

18-6.5-102. Definitions

As used in this article, unless the context otherwise requires:

(1) "Abuse" means any of the following acts or omissions committed against an at-risk elder:

- (a) The nonaccidental infliction of bodily injury, serious bodily injury, or death;
- (b) Confinement or restraint that is unreasonable under generally accepted caretaking standards;
- (c) Subjection to sexual conduct or contact classified as a crime under this title; and
- (d) Caretaker neglect.

(2) "At-risk adult" means any person who is seventy years of age or older or any person who is eighteen years of age or older and is a person with a disability as said term is defined in subsection (11) of this section.

(3) "At-risk elder" means any person who is seventy years of age or older.

(4) "At-risk juvenile" means any person who is under the age of eighteen years and is a person with a disability as said term is defined in subsection (11) of this section.

(5) "Caretaker" means a person who:

- (a) Is responsible for the care of an at-risk adult, at-risk juvenile, or at-risk elder as a result of a family or legal relationship;
- (b) Has assumed responsibility for the care of an at-risk adult, at-risk juvenile, or at-risk elder; or
- (c) Is paid to provide care or services to an at-risk adult, at-risk juvenile, or at-risk elder.

(6) "Caretaker neglect" means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for an at-risk adult or an at-risk elder 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; except that 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, and artificial nutrition and hydration, in accordance with any valid medical directive or order or as described in a palliative plan of care shall not be deemed caretaker neglect. As used in this subsection (6), "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 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.

(7) "**Clergy member**" means a priest; rabbi; duly ordained, commissioned, or licensed minister of a church; member of a religious order; or recognized leader of any religious body.

(8) "**Convicted**" and "**conviction**" mean a plea of guilty accepted by the court, including a plea of guilty entered pursuant to a deferred sentence under section 18-1.3-102, a verdict of guilty by a judge or jury, or a plea of no contest accepted by the court.

(9) "**Crime against an at-risk adult or at-risk juvenile**" means any offense listed in section 18-6.5-103 or criminal attempt, conspiracy, or solicitation to commit any of those offenses.

(10) "**Exploitation**" means an act or omission committed by a person who:

(a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk elder of the use, benefit, or possession of his or her money, assets, or property;

(b) In the absence of legal authority:

(I) 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 elder; or

(II) Forces, compels, coerces, or entices an at-risk elder to perform services for the profit or advantage of the person or another person against the will of the at-risk elder; or

(c) Misuses the property of an at-risk elder in a manner that adversely affects the at-risk elder's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

(11) "**Person with a disability**" means any person who:

(a) Is impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness;

(b) Is unable to walk, see, hear, or speak;

(c) Is unable to breathe without mechanical assistance;

(d) Is developmentally disabled as defined in section 27-10.5-102 (11), C.R.S.;

Editor's note: This version of paragraph (d) *is effective until March 1, 2014.*

(d) Is a person with an intellectual and developmental disability as defined in section 25.5-10-202, C.R.S.;

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(e) Is a person with a mental illness as the term is defined in section 27-65-102 (14), C.R.S.;

(f) Is mentally impaired as the term is defined in section 24-34-301 (2.5) (b) (III), C.R.S.;

(g) Is blind as that term is defined in section 26-2-103 (3), C.R.S.; or

(h) Is receiving care and treatment for a developmental disability under article 10.5 of title 27, C.R.S.

(12) "Position of trust" means assuming a responsibility, duty, or fiduciary relationship toward an at-risk adult or at-risk juvenile.

(13) "Undue influence" means the use of influence by someone who exercises authority over an at-risk elder in order to take unfair advantage of the at-risk elder's vulnerable state of mind, neediness, pain, or agony.