

Legal Remedies and Resources:

Elder Abuse

Introduction and Purpose

The purpose of this booklet is to provide information and resources as a guide for law enforcement officers and other individuals assisting dependent adults and older (50+) victims/survivors of elder abuse, neglect and exploitation. The vast majority of older victims/survivors of elder abuse live in the community independently, with a spouse/partner, or with family members. If they are vulnerable adults, they may reside in short- or long-term health care facility as well as other institutional facilities. Elder abuse is often complex and complicated and requires close cooperation and collaboration with Law Enforcement, Adult Protection Services, Prosecutors, Domestic Violence/Sexual Assault Agencies and other advocating agencies.

1) What is elder abuse?

- a) **Elder abuse** is any knowing, intentional or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult.

2) Types of abuse

Physical abuse/domestic violence, deprivation of essential services, sexual, emotional, financial exploitation and neglect

- a) **Physical abuse/domestic violence:** the non-accidental use of force that results in bodily injury, pain or impairment, including but not limited to, being slapped, burned, cut, bruised or improperly physically restrained.
- b) **Deprivation of essential services:** the willful deprivation of social, medical, psychiatric, or legal services, such as the provision of medical or psychiatric care, assistance in personal hygiene, deprivation of food, clothing, or adequately heated and ventilated shelter, or protection from health and safety hazards in general.
- c) **Sexual abuse:** non-consensual sexual contact of any kind, including but not limited to, forcing sexual contact or forcing sex with a third party.
- d) **Emotional abuse:** willful infliction of mental or emotional anguish by threat, humiliation, intimidation or other abusive conduct, including but not limited to, frightening or isolating an adult.

- e) **Financial exploitation:** illegal or improper use of an adult's funds, property or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers or denial of access to assets.
- f) **Neglect:** Per O.C.G.A. § 16-5-101, neglect is the willful deprivation of health care, shelter or necessary sustenance to the extent that an older persons health or well-being is jeopardized

Neglect of older adults can occur in three forms: intentional, unintentional, and self-neglect. Not all forms of neglect are criminal.

- 3) It is also a crime to threaten, intimidate, or attempt to intimidate any person cooperating with an elder abuse investigation, including the potential victim.

Georgia Penal Codes for clients 65+ and Dependent Adults

Dependent adult: an adult with a disease or infirmity associated with advanced age or a physical, mental or emotional condition that renders them incapable of providing their own personal care

16-5-101 Neglect by a caregiver (Felony)

16-5-102(a) Exploitation, abuse, or neglect (Felony)

16-5-102(b) Intimidation (Misdemeanor)

16-5-102(c) Obstruction (Misdemeanor)

30-5-8 Failure of a mandatory reporter to report (Misdemeanor)

30-5-5 Investigation of reports of need for protective services; interference with investigation; provision of protective services

Other Relevant Georgia Penal Codes

19-13-1 Family Violence

16-5-91 Stalking and Harassment

16-11-131 Firearm Possession

16-6-5.1 Sexual Assault by Persons with Supervisory or Disciplinary Authority

16-6-1 Rape

16-6-2 Sodomy

16-6-22.1 Sexual Battery & 16-6-22.1 Aggravated Sexual Battery

16-5-20 Simple Assault & 16-5-21 Aggravated Assault

16-5-23 Simple Battery; 16-5-23.1 Battery; 16-5-24 Aggravated Battery

Resources

- Adult Protective Services
 - Reports are accepted by phone Monday through Friday 8 a.m. to 5 p.m.
 - Metro-Atlanta Calling Area: (404) 657-5250
 - Toll-Free: 1-866-55-AGING (1-866-552-4464, Option 3)
 - Report on the web: <http://aging.dhs.georgia.gov/adult-protective-services>
 - Report by fax: (770) 408-3001 (Form is on the website.)

- Statewide Domestic Violence Hotline (Connects caller with nearest domestic violence program)
 - 1-800-33-HAVEN (1-800-334-2836)
 - Option for Spanish language

- Listing of GA Sexual Assault Centers: <http://www.gnesa.org/page/rape-crisis-centers-georgia>

- Ahimsa House (assistance with pets in DV situations): (404) 452-6248

- Aging and Disability Resource Connection: www.georgiaadrc.com

- Healthcare Facility Regulation: 1-800-878-6442

- Medicaid Fraud Control Unit: 1-800-508-9109

- Social Security Fraud Control: 1-800-269-0271

- DBHDD Deaf Services: (404) 232-1624

- Gachi (Deaf and Hard of Hearing): (404) 292-5312 (Voice/TTY)

- Department of Behavioral Health and Developmental Disabilities: 1-888-454-5826
www.dbhdd.georgia.gov

- Georgia Crisis & Access Line (24/7 hotline for accessing mental health services in GA, including mobile crisis team): 1-800-715-4225 www.mygcal.com

- Division of Aging Services: 1-866-552-4464 www.aging.dhr.georgia.gov

- List of local senior centers (some offer meals on wheels, health services, recreational activities, case managers, some transportation):
http://www.caregeorgia.org/list11_georgia_senior_centers.htm

- GaMap2Care (resource for finding licensed personal care homes): www.dch.georgia.gov Go to GaMap2Care-Find Facility link
- General senior resource listings: <http://www.caregeorgia.org/index.htm>
- GA Dept. of Community Affairs Housing Search (Use advanced search to find senior communities): <http://georgiahousingsearch.org/>
- United 4 Safety (for LGBTQI survivors) – (404) 200-5957
- Center for Pan-Asian Community Services – (770) 936-0969
 - Domestic Violence program, Senior Services, and other culturally specific services
- Raksha
 - Serves South Asian community (Bangladesh, India, Nepal, Pakistan, Sri Lanka, Bhutan)
 - Toll free: 1-866-725-7423
 - Help Line: (404) 842-0725
- Caminar Latino (Intimate Partner Violence services for the Latino community) :(404) 413-6348
- Georgia Crime Victims Compensation Program: <https://cicc.georgia.gov/victims-compensation>

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YWCA of Northwest Georgia
(770) 427-2902
Crisis Line: (770) 427-3390
www.ywcanwga.com

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