

House Bill 1220

By: Representative Mitchell of the 88<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early  
2 care and learning, so as to require a satisfactory child protective services report for  
3 employees and directors of day care centers and related child care facilities; to amend Article  
4 8 of Chapter 5 of Title 49, relating to the Central Child Abuse Registry, so as to authorize the  
5 Division of Family and Children Services of the Department of Human Services to provide  
6 certain information on the registry to the Department of Early Care and Learning; to provide  
7 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and  
11 learning, is amended by revising Article 2, relating to background checks, as follows:  
12

"ARTICLE 2

13 20-1A-30.

14 As used in this article, the term:

15 (1) 'Center' means a day-care center, group day-care home, family day-care home, or  
16 child care learning center which is required to be licensed or registered under Article 1  
17 of this chapter.  
18

19 (1.1) 'Child protective services report' means a report from the abuse registry maintained  
20 by the Division of Family and Children Services of the Department of Human Services  
21 indicating whether a person appears on such registry and has any confirmed reports of  
22 child abuse on the Child Protective Services Information System required to be  
23 established by Code Section 49-5-181.

24 (2) 'Conviction' means a finding or verdict of guilty or a plea of guilty regardless of  
25 whether an appeal of the conviction has been sought.

26 (3) 'Crime' means any felony; a violation of Code Section 16-5-23, relating to simple  
27 battery, when the victim is a minor; a violation of Code Section 16-12-1, relating to  
28 contributing to the delinquency of a minor; a violation of Chapter 6 of Title 16, relating  
29 to sexual offenses; a violation of Code Section 16-4-1, relating to criminal attempt when  
30 the crime attempted is any of the crimes specified by this paragraph; or any other offenses  
31 committed in another jurisdiction which, if committed in this state, would be one of the  
32 enumerated crimes listed in this paragraph.

33 (4) 'Criminal record' means:

34 (A) Conviction of a crime;

35 (B) Arrest, charge, and sentencing for a crime where:

36 (i) A plea of nolo contendere was entered to the charge;

37 (ii) First offender treatment without adjudication of guilt pursuant to the charge was  
38 granted; provided, however, that this division shall not apply to a violation of Chapter  
39 13 of Title 16, relating to controlled substances, or any other offense committed in  
40 another jurisdiction which, if it were committed in this state, would be a violation of  
41 Chapter 13 of Title 16 if such violation or offense constituted only simple possession;  
42 or

43 (iii) Adjudication or sentence was otherwise withheld or not entered on the charge;  
44 provided, however, that this division shall not apply to a violation of Chapter 13 of  
45 Title 16, relating to controlled substances, or any other offense committed in another  
46 jurisdiction which, if it were committed in this state, would be a violation of Chapter  
47 13 of Title 16 if such violation or offense constituted only simple possession; or

48 (C) Arrest and being charged for a crime if the charge is pending, unless the time for  
49 prosecuting such crime has expired pursuant to Chapter 3 of Title 17.

50 (5) 'Director' means the chief administrative or executive officer of a facility.

51 (5.1) 'Division' means the Division of Family and Children Services of the Department  
52 of Human Services.

53 (6) 'Emergency temporary employee' means an employee other than a director whose  
54 duties involve personal contact between that person and any child being cared for at the  
55 facility and who is hired on an expedited basis to avoid noncompliance with staffing  
56 standards for centers required by law, rule, or regulation.

57 (7) 'Employee' means any person, other than a director, employed by a center to perform  
58 at any of the center's facilities any duties which involve personal contact between that  
59 person and any child being cared for at the facility and also includes any adult person  
60 who resides at the facility or who, with or without compensation, performs duties for the

61 center which involve personal contact between that person and any child being cared for  
62 by the center.

63 (8) 'Employment history' means a record of where a person has worked for the past ten  
64 years.

65 (9) 'Facility' means a center's real property at which children are received for care.

66 (10) 'Fingerprint records check determination' means a satisfactory or unsatisfactory  
67 determination by the department based upon a records check comparison of GCIC  
68 information with fingerprints and other information in a records check application.

69 (11) 'GCIC' means the Georgia Crime Information Center established under Article 2 of  
70 Chapter 3 of Title 35.

71 (12) 'GCIC information' means criminal history record information as defined in Code  
72 Section 35-3-30.

73 (13) 'License' means the document issued by the department to authorize the center to  
74 which it is issued to operate a facility.

75 (14) 'National fingerprint records check determination' means a satisfactory or  
76 unsatisfactory determination by the department in accordance with applicable law based  
77 upon a report from the Federal Bureau of Investigation after a search of bureau records  
78 and fingerprints.

79 (15) 'Preliminary records check application' means an application for a preliminary  
80 records check determination on forms provided by the department.

81 (16) 'Preliminary records check determination' means a satisfactory or unsatisfactory  
82 determination by the department based only upon a comparison of GCIC information  
83 with other than fingerprint information regarding the person upon whom the records  
84 check is being performed.

85 (17) 'Records check application' means two sets of classifiable fingerprints, a records  
86 search fee to be established by the board by rule and regulation, payable in such form as  
87 the department may direct to cover the cost of a fingerprint records check under this  
88 article, and an affidavit by the applicant disclosing the nature and date of any arrest,  
89 charge, or conviction of the applicant for the violation of any law, except for motor  
90 vehicle parking violations, whether or not the violation occurred in this state, and such  
91 additional information as the department may require.

92 (18) 'Satisfactory determination' means a written determination that a person for whom  
93 a records check was performed was found to have no criminal record.

94 (19) 'State fingerprint records check determination' means a satisfactory or unsatisfactory  
95 determination by the department in accordance with applicable law based upon a records  
96 check comparison of GCIC information with fingerprints and other information in a  
97 records check application.

98 (20) 'Unsatisfactory determination' means a written determination that a person for  
99 whom a records check was performed has a criminal record.

100 20-1A-31.

101 (a) Each center shall be required to obtain a separate license for each facility and shall  
102 have a separate director for each facility.

103 (b) An applicant for a new license shall apply for a separate license for each new facility  
104 in this state owned or operated by that applicant and shall have a separate director for each  
105 such facility.

106 20-1A-32.

107 (a) Accompanying any application for a new license for a facility, the applicant shall  
108 furnish to the department a records check application for the director and a satisfactory  
109 preliminary records check for each employee of such facility. In lieu of such records check  
110 applications, the applicant may submit evidence, satisfactory to the department, that within  
111 the immediately preceding 12 months the director received satisfactory state and national  
112 fingerprint records check determinations and each employee received a satisfactory  
113 preliminary records check determination, or that any employee other than the director  
114 whose preliminary records check revealed a criminal record of any kind has either  
115 subsequently received satisfactory state and national fingerprint records check  
116 determinations or has had the unsatisfactory determination reversed in accordance with  
117 Code Section 20-1A-43 or other lawful provisions. The department may either perform  
118 preliminary records checks under agreement with GCIC or contract with GCIC and  
119 appropriate law enforcement agencies which have access to GCIC information to have  
120 those agencies perform for the department a preliminary records check for each preliminary  
121 records check application submitted thereto by the department. Either the department or  
122 the appropriate law enforcement agencies may charge reasonable fees for performing  
123 preliminary records checks.

124 (b) Accompanying any application for a new license for a facility, the applicant shall  
125 furnish to the department a child protective services report application for the director and  
126 each employee of such facility. The department shall obtain and the division shall provide  
127 a child protective services report in a manner prescribed by the division.

128 20-1A-33.

129 (a) After being furnished the required records check application under Code Section  
130 20-1A-32 the department shall notify in writing the license applicant as to each person for  
131 whom an application was received regarding whether the department's determination as to

132 that person's state fingerprint records check was satisfactory or unsatisfactory. If the  
133 preliminary records check determination was satisfactory as to each employee of an  
134 applicant's facility and the state fingerprint records check was satisfactory as to the director,  
135 that applicant may be issued a license for that facility if the applicant otherwise qualifies  
136 for a license under Article 1 of this chapter. If the state or national fingerprint records  
137 check determination was unsatisfactory as to the director of an applicant's facility, the  
138 applicant shall designate another director for that facility after receiving notification of the  
139 determination and proceed under Code Section 20-1A-32 and this Code section to obtain  
140 state and national fingerprint records checks for that newly designated director. If the  
141 preliminary records check for any employee other than the director revealed a criminal  
142 record of any kind, such employee shall not be allowed to work in the center until he or she  
143 either has obtained satisfactory state and national fingerprint records check determinations  
144 or has had the unsatisfactory determination reversed in accordance with Code Section  
145 20-1A-43 or other lawful provisions. If the determination was unsatisfactory as to any  
146 employee of an applicant's facility, the applicant shall, after receiving notification of that  
147 determination, take such steps as are necessary so that such person is no longer an  
148 employee. Any employee other than the director who receives a satisfactory preliminary  
149 records check shall not be required to obtain a fingerprint records check unless such an  
150 employee has been designated as a director or as permitted by the provisions of subsection  
151 (c) of Code Section 20-1A-39.

152 (b) After being furnished the required child protective services report, the department shall  
153 notify in writing the license applicant as to each person for whom an application was  
154 received regarding whether the department's determination as to that person's child  
155 protective services report was satisfactory or unsatisfactory. If the child protective services  
156 report was unsatisfactory as to the director of an applicant's facility, the applicant shall  
157 designate another director for that facility after receiving notification of the determination  
158 and proceed under Code Section 20-1A-32 and this Code section to obtain a child  
159 protective services report for the newly designated director. If the child protective services  
160 report for any employee other than the director revealed a confirmed report of child abuse,  
161 such employee shall not be allowed to work in the center until he or she has had the  
162 unsatisfactory determination reversed in accordance with Code Section 20-1A-43 or other  
163 lawful provisions. If the determination was unsatisfactory as to any employee of an  
164 applicant's facility, the applicant shall, after receiving notification of that determination,  
165 take such steps as are necessary so that such person is no longer an employee.

166 20-1A-34.

167 The department shall transmit to GCIC both sets of fingerprints and the records search fee  
168 from each fingerprint records check application. Upon receipt thereof, GCIC shall  
169 promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search  
170 of bureau records and an appropriate report and shall retain the other set and promptly  
171 conduct a search of its records and records to which it has access. Within ten days after  
172 receiving fingerprints acceptable to GCIC, the application, and fee, GCIC shall notify the  
173 department in writing of any derogatory finding, including but not limited to any criminal  
174 record, of the state fingerprint records check or if there is no such finding. After a search  
175 of Federal Bureau of Investigation records and fingerprints and upon receipt of the bureau's  
176 report, the department shall make a national fingerprint records determination.

177 20-1A-35.

178 After receiving a Federal Bureau of Investigation report regarding a national fingerprint  
179 records check under Code Section 20-1A-34, the department shall make a determination  
180 based thereon and notify in writing the license applicant as to whether that records check  
181 was satisfactory or unsatisfactory. If the national fingerprint records check determination  
182 was unsatisfactory as to the director of an applicant's facility, after receiving notification  
183 of that determination, that applicant shall designate another director for such facility for  
184 ~~which director~~ whom the applicant has not received or made an unsatisfactory preliminary  
185 or fingerprint records check determination and proceed under the requirements of Code  
186 Sections 20-1A-32 through 20-1A-34 and this Code section to obtain state and national  
187 fingerprint records check determinations for the newly designated director. The director  
188 may begin working upon the receipt of a satisfactory state fingerprint records check  
189 determination pending the receipt of the national fingerprint records check determination  
190 from the department. The department may revoke the license of that facility if the facility  
191 fails to comply with the requirements of this Code section and Code Section 20-1A-33 to  
192 receive satisfactory state and national fingerprint determinations on the director or to  
193 comply with Code Section 20-1A-33 regarding employees other than the director.

194 20-1A-36.

195 (a) No facility operated as an early care and education program or similar facility or any  
196 operator of such a facility shall employ any person who has been convicted of or who has  
197 entered a plea of guilty or nolo contendere to any offense specified in Code Section  
198 16-12-1.1 or allow any such person to reside at or be domiciled at such facility in violation  
199 of Code Section 16-12-1.1. The department shall either deny the issuance of or revoke the  
200 license, commission, or registration of any such facility violating the provisions of this

201 ~~Code section subsection.~~ The powers and duties set forth in this ~~Code section subsection~~  
 202 are cumulative and not intended to limit the powers and duties set forth throughout this  
 203 article.

204 (b) No facility operated as an early care and education program or similar facility or any  
 205 operator of such a facility shall employ any person who has a child protective services  
 206 report that reveals a confirmed report of child abuse, or allow any such person to reside at  
 207 or be domiciled at such facility. The department shall either deny the issuance of or revoke  
 208 the license, commission, or registration of any such facility violating the provisions of this  
 209 subsection. The powers and duties set forth in this subsection are cumulative and not  
 210 intended to limit the powers and duties set forth throughout this article. Every employee  
 211 of a facility shall have a satisfactory child protective services report prior to being  
 212 employed by the facility.

213 20-1A-37.

214 (a) Notwithstanding any other provision of this article, an individual who resides in a  
 215 family day-care home, as defined by Code Section 20-1A-2, shall not be required to  
 216 provide fingerprints for routine fingerprints records checks if the operator of the family  
 217 day-care home provides the department with an affidavit stating that such individual is not  
 218 present in the home at the same time as the children who are received for pay for  
 219 supervision and care. However, all persons residing in a family day-care home are required  
 220 to obtain satisfactory preliminary records checks and are also required to obtain a  
 221 satisfactory child protective services report and submit them both to the department.

222 (b) As an alternative to the requirements set out in this article pertaining to obtaining  
 223 preliminary criminal records check determinations through the department for employees  
 224 of centers and adults residing in a family day-care home, but not including directors of  
 225 centers, centers may obtain GCIC information through local law enforcement agencies.  
 226 The center shall be responsible for reviewing the GCIC information obtained for the  
 227 potential employee or adult residing in the family day-care home and making a written  
 228 determination that the individual does not have a criminal record as defined in this article.  
 229 This written determination, together with all supporting documentation received from any  
 230 law enforcement agency, must be maintained in the center's file and available for  
 231 inspection by the department. This satisfactory determination must be made before the  
 232 employee begins any duties for the center. However, where there is an urgent need for an  
 233 emergency temporary employee to work at a center's facility in order to avoid immediate  
 234 noncompliance with staffing requirements, such center may utilize the applicant as an  
 235 emergency temporary employee after applying for the preliminary records check through  
 236 the local law enforcement agency and completing the affidavit. In such emergency

237 situations, the director of the center must complete an affidavit, with all supporting  
238 documentation attached thereto, stating that the GCIC information has been requested  
239 through an identified local law enforcement agency and that the results were not  
240 immediately available to the center prior to assigning the employee to work with children  
241 at the center's facility in order to avoid immediate noncompliance with staffing ratios. The  
242 affidavit with supporting documentation must be maintained in the center's file on the  
243 individual and available to the department for inspection. The director shall review the  
244 GCIC information upon receipt, but in no case shall an emergency temporary employee be  
245 permitted to continue working for more than three days without having a satisfactory  
246 determination made by the director and entered into the center's file on the employee with  
247 all supporting documentation. The department shall promulgate rules and regulations  
248 limiting the extent to which centers are authorized to use emergency temporary employees  
249 in accordance with this subsection. Employees, emergency temporary employees, and  
250 other adults required to have records checks who are utilized by centers are subject to all  
251 other requirements set forth in this article. Where the department has reason to question  
252 the validity of the GCIC information or the satisfactory determination made by the center,  
253 the department may require the employee, emergency temporary employee, or other adult  
254 to submit a preliminary criminal records check application through the department together  
255 with appropriate fees.

256 20-1A-38.

257 (a) If the director of a facility which has been issued a license ceases to be the director of  
258 that facility, the licensee shall thereupon designate a new director. After such change, the  
259 licensee of that facility shall notify the department of such change and of any additional  
260 information the department may require regarding the newly designated director of that  
261 facility. Such information shall include but not be limited to any information the licensee  
262 may have regarding preliminary or any fingerprint records check determinations regarding  
263 that director. After receiving a change of director notification, the department shall make  
264 a written determination from the information furnished with such notification and the  
265 department's own records as to whether satisfactory or unsatisfactory preliminary or state  
266 and national fingerprint records check determinations have ever been made for the newly  
267 designated director. If the department determines that such director within 12 months prior  
268 thereto has had satisfactory state and national fingerprint records check determinations,  
269 such determinations shall be deemed to be satisfactory state and national fingerprint  
270 records check determinations as to that director. The license of that facility shall not be  
271 adversely affected by that change in director, and the licensee shall be so notified.

272 (b) If the department determines under subsection (a) of this Code section that there has  
273 ever been an unsatisfactory preliminary or state or national fingerprint records check  
274 determination of the newly designated director which has not been legally reversed, the  
275 center and that director shall be so notified. The license for that director's facility shall be  
276 indefinitely suspended or revoked unless the center designates another director for whom  
277 it has not received or made an unsatisfactory preliminary or state or national fingerprint  
278 records check determination and proceeds pursuant to the provisions of this Code section  
279 relating to a change of director.

280 (c) If the department determines under subsection (a) of this Code section that there have  
281 been no state and national fingerprint records check determinations regarding the newly  
282 designated director within the immediately preceding 12 months, the department shall so  
283 notify the center. The center shall furnish to the department the fingerprint records check  
284 application of the newly designated director after the date the notification is sent by the  
285 department or the license of that facility shall be indefinitely suspended or revoked. If that  
286 fingerprint records check application is so received, unless the department has within the  
287 immediately preceding 12 months made a satisfactory state fingerprint records check  
288 determination regarding the newly designated director, the department shall perform a state  
289 fingerprint records check determination of the newly designated director, and the applicant  
290 and that director shall be so notified. If that determination is unsatisfactory, the provisions  
291 of subsection (b) of this Code section regarding procedures after notification shall apply.  
292 If that determination is satisfactory, the department shall perform a national fingerprint  
293 records check determination for that director as provided in Code Sections 20-1A-34 and  
294 20-1A-35. The director may begin working upon the receipt of a satisfactory state  
295 fingerprint records check determination pending the receipt of the national fingerprint  
296 records check determination from the department. If that determination is satisfactory, the  
297 center and director for whom the determination was made shall be so notified after the  
298 department makes its determination, and the license for the facility at which that person is  
299 the newly designated director shall not be adversely affected by that change of director.  
300 If that determination is unsatisfactory, the provisions of subsection (b) of this Code section  
301 shall apply.

302 (d) Prior to the employment of a newly designated director, such director shall have  
303 completed a child protective services report and shall receive a satisfactory report  
304 indicating that he or she has no record of child abuse.

305 20-1A-39.

306 (a) Before a person may become an employee other than a director of any center after that  
307 center has received a license, that center shall require that person to obtain a satisfactory

308 preliminary records check and a satisfactory child protective services report. The center  
309 shall maintain documentation in the employee's personnel file, which is available to the  
310 department upon request, which reflects that a satisfactory preliminary criminal records  
311 check ~~was~~ and a satisfactory child protective services report were received before the  
312 employee began working with children. If the preliminary records check for any potential  
313 employee other than the director reveals a criminal record of any kind, such potential  
314 employee shall not be allowed to begin working until either such potential employee has  
315 obtained satisfactory state and national fingerprint records check determinations or has had  
316 the unsatisfactory preliminary or fingerprint records check determination reversed in  
317 accordance with Code Section 20-1A-43 or other lawful provisions. If either the  
318 preliminary or state or national fingerprint records determination is unsatisfactory, the  
319 center shall, after receiving notification of the determination, take such steps as are  
320 necessary so that such person is no longer an employee. Any potential employee other than  
321 the director who receives a satisfactory preliminary records check determination shall not  
322 be required to obtain a fingerprint records check determination except as permitted in  
323 accordance with subsection (c) of this Code section. If the child protective services report  
324 is unsatisfactory, such potential employee shall not be allowed to begin working until he  
325 or she has had the unsatisfactory child protective services report reversed or removed.

326 (b) A license is subject to suspension or revocation and the department may refuse to issue  
327 a license if a director or employee does not undergo the records and fingerprint checks or  
328 a child protective services report applicable to that director or employee and receive  
329 satisfactory determinations.

330 (c) After the issuance of a license, the department may require a fingerprint records check  
331 on any director or employee to confirm identification for records search purposes, when  
332 the department has reason to believe the employee has a criminal record that renders the  
333 employee ineligible to have contact with children in the center, or during the course of a  
334 child abuse investigation involving the director or employee.

335 (d) No center may hire any person as an employee unless there is on file in the center an  
336 employment history, a satisfactory child protective services report, and a satisfactory  
337 preliminary records check or, if the preliminary records check determination revealed a  
338 criminal record of any kind as to such person, either satisfactory state and satisfactory  
339 national records check determinations for that person or proof that an unsatisfactory  
340 determination has been reversed in accordance with Code Section 20-1A-43 or other lawful  
341 provisions.

342 (e) A director of a facility having an employee whom that director knows or should  
343 reasonably know to have a criminal record or record of confirmed child abuse that renders

344 the employee ineligible to have contact with children in the center shall be guilty of a  
345 misdemeanor.

346 20-1A-40.

347 (a) GCIC and law enforcement agencies which have access to GCIC information shall  
348 cooperate with the department in performing preliminary and fingerprint records checks  
349 required under this article and shall provide such information so required for such records  
350 checks notwithstanding any other law to the contrary and may charge reasonable fees  
351 therefor.

352 (b) Any person who knowingly and under false pretenses requests, obtains, or attempts to  
353 obtain GCIC information otherwise authorized to be obtained pursuant to this article, or  
354 who knowingly communicates or attempts to communicate such information obtained  
355 pursuant to this article to any person or entity except in accordance with this article, or who  
356 knowingly uses or attempts to use such information obtained pursuant to this article for any  
357 purpose other than as authorized by this article shall be fined not more than \$5,000.00,  
358 imprisoned for not more than two years, or both.

359 20-1A-41.

360 (a) Neither GCIC, the department, any law enforcement agency, nor the employees of any  
361 such entities shall be responsible for the accuracy of information nor have any liability for  
362 defamation, invasion of privacy, negligence, or any other claim in connection with any  
363 dissemination of information or determination based thereon pursuant to this article.

364 (b) A center, its director, and its employees shall have no liability for defamation, invasion  
365 of privacy, or any other claim based upon good faith action thereby pursuant to the  
366 requirements of this article.

367 20-1A-42.

368 The requirements of this article are supplemental to any requirements for a license imposed  
369 by Article 1 of this chapter.

370 20-1A-43.

371 A determination by the department regarding preliminary or fingerprint records checks or  
372 regarding a satisfactory child protective services report under this article, or any action by  
373 the department revoking, suspending, or refusing to grant or renew a license based upon  
374 such determination, shall constitute a contested case for purposes of Chapter 13 of Title 50,  
375 the 'Georgia Administrative Procedure Act,' except that any hearing required to be held  
376 pursuant thereto may be held reasonably expeditiously after such determination or action

377 by the department. It is expressly provided that upon motion from any party, the hearing  
 378 officer may, in his or her discretion, consider matters in mitigation of any conviction,  
 379 provided that the hearing officer examines the circumstances of the case and makes an  
 380 independent finding that no physical harm was done to a victim and also examines the  
 381 character and employment history since the conviction and determines that there is no  
 382 propensity for cruel behavior or behavior involving moral turpitude on the part of the  
 383 person making a motion for an exception to sanctions normally imposed. If the hearing  
 384 officer deems a hearing to be appropriate, he or she will also notify at least 30 days prior  
 385 to such hearing the office of the prosecuting attorney who initiated the prosecution of the  
 386 case in question in order to allow the prosecutor to object to a possible determination that  
 387 the conviction would not be a bar for the grant or continuation of a license or employment  
 388 as contemplated within this chapter. If objections are made, the hearing officer will take  
 389 such objections into consideration in considering the case.

390 20-1A-44.

391 The board is authorized to provide by regulation for the administration of this article."

392 **SECTION 2.**

393 Article 8 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to the  
 394 Central Child Abuse Registry, is amended by revising Code Section 49-5-185, relating to  
 395 access to information in the registry, as follows:

396 "49-5-185.

397 (a) Except as otherwise provided in subsection (c) of this Code section and subsection (b)  
 398 of Code Section 49-5-186, only an abuse investigator, medical examiner, coroner, or  
 399 out-of-state abuse investigator which has investigated, or is investigating, a case of possible  
 400 child abuse shall be provided any information from the abuse registry and shall only be  
 401 provided information relating to that case for purposes of using that information in such  
 402 investigation.

403 (b) The department shall provide the Governor's office, the General Assembly, district  
 404 attorneys, and law enforcement agencies with a statistical analysis of reported cases from  
 405 the abuse registry at the end of each calendar year. This analysis shall not include the  
 406 names of any children, parents, or persons alleged to have committed child abuse. This  
 407 analysis shall not be protected by any laws prohibiting the dissemination of confidential  
 408 information.

409 (c)(1) A person may make a written request to any DFACS office to find out whether  
 410 such person's name is included on the abuse registry. Upon presentation of a passport,  
 411 military identification card, driver's license, or identification card authorized under Code

412 Sections 40-5-100 through 40-5-104, the office receiving such request shall disclose to  
413 such person whether that person's name is included on the abuse registry and, if so,  
414 whether the report is classified as confirmed or unconfirmed, the date upon which the  
415 person's name was listed on the registry, and the county in which the investigation was  
416 conducted which resulted in such inclusion.

417 (2) The DFACS office receiving a request from the Department of Early Care and  
418 Learning to find out whether a person's name is included on the abuse registry shall  
419 disclose to the Department of Early Care and Learning whether that person's name is  
420 included on the abuse registry and if so, whether the report is classified as confirmed or  
421 unconfirmed, the date upon which the person's name was listed on the registry, and the  
422 county in which the investigation was conducted which resulted in such inclusion."

423 **SECTION 3.**

424 This Act shall become effective on July 1, 2012.

425 **SECTION 4.**

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