

House Bill 268 (AS PASSED HOUSE AND SENATE)

By: Representatives Ballinger of the 23rd, Chandler of the 105th, Clark of the 101st, Oliver of the 82nd, Hatchett of the 150th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to
2 reporting of child abuse and when it is mandated or authorized, so as to change provisions
3 relating to mandatory reporters; to provide for procedure; to provide for consistent usage of
4 defined terms; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child
9 abuse and when it is mandated or authorized, is amended by revising subsections (a), (c), (d),
10 and (e) as follows:

11 "(a) The purpose of this Code section is to provide for the protection of children whose
12 ~~health and welfare are adversely affected and further threatened by the conduct of those~~
13 ~~responsible for their care and protection.~~ It is intended that the mandatory reporting of
14 ~~such cases~~ will cause the protective services of the state to be brought to bear on the
15 situation in an effort to prevent further abuses, to protect and enhance the welfare of these
16 children, and to preserve family life wherever possible. This Code section shall be liberally
17 construed so as to carry out the purposes thereof."

18 "(c)(1) The following persons having reasonable cause to believe that ~~a child has been~~
19 ~~abused~~ suspected child abuse has occurred shall report or cause reports of ~~that such~~ abuse
20 to be made as provided in this Code section:

- 21 (A) Physicians licensed to practice medicine, physician assistants, interns, or residents;
22 (B) Hospital or medical personnel;
23 (C) Dentists;
24 (D) Licensed psychologists and persons participating in internships to obtain licensing
25 pursuant to Chapter 39 of Title 43;
26 (E) Podiatrists;

- 27 (F) Registered professional nurses or licensed practical nurses licensed pursuant to
 28 Chapter 26 of Title 43 or nurse's aides;
- 29 (G) Professional counselors, social workers, or marriage and family therapists licensed
 30 pursuant to Chapter 10A of Title 43;
- 31 (H) School teachers;
- 32 (I) School administrators;
- 33 (J) School ~~guidance~~ counselors, visiting teachers, school social workers, or school
 34 psychologists certified pursuant to Chapter 2 of Title 20;
- 35 (K) Child welfare agency personnel, as ~~that such~~ agency is defined pursuant to in Code
 36 Section 49-5-12;
- 37 (L) Child-counseling personnel;
- 38 (M) Child service organization personnel;
- 39 (N) Law enforcement personnel; or
- 40 (O) Reproductive health care facility or pregnancy resource center personnel and
 41 volunteers.

42 (2) If a person is required to report child abuse pursuant to this subsection because ~~that~~
 43 such person attends to a child pursuant to such person's duties as an employee of or
 44 volunteer at a hospital, school, social agency, or similar facility, ~~that such~~ person shall
 45 notify the person in charge of ~~the~~ such hospital, school, agency, or facility, or the
 46 designated delegate thereof, and the person so notified shall report or cause a report to be
 47 made in accordance with this Code section. An employee or volunteer who makes a
 48 report to the person designated pursuant to this paragraph shall be deemed to have fully
 49 complied with this subsection. Under no circumstances shall any person in charge of
 50 such hospital, school, agency, or facility, or the designated delegate thereof, to whom
 51 such notification has been made exercise any control, restraint, or modification; or make
 52 any other change to the information provided by the reporter, although each of the
 53 aforementioned persons may be consulted prior to the making of a report and may
 54 provide any additional, relevant, and necessary information when making the report.

55 (3) When a person identified in paragraph (1) of this subsection has reasonable cause to
 56 believe that child abuse has occurred involving a person who attends to a child pursuant
 57 to such person's duties as an employee of or volunteer at a hospital, school, social agency,
 58 or similar facility, the person who received such information shall notify the person in
 59 charge of such hospital, school, agency, or facility, or the designated delegate thereof, and
 60 the person so notified shall report or cause a report to be made in accordance with this
 61 Code section. An employee or volunteer who makes a report to the person designated
 62 pursuant to this paragraph shall be deemed to have fully complied with this subsection.
 63 Under no circumstances shall any person in charge of such hospital, school, agency, or

64 facility, or the designated delegate thereof, to whom such notification has been made
 65 exercise any control, restraint, or modification or make any other change to the
 66 information provided by the reporter, although each of the aforementioned persons may
 67 be consulted prior to the making of a report and may provide any additional, relevant, and
 68 necessary information when making the report.

69 (d) Any other person, other than one specified in subsection (c) of this Code section, who
 70 has reasonable cause to believe that ~~a child is abused~~ suspected child abuse has occurred
 71 may report or cause reports to be made as provided in this Code section.

72 (e) With respect to reporting required by subsection (c) of this Code section, an An oral
 73 report by telephone or other oral communication or a written report by electronic
 74 submission or facsimile shall be made immediately, but in no case later than 24 hours from
 75 the time there is reasonable cause to believe a child has been abused, by telephone or
 76 otherwise and that suspected child abuse has occurred. When a report is being made by
 77 electronic submission or facsimile to the Division of Family and Children Services of the
 78 Department of Human Services, it shall be done in the manner specified by the division.
 79 Oral reports shall be followed by a later report in writing, if requested, to a child welfare
 80 agency providing protective services, as designated by the Division of Family and Children
 81 Services of the Department of Human Services, or, in the absence of such agency, to an
 82 appropriate police authority or district attorney. If a report of child abuse is made to the
 83 child welfare agency or independently discovered by the agency, and the agency has
 84 reasonable cause to believe such report is true or the report contains any allegation or
 85 evidence of child abuse, then the agency shall immediately notify the appropriate police
 86 authority or district attorney. Such reports shall contain the names and addresses of the
 87 child and the child's parents or caretakers, if known, the child's age, the nature and extent
 88 of the child's injuries, including any evidence of previous injuries, and any other
 89 information that the reporting person believes might be helpful in establishing the cause
 90 of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be
 91 used as documentation in support of allegations by hospital employees or volunteers,
 92 physicians, law enforcement personnel, school officials, or employees or volunteers of
 93 legally mandated public or private child protective agencies may be taken without the
 94 permission of the child's parent or guardian. Such photographs shall be made available as
 95 soon as possible to the chief welfare agency providing protective services and to the
 96 appropriate police authority."

97 **SECTION 2.**

98 All laws and parts of laws in conflict with this Act are repealed.