

As in previous reporting years, in FY2023, the number of self-neglect victims was higher than all other maltreatment types combined. Financial exploitation and neglect were the second and third maltreatment types with the highest number of victims. Among clients that received an investigation (58%), about 35% had a substantiated investigation (victims), with 46% of victims and 39% of all clients receiving protective and social services. An investigation does not need to be substantiated to assist clients with needed services. Services are voluntary, except when a court determines that an individual is unable to make sound decisions regarding their own health and safety.

Federal Funding

Funding for state APS programs is derived from various funding streams. Federal funds are often used to supplement state and local funding. Federal funding dedicated to APS activities was first authorized as part of the Elder Justice Act (EJA), which was enacted in 2010 as part of the Patient Protection and Affordable Care Act (ACA, P.L. 111-148, as amended) and is included at Title XX-B of the Social Security Act (SSA). Many states, however, provide funding for APS using flexible federal funding that is not entirely devoted to APS but may help support these activities. This funding includes formula grant programs authorized under the Older Americans Act (OAA) as well as the Social Services Block Grant (SSBG, Title XX-A of the SSA). For FY2022 (the most recent year for which data are available), states estimated total spending for APS out of all federal, state, and local sources at \$480 million. Thirty percent of that total (\$145 million) was supported with SSBG funds. Comparable data on the share or amount of APS spending sourced from OAA and EJA grants or from state and local dollars are not available. However, primary federal funding sources for this work are expected to be OAA grants and SSBG.

Elder Justice and APS Funding

The Administration for Community Living (ACL) within the U.S. Department for Health and Human Services (HHS) administers OAA and EJA funding at the federal level. Congress has commonly used report language accompanying annual Labor-HHS-Education (LHHS) appropriations laws to direct ACL to fund “Elder Justice and APS” activities. In addition to this regular discretionary funding, in recent years supplemental funding (both discretionary and mandatory) has been provided to support these activities (see **Table 1**).

Regular Discretionary Funding

In each of FY2020 to FY2026, annual appropriations ranging from \$12.0 million to \$30.0 million were directed to Elder Justice and APS activities. Funding for these

activities doubled between FY2022 and FY2023, with the full \$15 million increase provided for APS formula grants to states. For FY2026, annual LHHS appropriations were \$30.0 million, which was the same amount as prior fiscal year funding levels.

Table 1. Funding for Elder Justice and Adult Protective Services (APS), FY2020-FY2026
(dollars in millions)

Fiscal Year	LHHS Regular Discretionary	CRRSA	ARPA
		Supplemental Appropriations Discretionary	
FY2020	\$12.0	—	—
FY2021	\$14.0	\$100.0	\$88.0
FY2022	\$15.0	—	\$188.0
FY2023	\$30.0	—	—
FY2024	\$30.0	—	—
FY2025	\$30.0	—	—
FY2026	\$30.0	—	—

Source: Conference reports or explanatory statements accompanying annual Labor-HHS-Education (LHHS) Appropriations Acts for FY2020-FY2024; the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA, Division M of P.L. 116-260); the American Rescue Plan Act of 2021 (ARPA; P.L. 117-2); ACL operating plans for FY2020-FY2023 and FY2026 (for FY2025 and FY2026 amounts).

Supplemental and Mandatory Funding

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA, Division M of P.L. 116-260) and the American Rescue Plan Act (P.L. 117-2) appropriated a combined \$376 million to support Elder Justice activities authorized in Title XX-B of the SSA, including formula grants to states for APS programs (authorized in Section 2042(b) of the SSA).

Specifically, CRRSA provided a total of \$100.0 million in supplemental funding for EJA activities to address the Coronavirus Disease 2019 (COVID-19) response, including at a minimum \$50 million for APS formula grants. This funding was available in FY2021 only. ARPA appropriated a total of \$276 million in mandatory funding for Elder Justice activities in FY2021. Of this total, ARPA made \$88 million available in FY2021 and \$188 million available in FY2022 to remain available until expended. Both provisions reserved a portion of the funds for APS formula grants under SSA Section 2042(b).

Federally Funded APS Activities

Federal funding for Elder Justice and APS has been used for data collection, research, program development and evaluation, and the state formula grants described below. ACL has also established the APS Technical Assistance Resource Center to facilitate the development of APS systems and the National APS Training Center to serve as an educational resource for APS professionals.

National Adult Maltreatment Reporting System

NAMRS is the first data system of its kind to collect national data on abuse and exploitation of older adults and adults with disabilities, as reported to state APS programs. The data collected for NAMRS is used to report national statistics on the policies and practices of state APS programs. NAMRS gathers case-level data on client and perpetrator characteristics; types of maltreatment allegations and related findings; risk and protective factors associated with clients; services received or identified; and client outcomes, based upon the knowledge available to APS programs. State participation in NAMRS is voluntary, and data are collected annually. All 50 states, the District of Columbia, and five U.S. territories voluntarily participate.

Elder Justice Innovation Grants

ACL established the Elder Justice Innovation Grants program in FY2015 to address adult maltreatment prevention, support program development and evaluation, and further evidence-based research. ACL-funded competitive grants have sought to enhance APS approaches to cases involving opioids and substance use disorders, develop and implement emergency shelter models, and improve guardianship and conservatorship.

APS Formula Grants

SSA Section 2042(b) authorizes grants to states, DC, and territories to enhance the provision of APS. Grant allotments are awarded to entities under a statutory formula. Funding is primarily allocated to entities based on the total number of “elders” in each state or territory relative to all elders in the United States. The EJA defines “elder” as an individual aged 60 years and older. There is a minimum grant amount for the 50 states that is no less than 0.75% of the total grant amount for the respective fiscal year. The minimum grant amount for U.S. territories and DC is no less than 0.10% of the total grant amount.

APS Regulations

ACL published a final rule to establish for the first time federal regulations for APS programs in 2024. States and other regulated entities have until May 8, 2028, to comply. According to ACL, the final rule reflects requests from federal and state program officials and policymakers for federal guidance, resources, and additional support for victims of adult maltreatment. The rulemaking effort represented extensive stakeholder input and engagement across several years and built upon the National Voluntary Consensus Guidelines for State APS Systems established by ACL in 2016. Statutory formula funding for APS programs first appropriated in 2021 heightened interest in rulemaking. The final rule creates national standards and defines terms necessary for data collection and information sharing across states. It aims to promote person-directed care and requires conflict of interest policies and collaboration with state Medicaid agencies, long-term care ombudsmen, tribal APS, and law enforcement, among others. It also requires entities to create state plans, subject to ACL approval, at least every five years, as well as to submit annual performance data.

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