

Senate Bill 60

By: Senators Thompson of the 33rd, Meyer von Bremen of the 12th, Hecht of the 34th and Stokes of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child
2 abuse, so as to change provisions relating to child abuse; to include additional terms; to
3 include compliance standards and annual reporting; to provide for review committees, their
4 duties, powers, and reporting requirements; to create a new panel and provide for its duties,
5 powers, and reporting requirements; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is
10 amended by striking Code Sections 19-15-1, relating to definitions; 19-15-2; relating to child
11 abuse protocol and training; 19-15-3, relating to child death reporting and investigation;
12 19-15-4, relating to State-wide Child Abuse Prevention Panel; 19-15-5, relating to
13 committee, subcommittee, or panel meetings and proceedings; and 19-15-6, relating to use
14 of committee, subcommittee, or panel information or records, in their entirety and inserting
15 in lieu thereof new Code Sections 19-15-1, 19-15-2, 19-15-3, 19-15-4, 19-15-5, and 19-15-6
16 to read as follows:

17 "19-15-1.

18 As used in this chapter, the term:

19 (1) 'Abused' means subjected to child abuse.

20 (2) 'Child' means any person under 18 years of age.

21 (3) 'Child abuse' means:

22 (A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by
23 other than accidental means; provided, however, physical forms of discipline may be
24 used as long as there is no physical injury to the child;

25 (B) Neglect or exploitation of a child by a parent or caretaker thereof;

26 (C) Sexual abuse of a child; or

1 (D) Sexual exploitation of a child.

2 (4) 'Child protection professional' means any person who is employed by the state or a
3 political subdivision of the state as a law enforcement officer, ~~schoolteacher~~ school
4 teacher, school administrator, or school counselor or who is employed to render services
5 to children by the Department of Human Resources or any county board of health or
6 county department of family and children services.

7 (5) ~~'Committee' means a child abuse protocol committee established pursuant to Code~~
8 ~~Section 19-15-2.~~ 'Eligible deaths' means deaths meeting the criteria for review by a
9 county child fatality review committee including deaths resulting from Sudden Infant
10 Death Syndrome, unintentional injuries, intentional injuries, medical conditions when
11 unexpected or when unattended by a physician, or any manner that is suspicious or
12 unusual.

13 (6) ~~'Panel' means the State-wide Child Abuse Prevention Panel created by Code Section~~
14 ~~19-15-4.~~ 'Investigation' in the context of child death includes all of the following:

15 (A) A post-mortem examination which may be limited to an external examination or
16 may include an autopsy;

17 (B) An inquiry by law enforcement agencies having jurisdiction into the circumstances
18 of the death, including a scene investigation and interview with the child's parents,
19 guardian, or caretaker and the person who reported the child's death;

20 (C) A review of information regarding the child and family from relevant agencies,
21 professionals, and providers of medical care.

22 (7) ~~'Report' means a report prepared by a committee pursuant to subsection (b) of Code~~
23 ~~Section 19-15-3.~~ 'Panel' means the Georgia Child Fatality Review Panel established
24 pursuant to Code Section 19-15-4. The panel oversees the local child fatality review
25 process and reports to the Governor on the incidence of child deaths with
26 recommendations for prevention.

27 (8) 'Protocol committee' means a multidisciplinary, multiagency child abuse protocol
28 committee established for a county pursuant to Code Section 19-15-2. The protocol
29 committee is charged with developing local protocols to investigate and prosecute alleged
30 cases of child abuse.

31 (9) 'Report' means a standardized form designated by the panel which is required for
32 collecting data on child fatalities reviewed by local child fatality review committees.

33 (10) 'Review committee' means a multidisciplinary, multiagency child fatality review
34 committee established for a county or circuit pursuant to Code Section 19-15-3. The
35 review committee is charged with reviewing all eligible child deaths to determine manner
36 and cause of death and if the death was preventable.

1 ~~(7.1)~~(11) 'Sexual abuse' means a person's employing, using, persuading, inducing,
 2 enticing, or coercing any minor who is not that person's spouse to engage in any act which
 3 involves:

- 4 (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or
 5 oral-anal, whether between persons of the same or opposite sex;
- 6 (B) Bestiality;
- 7 (C) Masturbation;
- 8 (D) Lewd exhibition of the genitals or pubic area of any person;
- 9 (E) Flagellation or torture by or upon a person who is nude;
- 10 (F) Condition of being fettered, bound, or otherwise physically restrained on the part
 11 of a person who is nude;
- 12 (G) Physical contact in an act of apparent sexual stimulation or gratification with any
 13 person's clothed or unclothed genitals, pubic area, or buttocks or with a female's
 14 clothed or unclothed breasts;
- 15 (H) Defecation or urination for the purpose of sexual stimulation; or
- 16 (I) Penetration of the vagina or rectum by any object except when done as part of a
 17 recognized medical procedure.

18 'Sexual abuse' shall not include consensual sex acts involving persons of the opposite sex
 19 when the sex acts are between minors or between a minor and an adult who is not more
 20 than five years older than the minor. This provision shall not be deemed or construed to
 21 repeal any law concerning the age or capacity to consent.

22 ~~(8)~~(12) 'Sexual exploitation' means conduct by a child's parent or caretaker who allows,
 23 permits, encourages, or requires that child to engage in:

- 24 (A) Prostitution, as defined in Code Section 16-6-9; or
- 25 (B) Sexually explicit conduct for the purpose of producing any visual or print medium
 26 depicting such conduct, as defined in Code Section 16-12-100.

27 ~~(9) 'Subcommittee' means the child fatality review subcommittee established pursuant
 28 to Code Section 19-15-3.~~

29 19-15-2.

30 (a) Each county shall be required to establish a child abuse protocol as provided in this
 31 Code section.

32 (b) The chief superior court judge of the circuit in which the county is located shall
 33 establish a child abuse protocol committee as provided in subsection (c) of this Code
 34 section and shall appoint an interim chairperson who shall preside over the first meeting
 35 and the chief superior court judge shall appoint persons to fill any vacancies on the

1 committee. Thus established, the committee shall thereafter elect a chairperson from its
2 membership.

3 (c)(1) Each of the following agencies of the county shall designate a representative to
4 serve on the committee:

5 (A) The office of the sheriff;

6 (B) The county department of family and children services;

7 (C) The office of the district attorney;

8 (D) The juvenile court;

9 (E) The magistrate court;

10 (F) The county board of education;

11 (G) The county mental health organization;

12 (H) The office of the chief of police of a county in counties which have a county police
13 department;

14 (I) The office of the chief of police of the largest municipality in the county;

15 (J) The county board of health, which shall designate a physician to serve on the
16 committee; and

17 (K) The office of the coroner or county medical examiner.

18 (2) In addition to the representatives serving on the committee as provided for in
19 paragraph (1) of this subsection, the chief superior court judge shall designate a
20 representative from a local citizen or advocacy group which focuses on child abuse
21 awareness and prevention.

22 (3) If any designated agency fails to carry out its duties relating to participation on the
23 committee, the chief superior court judge of the circuit may issue an order requiring the
24 participation of such agency. Failure to comply with such order shall be cause for
25 punishment as for contempt of court.

26 (d) Each protocol committee shall elect or appoint a chairperson who shall ~~convene the~~
27 ~~first meeting and~~ be responsible for ensuring that written protocol procedures are followed
28 by all agencies. That person can be independent of agencies listed in paragraph (1) of
29 subsection (c) of this Code section. The child abuse protocol committee thus established
30 may appoint such additional members as necessary and proper to accomplish the purposes
31 of the protocol committee.

32 (e) The protocol committee shall, by July 1, ~~1988~~ 2002, adopt a written child abuse
33 protocol which shall be filed with the Division of Family and Children Services of the
34 Department of Human Resources and the ~~State-wide~~ Georgia ~~Child Abuse Prevention~~
35 Fatality Review Panel, a copy of which shall be furnished to each agency in the county
36 handling the cases of abused children. The protocol shall be a written document outlining
37 in detail the procedures to be used in investigating and prosecuting cases arising from

1 alleged child abuse and the methods to be used in coordinating treatment programs for the
2 perpetrator, the family, and the child.

3 (f) The purpose of the protocol shall be to ensure coordination and cooperation between
4 all agencies involved in a child abuse case so as to increase the efficiency of all agencies
5 handling such cases, to minimize the stress created for the allegedly abused child by the
6 legal and investigatory process, and to ensure that more effective treatment is provided for
7 the perpetrator, the family, and the child, including counseling.

8 (g) Upon completion of the writing of the child abuse protocol, the protocol committee
9 shall continue in existence and shall meet at least semiannually for the purpose of
10 evaluating the effectiveness of the protocol and appropriately modifying and updating
11 same.

12 (h) Each protocol committee shall adopt or amend its written child abuse protocol no later
13 than December 1, ~~1993~~ 2002, to specify the circumstances under which law enforcement
14 officers will and will not be required to accompany child abuse investigators from the
15 county department of family and children services when these investigators investigate
16 reports of child abuse. In determining when law enforcement officers shall and shall not
17 accompany child abuse investigators, the protocol committee shall consider the need to
18 protect the alleged victim and the need to preserve the confidentiality of the report. Each
19 protocol committee shall establish joint work efforts between the law enforcement and
20 child abuse investigative agencies in child abuse investigations. The adoption or
21 amendment of the protocol shall also describe measures which can be taken within the
22 county to prevent child abuse and shall be filed with and furnished to the same entities with
23 or to which an original protocol is required to be filed or furnished. The protocol will be
24 further amended to specify procedures to be adopted by the protocol committee to ensure
25 that written protocol procedures are followed.

26 (i) The protocol committee shall ~~meet at least semiannually and shall~~ issue a report no later
27 than the first day of July in ~~1994~~ 2003 and no later than the first day of July each year
28 thereafter. That report shall evaluate the extent to which child abuse investigations during
29 the 12 months prior to the report have complied with the child abuse protocols of the
30 protocol committee, recommend measures to improve compliance, and describe which
31 measures taken within the county to prevent child abuse have been successful. The report
32 shall be transmitted to the county governing authority, the fall term grand jury of the
33 judicial circuit, the ~~State-wide Georgia Child Abuse Prevention Fatality Review~~ Panel, and
34 the chief superior court judge.

35 (i)(j) By July 1, ~~1994~~ 2003, members of each protocol committee shall receive appropriate
36 training. As new members are appointed, they will also receive training within 12 months
37 after their appointment. The Department of Human Resources shall provide such training.

1 19-15-3.

2 ~~(a)(1) When a county medical examiner or coroner receives a report regarding the death~~
3 ~~of any child, that medical examiner or coroner shall, within 48 hours of the death, notify~~
4 ~~the chairperson of the child fatality review subcommittee of the county in which such~~
5 ~~child resided at the time of death. It shall be the duty of any law enforcement officer or~~
6 ~~other person having knowledge of the death of a child to immediately notify the coroner~~
7 ~~or county medical examiner of the county wherein the body is found or death occurs. If~~
8 ~~the death occurred outside the child's county of residence, it shall be the duty of the~~
9 ~~medical examiner or coroner in the county where the child died to notify the medical~~
10 ~~examiner or coroner in the county of the child's residence.~~

11 ~~(2) When a medical examiner files a report regarding the death of any child with the~~
12 ~~director of the division of forensic services of the Georgia Bureau of Investigation~~
13 ~~pursuant to Code Section 45-16-24, that medical examiner at the same time shall also~~
14 ~~transmit a copy of that report to the committee of the county in which such child resided~~
15 ~~at the time of death.~~

16 ~~(b) The chairperson for each committee shall establish a subcommittee composed of~~
17 ~~members of the committee to include, but not be limited to, the county medical examiner~~
18 ~~or coroner; the district attorney or his or her designee; a county department of family and~~
19 ~~children services representative; a local law enforcement representative; a juvenile court~~
20 ~~representative; a county board of health representative; and other members as deemed~~
21 ~~necessary. The subcommittee shall be the child fatality review subcommittee for that~~
22 ~~committee. When a coroner or county medical examiner receives a report pursuant to~~
23 ~~subsection (a) of this Code section, that coroner or county medical examiner shall review~~
24 ~~the findings regarding the cause and manner of the child's death. If the death does not~~
25 ~~meet the criteria for review pursuant to Code Section 45-16-24, the coroner or county~~
26 ~~medical examiner shall sign a form stating that the death does not meet the criteria for~~
27 ~~review and forward the findings of the coroner or county medical examiner and such form~~
28 ~~to the chairperson of the child fatality review subcommittee within seven days of the~~
29 ~~child's death. If such chairperson agrees that the child's death does not meet the criteria~~
30 ~~for review, the chairperson shall sign a form stating that the death does not meet the criteria~~
31 ~~for review and shall forward the findings and form to the State-wide Child Abuse~~
32 ~~Prevention Panel. If the chairperson disagrees with the coroner or county medical~~
33 ~~examiner and believes that the child's death should be reviewed, the chairperson shall~~
34 ~~follow the procedures for deaths to be reviewed. If the death meets the criteria for review,~~
35 ~~the coroner or county medical examiner shall forward the findings of such office regarding~~
36 ~~the death of the child in a report to the chairperson of the child fatality review~~
37 ~~subcommittee for review within seven days of the child's death. That subcommittee shall~~

1 meet and review the report within 30 days after receipt and conduct its own investigation
 2 into the death of the child named in that report. The subcommittee may obtain from any
 3 superior court judge of the county for which the committee was created a subpoena to
 4 compel the production of documents or attendance of witnesses when that judge has made
 5 a finding that such documents or witnesses are necessary for the subcommittee's
 6 investigation; provided, however, that this Code section shall not modify or impair the
 7 privileged communications as provided by law except as otherwise provided in Code
 8 Section 19-7-5. The subcommittee shall complete the investigation and prepare its own
 9 report regarding the death of the child named in the medical examiner's report received by
 10 the committee. The subcommittee's report shall be completed within 20 days, Saturdays,
 11 Sundays, and holidays excluded, following the first meeting of the subcommittee held after
 12 the committee received the coroner's or medical examiner's report. The subcommittee's
 13 report shall:

14 (1) State the circumstances leading up to death and cause of death;

15 (2) Detail any agency involvement prior to death, including the beginning and ending
 16 dates and kinds of services delivered, the reasons for initial agency activity, and the
 17 reasons for any termination of agency activities;

18 (3) State whether any agency services had been delivered to the family or child prior to
 19 the circumstances leading to the child's death;

20 (4) State whether court intervention had ever been sought;

21 (5) Conclude whether services or agency activities delivered prior to death were
 22 appropriate and whether the child's death could have been prevented;

23 (6) Make recommendations for possible prevention of future deaths of similar incidents
 24 for children who are at risk for such deaths; and

25 (7) Include other findings as requested by the State-wide Child Abuse Prevention Panel.

26 (a)(1) Each county shall establish a local multidisciplinary, multiagency child fatality
 27 review committee as provided in this Code section. The chief superior court judge of the
 28 circuit in which the county is located shall establish a child fatality review committee
 29 composed of, but not limited to, the following members:

30 (A) The county medical examiner or coroner;

31 (B) The district attorney or his or her designee;

32 (C) A county department of family and children services representative;

33 (D) A local law enforcement representative;

34 (E) A juvenile court representative;

35 (F) A county board of health representative; and

36 (G) A county mental health representative.

- 1 (2) The chief superior court judge shall appoint an interim chairperson to preside over
2 the first meeting.
- 3 (b) Review committee members shall recommend whether to establish a review committee
4 for that county alone or establish a review committee with and for the counties within that
5 judicial circuit.
- 6 (c) After the local review committee is established, it shall elect a chairperson from its
7 membership. The chief superior court judge shall appoint persons to fill any vacancies on
8 the review committee should the membership fail to do so.
- 9 (d) If any designated agency fails to carry out its duties relating to participation on the
10 local review committee, the chief superior court judge of the circuit shall issue an order
11 requiring the participation of such agency. Failure to comply with such order shall be
12 cause for punishment as for contempt of court.
- 13 (e) Deaths eligible for review by local review committees are all deaths of children ages
14 birth through 17 as a result of:
- 15 (1) Sudden Infant Death Syndrome;
16 (2) Any unexpected or unexplained conditions;
17 (3) Unintentional injuries;
18 (4) Intentional injuries;
19 (5) Sudden death when the child is in apparent good health;
20 (6) Any manner that is suspicious or unusual;
21 (7) Medical conditions when unattended by a physician. For the purpose of this
22 paragraph, no person shall be deemed to have died unattended when the death occurred
23 while the person was a patient of a hospice licensed under Article 9 of Chapter 7 of Title
24 31; or
25 (8) Serving as an inmate of a state hospital or a state, county, or city penal institution.
- 26 (f) It shall be the duty of any law enforcement officer, medical personnel, or other person
27 having knowledge of the death of a child to immediately notify the coroner or medical
28 examiner of the county wherein the body is found or death occurs.
- 29 (g) If the death of a child occurs outside the child's county of residence, it shall be the duty
30 of the medical examiner or coroner in the county where the child died to notify the medical
31 examiner or coroner in the county of the child's residence.
- 32 (h) When a county medical examiner or coroner receives a report regarding the death of
33 any child he or she shall within 48 hours of the death notify the chairperson of the child
34 fatality review committee of the county or circuit in which such child resided at the time
35 of death.
- 36 (i) The coroner or county medical examiner shall review the findings regarding the cause
37 and manner of death for each child death report received and respond as follows:

1 (1) If the death does not meet the criteria for review pursuant to subsection (e) of this
2 Code section, the coroner or county medical examiner shall sign the form designated by
3 the panel stating that the death does not meet the criteria for review. He or she shall
4 forward the form and findings, within seven days of the child's death, to the chairperson
5 of the child fatality review committee in the county or circuit of the child's residence; or

6 (2) If the death meets the criteria for review pursuant to subsection (e) of this Code
7 section, the coroner or county medical examiner shall complete and sign the form
8 designated by the panel stating the death meets the criteria for review. He or she shall
9 forward the form and findings, within seven days of the child's death, to the chairperson
10 of the child fatality review committee in the county or circuit of the child's residence.

11 (j) When the chairperson of a local child fatality review committee receives a report from
12 the coroner or medical examiner regarding the death of a child, that chairperson shall
13 review the report and findings regarding the cause and manner of the child's death and
14 respond as follows:

15 (1) If the report indicates the child's death does not meet the criteria for review and the
16 chairperson agrees with this decision, the chairperson shall sign the form designated by
17 the panel stating that the death does not meet the criteria for review. He or she shall
18 forward the form and findings to the panel within seven days of receipt;

19 (2) If the report indicates the child's death does not meet the criteria for review and the
20 chairperson disagrees with this decision, the chairperson shall follow the procedures for
21 deaths to be reviewed pursuant to subsection (k) of this Code section;

22 (3) If the report indicates the child's death meets the criteria for review and the
23 chairperson disagrees with this decision, the chairperson shall sign the form designated
24 by the panel stating that the death does not meet the criteria for review. The chairperson
25 shall also attach an explanation for this decision; or

26 (4) If the report indicates the child's death meets the criteria for review and the
27 chairperson agrees with this decision, the chairperson shall follow the procedures for
28 deaths to be reviewed pursuant to subsection (k) of this Code section.

29 (k) When a child's death meets the criteria for review, the chairperson shall convene the
30 review committee within 30 days after receipt of the report for a meeting to review and
31 investigate the cause and circumstances of the death. Review committee members shall
32 provide information as specified below, except where otherwise protected by statute:

33 (1) The providers of medical care and the medical examiner or coroner shall provide
34 pertinent health and medical information regarding a child whose death is being reviewed
35 by the local review committee;

36 (2) State, county, or local government agencies shall provide all of the following data on
37 forms designated by the panel for reporting child fatalities:

1 (A) Birth information for children who died at less than one year of age including
 2 confidential information collected for medical and health use;

3 (B) Death information for children who have not reached their eighteenth birthday;

4 (C) Law enforcement investigative data, medical examiner or coroner investigative
 5 data, and parole and probation information and records;

6 (D) Medical care, including dental, mental, and prenatal health care; and

7 (E) Pertinent information from any social services agency that provided services to the
 8 child or family; and

9 (3) The review committee may obtain from any superior court judge of the county or
 10 circuit for which the review committee was created a subpoena to compel the production
 11 of documents or attendance of witnesses when that judge has made a finding that such
 12 documents or witnesses are necessary for the review committee's review. However, this
 13 Code section shall not modify or impair the privileged communications as provided by
 14 law except as otherwise provided in Code Section 19-7-5.

15 (l) The review committee shall complete its review and prepare a report of the child's
 16 death within 20 days, weekends and holidays excluded, following the first meeting held
 17 after receipt of the county medical examiner or coroner's report. The review committee's
 18 report shall:

19 (1) State the circumstances leading up to death and cause of death;

20 (2) Detail any agency involvement prior to death, including the beginning and ending
 21 dates and kinds of services delivered, the reasons for initial agency activity, and the
 22 reasons for any termination of agency activities;

23 (3) State whether any agency services had been delivered to the family or child prior to
 24 the circumstances leading to the child's death;

25 (4) State whether court intervention had ever been sought;

26 (5) Conclude whether services or agency activities delivered prior to death were
 27 appropriate and whether the child's death could have been prevented;

28 (6) Make recommendations for possible prevention of future deaths of similar incidents
 29 for children who are at risk for such deaths; and

30 (7) Include other findings as requested by the Georgia Child Fatality Review Panel.

31 (m) The review committee shall transmit a copy of its report within 15 days of completion
 32 to the panel.

33 ~~(e)(n) The subcommittee review committee shall transmit a copy of its report within 15~~
 34 ~~days following its completion to the State-wide Child Abuse Prevention Panel. The~~
 35 ~~subcommittee shall also transmit a copy of its report within 15 days following its~~
 36 ~~completion to the district attorney of the county or circuit for which the review committee~~
 37 ~~was created if the report concluded that the child named therein died as a result of:~~

- 1 (1) Sudden Infant Death Syndrome when no autopsy was performed to confirm the
- 2 diagnosis;
- 3 (2) Accidental death when it appears that the death could have been prevented through
- 4 intervention or supervision;
- 5 (3) Any sexually transmitted disease;
- 6 (4) Medical causes which could have been prevented through intervention by an agency
- 7 or by seeking medical treatment;
- 8 (5) Suicide of a child in custody or known to the Department of Human Resources or
- 9 when the finding of suicide is suspicious;
- 10 (6) Suspected or confirmed child abuse;
- 11 (7) Trauma to the head or body; or
- 12 (8) Homicide.

13 ~~(d)~~(o) Each ~~subcommittee of a committee~~ local review committee shall issue an annual
 14 report no later than the first day of July in ~~1994~~ 2002 and in each year thereafter. The
 15 report shall:

- 16 (1) Specify ~~specify~~ the numbers of reports received by that review committee from a
 17 county medical examiner or coroner pursuant to subsection ~~(a)~~ (h) of this Code section
 18 for the ~~12-month period prior to the issuance of the report and~~ preceding calendar year;
- 19 (2) Specify the number of reports of ~~death investigations~~ child fatality reviews prepared
 20 by the ~~subcommittee~~ review committee during such period;
- 21 (3) The annual report shall be Be published at least once annually in the legal organ of
 22 the county or counties for which the review committee was established with the expense
 23 of such publication paid each by such county; and
- 24 (4) No Be transmitted, no later than the fifteenth day of July in ~~1994~~ 2002 and in each year
 25 thereafter, to the Georgia Child Fatality Review Panel ~~a copy of that annual report shall~~
 26 ~~also be transmitted to~~ and the Judiciary Committees of the House of Representatives and
 27 Senate.

28 19-15-4.

29 (a) There is created the ~~State-wide~~ Georgia Child Abuse Prevention Fatality Review Panel
 30 as defined in paragraph (7) of Code Section 19-15-1.

31 ~~(d)~~(b) The panel shall be attached for administrative purposes only to the Department of
 32 Human Resources. Notwithstanding any provision in Code Section 50-4-3 to the contrary,
 33 the State Children's Trust Fund Commission shall provide such staff support as may be
 34 necessary to enable the panel to discharge its duties under the law.

35 (c) The panel ~~which~~ shall be composed as follows:

- 36 (1) One district attorney appointed by the Governor;

- 1 (2) One juvenile court judge appointed by the Governor;
- 2 (3) Two citizen members who shall be appointed by the Governor, who are not employed
- 3 by or officers of the state or any political subdivision thereof and one of whom shall come
- 4 from each of the following: (A) a state-wide child abuse prevention organization; and (B)
- 5 a state-wide childhood injury prevention organization;
- 6 (4) One forensic pathologist appointed by the Governor;
- 7 (5) The chairperson of the Board of Human Resources;
- 8 (6) The director of the Division of Family and Children Services of the Department of
- 9 Human Resources;
- 10 (7) The director of the Georgia Bureau of Investigation;
- 11 (8) The chairperson of the Criminal Justice Coordinating Council;
- 12 (9) A member of the Georgia Senate appointed by the Lieutenant Governor;
- 13 (10) A member of the Georgia House of Representatives appointed by the Speaker of the
- 14 House of Representatives;
- 15 (11) A local law enforcement official appointed by the Governor;
- 16 (12) A superior court judge appointed by the Governor;
- 17 (13) A coroner appointed by the Governor;
- 18 (14) ~~The child advocate created by Article 5 of Chapter 11 of Title 15~~ director of the
- 19 Office of the Child Advocate for the Protection of Children; and
- 20 (15) The director of the Division of Public Health of the Department of Human
- 21 Resources.

22 (d) The Governor shall appoint the chairperson of the panel.

23 ~~(b)(e)(1) All appointed members Members of the panel specified in paragraphs (1)~~
 24 ~~through (4) of subsection (a) of this Code section shall be appointed by the Governor for~~
 25 ~~initial terms of office to begin July 1, 1990, and expire June 30, 1992, and until their~~
 26 ~~respective successors are appointed and qualified. Members of the panel specified in~~
 27 ~~paragraphs (11) and (12) of subsection (a) of this Code section shall be appointed by the~~
 28 ~~Governor for initial terms of office to begin immediately upon their appointment and~~
 29 ~~expire June 30, 1993. Thereafter, successors to such members whose terms of office are~~
 30 ~~to expire shall be appointed for terms of two years beginning on July 1 of the year in~~
 31 ~~which such terms expire appointed and shall serve for terms of two years and until their~~
 32 ~~respective successors are appointed and qualified.~~

33 (2) All ex officio members shall serve during the time such persons hold the offices or
 34 positions specified therein.

35 ~~(2)(3)~~ (3) Members of the panel specified in paragraphs (9) and (10) of subsection (a) of this
 36 Code section General Assembly shall serve for terms of office concurrent with their terms
 37 of office as members of the General Assembly.

1 ~~(3)~~(4) Vacancies in the membership of the panel so appointed shall be filled in the same
 2 manner as the original appointment for the unexpired term of office. ~~Members of the~~
 3 ~~panel specified in paragraphs (5) through (7) of subsection (a) of this Code section shall~~
 4 ~~serve during the time such persons hold the offices or positions specified therein.~~

5 ~~(e)~~(f) Members of the panel who are members of the General Assembly shall be
 6 compensated for service on the panel from legislative funds in the manner provided for
 7 service on interim study committees. Those members of the panel who are not state
 8 officials or employees shall receive from funds appropriated or otherwise available to the
 9 panel for their services on the panel the same daily expense and travel or mileage
 10 allowance authorized for members of the General Assembly for service on interim study
 11 committees. The members of the panel who are state officials or employees shall receive
 12 no additional compensation for their service on the panel but may be reimbursed for
 13 reasonable and necessary travel expenses which shall be payable from the department or
 14 agency of which such member is an employee or officer.

15 ~~(e)~~(g) ~~The Governor shall appoint the chairperson of the panel. The panel shall meet~~
 16 ~~quarterly to review the reports of subcommittees~~ local review committees and shall meet
 17 when requested to do so by the Governor. ~~The chairperson shall review each report~~
 18 ~~submitted to the panel by a subcommittee and may call a special meeting of the panel to~~
 19 ~~review any report when the chairperson has concluded the report warrants expedited review~~
 20 ~~and has been requested by the submitting subcommittee to make such expedited review.~~

21 (h) The purpose of the panel is to recommend measures to decrease the incidence of child
 22 death by undertaking all of the following duties:

23 (1) Identify factors which place a child at risk for death;

24 (2) Collect and share information among state agencies which provide services to
 25 children and families or investigate child deaths;

26 (3) Make suggestions and recommendations to appropriate participating agencies
 27 regarding improving coordination of services and investigations;

28 (4) Identify trends relevant to unexpected or unexplained child death;

29 (5) Review each report from local child fatality review committees. The chairperson
 30 may call a special meeting of the panel to review any report when the chairperson has
 31 concluded the report warrants expedited review and has been requested by the submitting
 32 local review committee to make such expedited review;

33 (6) Provide training and written materials to the local review committees to assist them
 34 in carrying out their duties. Such written materials shall include model protocols for the
 35 operation of the review committees;

36 (7) Develop a protocol for child fatality investigations and revise the protocol as needed;

1 (8) Monitor the operations of local review committees to determine training needs and
 2 service gaps. If the panel determines that changes to any statute, regulation, or policy is
 3 needed to decrease the risk of child death, it shall propose and recommend such changes
 4 in its annual report;

5 (9) Develop and implement such procedures and policies as are necessary for its own
 6 operation.

7 ~~(f)~~(i) By December 1 of each calendar year, the panel shall submit a report to the
 8 Governor, the Lieutenant Governor, and the Speaker of the House of Representatives
 9 regarding the prevalence and circumstances of child fatalities ~~and child abuse~~ in the state;
 10 recommend measures to reduce such fatalities caused by other than natural causes;
 11 ~~shall~~ address in the report the following issues:

12 (1) Whether the deaths could have been prevented;

13 (2) Whether the children were known to any state or local agency;

14 (3) The actions, if any, taken by any state or local agency or court;

15 (4) Whether agency or court intervention could have prevented their deaths;

16 (5) Whether policy, procedural, regulatory, or statutory changes are called for as a result
 17 of these findings; and

18 (6) Whether any referral should have been made to a law enforcement agency which was
 19 not made.

20 ~~(g)~~(j) The panel shall also establish procedures for the conduct of ~~investigations~~ reviews
 21 by ~~subcommittees~~ local review committees into deaths of children and may obtain the
 22 assistance of child protection professionals in establishing such procedures.

23 ~~(h) The panel shall also review on an ongoing basis the policies, procedures, and~~
 24 ~~operations of the Division of Family and Children Services of the Department of Human~~
 25 ~~Resources and whether modifications are necessary to help prevent child abuse and child~~
 26 ~~fatalities.~~

27 ~~(i) The panel shall also monitor implementation of the state child abuse prevention plan~~
 28 ~~and make an annual report on the progress of the implementation of such plan to the~~
 29 ~~Governor, Lieutenant Governor, and Speaker of the House of Representatives.~~

30 19-15-5.

31 ~~Meetings and proceedings of:~~

32 ~~(1)~~(a) A protocol committee or ~~subcommittee~~ review committee in the exercise of its
 33 duties shall be closed to the public and shall not be subject to Chapter 14 of Title 50,
 34 relating to open meetings; ~~and~~

35 ~~(2)~~(b) The panel shall be open to the public as long as information identifying a deceased
 36 or abused child, any family member of the child, or alleged or suspected perpetrator of

1 abuse upon the child is not disclosed during such meetings or proceedings, but the panel
2 is authorized to close such meeting to the public when such identifying information is
3 required to be disclosed to members of the panel in order for the panel to carry out its
4 duties.

5 19-15-6.

6 (a) Records and other documents which are made public records pursuant to any other
7 provisions of law shall remain public records notwithstanding their being obtained,
8 considered, or both, by a protocol committee, a ~~subcommittee~~ review committee, or the
9 panel.

10 (b) Notwithstanding any other provision of law to the contrary, reports of a ~~subcommittee~~
11 review committee made pursuant to Code Section 19-15-3 and reports of the panel made
12 pursuant to Code Section 19-15-4 shall be public records and shall be released to any
13 person making a request therefor but the panel protocol committee or ~~subcommittee~~ review
14 committee having possession of such records or reports shall only release them after
15 expunging therefrom all information contained therein which would permit identifying the
16 deceased or abused child, any family member of the child, any alleged or suspected
17 perpetrator of abuse upon the child, or any reporter of suspected child abuse.

18 (c) Statistical compilations of data by a ~~subcommittee~~ review committee or the panel based
19 upon information received thereby and containing no information which would permit the
20 identification of any person shall be public records.

21 (d) Members of a protocol committee, a ~~subcommittee~~ review committee, or of the panel
22 shall not disclose what transpires at any meeting other than one made public by Code
23 Section 19-15-5 nor disclose any information the disclosure of which is prohibited by this
24 Code section, except to carry out the purposes of this chapter. Any person who knowingly
25 violates this subsection shall be guilty of a misdemeanor.

26 (e) A person who presents information to a protocol committee, a ~~subcommittee~~ review
27 committee, or the panel or who is a member of any such body shall not be questioned in
28 any civil or criminal proceeding regarding such presentation or regarding opinions formed
29 by or confidential information obtained by such person as a result of serving as a member
30 of any such body. This subsection shall not be construed to prohibit any person from
31 testifying regarding information obtained independently of a protocol committee, a
32 ~~subcommittee~~ review committee, or the panel. In any proceeding in which testimony of
33 such a member is offered the court shall first determine the source of such witness's
34 knowledge.

35 (f) Except as otherwise provided in this Code section, information acquired by and records
36 of a protocol committee, a ~~subcommittee~~ review committee, or the panel shall be

1 confidential, shall not be disclosed, and shall not be subject to Article 4 of Chapter 18 of
2 Title 50, relating to open records, or subject to subpoena, discovery, or introduction into
3 evidence in any civil or criminal proceeding.

4 (g) A member of a protocol committee, a ~~subcommittee~~ review committee, or the panel
5 shall not be civilly or criminally liable for any disclosure of information made by such
6 member as authorized by this Code section.

7 (h) Members of the review committee, persons attending a review committee meeting, and
8 persons who present information to a review committee may release information to such
9 government agencies as is necessary for the purpose of carrying out assigned review
10 committee duties.

11 ~~(h)~~(i) Notwithstanding any other provisions of law, information acquired by and
12 documents, records, and reports of the panel and child abuse protocol committees and
13 ~~subcommittees~~ review committees applicable to a child who at the time of his or her death
14 was in the custody of a state department or agency or foster parent shall not be confidential
15 and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records."

16 SECTION 2.

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