

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

AS PASSED SENATE

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 pediatric specialty consultation; to provide for
8 a court to consider the results of an independent medical evaluation or pediatric specialty
9 consultation; to provide for a short title; to provide for related matters; to provide for an
10 effective date and applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as "Ridge's Law."

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SECTION 2.

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

19 "(b) A physician holding a child in temporary protective custody shall:

20 (1) Make reasonable and diligent efforts to inform the child's parents, guardian, or legal
21 custodian of the whereabouts of such child and the right to obtain an independent medical
22 evaluation or pediatric specialty consultation as provided for under Code
23 Section 15-11-131.1;

24 (2) As soon as possible, make a report of the suspected abuse or neglect which caused
25 him or her to take temporary custody of the child and inform DFCS of the basis of his or
26 her determinations, including whether a physical examination was conducted and what
27 medical records were reviewed, and that such child has been held in temporary custody;
28 and

29 (3) Not later than 24 hours after such child is held in temporary custody:

30 (A) Contact a juvenile court intake officer, and inform such intake officer that such
31 child is in imminent danger to his or her life or health as a result of suspected abuse or
32 neglect; or

33 (B) Contact a law enforcement officer who shall take such child and promptly bring
34 such child before a juvenile court intake officer."

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SECTION 3.

36 Said chapter is further amended in said article by adding a new Code section to read as
37 follows:

38 "15-11-131.1.

39 (a) As used in this Code section, the term 'pediatric specialty consultation' means a
40 consultation with a physician licensed to practice medicine in this state and board certified
41 in the relevant pediatric field or specialty, including radiology, genetics, orthopedics,
42 endocrinology, neurosurgery, child abuse pediatrics, gastroenterology, surgery, or forensic
43 pathology, and to diagnose and treat certain health conditions, including rickets,
44 Ehlers-Danlos syndrome, osteogenesis imperfecta, vitamin D deficiency, or other medical
45 conditions related to the differential diagnosis of child abuse or neglect.

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

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

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

58 **SECTION 4.**

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

61 **SECTION 5.**

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