

House Bill 64

By: Representatives Prince of the 127th, Belton of the 112th, Oliver of the 82nd, Holcomb of the 81st, and Efstoration of the 104th

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 require child welfare
3 agencies to make efforts to determine whether a parent or guardian of a child who is the
4 subject of abuse allegations is on active duty in the military; to require certain notifications
5 to military installation family advocacy programs; to provide for the reporting of child abuse
6 to military law enforcement in certain situations; to provide for immunity for the reporting
7 of child abuse to military law enforcement; to provide for a short title; to provide for related
8 matters; to repeal conflicting 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) as follows:

16 "(e)(1) As used in the subsection, the term:

17 (A) 'Active duty' means full-time duty status.

18 (B) 'Armed forces of the United States' or 'military' means the United States Army,
19 United States Navy, United States Marine Corps, United States Coast Guard, United
20 States Air Force, United States National Guard, Georgia Army National Guard, or
21 Georgia Air National Guard, or a reserve component thereof.

22 (2) With respect to reporting required by subsection (c) of this Code section, an oral
23 report by telephone or other oral communication or a written report by electronic
24 submission or facsimile shall be made immediately, but in no case later than 24 hours
25 from the time there is reasonable cause to believe that suspected child abuse has occurred.

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

48 (3) For each child who is the subject of child abuse allegations, the child welfare agency
49 as provided for in paragraph (1) of this subsection shall make efforts as soon as
50 practicable to determine whether a parent or guardian of such child is on active duty in
51 the armed forces of the United States. If such agency determines that a parent or
52 guardian of such child is on active duty in the armed forces of the United States, such
53 agency shall notify the applicable military installation's family advocacy program of the
54 allegation of child abuse that relates to the parent or guardian of such child.

55 (f) Any person or persons, partnership, firm, corporation, association, hospital, or other
56 entity participating in the making of a report or causing a report to be made to a child
57 welfare agency providing protective services or to an appropriate police authority or
58 military law enforcement pursuant to this Code section or any other law or participating in
59 any judicial proceeding or any other proceeding resulting therefrom shall in so doing be
60 immune from any civil or criminal liability that might otherwise be incurred or imposed,
61 provided that such participation pursuant to this Code section or any other law is made in

62 good faith. Any person making a report, whether required by this Code section or not, shall
63 be immune from liability as provided in this subsection."

64 **SECTION 3.**

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