

House Bill 268

By: Representatives Ballinger of the 23rd, Chandler of the 105th, Clark of the 101st, Oliver of the 82nd, Hatchett of the 150th, 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.