

House Bill 948

By: Representatives Oliver of the 83rd, Manning of the 32nd, Harden of the 147th, Scott of the 2nd, Cooper of the 41st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to
2 reporting of child abuse, so as to expand mandatory reporting requirements; to provide for
3 exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child
7 abuse, is amended by revising subsection (b) by designating paragraphs (3.1) and (4) as
8 paragraphs (7) and (8), respectively, and adding three new paragraphs and by revising
9 subsections (c), (d), and (g) to read as follows:

10 "(4) 'Child service organization personnel' means a person employed by or volunteering
11 at business or organization, whether public, private, for profit, not for profit, or voluntary,
12 that provides care, treatment, education, training, supervision, coaching, counseling,
13 recreational programs, or shelter to children.

14 (5) 'Clergy' means a minister, priest, rabbi, imam, or similar functionary, by whatever
15 name called, of a bona fide religious organization.

16 (6) 'School' means any public or private pre-kindergarten, elementary school, secondary
17 school, technical school, vocational school, college, university, or institution of
18 postsecondary education."

19 "(c)(1) The following persons having reasonable cause to believe that ~~a child has been~~
20 ~~abused~~ suspected child abuse has occurred shall report or cause reports of that abuse to
21 be made as provided in this Code section:

22 (A) Physicians licensed to practice medicine, interns, or residents;

23 (B) Hospital or medical personnel;

24 (C) Dentists;

25 (D) Licensed psychologists and persons participating in internships to obtain licensing
26 pursuant to Chapter 39 of Title 43;

- 27 (E) Podiatrists;
- 28 (F) Registered professional nurses or licensed practical nurses licensed pursuant to
29 Chapter 24 of Title 43;
- 30 (G) Professional counselors, social workers, or marriage and family therapists licensed
31 pursuant to Chapter 10A of Title 43;
- 32 (H) School teachers;
- 33 (I) School administrators;
- 34 (J) School guidance counselors, visiting teachers, school social workers, or school
35 psychologists certified pursuant to Chapter 2 of Title 20;
- 36 (K) Child welfare agency personnel, as that agency is defined pursuant to Code Section
37 49-5-12;
- 38 (L) Child-counseling personnel;
- 39 (M) Child service organization personnel; or
- 40 (N) Law enforcement personnel.

41 (2) If a person is required to report child abuse pursuant to this subsection because that
42 person attends to a child pursuant to such person's duties as a member of the staff of a
43 hospital, school, social agency, or similar facility, that person shall notify the person in
44 charge of the facility, or the designated delegate thereof, and the person so notified shall
45 report or cause a report to be made in accordance with this Code section. A staff member
46 who makes a report to the person designated pursuant to this paragraph shall be deemed
47 to have fully complied with this subsection. Under no circumstances shall any person in
48 charge of such hospital, school, agency, or facility, or the designated delegate thereof, to
49 whom such notification has been made exercise any control, restraint, modification, or
50 make other change to the information provided by the reporter, although each of the
51 aforementioned persons may be consulted prior to the making of a report and may
52 provide any additional, relevant, and necessary information when making the report.

53 (d) Any other person, other than one specified in subsection (c) of this Code section, who
54 has reasonable cause to believe that ~~a child is abused~~ suspected child abuse has occurred
55 may report or cause reports to be made as provided in this Code section."

56 "(g) Suspected child abuse which is required to be reported by any person pursuant to this
57 Code section shall be reported notwithstanding that the reasonable cause to believe such
58 abuse has occurred or is occurring is based in whole or in part upon any communication
59 to that person which is otherwise made privileged or confidential by law; provided,
60 however, that a member of the clergy shall not be required to report child abuse received
61 solely from a perpetrator of the child abuse through confession or other similar
62 communication required to be kept confidential under church doctrine or practice. When
63 a clergy member receives information about child abuse from any source, the clergy

64 member shall comply with the reporting requirements of this Code section, even though
65 the clergy member may have also received a report of child abuse from the confession of
66 the perpetrator."

67 **SECTION 2.**

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