

House Bill 479 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 79<sup>th</sup>, Oliver of the 56<sup>th</sup>, Post 2, and Sinkfield of the 50<sup>th</sup>

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 provide for the adoption of a child abuse protocol that is not inconsistent with  
3 the policies and procedures of the Division of Family and Children Services of the  
4 Department of Human Resources; to change provisions relating to the county multiagency  
5 child fatality review committee and chairperson thereof; to change provisions relating to the  
6 membership and powers of the Georgia Child Fatality Panel; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION .5.**

10 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is  
11 amended by striking subsection (e) of Code Section 19-15-2, relating to child abuse protocol  
12 committee, written child abuse protocols, and training of members, and inserting in its place  
13 the following:

14 "(e) The protocol committee shall, ~~by July 1, 2001,~~ adopt a written child abuse protocol  
15 which shall be filed with the Division of Family and Children Services of the Department  
16 of Human Resources and the Georgia Child Fatality Review Panel, a copy of which shall  
17 be furnished to each agency in the county handling the cases of abused children. The  
18 protocol shall be a written document outlining in detail the procedures to be used in  
19 investigating and prosecuting cases arising from alleged child abuse and the methods to be  
20 used in coordinating treatment programs for the perpetrator, the family, and the child. The  
21 protocol shall also outline procedures to be used when child abuse occurs in a household  
22 where there is violence between past or present spouses, persons who are parents of the  
23 same child, parents and children, stepparents and stepchildren, foster parents and foster  
24 children, or other persons living or formerly living in the same household. The protocol  
25 adopted shall not be inconsistent with the policies and procedures of the Division of Family  
26 and Children Services of the Department of Human Resources."

**SECTION 1.**

Said chapter is further amended by striking subsections (a), (c), and (d) of Code Section 19-15-3, relating to the county multiagency child fatality review committee, and inserting in their respective places the following:

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

- (A) The county medical examiner or coroner;
- (B) The district attorney or his or her designee;
- (C) A county department of family and children services representative;
- (D) A local law enforcement representative;
- (E) The sheriff or county police chief or his or her designee;
- (F) A juvenile court representative;
- (G) A county board of health representative; and
- (H) A county mental health representative;

(2) ~~The chief superior court judge shall appoint an interim~~ district attorney or his or her designee shall serve as the chairperson to preside over the first meeting all meetings."

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

(d) If any designated agency fails to carry out its duties relating to participation on the local review committee, the chief superior court judge of the circuit or any superior court judge who is a member of the Georgia Child Fatality Review Panel shall issue an order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court."

**SECTION 2.**

Said chapter is further amended by striking subsections (c) and (i) and inserting new subsections (c) and (i) and a new subsection at the end of Code Section 19-15-4, relating to the Georgia Child Fatality Review Panel, to read as follows:

"(c) The panel shall be composed as follows:

- (1) One district attorney appointed by the Governor;
- (2) One juvenile court judge appointed by the Governor;
- (3) Two citizen members who shall be appointed by the Governor, who are not employed by or officers of the state or any political subdivision thereof and one of whom shall come

1 from each of the following: (A) a state-wide child abuse prevention organization; and (B)  
2 a state-wide childhood injury prevention organization;

3 (4) One forensic pathologist appointed by the Governor;

4 (5) The chairperson of the Board of Human Resources;

5 (6) The director of the Division of Family and Children Services of the Department of  
6 Human Resources;

7 (7) The director of the Georgia Bureau of Investigation;

8 (8) The chairperson of the Criminal Justice Coordinating Council;

9 (9) A member of the Georgia Senate appointed by the Lieutenant Governor;

10 (10) A member of the Georgia House of Representatives appointed by the Speaker of the  
11 House of Representatives;

12 (11) A local law enforcement official appointed by the Governor;

13 (12) A superior court judge appointed by the Governor;

14 (13) A coroner appointed by the Governor;

15 (14) ~~The director of the Office of the Child Advocate for the Protection of Children; and~~

16 (15) The director of the Division of Public Health of the Department of Human  
17 Resources; and

18 (16) The director of the Division of Mental Health, Developmental Disabilities, and  
19 Addictive Diseases of the Department of Human Resources."

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

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

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

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

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

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

31 (6) Whether any referral should have been made to a law enforcement agency which was  
32 not made."

33 "(k) The panel shall have the authority to obtain from any superior court judge of the  
34 county or circuit for which the matter is pending a subpoena to compel the production of  
35 documents or attendance of witnesses if the county multiagency child fatality review  
36 committee has not exercised its authority to subpoena the documents or witnesses as  
37 provided in paragraph (3) of subsection (k) of Code Section 19-15-3; provided, however,

1 if a superior court judge has previously ruled that the records or witnesses are not necessary  
2 to the fatality review at issue, such finding shall be conclusive on the issuance of the  
3 subpoena."

4 **SECTION 3.**

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