

The House Committee on Juvenile Justice offers the following substitute to SB 168:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to  
2 programs and protection for children and youth, so as to expand the persons and agencies  
3 permitted to access child abuse records by the department or a county or other state or local  
4 agency; to permit access to information in the child abuse registry to certain governmental  
5 entities investigating allegations of child abuse; to permit access to the child abuse registry  
6 to certain child-placing entities conducting foster and adoptive parent background checks;  
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and  
11 protection for children and youth, is amended in subsection (c) of Code Section 49-5-41,  
12 relating to persons and agencies permitted access to records, by revising paragraphs (2) and  
13 (5), by deleting "or" at the end of paragraph (11), by replacing the period with "; or" at the  
14 end of paragraph (12), and by adding a new paragraph to read as follows:

15 "(2) A licensed child-placing agency, a licensed child-caring institution of this state  
16 which is assisting the department by locating or providing foster or adoptive homes for  
17 children in the custody of the department, a licensed adoption agency of this or any other  
18 state which is placing a child for adoption, or an investigator appointed by a court of  
19 competent jurisdiction of this state to investigate a pending petition for adoption;"

20 "(5) An agency, facility, or person having responsibility or authorization to assist in  
21 making a judicial determination for the child who is the subject of the report or record of  
22 child abuse, including but not limited to, members of officially recognized citizen review  
23 panels, court appointed guardians ad litem, certified ~~Court Appointed Special Advocate~~  
24 court appointed special advocate (CASA) volunteers who are appointed by a judge of a  
25 juvenile court to act as advocates for the best interest of a child in a juvenile proceeding,  
26 and members of a protocol committee, as such term is defined in Code Section 19-15-1;"

27 "(13) Local and state law enforcement agencies of this state, the Department of  
 28 Community Supervision, probation officers serving pursuant to Article 6 of Chapter 8 of  
 29 Title 42, the Department of Corrections, and the Department of Juvenile Justice when  
 30 such entities, officers, or departments are providing supervision or services to individuals  
 31 and families to whom the department is also providing services. Such access or release  
 32 of records shall not be provided when prohibited by federal law or regulation. Access to  
 33 such records may be provided electronically."

## 34 SECTION 2.

35 Said chapter is further amended in subsection (a) of Code Section 49-5-185, relating to  
 36 access to information in the registry, by revising paragraph (1), by deleting "and" at the end  
 37 of paragraph (4), by replacing the period with "; and" at the end of paragraph (5), and by  
 38 adding three new paragraphs to read as follows:

39 "(1) An abuse investigator who has investigated or any federal, federally recognized  
 40 tribal, state, or local governmental entity of this or any other state or any agent of such  
 41 governmental agencies which is investigating or responding to a report of a case of  
 42 possible child abuse or is investigating a case of possible child abuse and who shall only  
 43 be provided information relating to such case for purposes of using such information in  
 44 such investigation;"

45 "(6) Any federal, federally recognized tribal, state, or local governmental entity of this  
 46 or any other state or any agent of such governmental entities requesting information  
 47 concerning any prospective foster or adoptive parent or any adult living in the home of  
 48 the prospective foster or adoptive parent, which information shall be provided and used  
 49 solely for the purpose of conducting background checks of prospective foster or adoptive  
 50 parents;

51 (7) Any child-placing agency of this state licensed to place children in foster homes or  
 52 for adoption requesting information concerning any prospective foster or adoptive parent,  
 53 which information shall be provided and used solely for the purpose of conducting  
 54 background checks of foster parents or adoptive parents; and

55 (8) Any entity licensed by any other state to place children for adoption which  
 56 information shall be provided at the discretion of the division and used solely for the  
 57 purpose of conducting background checks on adoptive parents or prospective adoptive  
 58 parents."

## 59 SECTION 3.

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