

OLDER ADULT PROTECTIVE SERVICES ACT (OAPSA)

This Act is supposed to oversee and investigate any types of abuses or neglect to elder people, especially those in in guardianships. But, a recent audit of the PA Department of Aging in September 2026, found many, many problems and a massive lack of concern for the elderly.

This Act gives more proof that despite what a DA office or the FBI might tell you that guardianship corruption is only a civil matter, not criminal, the FACTS are there are many laws that prove elder abuse, neglect and financial exploitation of the elderly are criminal matters to be prosecuted by the local DA and/or FBI.

The **Older Adults Protective Services Act (OAPSA)** is a Pennsylvania law—**Act 79 of 1987**, generally codified at **35 P.S. § 10225.101 et seq.**—designed to protect people **age 60 and older** from **abuse, neglect, exploitation, and abandonment**.  Pennsylvania Ge... +1

The law is especially important when an older adult lacks the capacity to protect themselves and is at imminent risk. Pennsylvania expressly states that the purpose is **not to unnecessarily restrict an older adult's personal liberty**; protective services are supposed to safeguard the person's rights while protecting their health, safety, welfare, and property.  Pennsylvania Ge...

What OAPSA covers

Under the statute, important categories include:

- **Abuse** — such as causing injury, unreasonable confinement, intimidation or punishment resulting in physical harm, pain, or mental anguish; it also includes certain willful deprivation of necessary goods or services and sexual abuse.
- **Neglect** — failure by the older adult or a caretaker to provide goods or services necessary to avoid a clear and serious threat to physical or mental health.
- **Exploitation** — conduct involving an older adult or the older adult's resources, without informed consent—or with consent obtained through misrepresentation, coercion, or threats—that produces a benefit for the perpetrator or a loss to the older adult.
- **Abandonment** — desertion of an older adult by a caretaker.  Pennsylvania Ge...

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The law establishes a statewide protective-services system. Local **Area Agencies on Aging (AAAs)** investigate reports and arrange protective services. Pennsylvania also imposes mandatory reporting requirements on certain facility employees and administrators when they suspect abuse.  Pennsylvania.gov

Why this may be important in a guardianship situation

OAPSA can be relevant even when an older adult is under guardianship. A guardianship does **not** mean that abuse, neglect, exploitation, intimidation, or improper deprivation of necessary care becomes permissible.

One particularly relevant definition is "**exploitation**." Pennsylvania's statute focuses on conduct involving the older person's resources that occurs without informed consent, or through misrepresentation, coercion, or threats, and results in a benefit to another person or a loss to the older adult.  Pennsylvania Ge...

That means allegations involving an older person's **money, property, payments to caregivers, or other use of the person's assets** can potentially implicate OAPSA, depending on the facts. However, OAPSA does not automatically make every questionable expenditure or excessive professional fee a crime; other Pennsylvania statutes and Orphans' Court fiduciary rules can also be important.

Pennsylvania currently provides a **24-hour Statewide Elder Abuse Helpline: 1-800-490-8505**. The Pennsylvania Department of Aging oversees OAPSA for people age 60 and older.  Pennsylvania.gov

[Read the Pennsylvania Older Adults Protective Services Act](#) »

Given the guardianship issues you've been asking about, I can also explain how **OAPSA could apply specifically to a guardian, lawyer, nursing home, or care manager who allegedly financially exploited or neglected an incapacitated older adult in Montgomery County**, including which sections of the law would matter.