



# **Abuse and Vulnerable Populations**

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## Road Map

- Who is a mandatory reporter?
- What must be reported and to whom?
- When must reports be made?
- What is the potential liability?
- What are the protections for reporters?
- What are some common pitfalls?
- What type of documentation and policies should you have?

Sooooo...

- LOTS OF INFORMATION
- Limited Time!
- Let's talk about questions...

## What types of abuse are we talking about?

- Children
- Elderly (65+)/Disabled Adult Populations

## Who is a mandatory reporter?

- Bottom line: everyone should be...there is a difference between a ***moral*** and a ***legal*** obligation.
- We will focus on legal obligations today, but reporting should be a given.



## Who is a mandatory reporter?

- FOR CHILDREN: Anyone employed by or VOLUNTEERING at child service organization.
  - A child service organization is a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.
- Anyone who "attends to a child" pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility.

**If your organization works or associates with children, be safe and not sorry: train your staff and volunteers as mandatory reporters.**

## Who is a mandatory reporter?

- Anyone who works with disabled or elderly adults
- Similar to the child standard
- PLUS an employee of a financial institution or investment company having reasonable cause to believe that a disabled adult or elder person (over 65) has been exploited (this obligation shall not apply while that employee is acting as a fiduciary, but only for such assets that the employee is holding or managing in a fiduciary capacity)

## What is abuse?

- Neglect: The failure of a parent, guardian, or other caregiver to provide for basic needs. This can also include failure to protect them from a known risk of harm or danger.
- What if I am not sure if it is a caregiver?  
**REPORT**

## What is abuse?

- Neglect looks like...
  - Begs or steals
  - Bad hygiene
  - Ill-fitting clothes
  - Lacks needed medical or dental care, immunizations, glasses, etc.
  - Wrong clothing for seasons
  - Substance abuse
  - States that there is no one at home

## What does abuse look like?

- Physical abuse: Non-accidental physical injury
  - Has unexplained burns, bites, etc.
  - Has fading bruises or other marks
  - Seems scared of parent or caregiver home
  - Shrinks at the approach of adults
  - Reports injury

## What does abuse look like?

- Sexual abuse: Anything done for the sexual gratification of another person (using, persuading, inducing, enticing, or coercing to engage in any sexually related act)
  - Has difficulty walking sitting
  - Suddenly refuses to change clothes or participate in physical activities
  - Demonstrates bizarre, sophisticated, age-inappropriate/ cognition-inappropriate knowledge or behavior
  - Becomes pregnant or contracts a STD

## What is abuse?

- Sexual exploitation (including sex trafficking):  
When individuals buy, trade, or sell sexual acts or using a person for sexual or financial gain
  - Branding or tattooing
  - Prostitution
  - Older boyfriend or male friend
  - Withdrawn and uncommunicative
  - Large amounts of money
  - Inappropriate dress or poor hygiene
  - Runaway or lack of adult supervision/support

## What is abuse?

- Emotional abuse: A pattern of behavior that impairs emotional development or sense of self-worth
  - Extremes in behavior
  - Inappropriate adult or infantile behavior
  - Developmental delays
  - Attempts suicide
  - Lack of attachment to caregivers



## A note about Romeo and Juliet...

- Includes consensual sex acts when the sex acts are between minors if any individual is less than 14 years of age
- Does not include consensual sex acts when the sex acts are between a minor and an adult who is not more than four years older than the minor.
- When in doubt? Report.

## What is abuse?

- Endangering a child
  - Watching a felony or domestic violence event
  - Exposure to drug use or meth manufacturing
  - Driving under the influence of alcohol/drugs
  - Exposing an unborn child to chronic or severe use of alcohol or controlled substance which harms the child

## What is abuse?

- Financial Exploitation (adults): Improperly or illegally using a person's resources for the benefit of another person
- For example, using a Power of Attorney to gain access to an adult's assets, false representation and other means to gain access to an adult's monthly government checks

## What's the reporting trigger?

- "Reasonable cause to believe"
- This is a relatively low standard
- You don't have to know for sure.
- You don't need all the facts.
- It is not your job to investigate.

**WHEN IN DOUBT: REPORT.**

## What is the process of reporting?

- The employee or volunteer notifies the person in charge of such the agency/facility or the designated delegate thereof
- The person notified shall report or cause a report
- OR JUST DIRECT REPORT (with internal notice after)
- For children: employee or volunteer who makes a report to the person designated has fully complied with this subsection.

## What is the process of reporting?

- The person who receives the notification may not "exercise any control, restraint, or modification or make any other change" to the information provided by the reporter.
- But can be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

## What is the process of reporting?

- Oral report—may be required to submit a written report later.
- Written report by electronic submission or facsimile
- Follow the agencies' submission requirements
- Photos of injuries can be taken without parent permission but have to be submitted to DFCS asap

## Reporting Contact Information for Children

- 1-855-GACHILD / 1-855-422-4453
- Reports are taken 24/7



## Reporting Contract Information for Adults

- Law enforcement **AND**
- Division of Aging Services' Adult Protective Services Central Intake in Metropolitan Atlanta 404-657-5250 or outside of Atlanta at 1-866-552-4464 **AND**
- For a Nursing Facility, Personal Care Home (including assisted living), and Community Living Arrangement, the Georgia Department of Community Health, Healthcare Facility Regulation (HFR) is responsible for investigating reports in these facilities. **So also call** (404) 657-5728 or (404) 657-5276 or the toll-free number 800-878-6442.

## When must a report be made?

- **Immediately**
- But not more than 24 hours from the time reasonable cause is formed

**(But really, immediately)**

## What protections exist for reporters?

- Protections exist for a person, partnership, firm, corporation, association, hospital, or other entity
- Immune from any civil or criminal liability as long as the participation is in good faith.
- Protected even if making the report was not required.

## What if I don't report?

- Guilty of a misdemeanor—which could be less than a year in prison
- District Attorneys can and do prosecute these cases
- Could face HUGE civil penalties for negligence or injuries

## What if I am in a confidential/privileged relationship?

- There is no confidentiality that trumps this requirement.
- Except if prevented by religious requirements and a member of clergy receives as a part of a confession—but many churches are not keeping those confidences any longer!

## When do I get the police involved?

- For adults, every time you report.
- For children, use judgment
- However, always call regarding children if you feel immediate action is not being taken despite your fears of immediate danger
- In child sexual abuse matters
- If there is evidence of a crime as well

## When do I call 911?

- 911: when a person requires immediate medical assistance or there is a safety emergency
- DFCS may not be fast enough in an emergency
- Remember: make sure you deal with any medical emergencies in addition to reporting the event as required by law.

## Common Pitfalls

- No policy or procedure
- No documentation of report
- No required on boarding and refresher training
- Waiting until Monday...or the next morning
- Unable to find the person who reports
- Censoring a report
- Playing Sherlock Holmes
- Informing the caretaker of the report
- Inadequate reporting



## Resources

- The Governor's Office for Children and Families (GOCF) provides inexpensive mandatory reporter training through this organization: [www.prosolutionstraining.com/menu/](http://www.prosolutionstraining.com/menu/)
- DFCS Website: [dfcs.georgia.gov/child-abuse-neglect](http://dfcs.georgia.gov/child-abuse-neglect)
- A list of some common reporters and information, including a tab containing the mandatory reporter manual: [cps.dhs.ga.gov/Main/Default.aspx](http://cps.dhs.ga.gov/Main/Default.aspx)

## Resources for Adults

- Very comprehensive round up of investigatory and helping agencies here  
[aging.georgia.gov/abuse-neglect-and-exploitation-risk-adults-georgia](https://aging.georgia.gov/abuse-neglect-and-exploitation-risk-adults-georgia)



## **For More Information:**

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

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