

House Bill 268

By: Representatives Ballinger of the 23<sup>rd</sup>, Chandler of the 105<sup>th</sup>, Clark of the 101<sup>st</sup>, Oliver of the 82<sup>nd</sup>, Hatchett of the 150<sup>th</sup>, 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 and when it is mandated or authorized, so as to change provisions  
3 relating to mandatory reporters; to provide for procedure; to provide for related matters; to  
4 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 Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child  
8 abuse and when it is mandated or authorized, is amended by revising subsections (a), (c), (d),  
9 and (e) as follows:

10 "(a) The purpose of this Code section is to provide for the protection of children whose  
11 ~~health and welfare are adversely affected and further threatened by the conduct of those~~  
12 ~~responsible for their care and protection.~~ It is intended that the mandatory reporting of  
13 ~~such cases~~ will cause the protective services of the state to be brought to bear on the  
14 situation in an effort to prevent further abuses, to protect and enhance the welfare of these  
15 children, and to preserve family life wherever possible. This Code section shall be liberally  
16 construed so as to carry out the purposes thereof."

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

- 20 (A) Physicians licensed to practice medicine, physician assistants, interns, or residents;  
21 (B) Hospital or medical personnel;  
22 (C) Dentists;  
23 (D) Licensed psychologists and persons participating in internships to obtain licensing  
24 pursuant to Chapter 39 of Title 43;  
25 (E) Podiatrists;

- 26 (F) Registered professional nurses or licensed practical nurses licensed pursuant to  
 27 Chapter 26 of Title 43 or nurse's aides;
- 28 (G) Professional counselors, social workers, or marriage and family therapists licensed  
 29 pursuant to Chapter 10A of Title 43;
- 30 (H) School teachers;
- 31 (I) School administrators;
- 32 (J) School guidance counselors, visiting teachers, school social workers, or school  
 33 psychologists certified pursuant to Chapter 2 of Title 20;
- 34 (K) Child welfare agency personnel, as ~~that~~ such agency is defined ~~pursuant to~~ in Code  
 35 Section 49-5-12;
- 36 (L) Child-counseling personnel;
- 37 (M) Child service organization personnel;
- 38 (N) Law enforcement personnel; or
- 39 (O) Reproductive health care facility or pregnancy resource center personnel and  
 40 volunteers.
- 41 (2) If a person is required to report child abuse pursuant to this subsection because ~~that~~  
 42 such person attends to a child pursuant to such person's duties as an employee of or  
 43 volunteer at a hospital, school, social agency, or similar facility, ~~that~~ such person shall  
 44 notify the person in charge of ~~the~~ such hospital, school, agency, or facility, or the  
 45 designated delegate thereof, and the person so notified shall report or cause a report to be  
 46 made in accordance with this Code section. An employee or volunteer who makes a  
 47 report to the person designated pursuant to this paragraph shall be deemed to have fully  
 48 complied with this subsection. Under no circumstances shall any person in charge of  
 49 such hospital, school, agency, or facility, or the designated delegate thereof, to whom  
 50 such notification has been made exercise any control, restraint, or modification; or make  
 51 any other change to the information provided by the reporter, although each of the  
 52 aforementioned persons may be consulted prior to the making of a report and may  
 53 provide any additional, relevant, and necessary information when making the report.
- 54 (3) When a person identified in paragraph (1) of this subsection receives reliable  
 55 information that child abuse has occurred involving a person who attends to a child  
 56 pursuant to such person's duties as an employee of or volunteer at a hospital, school,  
 57 social agency, or similar facility, the person who received such information shall notify  
 58 the person in charge of such hospital, school, agency, or facility, or the designated  
 59 delegate thereof, and the person so notified shall report or cause a report to be made in  
 60 accordance with this Code section. An employee or volunteer who makes a report to the  
 61 person designated pursuant to this paragraph shall be deemed to have fully complied with  
 62 this subsection. Under no circumstances shall any person in charge of such hospital,

63 school, agency, or facility, or the designated delegate thereof, to whom such notification  
 64 has been made exercise any control, restraint, or modification or make any other change  
 65 to the information provided by the reporter, although each of the aforementioned persons  
 66 may be consulted prior to the making of a report and may provide any additional,  
 67 relevant, and necessary information when making the report.

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

71 (e) With respect to reporting required by subsection (c) of this Code section, an An oral  
 72 report shall be made immediately, but in no case later than 24 hours from the time there is  
 73 reasonable cause to believe a child has been abused, by telephone or otherwise and  
 74 followed by a report in writing, if requested, to a child welfare agency providing protective  
 75 services, as designated by the Department of Human Services, or, in the absence of such  
 76 agency, to an appropriate police authority or district attorney. If a report of child abuse is  
 77 made to the child welfare agency or independently discovered by the agency, and the  
 78 agency has reasonable cause to believe such report is true or the report contains any  
 79 allegation or evidence of child abuse, then the agency shall immediately notify the  
 80 appropriate police authority or district attorney. Such reports shall contain the names and  
 81 addresses of the child and the child's parents or caretakers, if known, the child's age, the  
 82 nature and extent of the child's injuries, including any evidence of previous injuries, and  
 83 any other information that the reporting person believes might be helpful in establishing  
 84 the cause of the injuries and the identity of the perpetrator. Photographs of the child's  
 85 injuries to be used as documentation in support of allegations by hospital employees or  
 86 volunteers, physicians, law enforcement personnel, school officials, or employees or  
 87 volunteers of legally mandated public or private child protective agencies may be taken  
 88 without the permission of the child's parent or guardian. Such photographs shall be made  
 89 available as soon as possible to the chief welfare agency providing protective services and  
 90 to the appropriate police authority."

91 **SECTION 2.**

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