

Senate Bill 168

By: Senators Miller of the 49th, Kennedy of the 18th, Dugan of the 30th, Kirk of the 13th,
Millar of the 40th and others

AS PASSED

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.