

HOW TO REPORT CHILD ABUSE:

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Children need to be nurtured and protected. Unfortunately, some parents are unable to care for their children. When neglect or abuse of a child occurs, someone must step in to ensure the child's safety. The community, the police, and courts, and state and local agencies share this responsibility. In Georgia, the Division of Family and Children Services (DFCS) is the state agency designated to reduce the risk to children and strengthen families. DFCS receives reports of abuse and neglect through a centralized line (1-855-GACHILD) that operates 24 hours per day, seven days per week.

The Official Georgia Code Annotated (OCGA) § 19-7-5 defines types of child abuse and the requirements for reporting of such abuse. The purpose of the law and the interpretive considerations are contained in the law itself:

The purpose of this Code section is to provide for the protection of children. It is intended that mandatory reporting will cause the protective services of the state to be brought to bear on the situation in an effort to prevent abuses, to protect and enhance the welfare of children, and to preserve family life wherever possible. This Code section shall be liberally construed so as to carry out the purposes thereof. OCGA § 19-7-5 (a)

Who is a child?

In Georgia, "child" means any person who is under age 18 years.

What is the legal threshold for reporting child abuse?

Reporting is appropriate when there is "reasonable cause to believe that suspected child abuse has occurred."

What are the types of child maltreatment?

Georgia recognizes child maltreatment as neglect, physical abuse, sexual abuse, sexual exploitation, and endangering a child.

What is considered child abuse or neglect?

- *Neglect* is the failure of the parent or caretaker to see that a child is adequately fed, clothed, housed, or supervised. In Georgia as well as nationally, the majority of mandated reports of child maltreatment involve neglect U.S. Department of Health and Human Services, 2018).
- *Physical abuse* is injury to a child by a parent or caretaker by other than accidental means. Injury means an action that results in a child sustaining a bruise, welt, fracture, burn, cut, or internal injury.
- *Sexual abuse* occurs when a parent or other adult uses a child under age 18 for sexual gratification.
- *Sexual exploitation* means conduct by any person who allows, permits, encourages, or requires a child to engage in prostitution or sexually

explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

- *Endangering a child* is a category that was added to the law effective July 1, 2016. This change resulted in Georgia moving from a *harm standard* (i.e., harm has occurred) to the lower threshold of a *danger standard* (i.e., harm might occur). Child endangerment can include one of the following four areas:

- (1) Allowing a child to witness the commission of a forcible felony, battery, or family violence battery...” (OCGA § 16-5-70).
- (2) Presence of a child during manufacture of methamphetamine (OCGA § 16-5-73). Methamphetamine includes methamphetamine, amphetamine, or any mixture containing either methamphetamine or amphetamine, as described in Code Section § 16-13-26.
- (3) Presence of a child in (3) an automobile in which someone is driving under the influence of alcohol, drugs, or other intoxicating substances (OCGA § 40-6-391).
- (4) Prenatal abuse, as defined in OCGA 15-11-2.

If you think a child is being hurt or neglected, whom do you call?

Reports can be made by calling 1-855-GACHILD (1-855-422-4453) 24 hours a day, 7 days a week, 365 days per year. By state law, the report is required to be kept confidential. However, it can be more helpful for the child if you are willing to testify in court if necessary. If you believe a child is in immediate danger, please call the police (911).

Are mandated reporters required to report child abuse based on information learned through privileged communication?

Georgia statutory law states the following:

Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator. (OCGA § 19-7-5 [c][3][g])

What happens when someone calls DFCS to report suspected abuse or neglect?

An intake worker will first determine whether the call is about the maltreatment of a child under age 18 by a parent or caretaker. Reports that fall within the guidelines stated above are assessed by DFCS, frequently along with the police. Georgia law requires DFCS to notify police of all reports of abuse. In-person response times range from within 24 hours to five days depending on the nature and severity of the allegation, the age of the child, and history of the family with the agency, if any. The main concern throughout the assessment is the safety of the child.

Under what conditions may DFCS remove children who are in imminent danger?

If the CPS staff determine that it is not safe for a child to remain at home, DFCS will file a petition with the local juvenile court to request temporary custody. A hearing will be held with juvenile court to discuss who should retain ongoing.

What happens to children who are left with their families after DFCS has substantiated abuse or neglect?

DFCS works with families to provide services and referrals to decrease safety issues in the home and increase the parental capacities whenever possible. The most intensive services are provided to high risk facilities. DFCS will continue to evaluate the safety of children in the home. An alternative plan will be developed for any child determined to be unsafe.

What kinds of services are offered to these families?

Family services include referral for alcohol and drug treatment, referrals for employment and child support, parenting education, counseling, in-home parent aides, and child care.

What happens if a child is still being neglected or is abused again?

If at any time determined that the child can't be maintained safely in the home, DFCS must go to court to seek temporary custody of the child.

Does Georgia emphasize keeping the family unit together at all costs?

No. The most important consideration is the safety and protection of the child.

Where do children go when they must be moved from the home to ensure their safety?

DFCS places a child in the least restrictive, most appropriate setting possible. Before DFCS places the child, the placement must be able to meet the needs of the child. Generally, a DFCS staff member looks for a relative in order to continue a child's bond with family. Relatives must demonstrate they are willing and able to provide a safe and loving home for a child.

DFCS evaluates all potential homes including relative and non-relative placements. Possible placement options include living with a relative, in a foster home (either publicly or privately managed), or in a child caring institution (CCI).

References

- Reporting of Child Abuse, Ga. Code § 19-7-5 (2018).
- Georgia Division of Family & Children Services. (2016). *Child protective services*. Atlanta, GA: Author.
- U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2018). *Child Maltreatment 2016*. Washington, DC: Author.

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Content last updated 2018**

The correct citation for this article is Doverspike, W. F. (2018). How to report child abuse. Retrieved from <http://drwilliamdoverspike.com/>