

House Bill 64 (AS PASSED HOUSE AND SENATE)

By: Representatives Prince of the 127th, Belton of the 112th, Oliver of the 82nd, Holcomb of the 81st, and Efstoration of the 104th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated,
2 relating to parent and child relationship general provisions, so as to require child welfare
3 agencies to make efforts to determine whether a parent or guardian of a child who is the
4 subject of abuse allegations is on active duty in the military; to require certain notifications
5 to military installation family advocacy programs; to provide for the reporting of child abuse
6 to military law enforcement in certain situations; to provide for immunity for the reporting
7 of child abuse to military law enforcement; to provide for a short title; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Protecting Military Children Act."

12 **SECTION 2.**

13 Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to
14 parent and child relationship general provisions, is amended in Code Section 19-7-5, relating
15 to the reporting of child abuse, by revising subsections (e) and (f) as follows:

16 "(e)(1) As used in the subsection, the term:

17 (A) 'Active duty' means full-time duty status.

18 (B) 'Armed forces of the United States' or 'military' means the United States Army,
19 United States Navy, United States Marine Corps, United States Coast Guard, United
20 States Air Force, United States National Guard, Georgia Army National Guard, or
21 Georgia Air National Guard, or a reserve component thereof.

22 (C) 'Family advocacy program' means, for the particular branch, the program
23 established by the military for the prevention, education, prompt reporting,
24 investigation, intervention, or treatment of spouse or child abuse.

25 (D) 'Military law enforcement' means, for the particular branch, the police corps,
26 division, branch, agency, or authority of the military responsible for law enforcement
27 or force protection.

28 (2) With respect to reporting required by subsection (c) of this Code section, an oral
29 report by telephone or other oral communication or a written report by electronic
30 submission or facsimile shall be made immediately, but in no case later than 24 hours
31 from the time there is reasonable cause to believe that suspected child abuse has occurred.
32 When a report is being made by electronic submission or facsimile to the Division of
33 Family and Children Services of the Department of Human Services, it shall be done in
34 the manner specified by the division. Oral reports shall be followed by a later report in
35 writing, if requested, to a child welfare agency providing protective services, as
36 designated by the Division of Family and Children Services of the Department of Human
37 Services, or, in the absence of such agency, to an appropriate police authority or district
38 attorney. Such report shall be provided to military law enforcement, if applicable. If a
39 report of child abuse is made to the child welfare agency or independently discovered by
40 the agency, and the agency has reasonable cause to believe such report is true or the
41 report contains any allegation or evidence of child abuse, then the agency shall
42 immediately notify the appropriate police authority or district attorney and notify military
43 law enforcement, if applicable. Such reports shall contain the names and addresses of the
44 child and the child's parents or caretakers, if known, the child's age, the nature and extent
45 of the child's injuries, including any evidence of previous injuries, and any other
46 information that the reporting person believes might be helpful in establishing the cause
47 of the injuries and the identity of the perpetrator. Photographs of the child's injuries to
48 be used as documentation in support of allegations by hospital employees or volunteers,
49 physicians, law enforcement personnel, school officials, or employees or volunteers of
50 legally mandated public or private child protective agencies may be taken without the
51 permission of the child's parent or guardian. Such photographs shall be made available
52 as soon as possible to the chief welfare agency providing protective services, ~~and to the~~
53 appropriate police authority, and military law enforcement.

54 (3) For each child who is the subject of child abuse allegations, the child welfare agency
55 as provided for in paragraph (1) of this subsection shall make efforts as soon as
56 practicable to determine whether a parent or guardian of such child is on active duty in
57 the armed forces of the United States. If such agency determines that a parent or
58 guardian of such child is on active duty in the armed forces of the United States, such
59 agency shall notify the applicable military installation's family advocacy program of the
60 allegation of child abuse that relates to the parent or guardian of such child.

61 (f) Any person or persons, partnership, firm, corporation, association, hospital, or other
62 entity participating in the making of a report or causing a report to be made to a child
63 welfare agency providing protective services, ~~or to~~ an appropriate police authority, or
64 military law enforcement pursuant to this Code section or any other law or participating in
65 any judicial proceeding or any other proceeding resulting therefrom shall in so doing be
66 immune from any civil or criminal liability that might otherwise be incurred or imposed,
67 provided that such participation pursuant to this Code section or any other law is made in
68 good faith. Any person making a report, whether required by this Code section or not, shall
69 be immune from liability as provided in this subsection."

70

SECTION 3.

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