

Senate Bill 259

By: Senators Brass of the 6th, Dolezal of the 27th, Kirkpatrick of the 32nd, Williams of the 25th, Hodges of the 3rd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the  
2 Juvenile Code, so as to provide for certain procedures to be followed when there is a  
3 determination of suspected child abuse or neglect; to provide for a physician holding  
4 temporary physical custody of a child based on a suspicion of child abuse or neglect to  
5 provide certain information to a parent or legal guardian and to the Division of Family and  
6 Children Services; to provide for a definition; to provide for a parent or legal guardian to  
7 obtain an independent medical evaluation or specialty consultation; to provide for a court to  
8 consider the results of any independent medical evaluation or specialty consultation; to  
9 provide for related matters; to provide for an effective date and applicability; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile  
14 Code, is amended in Article 3, relating to dependency proceedings, by revising subsection (b)  
15 of Code Section 15-11-131, relating to temporary protective custody of child by physician  
16 without court order and without parental consent and immunity, as follows:

S. B. 259

- 17 "(b) A physician holding a child in temporary protective custody shall:
- 18 (1) Make reasonable and diligent efforts to inform the child's parents, guardian, or legal
- 19 custodian of the whereabouts of such child and the right to obtain an independent medical
- 20 evaluation or specialty consultation as provided for under Code Section 15-11-131.1;
- 21 (2) As soon as possible, make a report of the suspected abuse or neglect which caused
- 22 him or her to take temporary custody of the child and inform DFCS of the basis of his or
- 23 her determinations, including whether a physical examination was conducted and what
- 24 medical records were reviewed, and that such child has been held in temporary custody;
- 25 and
- 26 (3) Not later than 24 hours after such child is held in temporary custody:
- 27 (A) Contact a juvenile court intake officer, and inform such intake officer that such
- 28 child is in imminent danger to his or her life or health as a result of suspected abuse or
- 29 neglect; or
- 30 (B) Contact a law enforcement officer who shall take such child and promptly bring
- 31 such child before a juvenile court intake officer."

32 **SECTION 2.**

33 Said chapter is further amended in said article by adding a new Code section to read as

34 follows:

35 "15-11-131.1.

36 (a) As used in this Code section, the term 'specialty consultation' means a consultation with

37 a physician licensed to practice medicine in this state and board certified in the relevant

38 field or specialty, including radiology, genetics, orthopedics, and endocrinology, to

39 diagnose and treat certain unique health conditions, including rickets, Ehlers-Danlos

40 syndrome, osteogenesis imperfecta, vitamin D deficiency, or other medical conditions that

41 mimic the physical manifestations of child abuse or neglect or increase the risk of

42 misdiagnosis of child abuse or neglect.

43 (b) Any parent or legal guardian of a child who is taken into temporary protective custody  
44 pursuant to Code Section 15-11-131 shall have the right to obtain an independent medical  
45 evaluation and a specialty consultation of such child at his or her own expense unless  
46 prohibited by court order. Physicians and medical professionals, law enforcement officers,  
47 and DFCS shall cooperate as may reasonably be necessary to facilitate any independent  
48 medical evaluation or specialty consultation for such child.

49 (c) At any hearing concerning a child before the court in a dependency proceeding  
50 pursuant to this article, the court shall consider the results from any independent medical  
51 evaluation or specialty consultation of such child.

52 (d) No adjudication hearing scheduled in accordance with Part 8 of this article shall be  
53 continued solely because the results from an independent medical evaluation or specialty  
54 consultation of the child before the court are unavailable."

55 **SECTION 3.**

56 This Act shall become effective upon its approval by the Governor or upon its becoming law  
57 without such approval and shall apply to any legal action filed on or after such effective date.

58 **SECTION 4.**

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