

Senate Bill 128

By: Senator Carter of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
2 relating to the Office of the Child Advocate for the Protection of Children, so as to provide
3 for confidentiality of records held by the Office of the Child Advocate for the Protection of
4 Children; to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 5 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the
8 Office of the Child Advocate for the Protection of Children, is amended by revising
9 paragraph (2) of subsection (a) of Code Section 15-11-174, relating to the rights and powers
10 of the advocate, as follows:

11 "(2) To have access to all records and files of the division concerning or relating to a
12 child, and to have access, including the right to inspect, copy, and subpoena records held
13 by clerks of the various courts, law enforcement agencies, service providers, including
14 medical and mental health, and institutions, public or private, with whom a particular
15 child has been either voluntarily or otherwise placed for care or from whom the child has
16 received treatment within the state. To the extent any such information provides the
17 names and addresses of individuals who are the subject of any confidential proceeding
18 or statutory confidentiality provisions, such names and addresses or related information
19 which has the effect of identifying such individuals shall not be released to the public
20 without the consent of such individuals. The Office of the Child Advocate for the
21 Protection of Children is bound by all confidentiality safeguards provided in Code
22 Sections 49-5-40 and 49-5-44. Anyone wishing to obtain records held by the Office of
23 the Child Advocate shall petition the original agency of record where such records exist;"

1 **SECTION 2.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.