

House Bill 1141

By: Representatives Camp of the 135<sup>th</sup>, Jenkins of the 136<sup>th</sup>, Rice of the 139<sup>th</sup>, and Panitch of the 51<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-11-131.1 of the Official Code of Georgia Annotated, relating to  
2 right to obtain an independent medical evaluation or pediatric specialty consultation, so as  
3 to provide for the availability of medical records to a parent or legal guardian when a child  
4 is taken into medical custody; to provide for a penalty; to provide for related matters; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 15-11-131.1 of the Official Code of Georgia Annotated, relating to right to  
9 obtain an independent medical evaluation or pediatric specialty consultation, is amended by  
10 revising subsection (b) as follows:

11 "(b)(1) Any parent or legal guardian of a child who is taken into temporary protective  
12 custody pursuant to Code Section 15-11-131 shall have the right to obtain an independent  
13 medical evaluation or pediatric specialty consultation of such child at his or her own  
14 expense unless prohibited by court order. Physicians and medical professionals, law  
15 enforcement officers, and DFCS shall cooperate as may reasonably be necessary to

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16 facilitate such an independent medical evaluation or pediatric specialty consultation for  
17 such child.

18 (2) Any medical records resulting from the treatment the child received while in  
19 temporary protective custody pursuant to Code Section 15-11-131 shall be made  
20 available to the child's parent or legal guardian within five business days of the child's  
21 intake. Proof of notification of the availability of such records shall be sent to the parent  
22 or legal guardian by email, postal service, or other delivery service that provides  
23 confirmation of such proof of notification, and failure to provide availability shall result  
24 in a fine assessed at \$500.00 per day for each day exceeding five business days until such  
25 records are made available."

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.