

Senate Bill 60

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

AS PASSED

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

27 (D) Sexual exploitation of a child.

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

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

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

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

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

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

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

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

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

32 (10) 'Review committee' means a multidisciplinary, multiagency child fatality review
 33 committee established for a county or circuit pursuant to Code Section 19-15-3. The
 34 review committee is charged with reviewing all eligible child deaths to determine manner
 35 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
 3 which 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 three 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~~ 2001, 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. The protocol shall also outline procedures to be used
 3 when child abuse occurs in a household where there is violence between past or present
 4 spouses, persons who are parents of the same child, parents and children, stepparents and
 5 stepchildren, foster parents and foster children, or other persons living or formerly living
 6 in the same household.

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

12 (g) Upon completion of the writing of the child abuse protocol, the protocol committee
 13 shall continue in existence and shall meet at least semiannually for the purpose of
 14 evaluating the effectiveness of the protocol and appropriately modifying and updating
 15 same.

16 (h) Each protocol committee shall adopt or amend its written child abuse protocol no later
 17 than ~~December~~ July 1, ~~1993~~ 2001, to specify the circumstances under which law
 18 enforcement officers will and will not be required to accompany child abuse investigators
 19 from the county department of family and children services when these investigators
 20 investigate reports of child abuse. In determining when law enforcement officers shall and
 21 shall not accompany child abuse investigators, the protocol committee shall consider the
 22 need to protect the alleged victim and the need to preserve the confidentiality of the report.
 23 Each protocol committee shall establish joint work efforts between the law enforcement
 24 and child abuse investigative agencies in child abuse investigations. The adoption or
 25 amendment of the protocol shall also describe measures which can be taken within the
 26 county to prevent child abuse and shall be filed with and furnished to the same entities with
 27 or to which an original protocol is required to be filed or furnished. The protocol will be
 28 further amended to specify procedures to be adopted by the protocol committee to ensure
 29 that written protocol procedures are followed.

30 (i) The protocol committee shall ~~meet at least semiannually and shall~~ issue a report no later
 31 than the first day of July in ~~1994~~ 2001 and no later than the first day of July each year
 32 thereafter. That report shall evaluate the extent to which child abuse investigations during
 33 the 12 months prior to the report have complied with the child abuse protocols of the
 34 protocol committee, recommend measures to improve compliance, and describe which
 35 measures taken within the county to prevent child abuse have been successful. The report
 36 shall be transmitted to the county governing authority, the fall term grand jury of the

1 judicial circuit, the ~~State-wide~~ Georgia Child Abuse Prevention Fatality Review Panel, and
2 the chief superior court judge.

3 ~~(i)~~(j) By July 1, ~~1994~~ 2001, members of each protocol committee shall receive appropriate
4 training. As new members are appointed, they will also receive training within 12 months
5 after their appointment. The Department of Human Resources shall provide such training.

6 19-15-3.

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

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

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

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

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

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

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

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

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

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

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

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

36 (A) The county medical examiner or coroner;

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

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

2 (D) A local law enforcement representative;

3 (E) The sheriff or his or her designee;

4 (F) A juvenile court representative;

5 (G) A county board of health representative; and

6 (H) A county mental health representative;

7 (2) The chief superior court judge shall appoint an interim chairperson to preside over
8 the first meeting.

9 (b) Review committee members shall recommend whether to establish a review committee
10 for that county alone or establish a review committee with and for the counties within that
11 judicial circuit.

12 (c) After the local review committee is established, it shall elect a chairperson from its
13 membership. The chief superior court judge shall appoint persons to fill any vacancies on
14 the review committee should the membership fail to do so.

15 (d) If any designated agency fails to carry out its duties relating to participation on the
16 local review committee, the chief superior court judge of the circuit shall issue an order
17 requiring the participation of such agency. Failure to comply with such order shall be
18 cause for punishment as for contempt of court.

19 (e) Deaths eligible for review by local review committees are all deaths of children ages
20 birth through 17 as a result of:

21 (1) Sudden Infant Death Syndrome;

22 (2) Any unexpected or unexplained conditions;

23 (3) Unintentional injuries;

24 (4) Intentional injuries;

25 (5) Sudden death when the child is in apparent good health;

26 (6) Any manner that is suspicious or unusual;

27 (7) Medical conditions when unattended by a physician. For the purpose of this
28 paragraph, no person shall be deemed to have died unattended when the death occurred
29 while the person was a patient of a hospice licensed under Article 9 of Chapter 7 of Title
30 31; or

31 (8) Serving as an inmate of a state hospital or a state, county, or city penal institution.

32 (f) It shall be the duty of any law enforcement officer, medical personnel, or other person
33 having knowledge of the death of a child to immediately notify the coroner or medical
34 examiner of the county wherein the body is found or death occurs.

35 (g) If the death of a child occurs outside the child's county of residence, it shall be the duty
36 of the medical examiner or coroner in the county where the child died to notify the medical
37 examiner or coroner in the county of the child's residence.

1 (h) When a county medical examiner or coroner receives a report regarding the death of
2 any child he or she shall within 48 hours of the death notify the chairperson of the child
3 fatality review committee of the county or circuit in which such child resided at the time
4 of death.

5 (i) The coroner or county medical examiner shall review the findings regarding the cause
6 and manner of death for each child death report received and respond as follows:

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

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

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

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

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

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

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

35 (k) When a child's death meets the criteria for review, the chairperson shall convene the
36 review committee within 30 days after receipt of the report for a meeting to review and

1 investigate the cause and circumstances of the death. Review committee members shall
2 provide information as specified below, except where otherwise protected by statute:

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

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

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

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

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

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

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

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

22 (1) The review committee shall complete its review and prepare a report of the child's
23 death within 20 days, weekends and holidays excluded, following the first meeting held
24 after receipt of the county medical examiner or coroner's report. The review committee's
25 report shall:

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

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

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

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

33 (5) State whether there have been any acts or reports of violence between past or present
34 spouses, persons who are parents of the same child, parents and children, stepparents and
35 stepchildren, foster parents and foster children, or other persons living or formerly living
36 in the same household;

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

3 (7) Make recommendations for possible prevention of future deaths of similar incidents
 4 for children who are at risk for such deaths; and

5 (8) Include other findings as requested by the Georgia Child Fatality Review Panel.

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

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

13 (1) Sudden Infant Death Syndrome when no autopsy was performed to confirm the
 14 diagnosis;

15 (2) Accidental death when it appears that the death could have been prevented through
 16 intervention or supervision;

17 (3) Any sexually transmitted disease;

18 (4) Medical causes which could have been prevented through intervention by an agency
 19 or by seeking medical treatment;

20 (5) Suicide of a child in custody or known to the Department of Human Resources or
 21 when the finding of suicide is suspicious;

22 (6) Suspected or confirmed child abuse;

23 (7) Trauma to the head or body; or

24 (8) Homicide.

25 ~~(d)(o)~~ Each subcommittee of a committee local review committee shall issue an annual
 26 report no later than the first day of July in ~~1994~~ 2001 and in each year thereafter. The
 27 report shall:

28 (1) Specify specify the numbers of reports received by that review committee from a
 29 county medical examiner or coroner pursuant to subsection ~~(a)~~ (h) of this Code section
 30 for the ~~12 month period prior to the issuance of the report and~~ preceding calendar year;

31 (2) Specify the number of reports of ~~death investigations~~ child fatality reviews prepared
 32 by the ~~subcommittee~~ review committee during such period;

33 (3) The annual report shall be Be published at least once annually in the legal organ of
 34 the county or counties for which the review committee was established with the expense
 35 of such publication paid each by such county; and

36 (4) No Be transmitted, no later than the fifteenth day of July in ~~1994~~ 2001 and in each
 37 year thereafter, to the Georgia Child Fatality Review Panel a copy of that annual report

1 ~~shall also be transmitted to~~ and the Judiciary Committees of the House of Representatives
2 and Senate.

3 19-15-4.

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

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

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

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

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

34 ~~(b)~~(e)(1) All appointed members ~~Members of the panel specified in paragraphs (1)~~
35 ~~through (4) of subsection (a) of this Code section shall be appointed by the Governor for~~
36 ~~initial terms of office to begin July 1, 1990, and expire June 30, 1992, and until their~~

1 ~~respective successors are appointed and qualified. Members of the panel specified in~~
 2 ~~paragraphs (11) and (12) of subsection (a) of this Code section shall be appointed by the~~
 3 ~~Governor for initial terms of office to begin immediately upon their appointment and~~
 4 ~~expire June 30, 1993. Thereafter, successors to such members whose terms of office are~~
 5 ~~to expire shall be appointed for terms of two years beginning on July 1 of the year in~~
 6 ~~which such terms expire appointed and shall serve for terms of two years and until their~~
 7 ~~respective successors are appointed and qualified.~~

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

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

13 ~~(3)(4) Vacancies in the membership of the panel so appointed shall be filled in the same~~
 14 ~~manner as the original appointment for the unexpired term of office. ~~Members of the~~~~
 15 ~~panel specified in paragraphs (5) through (7) of subsection (a) of this Code section shall~~
 16 ~~serve during the time such persons hold the offices or positions specified therein.~~

17 ~~(e)(f)~~ Members of the panel who are members of the General Assembly shall be
 18 compensated for service on the panel from legislative funds in the manner provided for
 19 service on interim study committees. Those members of the panel who are not state
 20 officials or employees shall receive from funds appropriated or otherwise available to the
 21 panel for their services on the panel the same daily expense and travel or mileage
 22 allowance authorized for members of the General Assembly for service on interim study
 23 committees. The members of the panel who are state officials or employees shall receive
 24 no additional compensation for their service on the panel but may be reimbursed for
 25 reasonable and necessary travel expenses which shall be payable from the department or
 26 agency of which such member is an employee or officer.

27 ~~(e)(g) The Governor shall appoint the chairperson of the panel. The panel shall meet~~
 28 ~~quarterly to review the reports of ~~subcommittees~~ local review committees and shall meet~~
 29 ~~when requested to do so by the Governor. ~~The chairperson shall review each report~~~~
 30 ~~submitted to the panel by a subcommittee and may call a special meeting of the panel to~~
 31 ~~review any report when the chairperson has concluded the report warrants expedited review~~
 32 ~~and has been requested by the submitting subcommittee to make such expedited review.~~

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

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

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

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

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

4 (5) Investigate the relationship, if any, between child deaths and violence between past
 5 or present spouses, persons who are parents of the same child, parents and children,
 6 stepparents and stepchildren, foster parents and foster children, or other persons living
 7 or formerly living in the same household;

8 (6) Review each report from local child fatality review committees. The chairperson
 9 may call a special meeting of the panel to review any report when the chairperson has
 10 concluded the report warrants expedited review and has been requested by the submitting
 11 local review committee to make such expedited review;

12 (7) Provide training and written materials to the local review committees to assist them
 13 in carrying out their duties. Such written materials shall include model protocols for the
 14 operation of the review committees;

15 (8) Develop a protocol for child fatality investigations and revise the protocol as needed;

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

20 (10) Develop and implement such procedures and policies as are necessary for its own
 21 operation.

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

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

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

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

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

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

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

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

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

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

8 19-15-5.

9 ~~Meetings and proceedings of:~~

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

13 ~~(2)(b) The panel shall be open to the public as long as information identifying a deceased~~
 14 ~~or abused child, any family member of the child, or alleged or suspected perpetrator of~~
 15 ~~abuse upon the child is not disclosed during such meetings or proceedings, but the panel~~
 16 ~~is authorized to close such meeting to the public when such identifying information is~~
 17 ~~required to be disclosed to members of the panel in order for the panel to carry out its~~
 18 ~~duties.~~

19 19-15-6.

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

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

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

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

6 (e) A person who presents information to a protocol committee, a ~~subcommittee~~ review
 7 committee, or the panel or who is a member of any such body shall not be questioned in
 8 any civil or criminal proceeding regarding such presentation or regarding opinions formed
 9 by or confidential information obtained by such person as a result of serving as a member
 10 of any such body. This subsection shall not be construed to prohibit any person from
 11 testifying regarding information obtained independently of a protocol committee, a
 12 ~~subcommittee~~ review committee, or the panel. In any proceeding in which testimony of
 13 such a member is offered the court shall first determine the source of such witness's
 14 knowledge.

15 (f) Except as otherwise provided in this Code section, information acquired by and records
 16 of a protocol committee, a ~~subcommittee~~ review committee, or the panel shall be
 17 confidential, shall not be disclosed, and shall not be subject to Article 4 of Chapter 18 of
 18 Title 50, relating to open records, or subject to subpoena, discovery, or introduction into
 19 evidence in any civil or criminal proceeding.

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

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

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

32 SECTION 2.

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