

SENATE SUBSTITUTE TO HB 825:

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated,
 2 relating to parent and child relationship general provisions, so as to provide that in the event
 3 of a report of child abuse by a military parent or guardian, the child welfare agency shall
 4 notify the Department of Defense Family Advocacy Program; to add filing a report of child
 5 abuse to military law enforcement to the reporting of child abuse to an appropriate police
 6 authority; to extend immunity provisions to reporting child abuse to military law
 7 enforcement; to provide for fictive kin to be added to the third party involving the custody
 8 of a child between the parents and such third party; to provide for a short title; to provide for
 9 related matters; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Protecting Military Children Act."

13 **SECTION 2.**

14 Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to
 15 parent and child relationship general provisions, is amended in Code Section 19-7-5, relating
 16 to the reporting of child abuse, by revising subsections (e) and (f) and by adding a new
 17 subsection to read as follows:

18 "(e) With respect to reporting required by subsection (c) of this Code section, an oral report
 19 by telephone or other oral communication or a written report by electronic submission or
 20 facsimile shall be made immediately, but in no case later than 24 hours from the time there
 21 is reasonable cause to believe that suspected child abuse has occurred. When a report is
 22 being made by electronic submission or facsimile to the Division of Family and Children
 23 Services of the Department of Human Services, it shall be done in the manner specified by
 24 the division. Oral reports shall be followed by a later report in writing, if requested, to a
 25 child welfare agency providing protective services, as designated by the Division of Family
 26 and Children Services of the Department of Human Services, or, in the absence of such

27 agency, to an appropriate police authority, including military law enforcement if
 28 applicable, or district attorney. If a report of child abuse is made to the child welfare
 29 agency or independently discovered by the agency, and the agency has reasonable cause
 30 to believe such report is true or the report contains any allegation or evidence of child
 31 abuse, then the agency shall immediately notify the appropriate police authority or district
 32 attorney. Such reports shall contain the names and addresses of the child and the child's
 33 parents or caretakers, if known, the child's age, the nature and extent of the child's injuries,
 34 including any evidence of previous injuries, and any other information that the reporting
 35 person believes might be helpful in establishing the cause of the injuries and the identity
 36 of the perpetrator. Photographs of the child's injuries to be used as documentation in
 37 support of allegations by hospital employees or volunteers, physicians, law enforcement
 38 personnel, school officials, or employees or volunteers of legally mandated public or
 39 private child protective agencies may be taken without the permission of the child's parent
 40 or guardian. Such photographs shall be made available as soon as possible to the chief
 41 welfare agency providing protective services and to the appropriate police authority.

42 (e.1) The child welfare agency shall make efforts as soon as practicable to determine the
 43 military status of parents or guardians whose children are subject to abuse or neglect
 44 allegations. If the agency determines that a parent or guardian of an abused or neglected
 45 child maintains active duty status within the military, the agency shall notify the applicable
 46 military installation family advocacy program that there is an allegation of abuse or neglect
 47 that relates to such child.

48 (f) Any person or persons, partnership, firm, corporation, association, hospital, or other
 49 entity participating in the making of a report or causing a report to be made to a child
 50 welfare agency providing protective services or to an appropriate police authority or
 51 military law enforcement pursuant to this Code section or any other law or participating in
 52 any judicial proceeding or any other proceeding resulting therefrom shall in so doing be
 53 immune from any civil or criminal liability that might otherwise be incurred or imposed,
 54 provided that such participation pursuant to this Code section or any other law is made in
 55 good faith. Any person making a report, whether required by this Code section or not, shall
 56 be immune from liability as provided in this subsection."

57 SECTION 3.

58 Said article is further amended in Code Section 19-7-1, relating to in whom parental power
 59 lies, how much power lost, and recovery for homicide of a child, by revising subsection (b.1)
 60 as follows:

61 "(b.1) Notwithstanding subsections (a) and (b) of this Code section or any other law to the
 62 contrary, in any action involving the custody of a child between the parents or either parent

63 and a third party limited to grandparent, great-grandparent, aunt, uncle, great aunt, great
64 uncle, sibling, ~~or~~ adoptive parent, or fictive kin as such term is defined in paragraph (33)
65 of Code Section 15-11-2, parental power may be lost by the parent, parents, or any other
66 person if the court hearing the issue of custody, in the exercise of its sound discretion and
67 taking into consideration all the circumstances of the case, determines that an award of
68 custody to such third party is for the best interest of the child or children and will best
69 promote their welfare and happiness. There shall be a rebuttable presumption that it is in
70 the best interest of the child or children for custody to be awarded to the parent or parents
71 of such child or children, but this presumption may be overcome by a showing that an
72 award of custody to such third party is in the best interest of the child or children. The sole
73 issue for determination in any such case shall be what is in the best interest of the child or
74 children."

75

SECTION 4.

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