

## HOW TO REPORT CHILD 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 the Official Code of Georgia Annotated (OCGA) as well as Fact Sheets provided by the Georgia Division of Family & Children Services (2016) and Prevent Child Abuse Georgia (2019).*

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.

The Georgia DFCS receives reports of abuse and neglect through a Centralized Intake toll-free **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)

### **Purpose: Prevent, Protect, and Preserve**

The Official Georgia Code Annotated (OCGA)<sup>1</sup> § 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 (OCGA 19-7-5 [4][b]).

### **What is the legal threshold for reporting child abuse?**

Reporting is mandated when there is "reasonable cause to believe that suspected child abuse has occurred" (OCGA 19-7-5 [c][1]). This language, which became effective after House Bill (HB) 268 (Child abuse; mandatory reporters; change provisions) was enacted July 1, 2015, provides a broader statutory definition that the original language of "a child has been abused." HB 268 did not clarify the meaning of the term "suspected child abuse." For mandated reporters, the law states that they "shall report or cause reports of such abuse to be made."

### **What are the types of child maltreatment?**

Georgia recognizes physical abuse, neglect, sexual abuse, emotional abuse, sexual exploitation, prenatal abuse, and trafficking.

### What is considered child abuse or neglect?

Georgia law recognizes seven forms of abuse or neglect:

- (A) **Physical abuse** is physical injury or death inflicted upon a child by a parent, guardian, legal custodian, or other person responsible for the care of such child thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child. Injury is usually interpreted as meaning an action that results in a child sustaining a bruise, welt, fracture, burn, cut, or internal injury.
- (B) **Neglect** is failure to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for a child's physical, mental, or emotional health or morals. Whereas the previous wording was statutorily undefined other than "neglect or exploitation of a child by a parent or caretaker thereof," effective January 1, 2022, the statute was broadened to include "neglect or exploitation of a child by a parent, guardian, legal custodian, or other person responsible for the care of such child" (Ga. L. 2021, p. 134, § 12/SB 28). Georgia recognizes three types of neglect: (A) The failure to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for a child's physical, mental, or emotional health or morals. (B) The failure to provide a child with adequate supervision necessary for such child's well-being. (C) The abandonment of a child by his or her parent, guardian, or legal custodian. 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, 2020).
- (C) **Emotional abuse** is reportable under Georgia law effective January 1, 2022 (Ga. L. 2021, p. 134, § 12/SB 28). Under Code Section 19-7-5 (b)(8), emotional abuse "means acts or omissions by a parent, guardian, legal custodian, or other person responsible for the care of a child that cause any mental injury to such child's intellectual or psychological capacity as evidenced by an observable and significant impairment in such child's ability to function within a child's normal range of performance and behavior or that create a substantial risk of impairment."
- (D) **Sexual abuse** means a person's employing, using, persuading, inducing, enticing, or coercing any minor (i.e., under age 18) who is not such person's spouse to engage in any act for sexual gratification. Effective July 1, 2017, sexual abuse also includes any act described by Code Section OCGA §16-5-46 (Trafficking of persons for labor or sexual servitude; Ga. L. 2017, p. 343, § 1/ HB 86). **Sexual exploitation** means conduct by any person who allows, permits, encourages, or requires a child to engage in: (A) sexual servitude, as defined in Code Section 16-5-46, or (B) sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.
- (E) **Prenatal abuse** is a concept added to this code section under the broader category of "endangering a child" by HB 905 effective July 1, 2016 (Ga. L. 2016, p. 773, § 2/ HB 905). Effective January 1, 2022, the definition of "prenatal abuse" under OCGA § 19-7-5([b][5][E]) was narrowed to "prenatal abuse of a child by a parent" (Ga. L. 2021, p. 134, § 12/SB 28; underline added). "Prenatal abuse" means exposure to chronic or severe use of alcohol or the unlawful use of any controlled substance, as such term is defined in Code Section § 16-13-21, which results in: (A) Symptoms of withdrawal in a newborn or the presence of a controlled substance or a metabolite thereof in a newborn's body, blood, urine, or meconium that is not the result of medical treatment; or (B) Medically diagnosed and harmful effects in a newborn's physical appearance or functioning. The same definition of prenatal abuse is cross referenced in the Definitions section under Title 15 (Courts) in Code Section 15-11-2 (56).
- (F) **Endangering a child** was a concept that was statutorily added by HB 905 effective July 1, 2016, but the concept was re-termed and re-defined under SB 28 (Ga. L. 2021, p. 134, § 12/SB 28). Effective January 1, 2022, under Code Section 19-7-5 (b)(5)(F), child abuse includes "an

act or failure to act that presents an imminent risk of serious harm to the child’s physical, mental, or emotional health.” It is unclear why legislators during the 2021-2022 Regular Session decided to remove any act described by subsection (1) of Code Section 40-6-391 from the statute. For cross-reference purposes, Code Section 40-6-391 (1) states, “A person who violates this Code section while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. The offense of endangering a child by driving under the influence of alcohol or drugs shall not be merged with the offense of driving under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1.” Presumably, there are mandated reporters who would consider this type of child endangerment to meet the statutory threshold of “imminent risk of serious harm to the child’s physical, mental, or emotional health” under OCGA 19-7-5 (b)(5)(F).

(G) **Trafficking** a child for labor servitude is explicitly included as reportable child abuse effective January 1, 2022 (Ga. L. 2021, p. 134, § 12/SB 28). Under Code Section 19-7-5 (b)(9), the term *labor servitude* “means work or service of economic or financial value which is performed or provided by another individual and is induced or obtained by coercion or deception.” This definition of “labor servitude” can be cross-referenced to Code Section 16-5-46(a)(3). A more specific interpretation of labor servitude is found under Code Section 16-5-45(b), “A person commits the offense of trafficking a person for labor servitude when that person knowingly subjects or maintains another in labor servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of labor servitude.” Relatedly, the concept of *sexual servitude* is defined with specificity under Code Section 16-5-46(c), which states, “A person commits the offense of trafficking a person for sexual servitude when that person knowingly subjects or maintains another in sexual servitude or knowingly recruits, entices,

harbors, transports, provides, or obtains by any means another person for the purpose of sexual servitude.” As indicated previously, sexual servitude is reportable under Code Section 19-7-5(b)(18) as a type of sexual exploitation.

### **What does *child endangerment* mean?**

The term *endangering a child* is a category that was added to Georgia law when HB 905 (Courts; child abuse; change provisions) was enacted during the 2016 legislative session and became 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). Under the provisions of OCGA 19-7-5(b)(4), child endangerment included any of the following four areas:

- (A) Any act described by subsection (d) of Code Section 16-5-70, such as allowing a child to witness the commission of a forcible felony, battery, or family violence battery... (OCGA § 16-5-70).
- (B) 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.
- (C) Presence of a child in an automobile in which someone is driving under the influence of alcohol, drugs, or other intoxicating substances (OCGA § 40-6-391).
- (D) Prenatal abuse, as defined in OCGA 15-11-2.

The term *endangering a child* was removed from Georgia law when Senate Bill (SB) 28 (Juvenile Code and Domestic Relations; provisions relating to the protection of children; strengthen, clarify and update) was enacted during the 2021 legislative session and became effective January 1, 2022. In part, the term was no longer required

because the four categories listed under *endangering a child* in the revised statute were defined in a more inclusive and specific manner under Section E (Prenatal abuse) and Section F (An act or failure to act that presents an imminent risk of serious harm to the child's physical, mental, or emotional health ...).

### **How is *prenatal abuse* defined?**

As defined by OCGA §15-11-2 (56), *prenatal abuse* means exposure to chronic or severe use of alcohol or the unlawful use of any controlled substance, as such term is defined in Code Section 16-13-21, which results in:

- (A) Symptoms of withdrawal in a newborn or the presence of a controlled substance or a metabolite thereof in a newborn's body, blood, urine, or meconium that is not the result of medical treatment; or
- (B) Medically diagnosed and harmful effects in a newborn's physical appearance or functioning.

### **What does the term *abandonment* mean?**

SB 28 (eff. January 1, 2022) adopted the definition of *abandonment* under OCGA § 15-11-2(1). Abandonment means any conduct on the part of a parent, guardian, or legal custodian showing an intent to forgo parental duties or relinquish parental claims. Intent to forgo parental duties or relinquish parental claims may be evidenced by:

- (A) Failure, for a period of at least six months, to communicate meaningfully with a child
- (B) Failure, for a period of at least six months, to maintain regular visitation with a child
- (C) Leaving a child with another person without provision for his or her support for a period of at least six months
- (D) Failure, for a period of at least six months, to participate in any court ordered plan or program

designed to reunite a child with his or her parent, guardian, or legal custodian

- (E) Leaving a child without affording means of identifying such child or his or her parent, guardian, or legal custodian and (i) The identity of such child's parent, guardian, or legal custodian cannot be ascertained despite diligent searching; and (ii) A parent, guardian, or legal custodian has not come forward to claim such child within three months following the finding of such child;
- (F) Being absent from the home of his or her child for a period of time that creates a substantial risk of serious harm to a child left in the home
- (G) Failure to respond, for a period of at least six months, to notice of child protective proceedings
- (H) Any other conduct indicating an intent to forgo parental duties or relinquish parental claims.

### **What is the so-called *4-year exception*?**

The previous exception of 5 years was changed to 4 years under HB 905 (enacted July 1, 2016). The 4-year rule remains the same under SB 28 (eff. January 1, 2022). The statutory language states that any consensual act between two minors, where one is less than 14 years old, is considered sexual abuse. The law further clarifies that a consensual sexual relationship between a minor and an adult—where the age difference is 4 years or less—is not child abuse. Under the 4-year rule, the following scenarios involving consensual sex are implied:

- 13-year-old and 14-year-old (**reportable child abuse**)
- 14-year-old and 18-year-old (not reportable child abuse)
- 15-year-old and 19-year-old (not reportable child abuse)
- 16-year-old and 20-year-old (not reportable child abuse)
- 17-year-old and 21-year-old (not reportable child abuse)
- 17-year-old and 22-year-old (**reportable child abuse**)

The above term “not child abuse” does not imply that such relations represent proper conduct, but only that the specific consensual sexual acts do not meet the statutory definition of sexual abuse.

This provision does not repeal any law concerning age or capacity to consent.

Notwithstanding the above implications of the so-called 4-year exception, OCGA §16-6-3 (a) states, “A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.”

### **How is child neglect defined?**

Although child neglect is defined in three ways under OCGA §19-7-5, there are guidelines that are helpful in understanding neglect. According to Prevent Child Abuse Georgia (2019), neglect of a minor child is defined as:

- (1) The failure to provide proper parental care or control, subsistence, education as required by law or other care or control necessary for a child’s physical, mental or emotional health or morals; or
- (2) The failure to provide a child with adequate supervision necessary for such child’s wellbeing; or
- (3) The abandonment of a child by his or her parent, guardian or legal custodian.

### **How long can a child be left unsupervised?**

Although there are no Georgia laws regarding the supervision of minor children, DFCS has internal guidelines and policies that help protect children from neglect and injuries. These guidelines apply only to minor children who are in parental custody (i.e., not in DFCS custody). Situations involving children for whom DFCS has placement responsibility are governed by foster care requirements.

With regard to how long children of different ages can be left alone, Prevent Child Abuse Georgia (2019) has adopted these guidelines:

- Children 8 years or younger should not be left alone
- Children between the ages of 9 years and 12 years, based on level of maturity, may be left alone for brief (less than two hours) periods of time; and,
- Children 13 years and older, who are at an adequate level of maturity, may be left alone and may perform the role of babysitter, as authorized by the parent, for up to 12 hours.

### **Are there any exceptions to the supervision guidelines?**

There are a few circumstances where an unsupervised older child with a special condition or disability may be at risk. There are also some circumstances in which a younger child may have the maturity level to be left alone or to care for other children. A more thorough list of supervision guidelines and exceptions is contained in the DFCS Lack of Supervision Guidelines (McDowell, 2019).

### **What are the major categories of neglect?**

Although there is no Georgia law that provides an operational definition of neglect, DFCS does have agency guidelines that are used to make such determinations. According to Children’s Bureau of the U.S. Department of Health and Human Services, “Neglect is the failure of a parent or other caregiver to provide for a child’s basic needs. Neglect generally includes the following categories (Child Welfare Information Gateway, 2019, p. 3):

- Physical (e.g., failure to provide necessary food or shelter, lack of appropriate supervision)
- Medical (e.g., failure to provide necessary medical or mental health treatment, withholding

medically indicated treatment from children with life-threatening conditions)

- ☒ Educational (e.g., failure to educate a child or attend to special education needs)
- ☒ Emotional (e.g., inattention to a child’s emotional needs, failure to provide psychological care, permitting a child to use alcohol or other drugs)

According to the Child Welfare Information Gateway, “Sometimes cultural values, the standards of care in the community, and poverty may contribute to what is perceived as maltreatment, indicating the family may need information or assistance. It is important to note that living in poverty is not considered child abuse or neglect. However, a family’s failure to use available information and resources to care for their child may put the child’s health or safety at risk, and child welfare intervention could be required” (2019, p. 3).

### **If you think a child is being harmed, 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?**

Yes. 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])

### **How are clergy defined under Georgia law?**

Under OCGA §19-7-5 (b)(7), “‘Clergy’ means ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a bona fide religious organization.” Georgia law does not provide an operational definition of the term “similar functionaries.” However, individuals voluntarily making a report of suspected abuse are afforded statutory immunity. Specifically, OCGA §19-7-5 (f) concludes with this sentence: “Any person making a report, whether required by this Code section or not, shall be immune from liability as provided in this subsection.”

### **Can others report abuse if they are not mandated reporters?**

Yes, whereas a mandated reporter is *required* to make a report, “any other person” is *permitted* to make a report: Any other person “who has reasonable cause to believe that suspected child abuse has occurred may report or cause reports to be made as provided in this Code section” (OCGA §19-7-5[d]). Statutory immunity extends to those making a report in good faith: “Any person making a report, whether required by this Code section or not, shall be immune from liability as provided in this subsection” (OCGA §19-7-5[f]).

**What if a mandated reporter decides not to report suspected abuse?**

Georgia law states that a mandated reporter who “knowingly and willfully” fails to report suspected abuse is committing a misdemeanor.

Any person or official required by subsection (c) of this Code section to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor. (OCGA § 19-7-5[h])

**What if a mandated reporter reports suspected abuse but DFCS does not find any abuse?**

Georgia law does not have any penalty for a person who makes a report in good faith, even if DFCS screens out the report *or* determines that it is not substantiated. Furthermore, Georgia law provides *statutory immunity*:

Any person making a report, whether required by this Code section or not, shall be immune from liability as provided in this subsection. (OCGA § 19-7-5[f])

**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 Child Protective Services (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 custody.

**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 families. 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 it is 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).

### **What are the components of a CPS report?**

The following information applies to the State of Georgia:

The components of a CPS report are: (1) a child younger than 18 years; (2) a referral of conditions indicating child maltreatment; and (3) a known or unknown individual alleged to be a perpetrator. Referrals that do not contain all three components of a CPS report are screened out. Screen-outs may include historical incidents, custody issues, poverty issues, truancy issues, situations involving an unborn child, and/or juvenile delinquency issues. For many of these, referrals are made to other resources, such as early intervention or prevention programs. In 2020, due to the Covid19 pandemic, reports of child abuse and neglect declined significantly. (U.S. Department of Health and Human Services, 2022, p. 175, Appendix D: State Commentary)

### **How does Georgia process reports of abuse?**

The following information applies to the State of Georgia:

Screened-in referrals in Georgia are directed to either an investigation or alternative response. Alternative response is called Family Support. Cases with allegations that are considered dangerous (sexual abuse, physical abuse, maltreatment in care) are directed immediately to the investigation pathway. Cases with other allegations undergo an "Initial Safety Assessment" (ISA). A case worker interviews in person the alleged victim(s) and the alleged perpetrator(s) at the home. Risk is assessed, and the case is then directed either to an investigation or, if risk appears low, to the Family Support pathway. Investigations end with a determination of either substantiated or unsubstantiated, indicating whether a preponderance of evidence supports the allegation(s) or not. Family Support

cases receive no such determination. A decision to remove children into state custody does not depend on the investigation disposition, but on safety in the home. Both investigations and Family Support are included in the NCANDS Child File. Note that in March 2020, the in-person requirement for ISA meetings was relaxed to include virtual/video visits. (U.S. Department of Health and Human Services, 2022, p. 175, Appendix D: State Commentary)

### **What percentage of reports are screened in?**

Over the years on both a state and national level, approximately 54% reports are screened-in and 46% are screened-out. Among the 47 states (including Puerto Rico) reporting both screened-in and screened-out referrals, 54.2% were screened-in and 45.8% were screened-out. In Georgia, 56.9% of referrals were screened-in as reports and 43.1% were screened out as referrals (U.S. Department of Health and Human Services, 2022, p. 13).

### **How does DFCS substantiate a report?**

In most states, the majority of reports receive an investigation. An investigation response results in a determination (also known as a *disposition*) about the alleged child maltreatment. According to the U.S. Department of Health and Human Services, the two most prevalent National Child Abuse and Neglect Data System (NCANDS) dispositions are:

**Substantiated:** An investigation disposition that concludes the allegation of maltreatment or risk of maltreatment is supported or founded by state law or policy. NCANDS includes this disposition in the count of victims.

**Unsubstantiated:** An investigation disposition that concludes there is not sufficient evidence under state law to conclude or suspect that the child was maltreated or is at risk of being maltreated. (U.S. Department of Health and Human Services, 2022, p. 17)

### **What if a report cannot be classified as substantiated or unsubstantiated?**

Less commonly used NCANDS dispositions for investigation responses include the following classifications:

**Indicated:** A disposition that concludes maltreatment could not be substantiated under state law or policy, but there is a reason to suspect that at least one child may have been maltreated or is at risk of maltreatment. This disposition is applicable only to states that distinguish between substantiated and indicated dispositions. NCANDS includes this disposition in the count of victims.

**Intentionally false:** A disposition that concludes the person who made the allegation of maltreatment knew that the allegation was not true.

**Closed with no finding:** A disposition that does not conclude with a specific finding because the CPS response could not be completed. This disposition is often assigned when CPS is unable to locate the alleged victim.

**No alleged maltreatment:** A disposition for a child who receives a CPS response, but is not the subject of an allegation or any finding of maltreatment. Some states have laws requiring all children in a household receive a CPS response if any child in the household is the subject of a CPS response.

**Other:** States may use the category of “other” if none of the above is applicable. (U.S. Department of Health and Human Services, 2022, p. 17)

### **What about children outside of Georgia?**

Each state has its own categories and definitions of child abuse and neglect that are based on standards set by federal law. Federal legislation provides a foundation for states by identifying a set of acts or behaviors that define child abuse and neglect. The Child Abuse Prevention and Treatment Act (CAPTA; P.L. 100–294), as amended by the CAPTA Reauthorization Act of 2010 (P.L. 111–320), retained the existing definition of child abuse and neglect as, at a minimum:

“Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act, which presents an imminent risk of serious harm.” (CAPTA Reauthorization Act of 2010; 42 U.S.C.A § 5106g)

### **Are there any updates to this Georgia law?**

Yes. The 2024 amendment, effective July 1, 2024, inserted “United States Space Force,” in the middle of subparagraph (e)(1)(B). The new section would read as follows:

(B) “Armed forces of the United States” or “military” means the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States Space Force, United States National Guard, Georgia Army National Guard, or Georgia Air National Guard, or a reserve component thereof.

### **How can I stay current with this law?**

The current law is available at this site:

[LexusNexis®](#)

### **Where can I learn more about the specific statutory language of Georgia law?**

Check the public access of LexusNexis®:

<https://advance.lexis.com/>

## Case Law

### **Limit on Mandated Requirement to Report**

In Georgia, the statutory requirement to report the suspected abuse of child is limited to the abuse of a minor child to whom the mandated reporter attends pursuant to the mandated reporter's duties in the profession, occupation, employment, or volunteer work by which the reporter is identified as a mandatory reporter.

May v. State, 295 Ga. 388, 761 S.E.2d 38, 2014 Ga. LEXIS 537 (2014).

### **No Immunity for Actual Act of Molestation**

The statutory immunity provided by OCGA § 19-7-5 is applicable only to such civil or criminal liability as might otherwise result from the act of reporting suspected child molestation or abuse, not to such criminal liability as may arise from the commission of the molestation or abuse itself.

Austin v. State, 179 Ga. App. 235, 345 S.E.2d 688, 1986 Ga. App. LEXIS 1883 (1986).

### **“Psychologist” Means Licensed Psychologist**

Term “psychologist” includes only licensed psychologists. A counselor, who held a doctoral degree in human development from an accredited university but was not a licensed psychologist, could not be held criminally liable for failure to report alleged child abuse.

Gladson v. State, 258 Ga. 885, 376 S.E.2d 362, 1989 Ga. LEXIS 78 (1989).

### **Where can I learn more about the specific case law of Georgia law?**

Check the public access of LexusNexis® and scroll down to the section titled Judicial Decisions:

[Judicial Decisions](#)

## Adults

### What about adults?

Adult Protective Services (APS) is the state agency charged with investigating all reports of abuse, neglect, and/or exploitation of older adults (65 years or older) or adults (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.

### Who should adult report abuse, neglect, or 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.

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

Persons who report in good faith are immune from liability. According to Georgia law, 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 at 1-866-552-4464 (1-866-55AGING) and then press option “3” to report abuse or neglect. Reports can be filed on the web with the Aging and Disability Network:

<https://hssgaprod.wellsky.com/assessments/?WebIntake=97267103-7A5E-4B72-B44F-DD4264B727D8>

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

## Resources

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

Doverspike, W. F. (2018). *How to report adult abuse*. [http://drwilliamdoverspike.com/files/how\\_to\\_report\\_adult\\_abuse.pdf](http://drwilliamdoverspike.com/files/how_to_report_adult_abuse.pdf)

## References

- CAPTA Reauthorization Act of 2010. Pub.L. 111-320, 102 Stat. 2536, codified as amended at 43 U.S.C. 1602.
- Child Abuse Prevention and Treatment Act of 1974. 42 USC §§5101–5106.
- Child Abuse Prevention and Treatment Act of 1974. Pub. L. 93-247, 88 Stat. 4, codified as amended at 42 USC §§5101–5106.
- Child Welfare Information Gateway. (2019, April). *What is child abuse and neglect? Recognizing the signs and symptoms*. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau.  
<https://www.childwelfare.gov/pubs/factsheets/whatiscan/>
- Cruelty to Children, Ga Code § 16-5-70 (2021).
- Definitions, Ga. Code § 15-11-2 (2021).
- Definitions, Ga. Code § 16-5-46 (2021).
- Definitions, Ga. Code § 16-13-21 (2021).
- Driving Under the Influence of Alcohol, Drugs, or Other Intoxicating substances, Ga Code § 40-6-391 (2020).
- Georgia Division of Family & Children Services. (2016). *Child protective services*. Atlanta, GA: Author.
- H.B. 268, 2015-2016 Reg. Sess. (Ga. 2015).  
<https://legiscan.com/GA/bill/HB268/2015>
- H.B. 299, 2023-24 Reg. Sess. (Ga. 2023).  
<https://www.legis.ga.gov/legislation/64137>  
This link contains the status history of the bill.
- H.B. 905, 2015-2016 Reg. Sess. (Ga. 2016).  
<https://legiscan.com/GA/bill/HB905/2019>
- McDowell, Naeshia. (2018, September 19). DFCS lack of supervision guidelines.  
<https://abuse.publichealth.gsu.edu/files/2019/02/DFCS-Lack-of-Supervision-Guidelines.docx>
- Prevent Child Abuse Georgia. (2019). Child supervision guidelines in Georgia.  
<https://abuse.publichealth.gsu.edu/child-supervision-guidelines-in-georgia/>
- Prohibition Against Presence of Children During Manufacture of Methamphetamine, Ga Code § 16-5-73 (2020).
- Reporting of Child Abuse, Ga. Code § 19-7-5 (2024).
- S.B. 28, 2021-2022 Reg. Sess. (Ga. 2021).  
<https://legiscan.com/GA/text/SB28/2021>  
This link contains the actual text of the bill:
- S.B. 28, 2021-2022 Reg. Sess. (Ga. 2021).  
<https://www.legis.ga.gov/legislation/59017>  
This link contains the status history of the bill.

Statutory Rape, Ga. Code §16-6-3 (2021).

Trafficking of persons for labor or sexual servitude, §16-5-46 (2021).

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.

U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2020). *Child maltreatment 2018*. <https://www.acf.hhs.gov/cb/resource/child-maltreatment-2018>

U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2022). *Child Maltreatment 2020*. Available from <https://www.acf.hhs.gov/cb/data-research/child-maltreatment>

### Notes

Citations of Georgia law are current through the 2024 Regular Session of the General Assembly.

## Correct Citation for Reference Entry

The reference entry correct citation styles for this document are illustrated below. Students should defer to the style preferences of their individual course instructors to determine whether the course instructor has preferences that are more specific than those shown below:

### American Psychological Association

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

**Note:** This article includes updates for 2022 and replaces the original 2018 article, which is documented below with the full URL for archival and retrieval purposes:

Doverspike, W. F. (2018). How to report child abuse. [http://drwilliamdoverspike.com/files/how\\_to\\_report\\_child\\_abuse\\_-\\_2018.pdf](http://drwilliamdoverspike.com/files/how_to_report_child_abuse_-_2018.pdf)

### Chicago Manual of Style / Kate Turabian

Doverspike, William, "How to report child abuse," Jan. 07, 2022. <http://drwilliamdoverspike.com/>

**Note:** According to the Chicago Manual of Style, blog posts are typically not included in bibliographies, but can be cited in the running text and/or notes. However, if a blog is cited frequently, you may include it in the bibliography.

### Modern Language Association

Doverspike, William F. "How to report child abuse" 07 Jan. 2022 [Date accessed]

**Note:** MLA guidelines assume that readers can track down most online sources by entering the author, title, or other identifying information in a search engine or a database. Consequently, MLA does not require a URL in citations for online sources such as websites. However, some instructors still ask for it, so check with your instructor to determine his or her preference.

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Workshop Handouts:

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