

House Bill 242

By: Representatives Prince of the 127th, McGowan of the 138th, and Jackson of the 64th

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 a short title; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

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

12 SECTION 2.

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

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

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

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

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

56 **SECTION 3.**

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