

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 11 of Title 15, Chapter 15 of Title 19, and Chapter 2A of
2 Title 31 of the Official Code of Georgia Annotated, relating to the "Georgia Child Advocate
3 for the Protection of Children Act," child abuse, and the Department of Public Health,
4 respectively, so as to move the responsibility of coordinating and supervising the work of the
5 Georgia Child Fatality Review Panel from the Child Advocate for the Protection of Children
6 to the commissioner of public health or his or her designee; to provide for the commissioner
7 of public health to assist local child fatality review committees; to clarify definitions; to
8 provide for legislative findings; to amend Code Section 49-5-41 of the Official Code of
9 Georgia Annotated, relating to persons and agencies permitted access to child abuse and
10 dependency records, so as to clarify defined terms and change provisions relating to
11 disclosure; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Article 11 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
14 the "Georgia Child Advocate for the Protection of Children Act," is amended by revising
15 Code Section 15-11-743, relating to the duties of the Child Advocate for the Protection of
16 Children, as follows:
17 Children, as follows:

18 "15-11-743.

19 The advocate shall perform the following duties:

- 20 (1) Identify, receive, investigate, and seek the resolution or referral of complaints made
21 by or on behalf of children concerning any act, omission to act, practice, policy, or
22 procedure of an agency or any contractor or agent thereof that may adversely affect the
23 health, safety, or welfare of the children;
- 24 (2) Refer complaints involving abused children to appropriate regulatory and law
25 enforcement agencies;

26 ~~(3) Coordinate and supervise the work of the Georgia Child Fatality Review Panel~~
 27 ~~created by Code Section 19-15-4 and provide such staffing and administrative support to~~
 28 ~~the panel as may be necessary to enable the panel to carry out its statutory duties;~~
 29 (4) Report the death of any child to the chairperson of the ~~child fatality review~~
 30 ~~subcommittee of~~ committee, as such term is defined in Code Section 19-15-1, for the
 31 county in which such child resided at the time of death, unless the advocate has
 32 knowledge that such death has been reported by the county medical examiner or coroner,
 33 pursuant to Code Section 19-15-3, and to provide such ~~subcommittee~~ committee access
 34 to any records of the advocate relating to such child;

35 ~~(5)~~(4) Provide periodic reports on the work of the Office of the Child Advocate for the
 36 Protection of Children, including but not limited to an annual written report for the
 37 Governor and the General Assembly and other persons, agencies, and organizations
 38 deemed appropriate. Such reports shall include recommendations for changes in policies
 39 and procedures to improve the health, safety, and welfare of children and shall be made
 40 expeditiously in order to timely influence public policy;

41 ~~(6)~~(5) Establish policies and procedures necessary for the Office of the Child Advocate
 42 for the Protection of Children to accomplish the purposes of this article, including without
 43 limitation providing DFCS with a form of notice of availability of the Office of the Child
 44 Advocate for the Protection of Children. Such notice shall be posted prominently, by
 45 DFCS, in DFCS offices and in facilities receiving public moneys for the care and
 46 placement of children and shall include information describing the Office of the Child
 47 Advocate for the Protection of Children and procedures for contacting ~~that~~ such office;
 48 and

49 ~~(7)~~(6) Convene quarterly meetings with organizations, agencies, and individuals who
 50 work in the area of child protection to seek opportunities to collaborate and improve the
 51 status of children in Georgia."

52 SECTION 2.

53 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is
 54 amended by revising paragraphs (5), (7), (8), and (10) of Code Section 19-15-1, relating to
 55 definitions, as follows:

56 ~~"(5) 'Eligible deaths' means deaths meeting the criteria for review by a county child~~
 57 ~~fatality review committee, including deaths resulting from Sudden Infant Death~~
 58 ~~Syndrome, unintentional injuries, intentional injuries, medical conditions when~~
 59 ~~unexpected or when unattended by a physician, or any manner that is suspicious or~~
 60 ~~unusual~~ Reserved."

61 "(7) 'Panel' means the Georgia Child Fatality Review Panel established pursuant to Code
 62 Section 19-15-4. ~~The panel oversees the local child fatality review process and reports~~
 63 ~~to the Governor on the incidence of child deaths with recommendations for prevention.~~

64 (8) 'Protocol committee' means a multidisciplinary, multiagency ~~child abuse protocol~~
 65 committee established for a county pursuant to Code Section 19-15-2. ~~The protocol~~
 66 ~~committee is charged with developing local protocols to investigate and prosecute alleged~~
 67 ~~cases of child abuse."~~

68 "(10) 'Review committee' means a multidisciplinary, multiagency child fatality review
 69 committee established for a county or circuit pursuant to Code Section 19-15-3. ~~The~~
 70 ~~review committee is charged with reviewing all eligible child deaths to determine manner~~
 71 ~~and cause of death and if the death was preventable."~~

72 SECTION 3.

73 Said chapter is further amended by revising Code Section 19-15-2, relating to child abuse
 74 protocol committees, as follows:

75 "19-15-2.

76 (a) Each county shall be required to establish a ~~child abuse~~ protocol to investigate and
 77 prosecute alleged cases of child abuse as provided in this Code section.

78 (b) The chief superior court judge of the circuit in which the county is located shall
 79 establish a ~~child abuse~~ protocol committee as provided in subsection (c) of this Code
 80 section and shall appoint an interim chairperson who shall preside over the first meeting,
 81 and the chief superior court judge shall appoint persons to fill any vacancies on the protocol
 82 committee. Thus established, the protocol committee shall thereafter elect a chairperson
 83 from its membership. The protocol committee shall be charged with developing local
 84 protocols to investigate and prosecute alleged cases of child abuse.

85 (c)(1) Each of the following agencies of the county shall designate a representative to
 86 serve on the protocol committee:

87 (A) The office of the sheriff;

88 (B) The county department of family and children services;

89 (C) The office of the district attorney;

90 (D) The juvenile court;

91 (E) The magistrate court;

92 (F) The county board of education;

93 (G) The county mental health organization;

94 (H) The office of the chief of police of a county in counties which have a county police
 95 department;

96 (I) The office of the chief of police of the largest municipality in the county;

97 (J) The county board of health, which shall designate a physician to serve on the
98 protocol committee; and

99 (K) The office of the coroner or county medical examiner.

100 (2) In addition to the representatives serving on the protocol committee as provided for
101 in paragraph (1) of this subsection, the chief superior court judge shall designate a
102 representative from a local citizen or advocacy group which focuses on child abuse
103 awareness and prevention.

104 (3) If any designated agency fails to carry out its duties relating to participation on the
105 protocol committee, the chief superior court judge of the circuit may issue an order
106 requiring the participation of such agency. Failure to comply with such order shall be
107 cause for punishment as for contempt of court.

108 (d) Each protocol committee shall elect or appoint a chairperson who shall be responsible
109 for ensuring that written protocol procedures are followed by all agencies. ~~That~~ Such
110 person can be independent of agencies listed in paragraph (1) of subsection (c) of this Code
111 section. The ~~child abuse~~ protocol committee ~~thus established~~ may appoint such additional
112 members as necessary and proper to accomplish the purposes of the protocol committee.

113 (e) The protocol committee shall adopt a written ~~child abuse~~ protocol which shall be filed
114 with the Division of Family and Children Services of the Department of Human Services
115 and the ~~Georgia Child Fatality Review Panel~~ panel, a copy of which shall be furnished to
116 each agency in the county handling the cases of abused children. The protocol shall be a
117 written document outlining in detail the procedures to be used in investigating and
118 prosecuting cases arising from alleged child abuse and the methods to be used in
119 coordinating treatment programs for the perpetrator, the family, and the child. The
120 protocol shall also outline procedures to be used when child abuse occurs in a household
121 where there is violence between past or present spouses, persons who are parents of the
122 same child, parents and children, stepparents and stepchildren, foster parents and foster
123 children, or other persons living or formerly living in the same household. The protocol
124 adopted shall not be inconsistent with the policies and procedures of the Division of Family
125 and Children Services of the Department of Human Services.

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

131 (g) Upon completion of the writing of the ~~child abuse~~ protocol, the protocol committee
132 shall continue in existence and shall meet at least semiannually for the purpose of

133 evaluating the effectiveness of the protocol and appropriately modifying and updating the
134 same.

135 (h) Each protocol committee shall adopt or amend its written ~~child abuse~~ protocol ~~no later~~
136 ~~than July 1, 2001~~, to specify the circumstances under which law enforcement officers ~~will~~
137 shall and ~~will~~ shall not be required to accompany ~~child abuse~~ investigators from the county
138 department of family and children services when these investigators investigate reports of
139 child abuse. In determining when law enforcement officers shall and shall not accompany
140 ~~child abuse~~ investigators, the protocol committee shall consider the need to protect the
141 alleged victim and the need to preserve the confidentiality of the report. Each protocol
142 committee shall establish joint work efforts between the law enforcement and ~~child abuse~~
143 investigative agencies in child abuse investigations. The adoption or amendment of the
144 protocol shall also describe measures which can be taken within the county to prevent child
145 abuse and shall be filed with and furnished to the same entities with or to which an original
146 protocol is required to be filed or furnished. The protocol ~~will~~ shall be further amended to
147 specify procedures to be adopted by the protocol committee to ensure that written protocol
148 procedures are followed.

149 (i) The protocol committee shall issue a report no later than the first day of July ~~in 2001~~
150 ~~and no later than the first day of July~~ each year thereafter. ~~That~~ Such report shall evaluate
151 the extent to which ~~child abuse~~ investigations of child abuse during the 12 months prior to
152 the report have complied with the ~~child abuse~~ protocols of the protocol committee,
153 recommend measures to improve compliance, and describe which measures taken within
154 the county to prevent child abuse have been successful. The report shall be transmitted to
155 the county governing authority, the fall term grand jury of the judicial circuit, the ~~Georgia~~
156 ~~Child Fatality Review Panel~~ panel, and the chief superior court judge.

157 (j) ~~By July 1, 2001, members~~ Each member of each protocol committee shall receive
158 appropriate training. ~~As new members are appointed, they will also receive training~~ within
159 12 months after ~~their~~ his or her appointment. The Office of the Child Advocate for the
160 Protection of Children shall provide such training.

161 (k) The protocol committee shall adopt a written sexual abuse and sexual exploitation
162 protocol which shall be filed with the Division of Family and Children Services of the
163 Department of Human Services and the Office of the Child Advocate for the Protection of
164 Children, a copy of which shall be furnished to each agency in the county handling the
165 cases of sexually abused or exploited children. The sexual abuse and sexual exploitation
166 protocol shall be a written document outlining in detail the procedures to be used in
167 investigating and prosecuting cases arising from alleged ~~child~~ sexual abuse and sexual
168 exploitation and the procedures to be followed concerning the obtainment of and payment
169 for sexual assault examinations. Each protocol committee shall adopt or amend its written

170 sexual abuse and sexual exploitation protocol ~~no later than December 31, 2004. The~~
 171 ~~protocol may incorporate existing sexual abuse and exploitation protocols used within the~~
 172 ~~county.~~ The sexual abuse and sexual exploitation protocol adopted shall be consistent with
 173 the policies and procedures of the Division of Family and Children Services of the
 174 Department of Human Services. A failure by an agency to follow ~~the~~ such protocol shall
 175 not constitute an affirmative or other defense to prosecution of a sexual abuse or sexual
 176 exploitation offense, nor shall a failure by an agency to follow the sexual abuse and sexual
 177 exploitation protocol give rise to a civil cause of action."

178 SECTION 4.

179 Said chapter is further amended by revising subsections (a), (d), (e), (h) through (k), and (o)
 180 and paragraph (8) of subsection (1) of Code Section 19-15-3, relating to county multiagency
 181 child fatality review committees, as follows:

182 "(a)(1) Each county shall establish a local ~~multidisciplinary, multiagency child fatality~~
 183 ~~review committee as provided in this Code section. The review committee shall be~~
 184 ~~charged with reviewing all deaths as set forth in subsection (e) of this Code section to~~
 185 ~~determine manner and cause of death and if the death was preventable.~~ The chief
 186 superior court judge of the circuit in which the county is located shall establish a ~~child~~
 187 ~~fatality~~ review committee composed of, but not limited to, the following members:

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

196 (2) The district attorney or his or her designee shall serve as the chairperson to preside
 197 over all meetings."

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

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

- 205 (1) Sudden Infant Death Syndrome;

- 206 (2) Any unexpected or unexplained conditions;
- 207 (3) Unintentional injuries;
- 208 (4) Intentional injuries;
- 209 (5) Sudden death when the child is in apparent good health;
- 210 (6) Any manner that is suspicious or unusual;
- 211 (7) Medical conditions when unattended by a physician. For the purpose of this
- 212 paragraph, no person shall be deemed to have died unattended when the death occurred
- 213 while the person was a patient of a hospice licensed under Article 9 of Chapter 7 of Title
- 214 31; or
- 215 (8) Serving as an inmate of a state hospital or a state, county, or city penal institution."
- 216 "(h) When a county medical examiner or coroner receives a report regarding the death of
- 217 any child, he or she shall within 48 hours of the death notify the chairperson of the ~~child~~
- 218 ~~fatality~~ review committee ~~of~~ for the county or circuit in which such child resided at the
- 219 time of death.
- 220 (i) The coroner or county medical examiner shall review the findings regarding the cause
- 221 and manner of death for each child death report received and respond as follows:
- 222 (1) If the death does not meet the criteria for review pursuant to subsection (e) of this
- 223 Code section, the coroner or county medical examiner shall sign the form designated by
- 224 the panel stating that the death does not meet the criteria for review. He or she shall
- 225 forward the form and findings, within seven days of the child's death, to the chairperson
- 226 of the ~~child fatality~~ review committee ~~in~~ for the county or circuit of the child's residence;
- 227 or
- 228 (2) If the death meets the criteria for review pursuant to subsection (e) of this Code
- 229 section, the coroner or county medical examiner shall complete and sign the form
- 230 designated by the panel stating the death meets the criteria for review. He or she shall
- 231 forward the form and findings, within seven days of the child's death, to the chairperson
- 232 of the ~~child fatality~~ review committee ~~in~~ for the county or circuit of the child's residence.
- 233 (j) When the chairperson of a ~~local child fatality~~ review committee receives a report from
- 234 the coroner or medical examiner regarding the death of a child, ~~that~~ such chairperson shall
- 235 review the report and findings regarding the cause and manner of the child's death and
- 236 respond as follows:
- 237 (1) If the report indicates the child's death does not meet the criteria for review and the
- 238 chairperson agrees with this decision, the chairperson shall sign the form designated by
- 239 the panel stating that the death does not meet the criteria for review. He or she shall
- 240 forward the form and findings to the panel within seven days of receipt;

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

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

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

251 (k) When a child's death meets the criteria for review, the chairperson shall convene the
 252 review committee within 30 days after receipt of the report for a meeting to review and
 253 investigate the cause and circumstances of the death. Review committee members shall
 254 provide information as specified ~~below~~ in this subsection, except where otherwise
 255 protected by ~~statute~~ law:

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

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

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

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

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

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

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

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

275 "(8) Include other findings as requested by the ~~Georgia Child Fatality Review Panel~~
 276 panel."

277 "(o) Each ~~local~~ review committee shall issue an annual report no later than the first day of
 278 July ~~in 2001 and in each year thereafter~~. The report shall:

279 (1) Specify the numbers of reports received by ~~that~~ such review committee from a county
 280 medical examiner or coroner pursuant to subsection (h) of this Code section for the
 281 preceding calendar year;

282 (2) Specify the number of reports of child fatality reviews prepared by the review
 283 committee during such period;

284 (3) Be published at least once annually in the legal organ of the county or counties for
 285 which the review committee was established with the expense of such publication paid
 286 each by such county; and

287 (4) Be transmitted, no later than the fifteenth day of July ~~in 2001 and in each year~~
 288 ~~thereafter~~, to the ~~Georgia Child Fatality Review Panel~~ panel."

289 SECTION 5.

290 Said chapter is further amended by revising subsections (a) and (b), paragraph (3) of
 291 subsection (c), and the introductory language of subsection (i) of Code Section 19-15-4,
 292 relating to the Georgia Child Fatality Review Panel, as follows:

293 "(a) There is created the Georgia Child Fatality Review Panel ~~as defined in paragraph (7)~~
 294 ~~of Code Section 19-15-4~~. The panel shall oversee the local child fatality review process
 295 and report to the Governor on the incidence of child deaths with recommendations for
 296 prevention.

297 (b) ~~The Office of the Child Advocate for the Protection of Children~~ commissioner of
 298 public health or his or her designee shall coordinate the work of the panel and shall provide
 299 such administrative and staff support to the panel as may be necessary to enable the panel
 300 to discharge its duties under this chapter. The panel shall be attached to the ~~Office of~~
 301 ~~Planning and Budget~~ Department of Public Health for administrative purposes, and its
 302 planning, policy, and budget functions shall be coordinated with those of the ~~Office of the~~
 303 ~~Child Advocate~~ Department of Public Health."

304 "(3) Two citizen members ~~who shall be appointed by the Governor~~, who are not
 305 employed by or officers of the state or any political subdivision thereof ~~and shall be~~
 306 appointed by the Governor, one of whom shall come from each of the following:

307 (A) a A state-wide child abuse prevention organization; and

308 (B) a A state-wide childhood injury prevention organization;"

309 "(i) By January 1 of each calendar year, the panel shall submit a report to the Governor,
 310 the Lieutenant Governor, the Speaker of the House of Representatives, and the Judiciary
 311 Committees of the Senate and House of Representatives regarding the prevalence and
 312 circumstances of child fatalities in ~~the~~ this state; shall recommend measures to reduce such

313 fatalities caused by other than natural causes; and shall address in the report the following
 314 issues:"

315 **SECTION 6.**

316 Said chapter is further amended by revising subsections (b), (g), and (i) of Code Section
 317 19-15-6, relating to use of information and records of protocol committees, review
 318 committees, and panels, as follows:

319 "(b) Notwithstanding any other provision of law to the contrary, reports of a review
 320 committee made pursuant to Code Section 19-15-3 and reports of the panel made pursuant
 321 to Code Section 19-15-4 shall be public records and shall be released to any person making
 322 a request therefor, but the ~~panel~~ protocol committee, ~~or review committee,~~ or panel having
 323 possession of such records or reports shall only release them after expunging therefrom all
 324 information contained therein which would permit identifying the deceased or abused
 325 child, any family member of the child, any alleged or suspected perpetrator of abuse upon
 326 the child, or any reporter of suspected child abuse."

327 "(g) A member of a protocol committee, a review committee, or the panel shall not be
 328 civilly liable or ~~criminally liable~~ subject to criminal prosecution for any disclosure of
 329 information made by such member as authorized by this Code section."

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

335 **SECTION 7.**

336 Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department
 337 of Public Health, is amended by revising subsection (a) of Code Section 31-2A-15, relating
 338 to the additional duties of the commissioner of public health, as follows:

339 "(a) In addition to other authority and duties granted in this title, the commissioner shall:
 340 (1) Provide a written report of expenditures made for public health purposes in the prior
 341 fiscal year to the Governor, the Speaker of the House of Representatives, and the
 342 Lieutenant Governor no later than December 1 of each year beginning December 1, 2010;
 343 ~~and~~
 344 (2) Serve as the chief liaison to county boards of health through their directors on matters
 345 related to the operations and programmatic responsibilities of such county boards of
 346 health; provided, however, that the commissioner may designate a person from within the
 347 department to serve as such chief liaison;

348 (3) Coordinate and supervise the work of the Georgia Child Fatality Review Panel
 349 created by Code Section 19-15-4 or designate a person from within the department to
 350 serve as the coordinator and supervisor and provide such staffing and administrative
 351 support to the panel as may be necessary to enable the panel to carry out its statutory
 352 duties; and

353 (4) Report the death of any child to the chairperson of the review committee, as such
 354 term is defined in Code Section 19-15-1, for the county in which such child resided at the
 355 time of death, unless the commissioner or his or her designee has knowledge that such
 356 death has been reported by the county medical examiner or coroner, pursuant to Code
 357 Section 19-15-3, and to provide such review committee access to any records of the
 358 department relating to such child."

359 **SECTION 8.**

360 It is the intent of the General Assembly to provide for transparency relative to investigations
 361 involving child abuse and child fatalities in order to best protect the children of this state.
 362 The General Assembly finds that more disclosure of information may be necessary when a
 363 child is deceased.

364 **SECTION 9.**

365 Code Section 49-5-41 of the Official Code of Georgia Annotated, relating to persons and
 366 agencies permitted access to child abuse and dependency records, is amended by revising
 367 paragraphs (6), (7.1), and (8) of subsection (a), paragraph (5) of subsection (c), and
 368 subsection (e) as follows:

369 ~~"(6) Any adult requesting information regarding investigations by the department or a~~
 370 ~~governmental child protective agency regarding the findings or information about the~~
 371 ~~case of child abuse or neglect that results in a child involving a fatality or near fatality;~~
 372 ~~unless such disclosure of information would jeopardize a criminal investigation or~~
 373 ~~proceeding, but such access shall be limited to a disclosure of the available facts and~~
 374 ~~findings. Any identifying information, including but not limited to the child or~~
 375 ~~caretaker's name, race, ethnicity, address, or telephone numbers and any other~~
 376 ~~information that is privileged or confidential, shall be redacted to preserve the~~
 377 ~~confidentiality of the child, other children in the household, and the child's parents,~~
 378 ~~guardians, custodians, or caretakers; provided, however, that the following may be~~
 379 ~~redacted from such records:~~

380 (A) Information that would jeopardize a criminal investigation or proceeding;

381 (B) Medical and mental health records made confidential by other provisions of law;

382 (C) Privileged communications of an attorney;

383 (D) The identifying information of a person who reported suspected child abuse; and
 384 (E) Information that may cause mental or physical harm to the sibling or other child
 385 living in the household of the child being investigated."

386 ~~"(7.1) A child advocacy center which is certified by the Child Abuse Protocol Committee~~
 387 ~~of protocol committee, as such term is defined in Code Section 19-15-1, for the county~~
 388 where the principal office of the center is located as participating in the Georgia Network
 389 of Children's Advocacy Centers or a similar accreditation organization and which is
 390 operated for the purpose of investigation of known or suspected child abuse and treatment
 391 of a child or a family which is the subject of a report of abuse, and which has been
 392 created and supported through one or more intracommunity compacts between such
 393 advocacy center and one or more police agencies, the office of the district attorney, a
 394 legally mandated public or private child protective agency, a mental health board, and a
 395 community health service board; provided, however, that any child advocacy center
 396 which is granted access to records concerning reports of child abuse shall be subject to
 397 the confidentiality provisions of subsection (b) of Code Section 49-5-40 and shall be
 398 subject to the penalties imposed by Code Section 49-5-44 for authorizing or permitting
 399 unauthorized access to or use of such records;

400 (8) Police or any other law enforcement agency of this state or any other state or any
 401 medical examiner or coroner investigating a report of known or suspected abuse or any
 402 ~~child fatality review panel committee or child abuse protocol committee or subcommittee~~
 403 ~~thereof~~ created pursuant to Chapter 15 of Title 19, it being found by the General
 404 Assembly that the disclosure of such information is necessary in order for such entities
 405 to carry out their legal responsibilities to protect children from abuse and neglect, which
 406 protective actions include bringing criminal actions for such abuse or neglect, and that
 407 such disclosure is therefore permissible and encouraged under the 1992 amendments to
 408 Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section
 409 5106(A)(b)(4); and"

410 "(5) An agency, facility, or person having responsibility or authorization to assist in
 411 making a judicial determination for the child who is the subject of the report or record of
 412 child abuse, including but not limited to members of officially recognized citizen review
 413 panels, court appointed guardians ad litem, certified Court Appointed Special Advocate
 414 (CASA) volunteers who are appointed by a judge of a juvenile court to act as advocates
 415 for the best interest of a child in a juvenile proceeding, and members of a ~~county child~~
 416 ~~abuse protocol committee or task force, as such term is defined in Code Section 19-15-1;"~~
 417 "(e)(1) Except as provided in paragraph (2) of this subsection and notwithstanding
 418 Notwithstanding any other provisions of law, with the exception of medical and mental
 419 health records made confidential by other provisions of law, child abuse and dependency

420 records shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title
 421 50 if the records are applicable to a child who at the time of his or her fatality or near
 422 fatality was:

- 423 ~~(1)~~(A) In the custody of a state department or agency or foster parent;
 424 ~~(2)~~(B) A child as defined in paragraph (3) of Code Section 15-11-741; or
 425 ~~(3)~~(C) The subject of an investigation, report, referral, or complaint under Code
 426 Section 15-11-743 or 31-2A-15

427 ~~shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50,~~
 428 ~~relating to open records; provided, however, that any identifying information, including~~
 429 ~~but not limited to the child or caretaker's name, race, ethnicity, address, or telephone~~
 430 ~~numbers and any other information that is privileged or confidential, shall be redacted to~~
 431 ~~preserve the confidentiality of the child, other children in the household, and the child's~~
 432 ~~parents, guardians, custodians, or caretakers.~~

433 (2) The following may be redacted from such records:

- 434 (A) Information that would jeopardize a criminal investigation or proceeding;
 435 (B) Medical and mental health records made confidential by other provisions of law;
 436 (C) Privileged communications of an attorney;
 437 (D) The identifying information of a person who reported suspected child abuse; and
 438 (E) Information that may cause mental or physical harm to the sibling or other child
 439 living in the household of the child being investigated.

440 (3) Upon the release of documents pursuant to this subsection, the department may
 441 comment publicly on the case."

442 **SECTION 10.**

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