

## HOW TO REPORT ADULT ABUSE:

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*The author's opinions do not reflect any official opinions or policies of the Georgia Board of Examiners of Psychologists ("licensing board") or the Georgia Psychological Association (GPA). This article is designed to be educational in nature and is not intended to provide legal advice. The reader is encouraged to contact an attorney for legal advice regarding state laws governing professional conduct. The information contained in this article has been taken from Adult Protective Services information provided by the Division of Aging Services of the Georgia Department of Human Services as well as the Official Code of Georgia Annotated (OCGA).*

Adult Protective Services (APS) is the state entity charged with investigating all reports of abuse, neglect, and/or exploitation of older persons (65 years or older) or an adult (18 years or older) with a disability who do not reside in long-term care facilities pursuant to the Disabled Adults and Elder Persons Protection Act (OCGA. §§ 30-5-1, et seq.). Types of abuse include physical abuse; mental, emotional, or verbal abuse; sexual abuse; neglect; self-neglect; and financial exploitation.

### **What is the legal threshold for reporting abuse of a disabled adult or elder person?**

Reporting is required when there is "reasonable cause to believe that a disabled adult or elder person has been the victim of abuse, other than by accidental means, or has been neglected or exploited" (OCGA § 30-5-4 [a][1][A]).

### **What is a resident?**

Georgia's reporting requirements differentiate between "residents" and non-residents, although disabled adults and elder persons are included in both categories. A resident refers to "any person receiving treatment or care in a long-term care facility" (OCGA § 31-8-81[4]). A long-term care facility or simply "facility"

refers to any skilled nursing home, intermediate care home, assisted living community, personal care home, or community living arrangement now or hereafter subject to regulation and licensure by the department" (OCGA § 31-8-81[4]). Abuse, exploitation, or negligence of a resident of a facility is required by law (OCGA § 31-8-82).

### **What is an elder person?**

As defined by OCGA § 30-5-3 (6), "Elder person" means a person 65 years of age or older who is not a resident."

### **What is a disabled adult?**

As defined by OCGA § 30-5-3 (5), "Disabled adult means a person 18 years of age or older who is not a resident, but who (1) is mentally or physically incapacitated, (b) has Alzheimer's disease, as defined in Code Section 31-8-180, or (c) has dementia, as defined in Code Section 16-5-100."

### **What is mental or physical incapacitation?**

As defined by OCGA § 30-5-3 (5), "Mentally or incapacitated" means an impairment which substantially affects an individual's ability to: (A) provide personal protection; (B) Provide necessities, including but not limited to food, shelter, clothing, medical, or other health care; (C) Carry out the activities of daily living; or (D) Manage his or her resources."

### **What is considered abuse?**

As defined by OCGA § 30-5-3 (1), "Abuse means the willful infliction of physical pain, physical injury, sexual abuse, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person." For persons in long-term care facilities, intentional or gross neglect that causes an injury is considered a type of abuse (OCGA § 31-8-81 [1]).

**What is considered neglect?**

As defined by OCGA § 30-5-3 (14), “Neglect means 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.” In a long-term care facility, neglect is included under the statutory definition of abuse, defined as follows: “Abuse means any intentional or grossly negligent act or series of acts or intentional or grossly negligent omission to act which causes injury to a resident, including, but not limited to, assault or battery, failure to provide treatment or care, or sexual harassment of the resident” (OCGA § 31-8-81 [1]).

**What is considered sexual abuse?**

As defined by OCGA § 30-5-3 (14), “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: (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 (F) Penetration of the vagina or rectum by any object except when done as part of a recognized medical or nursing procedure.”

**Who should report abuse, neglect and exploitation?**

For persons living in the community, Georgia law requires mandatory reporting of suspected abuse, neglect or exploitation by certain professionals who are defined as mandated reporters. Failure of a mandated reporter to

report abuse, neglect and/or exploitation of a disabled adult or elder person is punishable by a criminal misdemeanor.

**Who is designated as a mandated reporter?**

As stated in OCGA § 30-5-4 [a][1][A][i], a mandated reporter includes “any person required to report child abuse as provided in subsection (c) of Code Section 19-7-5.” For disabled adults and elder persons, mandated reporters also include the following under OCGA § 30-5-4 ([a][1][A]): “(ii) Physical therapists; (iii) Occupational therapists; (iv) Day-care personnel; (v) Coroners; (vi) Medical examiners; (vii) Emergency medical services personnel, as such term is defined in Code Section 31-11-49; (viii) Any person who has been certified as an emergency medical technician, cardiac technician, paramedic, or first responder pursuant to Chapter 11 of Title 31; (ix) Employees of a public or private agency engaged in professional health related services to elder persons or disabled adults; and (x) Clergy members.”

**All persons are encouraged to report suspected abuse to protective services.**

Persons who report in good faith are immune from liability. Reporting is kept confidential within the parameters of state law (OCGA § 30-5-4).

**How should abuse or neglect be reported?**

To report abuse of Elder Persons or Adults with Disabilities, a report can be filed by calling the Georgia Aging and Disability Network toll-free **1-866-552-4464 (1-866-55AGING)** and then press option “3” to report abuse or neglect. A report can also be filed on the web with the Aging and Disability Network (<https://hssgaprod.wellsky.com/assessments/?WebIntake=97267103-7A5E-4B72-B44F-DD4264B727D8>). The [Online Reporting Form](#) is not compatible with Internet Explorer 10.

APS is not a first responder. Call 911 if someone is in immediate danger!

**What about children?**

The Georgia DFCS receives reports of abuse, neglect, and exploitation through a Centralized Intake at **1-855-422-4453 (1-855-GACHILD)**. A report can be made 24 hours a day and 7 days a week. An e-mail report can be made by sending the completed [Georgia Child Protective Services Mandated Reporter Form](#) as a file attachment to Centralized Intake at this link: [CPSIntake@DHS.GA.GOV](mailto:CPSIntake@DHS.GA.GOV)

For additional information about child abuse, see the resource listed below:

Doverspike, W. F. (2018). How to report child abuse. [http://drwilliamdoverspike.com/files/how\\_to\\_report\\_child\\_abuse.pdf](http://drwilliamdoverspike.com/files/how_to_report_child_abuse.pdf)

### References

Confidentiality, Ga Code §31-8-86 (2013).

Definitions, Ga Code § 30-5-3 (2013).

Definitions, Ga Code § 31-8-81 (2013).

Discrimination and Retaliation for Reporting Prohibited, Ga Code § 30-5-4.1 (2020).

Evaluation of Results of Investigation; Protection of Resident, Ga Code § 31-8-84 (1980).

Investigations, Ga Code § 31-8-83 (1980).

Investigation of Reports of Need for Protective Services; Interference with Investigation; Provision of protective services, Ga Code § 30-5-5 (2013).

Legislative Purpose, Ga Code § 30-5-2 (2018).

Long-Term Care Facility Resident Abuse Reporting Act Ga Code § 31-8-80 et seq. (1980).

Persons required to Report Abuse or Exploitation; Time for Making Report; Contents of Report; Records; Privileged Communications, Ga Code § 31-8-82 (2013).

Protection of Disabled Adults and Elder Persons, Ga Code §§ 30-5-1, et seq. (2018).

Reporting of Need for Protective Services; Manner and Contents of Report; Immunity from civil or criminal liability; privileged communications. § 30-5-4 (2018).

Short title, Ga Code § 30-5-1 (2013).

Short title, Ga Code § 31-8-80 (1980).

Reporting of Child Abuse, Ga. Code § 19-7-5 (2020).

### Resources

Division of Aging Services. (n.d.). Adult Protective Services. Georgia Department of Human Services. (<https://aging.georgia.gov/report-elder-abuse/adult-protective-services-aps>)

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Doverspike, W. F. (2022). How to report adult abuse. <http://drwilliamdoverspike.com/>

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