



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Reporting Abuse of Disabled Adults and Elder Persons in Georgia

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Georgia's Disabled Adults and Elder Persons Protection Act (O.C.G.A. §§ 30-5-1, *et seq.*) (the "**Act**") provides protective services for abused, neglected, or exploited disabled adults and elder persons. This article explains what must (or should) be reported under the Act, who is required to report, and how to make a report.

What Must Be Reported?

The Act requires certain individuals to report ***suspected abuse, neglect, or exploitation*** of disabled adults or elder persons. Each of the following terms has a specific meaning.¹

- "Abuse" is 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.
- "Neglect" is the failure to provide essential services to the degree that it harms or threatens the physical or emotional health of a disabled adult or elder person.
- "Exploitation" is the illegal or improper use of a disabled adult or elder person—or that person's money, property, or resources—through manipulation, pressure, deception, or similar means for someone else's benefit.
- A "disabled adult" is any person 18 years of age or older who is (i) not a resident of a long-term care facility;² and (ii) mentally or physically incapacitated, has Alzheimer's disease, or has dementia.
- An "elder person" is a person 65 years of age or older who is not a resident of a long-term care facility.
- Abuse and neglect go beyond physical pain or injury. They also include denying someone "essential services," whether intentionally or unintentionally.

¹ The definition of these terms is found in O.C.G.A. § 30-5-3.

² The Act does not concern the reporting of abuse, neglect, or exploitation of disabled adults or elder persons ***who are residents of long-term care facilities***, as Georgia law has a separate provision regulating long-term care facilities. As such, this article does not cover reporting of suspected abuse of residents of such facilities. See O.C.G.A. § 31-8-80.

Dated: 9/10/2026

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“Essential services” is a broad term. It includes not only social, medical, physical, or legal services needed to protect a person’s rights and resources, but also services needed to maintain their physical and mental well-being. Examples of essential services include, but are not limited to:

- Provision of medical care for physical and mental health needs
- Assistance in personal hygiene
- Food
- Clothing
- Adequately heated and ventilated shelter
- Protection from health and safety hazard

Who Should Report Abuse?

Any person who suspects abuse, neglect, or exploitation of an elder or disabled adult may and should report it.

Certain individuals, often called “Mandatory Reporters,” **are required by law** to report suspected abuse. Failure of a Mandatory Reporter to report suspected abuse, neglect, or exploitation of a disabled adult or elder person is a misdemeanor.

The following persons are Mandatory Reporters:

- Any person listed as a Mandatory Reporter of child abuse under O.C.G.A. § 19-7-5, including, but not limited to:³
 - licensed physicians, physician assistants, interns, and residents;
 - hospital or medical personnel or volunteers;
 - dentists;
 - licensed psychologists and interns;
 - podiatrists;
 - registered nurses, LPNs, and nurses’ aides;
 - professional counselors, social workers, or marriage and family therapists;
 - law enforcement personnel;
- physical therapists;
- occupational therapists;
- daycare personnel;
- coroners;
- medical examiners;
- emergency medical personnel;
- any person certified as an emergency medical technician, paramedic, or first responder;

³ For a complete list of Mandatory Reporters of child abuse, see O.C.G.A. § 19-7-5. See also Pro Bono Partnership of Atlanta’s [Article on Child Abuse Reporting in Georgia](#).

- employees of any public or private agency that provides health-related services to elder persons or disabled adults;
- clergy members; and
- any employee of an investment company or financial institution (including banks) who has reasonable cause to believe a disabled adult or elder person is a victim of exploitation.

Anyone not on this list is considered a “Non-Mandatory Reporter.” Non-Mandatory Reporters are ***not*** required by law to report suspected abuse but ***are encouraged*** to do so using the procedures outlined below.

Reporting Procedures

Non-Mandatory Reporters are not required to follow a specific procedure, but it is recommended that they follow the same steps as Mandatory Reporters to help ensure an appropriate response.

Mandatory Reporters must follow this procedure:

WHEN and WHERE to Report

- * If an elder person, disabled adult, or anyone else needs immediate help, call 911. Otherwise, reports should be made as soon as possible.
- * *Special Rule for Facility Staff:* If a Mandatory Reporter is a member of staff of a hospital, social agency, financial institution, or similar facility, the staff member’s sole reporting obligation is to notify the person in charge of the facility. The person in charge, or his or her designee, is then solely responsible for making the report to the Division of Aging Services and law enforcement as described below. This structure ensures a clear chain of command and helps the facility coordinate its response to the suspected abuse.
- A report of suspected abuse, neglect, or exploitation should be made to (1) the Georgia Department of Human Services, Division of Aging Services **AND** (2) a local law enforcement agency or prosecuting attorney.
 - Reports to the Division of Aging Services may be made:
 - online at [the Division of Aging Services' website](#);
 - by fax at (770) 408-3001; or
 - over the phone toll-free at 1-866-55AGING (1-866-552-4464) – Press “3.”
 - A local law enforcement agency or prosecuting attorney can be found here: [Find Your Prosecuting Attorney](#).
- Phone messages, fax, and web reports will be followed up on the next business day. If a reporter does not receive a follow-up call within 48 hours, they may call during regular business hours to follow up on their report.

WHAT to Report

- **Reporting Procedures for Mandatory Reporters:** Reports may be made by oral or written communication, and must include the following:
 - the name and address of the disabled adult or elder person;
 - the age of the disabled adult or elder person;
 - the name and address of the disabled adult's or elder person's caretaker;
 - the nature and extent of the disabled adult's or elder person's injury or condition resulting from abuse, neglect, or exploitation; and
 - any other relevant information.

WHAT Happens Next

- The agency will promptly review the available information to determine whether the reported incident may involve criminal conduct and will document its findings in a report.
- If a crime is suspected at any point, the agency will immediately forward its report and any evidence to the appropriate law enforcement agency or prosecuting attorney.

Protection for Reporters

Immunity from Civil and Criminal Liability

- People who report suspected abuse following the procedures above—including both Mandatory and Non-Mandatory Reporters—are protected from lawsuits and criminal charges related to making the report, testifying about it, participating in any investigation, or helping provide protective services to the elder person or disabled adult.
- However, this protection does not apply if the person acted in bad faith, with a malicious purpose, or was involved in the wrongdoing.
 - “Bad faith” generally involves actions or behavior intended to mislead or deceive another person, or the neglect or refusal to carry out a duty due to a questionable motive.
 - An honest mistake, regular negligence, or bad judgment will not constitute bad faith, unless it is accompanied by a dishonest or improper purpose.

What Does “Immunity” Mean and What Does It Cover?

- “Immunity” means that a reporter cannot be sued or criminally prosecuted for any harm that results from reporting suspected abuse, neglect, or exploitation.
- This protection is not limited to the person who makes the initial report. It extends to anyone who, in good faith, helps with reporting, investigating, or prosecuting the suspected abuse, neglect, or exploitation.

What Is “Good Faith”?

- “Good faith” is the opposite of “bad faith.” As long as bad faith cannot be shown, a reporter will keep their protection from lawsuits and criminal prosecution.

What If Reporting Means Disclosing Confidential Information?

- Mandatory Reporters must report suspected abuse, neglect, or exploitation **even if** the information that raised their suspicion came from a confidential communication. This includes, for example, information shared under doctor-patient confidentiality.
- The “Clergy Exception”: A member of the clergy is not required to report matters confided to him or her solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice.
 - **However**, if a clergy member receives information leading to suspected abuse, neglect, or exploitation from **any other source**, he or she must make a report in accordance with the above procedures, even if the alleged perpetrator also confided similar information in a “protected” setting.

Internet Resources

Georgia Links

- Department of Human Services, [Division of Aging Services website](#):
 - [Reporting Information](#)
 - [Local Area Agency on Aging](#)
- [Find Your Prosecuting Attorney](#)

National Resources

- [National Adult Protective Services Association](#)
- [National Center on Elder Abuse](#)
- [National Committee for the Prevention of Elder Abuse](#)