

House Bill 993 (AS PASSED HOUSE AND SENATE)

By: Representatives Dempsey of the 13th, Welch of the 110th, Oliver of the 82nd, Cantrell of the 22nd, and England of the 116th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15, Article 4 of Chapter 9 of Title 19, Chapter 10 of Title 31,
2 and Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to the Juvenile
3 Code, power of attorney for the care of a child, vital records, and programs and protection
4 for children and youth, respectively, so as to provide for vital records reports and data from
5 the state registrar relating to child abuse reports; to repeal the central child abuse registry; to
6 provide for conforming changes; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to Juvenile Code,
11 is amended by revising subsection (c) of Code Section 15-11-133.1, relating to temporary
12 alternatives to foster care, as follows:

13 "(c) When entering an order pursuant to paragraph (1) of subsection (a) of this Code
14 section, the court shall order a preliminary assessment of the person who is to provide care
15 for the child by a probation officer, or such other individual or agency as the court may
16 designate, which shall include, at a minimum:

- 17 (1) A walk-through of such person's residence to identify safety hazards;
- 18 (2) An in-state criminal record check, pursuant to subsection (a) or (c) of Code Section
19 35-3-34, of such person and all other adults living in such person's residence;
- 20 (3) A search of the Georgia Sex Offender Registry for the name of such person and all
21 other adults living in such person's residence; and
- 22 (4) A search of data provided electronically to the public by the Department of
23 Community Supervision and the Department of Corrections for information concerning
24 such person and all adults living in such person's residence; ~~and~~
- 25 ~~(5) If DFCS is conducting the assessment, a search of the child abuse registry.~~

26 Such preliminary assessment shall be completed no later than 72 hours after the time such
 27 order is entered except that if such order is entered on a weekend, such preliminary
 28 assessment may be completed no later than five days after the order is entered."

29 **SECTION 2.**

30 Said chapter is further amended by revising subsection (b) of Code Section 15-11-710,
 31 relating to exchange of information, as follows:

32 "(b) Governmental entities and state, county, municipal, or consolidated government
 33 departments, boards, or agencies shall exchange with each other all information not held
 34 as confidential pursuant to federal law and relating to a child which may aid a
 35 governmental entity in the assessment, treatment, intervention, or rehabilitation of a child,
 36 notwithstanding Code Section 15-1-15, 15-1-19, 15-11-40, 15-11-70, 15-11-105,
 37 15-11-170, 15-11-264, 15-11-541, 15-11-542, 15-11-603, 15-11-708, 15-11-709,
 38 15-11-744, 20-2-751.2, 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17,
 39 31-5-5, 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, 42-8-109.2, 49-5-40, 49-5-41,
 40 49-5-41.1, 49-5-44, or 49-5-45, ~~49-5-183, 49-5-184, 49-5-185, or 49-5-186~~; in order to
 41 serve the best interests of such child. Information which is shared pursuant to this
 42 subsection shall not be utilized to assist in the prosecution of a child in juvenile, superior,
 43 or state court or utilized to the detriment of such child."

44 **SECTION 3.**

45 Article 4 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to
 46 power of attorney for the care of a child, is amended in Code Section 19-9-124, relating to
 47 parental limitation on delegation of power of attorney, by revising subsection (d) as follows:

48 "(d) An agent shall certify that he or she is not currently on the state sexual offender
 49 registry ~~or child abuse registry~~ of this state or the sexual offender registry or child abuse
 50 registry for any other state, a United States territory, the District of Columbia, or any
 51 American Indian tribe nor has he or she ever been required to register for any such
 52 registry."

53 **SECTION 4.**

54 Said article is further amended in Code Section 19-9-134, relating to power of attorney form,
 55 by revising 8.(B) of the form contained in subsection (c) as follows:

56 "(B) I am not currently on the state sexual offender registry ~~or child abuse registry~~ of
 57 this state or the sexual offender registry or child abuse registry for any other state, a
 58 United States territory, the District of Columbia, or any American Indian tribe nor have
 59 I ever been required to register for any such registry;"

60 **SECTION 5.**

61 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
62 is amended by adding a new Code section to read as follows:

63 "31-10-9.2.

64 (a) The state registrar shall provide to the Division of Family and Children Services of the
65 Department of Human Services copies of or data derived from certificates and reports filed
66 with the state registrar upon notification by the Division of Family and Children Services
67 of receipt of a report of abuse or neglect concerning a child or his or her parents or siblings
68 pursuant to Code Section 19-7-5. Such reports or data shall include records related to birth
69 or death, fetal death, and putative father registry of this state concerning a child or his or
70 her parents or siblings.

71 (b) The Department of Public Health, through the state registrar and the Division of
72 Family and Children Services, shall jointly establish policies, procedures, and schedules
73 regarding the transmittal of copies of records or data as jointly deemed necessary. The
74 Department of Public Health and the Division of Family and Children Services shall enter
75 into agreements as necessary to effectuate the provisions of this Code section and to ensure
76 compliance with the requirements of the federal Health Insurance Portability and
77 Accountability Act of 1996, P.L. 104-191, as amended."

78 **SECTION 6.**

79 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and
80 protection for children and youth, is amended in Code Section 49-5-41, relating to persons
81 and agencies permitted access to records, by repealing paragraph (3) of subsection (b).

82 **SECTION 7.**

83 Said chapter is further revised by repealing and reserving Article 8, relating to the central
84 child abuse registry.

85 **SECTION 8.**

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