

**VULNERABLE ADULTS/ELDER ABUSE LAWS IN GEORGIA\***

<b>PROHIBITS (MAKES UNLAWFUL) A/N/E AND PROVIDES FELONY PENALTIES?</b>	<b>TITLE 30 DAEPPA (APS STATUTE)</b>	<b>TITLE 31 LTCFRARA (REPORTING STATUTE ONLY)</b>	<b>TITLE 16 CRIMINAL CODE CRUELTY TO A PERSON 65+</b>	<b>TITLE 16 CRIMINAL CODE BREACH OF FIDUCIARYPERSON 65+</b>	<b>COMMENTS</b>
<b>Mentally Incapacitated</b>	Yes § 30-5-1, et seq.	No* § 31-8-80, et seq.	65 and over if deprived of healthcare, shelter and sustenance, w/exceptions; no (A/E) § 16-5-100	65 and over, if fiduciary in breach of fiduciary obligation - Exploitation (E) § 16-9-6.	
<b>Physically Incapacitated</b>	Yes	No**	65 and over. . .	65 and over...(E)	
<b>Diagnosed Cognitively Incapacitated</b>	Yes	No**	65 and over. . .	65 and over...(E)	
<b>Undiagnosed Cognitively Incapacitated</b>	Yes	No**	65 and over. . .	65 and over... (E)	
<b>Long-term care Facility Residents</b>	Yes*(Criminal penalty applies to disabled adults in LTCFs)	No**	65 and over. . .	65 and over...(E)	
<b>Non-residents of Long-term Care Facilities</b>	Yes	No	65 and over. . .	65 and over (E)	
<b>Exemptions against who can be prosecuted for other than good faith</b>	No (no exemptions for abusers); issue concerning “specific intent” for violation of LTCF resident)	No	No	No	Exemption from criminal liability of owner, administrator, officer, board member of LTCF for actions of a person convicted under DAEPPA.
<b>All victims covered equally protected against A/N/E</b>	Yes	No	Yes (A/N) – (There is no provision for financial exploitation)	Yes (E) – There is no A/N	
<b>Available Penalty</b>	<b>Felony</b> 1-5 years for A/N/E of disabled adults and elder persons in the community or LTCFs. <b>Misdemeanor</b> for failure to report A/N/E	Misdemeanor for failure to report A/E; “broader definition of neglect” is not part of LTCFRARA***.	Felony 1-20 years	Felony 1-15 years and/or a fine not to exceed the amount provided by Code Section 17-10-8, or both	

\*Chart does not include O.C.G.A. § 10-1-850, the Unfair or Deceptive Practices Toward the Elderly Act, as it includes civil penalties for violations (disabled or elderly)

\*\*LTCFRARA covers this population, but does not make A/N/E against population unlawful, except to not report.

\*\*\*LTCFRARA includes “failure of care and treatment” within the definition of “abuse”