

The House Committee on Juvenile Justice offers the following substitute to HB 923:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 11 of Title 15, Chapter 15 of Title 19, and Article 1 of
2 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the "Georgia
3 Child Advocate for the Protection of Children Act," child abuse, and general provisions for
4 the Georgia Bureau of Investigation, respectively, so as to move the responsibility of
5 coordinating and supervising the work of the Georgia Child Fatality Review Panel from the
6 Child Advocate for the Protection of Children to the director of the Georgia Bureau of
7 Investigation or his or her designee; to provide for a short title; to provide for the director of
8 the Georgia Bureau of Investigation to assist local child fatality review committees; to clarify
9 definitions; to provide for legislative findings; to amend Code Section 49-5-41 of the Official
10 Code of Georgia Annotated, relating to persons and agencies permitted access to child abuse
11 and dependency records, so as to clarify defined terms and change provisions relating to
12 disclosure; to provide for related matters; to repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Journey Ann Cowart Act."

16 **SECTION 2.**

17 Article 11 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
18 the "Georgia Child Advocate for the Protection of Children Act," is amended by revising
19 Code Section 15-11-743, relating to the duties of the Child Advocate for the Protection of
20 Children, as follows:

21 "15-11-743.

22 The advocate shall perform the following duties:

23 (1) Identify, receive, investigate, and seek the resolution or referral of complaints made
24 by or on behalf of children concerning any act, omission to act, practice, policy, or

- 25 procedure of an agency or any contractor or agent thereof that may adversely affect the
 26 health, safety, or welfare of the children;
- 27 (2) Refer complaints involving abused children to appropriate regulatory and law
 28 enforcement agencies;
- 29 ~~(3) Coordinate and supervise the work of the Georgia Child Fatality Review Panel~~
 30 ~~created by Code Section 19-15-4 and provide such staffing and administrative support to~~
 31 ~~the panel as may be necessary to enable the panel to carry out its statutory duties;~~
- 32 (4) Report the death of any child to the chairperson of the ~~child fatality review~~
 33 ~~subcommittee of~~ committee, as such term is defined in Code Section 19-15-1, for the
 34 county in which such child resided at the time of death, unless the advocate has
 35 knowledge that such death has been reported by the county medical examiner or coroner,
 36 pursuant to Code Section 19-15-3, and to provide such ~~subcommittee~~ committee access
 37 to any records of the advocate relating to such child;
- 38 ~~(5)~~(4) Provide periodic reports on the work of the Office of the Child Advocate for the
 39 Protection of Children, including but not limited to an annual written report for the
 40 Governor and the General Assembly and other persons, agencies, and organizations
 41 deemed appropriate. Such reports shall include recommendations for changes in policies
 42 and procedures to improve the health, safety, and welfare of children and shall be made
 43 expeditiously in order to timely influence public policy;
- 44 ~~(6)~~(5) Establish policies and procedures necessary for the Office of the Child Advocate
 45 for the Protection of Children to accomplish the purposes of this article, including without
 46 limitation providing DFCS with a form of notice of availability of the Office of the Child
 47 Advocate for the Protection of Children. Such notice shall be posted prominently, by
 48 DFCS, in DFCS offices and in facilities receiving public moneys for the care and
 49 placement of children and shall include information describing the Office of the Child
 50 Advocate for the Protection of Children and procedures for contacting ~~that~~ such office;
 51 and
- 52 ~~(7)~~(6) Convene quarterly meetings with organizations, agencies, and individuals who
 53 work in the area of child protection to seek opportunities to collaborate and improve the
 54 status of children in Georgia."

55 SECTION 3.

56 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is
 57 amended by revising paragraphs (5), (7), (8), and (10) of Code Section 19-15-1, relating to
 58 definitions, as follows:

59 ~~"(5) 'Eligible deaths' means deaths meeting the criteria for review by a county child~~
 60 ~~fatality review committee, including deaths resulting from Sudden Infant Death~~

61 ~~Syndrome, unintentional injuries, intentional injuries, medical conditions when~~
 62 ~~unexpected or when unattended by a physician, or any manner that is suspicious or~~
 63 ~~unusual~~ Reserved."

64 "(7) 'Panel' means the Georgia Child Fatality Review Panel established pursuant to Code
 65 Section 19-15-4. ~~The panel oversees the local child fatality review process and reports~~
 66 ~~to the Governor on the incidence of child deaths with recommendations for prevention.~~

67 (8) 'Protocol committee' means a multidisciplinary, multiagency ~~child abuse protocol~~
 68 committee established for a county pursuant to Code Section 19-15-2. ~~The protocol~~
 69 ~~committee is charged with developing local protocols to investigate and prosecute alleged~~
 70 ~~cases of child abuse."~~

71 "(10) 'Review committee' means a multidisciplinary, multiagency child fatality review
 72 committee established for a county or circuit pursuant to Code Section 19-15-3. ~~The~~
 73 ~~review committee is charged with reviewing all eligible child deaths to determine manner~~
 74 ~~and cause of death and if the death was preventable."~~

75 SECTION 4.

76 Said chapter is further amended by revising Code Section 19-15-2, relating to child abuse
 77 protocol committees, as follows:

78 "19-15-2.

79 (a) Each county shall be required to establish a ~~child abuse~~ protocol for the investigation
 80 and prosecution of alleged cases of child abuse as provided in this Code section.

81 (b) The chief superior court judge of the circuit in which the county is located shall
 82 establish a ~~child abuse~~ protocol committee as provided in subsection (c) of this Code
 83 section and shall appoint an interim chairperson who shall preside over the first meeting,
 84 and the chief superior court judge shall appoint persons to fill any vacancies on the protocol
 85 committee. Thus established, the protocol committee shall thereafter elect a chairperson
 86 from its membership. The protocol committee shall be charged with developing local
 87 protocols for the investigation and prosecution of alleged cases of child abuse.

88 (c)(1) Each of the following individuals, agencies, of the county and entities shall
 89 designate a representative to serve on the protocol committee:

- 90 (A) The ~~office of the~~ sheriff;
- 91 (B) The county department of family and children services;
- 92 (C) The ~~office of the~~ district attorney for the judicial circuit;
- 93 (D) The juvenile court judge;
- 94 (E) The chief magistrate ~~court~~;
- 95 (F) The county board of education;
- 96 (G) The county mental health organization;

- 97 (H) The ~~office of the~~ chief of police of a county in counties which have a county police
 98 department;
- 99 (I) The ~~office of the~~ chief of police of the largest municipality in the county;
- 100 (J) The county ~~board of~~ public health department, which shall designate a physician
 101 to serve on the protocol committee; and
- 102 (K) The ~~office of the~~ coroner or county medical examiner.
- 103 (2) In addition to the representatives serving on the protocol committee as provided for
 104 in paragraph (1) of this subsection, the chief superior court judge shall designate a
 105 representative from a local citizen or advocacy group which focuses on child abuse
 106 awareness and prevention.
- 107 (3) If any designated agency fails to carry out its duties relating to participation on the
 108 protocol committee, the chief superior court judge of the circuit may issue an order
 109 requiring the participation of such agency. Failure to comply with such order shall be
 110 cause for punishment as for contempt of court.
- 111 (d) Each protocol committee shall elect or appoint a chairperson who shall be responsible
 112 for ensuring that written protocol procedures are followed by all agencies. ~~Such That~~
 113 person can be independent of agencies listed in paragraph (1) of subsection (c) of this Code
 114 section. The ~~child abuse~~ protocol committee ~~thus established~~ may appoint such additional
 115 members as necessary and proper to accomplish the purposes of the protocol committee.
- 116 (e) The protocol committee shall adopt a written ~~child abuse~~ protocol which shall be filed
 117 with the Division of Family and Children Services of the Department of Human Services
 118 and the ~~Georgia Child Fatality Review Panel~~ panel, a copy of which shall be furnished to
 119 each agency in the county handling the cases of abused children. The protocol shall be a
 120 written document outlining in detail the procedures to be used in investigating and
 121 prosecuting cases arising from alleged child abuse and the methods to be used in
 122 coordinating treatment programs for the perpetrator, the family, and the child. The
 123 protocol shall also outline procedures to be used when child abuse occurs in a household
 124 where there is violence between past or present spouses, persons who are parents of the
 125 same child, parents and children, stepparents and stepchildren, foster parents and foster
 126 children, or other persons living or formerly living in the same household. The protocol
 127 adopted shall not be inconsistent with the policies and procedures of the Division of Family
 128 and Children Services of the Department of Human Services.
- 129 (f) The purpose of the protocol shall be to ensure coordination and cooperation between
 130 all agencies involved in a child abuse case so as to increase the efficiency of all agencies
 131 handling such cases, to minimize the stress created for the allegedly abused child by the
 132 legal and investigatory process, and to ensure that more effective treatment is provided for
 133 the perpetrator, the family, and the child, including counseling.

134 (g) Upon completion of the writing of the ~~child-abuse~~ protocol, the protocol committee
135 shall continue in existence and shall meet at least semiannually for the purpose of
136 evaluating the effectiveness of the protocol and appropriately modifying and updating the
137 same.

138 (h) Each protocol committee shall adopt or amend its written ~~child-abuse~~ protocol ~~no later~~
139 ~~than July 1, 2001~~, to specify the circumstances under which law enforcement officers ~~will~~
140 shall and ~~will shall~~ not be required to accompany ~~child-abuse~~ investigators from the county
141 department of family and children services when these investigators investigate reports of
142 child abuse. In determining when law enforcement officers shall and shall not accompany
143 ~~child-abuse~~ investigators, the protocol committee shall consider the need to protect the
144 alleged victim and the need to preserve the confidentiality of the report. Each protocol
145 committee shall establish joint work efforts between the law enforcement and ~~child-abuse~~
146 investigative agencies in child abuse investigations. The adoption or amendment of the
147 protocol shall also describe measures which can be taken within the county to prevent child
148 abuse and shall be filed with and furnished to the same entities with or to which an original
149 protocol is required to be filed or furnished. The protocol ~~will shall~~ be further amended to
150 specify procedures to be adopted by the protocol committee to ensure that written protocol
151 procedures are followed.

152 (i) The protocol committee shall issue a report no later than the first day of July ~~in 2001~~
153 ~~and no later than the first day of July~~ each year ~~thereafter~~. Such ~~That~~ report shall evaluate
154 the extent to which ~~child-abuse~~ investigations of child abuse during the 12 months prior to
155 the report have complied with the ~~child-abuse~~ protocols of the protocol committee,
156 recommend measures to improve compliance, and describe which measures taken within
157 the county to prevent child abuse have been successful. The report shall be transmitted to
158 the county governing authority, the fall term grand jury of the judicial circuit, the ~~Georgia~~
159 ~~Child Fatality Review Panel~~ panel, and the chief superior court judge.

160 (j) Each member ~~By July 1, 2001, members~~ of each protocol committee shall receive
161 appropriate training. ~~As new members are appointed, they will also receive training~~ within
162 12 months after ~~their~~ his or her appointment. The Office of the Child Advocate for the
163 Protection of Children shall provide such training.

164 (k) The protocol committee shall adopt a written sexual abuse and sexual exploitation
165 protocol which shall be filed with the Division of Family and Children Services of the
166 Department of Human Services and the Office of the Child Advocate for the Protection of
167 Children, a copy of which shall be furnished to each agency in the county handling the
168 cases of sexually abused or exploited children. The sexual abuse and sexual exploitation
169 protocol shall be a written document outlining in detail the procedures to be used in
170 investigating and prosecuting cases arising from alleged ~~child~~ sexual abuse and sexual

171 exploitation and the procedures to be followed concerning the obtainment of and payment
 172 for sexual assault examinations. Each protocol committee shall adopt or amend its written
 173 sexual abuse and sexual exploitation protocol ~~no later than December 31, 2004.~~ The
 174 ~~protocol may incorporate existing sexual abuse and exploitation protocols used within the~~
 175 county. The sexual abuse and sexual exploitation protocol adopted shall be consistent with
 176 the policies and procedures of the Division of Family and Children Services of the
 177 Department of Human Services. ~~A failure by an agency to follow the protocol shall not~~
 178 ~~constitute an affirmative or other defense to prosecution of a sexual abuse or exploitation~~
 179 ~~offense, nor shall a failure by an agency to follow the protocol give rise to a civil cause of~~
 180 ~~action.~~ A sexual abuse and sexual exploitation protocol is not intended to, does not, and
 181 may not be relied upon to create any rights, substantive or procedural, enforceable at law
 182 by any party in any matter civil or criminal. Such protocol shall not limit or otherwise
 183 restrict a prosecuting attorney in the exercise of his or her discretion nor in the exercise of
 184 any otherwise lawful litigative prerogatives."

185 **SECTION 5.**

186 Said chapter is further amended by revising subsections (a), (d), (e), (g) through (k), and (o)
 187 and paragraph (8) of subsection (1) of Code Section 19-15-3, relating to county multiagency
 188 child fatality review committees, as follows:

189 "(a)(1) Each county shall establish a local ~~multidisciplinary, multiagency child fatality~~
 190 review committee as provided in this Code section. The review committee shall be
 191 charged with reviewing all deaths as set forth in subsection (e) of this Code section to
 192 determine manner and cause of death and if the death was preventable. The chief
 193 superior court judge of the circuit in which the county is located shall establish a ~~child~~
 194 ~~fatality~~ review committee composed of, but not limited to, the following members:

- 195 (A) The county medical examiner or coroner;
- 196 (B) The district attorney or his or her designee;
- 197 (C) A county department of family and children services representative;
- 198 (D) A local law enforcement representative;
- 199 (E) The sheriff or county police chief or his or her designee;
- 200 (F) A juvenile court representative;
- 201 (G) A county ~~board of~~ public health department representative; and
- 202 (H) A county mental health representative.

203 (2) The district attorney or his or her designee shall serve as the chairperson to preside
 204 over all meetings."

205 "(d) If any designated agency fails to carry out its duties relating to participation on the
 206 ~~local~~ review committee, the chief superior court judge of the circuit or any superior court

207 judge who is a member of the ~~Georgia Child Fatality Review Panel~~ panel shall issue an
 208 order requiring the participation of such agency. Failure to comply with such order shall
 209 be cause for punishment as for contempt of court.

210 (e) Deaths eligible for review by ~~local~~ review committees are all deaths of children ages
 211 birth through 17 as a result of:

212 (1) Sudden Infant Death Syndrome;

213 (2) Any unexpected or unexplained conditions;

214 (3) Unintentional injuries;

215 (4) Intentional injuries;

216 (5) Sudden death when the child is in apparent good health;

217 (6) Any manner that is suspicious or unusual;

218 (7) Medical conditions when unattended by a physician. For the purpose of this
 219 paragraph, no person shall be deemed to have died unattended when the death occurred
 220 while the person was a patient of a hospice licensed under Article 9 of Chapter 7 of Title
 221 31; ~~or~~

222 (8) Serving as an inmate of a state hospital or a state, county, or city penal institution; or

223 (9) Child abuse."

224 "(g) If the death of a child occurs outside the child's county of residence, it shall be the
 225 duty of the medical examiner or coroner in the county where the child died to notify the
 226 medical examiner or coroner in the county of the child's residence. It shall be the duty of
 227 such medical examiner or coroner to provide the protocol committee of the county of such
 228 child's residence with copies of all information and reports required by subsections (i) and
 229 (j) of this Code section.

230 (h) When a county medical examiner or coroner receives a report regarding the death of
 231 any child, he or she shall within 48 hours of the death notify the chairperson of the ~~child~~
 232 ~~fatality~~ review committee ~~of~~ for the county or circuit in which such child resided at the
 233 time of death.

234 (i) The coroner or county medical examiner shall review the findings regarding the cause
 235 and manner of death for each child death report received and respond as follows:

236 (1) If the death does not meet the criteria for review pursuant to subsection (e) of this
 237 Code section, the coroner or county medical examiner shall sign the form designated by
 238 the panel stating that the death does not meet the criteria for review. He or she shall
 239 forward the form and findings, within seven days of the child's death, to the chairperson
 240 of the ~~child fatality~~ review committee ~~in~~ for the county or circuit of the child's residence;
 241 or

242 (2) If the death meets the criteria for review pursuant to subsection (e) of this Code
 243 section, the coroner or county medical examiner shall complete and sign the form

244 designated by the panel stating the death meets the criteria for review. He or she shall
 245 forward the form and findings, within seven days of the child's death, to the chairperson
 246 of the ~~child fatality~~ review committee in for the county or circuit of the child's residence.

247 (j) When the chairperson of a ~~local child fatality~~ review committee receives a report from
 248 the coroner or medical examiner regarding the death of a child, ~~that~~ such chairperson shall
 249 review the report and findings regarding the cause and manner of the child's death and
 250 respond as follows:

251 (1) If the report indicates the child's death does not meet the criteria for review and the
 252 chairperson agrees with this decision, the chairperson shall sign the form designated by
 253 the panel stating that the death does not meet the criteria for review. He or she shall
 254 forward the form and findings to the panel within seven days of receipt;

255 (2) If the report indicates the child's death does not meet the criteria for review and the
 256 chairperson disagrees with this decision, the chairperson shall follow the procedures for
 257 deaths to be reviewed pursuant to subsection (k) of this Code section;

258 (3) If the report indicates the child's death meets the criteria for review and the
 259 chairperson disagrees with this decision, the chairperson shall sign the form designated
 260 by the panel stating that the death does not meet the criteria for review. The chairperson
 261 shall also attach an explanation for this decision; or

262 (4) If the report indicates the child's death meets the criteria for review and the
 263 chairperson agrees with this decision, the chairperson shall follow the procedures for
 264 deaths to be reviewed pursuant to subsection (k) of this Code section.

265 (k) When a child's death meets the criteria for review, the chairperson shall convene the
 266 review committee within 30 days after receipt of the report for a meeting to review and
 267 investigate the cause and circumstances of the death. Review committee members shall
 268 provide information as specified ~~below~~ in this subsection, except where otherwise
 269 protected by ~~statute~~ law:

270 (1) The providers of medical care and the medical examiner or coroner shall provide
 271 pertinent health and medical information regarding a child whose death is being reviewed
 272 by the ~~local~~ review committee;

273 (2) State, county, or local government agencies shall provide all of the following data on
 274 forms designated by the panel for reporting child fatalities:

275 (A) Birth information for children who died at less than one year of age, including
 276 confidential information collected for medical and health use;

277 (B) Death information for children who have not reached their eighteenth birthday;

278 (C) Law enforcement investigative data, medical examiner or coroner investigative
 279 data, and parole and probation information and records;

280 (D) Medical care, including dental, mental, and prenatal health care; and

281 (E) Pertinent information from any social services agency that provided services to the
282 child or family; and

283 (3) The review committee may obtain from any superior court judge of the county or
284 circuit for which the review committee was created a subpoena to compel the production
285 of documents or attendance of witnesses when that judge has made a finding that such
286 documents or witnesses are necessary for the review committee's review. Service of,
287 objection to, and enforcement of subpoenas authorized by this Code section shall be
288 governed by the procedures set forth in Chapter 13 of Title 24. However, this Code
289 section shall not modify or impair the privileged communications as provided by law
290 except as otherwise provided in Code Section 19-7-5.

291 (4) Disclosure of protected health information pursuant to this subsection shall be
292 considered to be for a law enforcement purpose, and the review committee shall be
293 considered to be a law enforcement official within the meaning of the rules and
294 regulations adopted pursuant to the federal Health Insurance Portability and
295 Accountability Act of 1996. Disclosure of confidential or privileged matter to the review
296 committee pursuant to this Code section shall not serve to destroy or in any way abridge
297 the confidential or privileged character thereof, except for the purpose for which such
298 disclosure is made."

299 "(8) Include other findings as requested by the ~~Georgia Child Fatality Review Panel~~
300 panel."

301 "(o) Each ~~local~~ review committee shall issue an annual report no later than the first day of
302 July ~~in 2001 and in each year thereafter~~. The report shall:

303 (1) Specify the numbers of reports received by ~~that~~ such review committee from a county
304 medical examiner or coroner pursuant to subsection (h) of this Code section for the
305 preceding calendar year;

306 (2) Specify the number of reports of child fatality reviews prepared by the review
307 committee during such period;

308 (3) Be published at least once annually in the legal organ of the county or counties for
309 which the review committee was established with the expense of such publication paid
310 each by such county; and

311 (4) Be transmitted, no later than the fifteenth day of July ~~in 2001 and in each year~~
312 ~~thereafter~~, to the ~~Georgia Child Fatality Review Panel~~ panel."

313 SECTION 6.

314 Said chapter is further amended by revising subsections (a), (b), (c), and the introductory
315 language of subsection (i) of Code Section 19-15-4, relating to the Georgia Child Fatality
316 Review Panel, as follows:

317 "(a) There is created the Georgia Child Fatality Review Panel as ~~defined in paragraph (7)~~
 318 ~~of Code Section 19-15-1~~. The panel shall oversee the local child fatality review process
 319 and report to the Governor on the incidence of child deaths with recommendations for
 320 prevention.

321 (b) ~~The Office of the Child Advocate for the Protection of Children~~ director of the Georgia
 322 Bureau of Investigation or his or her designee shall coordinate the work of the panel and
 323 shall provide such administrative and staff support to the panel as may be necessary to
 324 enable the panel to discharge its duties under this chapter. The panel shall be attached to
 325 ~~the Office of Planning and Budget~~ Division of Forensic Sciences of the Georgia Bureau of
 326 Investigation for administrative purposes, and its planning, policy, and budget functions
 327 shall be coordinated with those of the ~~Office of the Child Advocate~~ Division of Forensic
 328 Sciences of the Georgia Bureau of Investigation.

329 (c) The panel shall be composed as follows:

- 330 (1) One district attorney appointed by the Governor;
- 331 (2) One juvenile court judge appointed by the Governor;
- 332 (3) Two citizen members ~~who shall be appointed by the Governor~~, who are not employed
 333 by or officers of the state or any political subdivision thereof ~~and shall be appointed by~~
 334 the Governor, one of whom shall come from each of the following:
- 335 (A) A a state-wide child abuse prevention organization; and
- 336 (B) A a state-wide childhood injury prevention organization;
- 337 (4) One forensic pathologist appointed by the Governor;
- 338 (5) The chairperson of the Board of Human Services;
- 339 (6) The director of the Division of Family and Children Services of the Department of
 340 Human Services;
- 341 (7) The director of the Georgia Bureau of Investigation;
- 342 (8) The chairperson of the Criminal Justice Coordinating Council;
- 343 (9) A member of the Georgia Senate appointed by the Lieutenant Governor;
- 344 (10) A member of the Georgia House of Representatives appointed by the Speaker of the
 345 House of Representatives;
- 346 (11) A local law enforcement official appointed by the Governor;
- 347 (12) A superior court judge appointed by the Governor;
- 348 (13) A coroner appointed by the Governor;
- 349 (14) The Child Advocate for the Protection of Children;
- 350 (15) The commissioner of public health; ~~and~~
- 351 (16) The commissioner of behavioral health and developmental disabilities;
- 352 (17) A member of the State Board of Education appointed by the Governor; and
- 353 (18) The commissioner of early care and learning."

354 "(i) By January 1 of each calendar year, the panel shall submit a report to the Governor,
 355 the Lieutenant Governor, the Speaker of the House of Representatives, ~~and the Judiciary~~
 356 ~~Committees~~ the chairperson of the Senate Judiciary Committee, and ~~House of~~
 357 ~~Representatives~~ the chairperson of the House Committee on Judiciary regarding the
 358 prevalence and circumstances of child fatalities in ~~the~~ this state; shall recommend measures
 359 to reduce such fatalities caused by other than natural causes; and shall address in the report
 360 the following issues:"

361 **SECTION 7.**

362 Said chapter is further amended by revising subsections (b), (g), and (i) of Code Section
 363 19-15-6, relating to use of information and records of protocol committees, review
 364 committees, and panels, as follows:

365 "(b) Notwithstanding any other provision of law to the contrary, reports of a review
 366 committee made pursuant to Code Section 19-15-3 and reports of the panel made pursuant
 367 to Code Section 19-15-4 shall be public records and shall be released to any person making
 368 a request therefor, but the ~~panel~~ protocol committee, ~~or review committee, or panel~~ having
 369 possession of such records or reports shall only release them after expunging therefrom all
 370 information contained therein which would permit identifying the deceased or abused
 371 child, any family member of the child, any alleged or suspected perpetrator of abuse upon
 372 the child, or any reporter of suspected child abuse."

373 "(g) A member of a protocol committee, a review committee, or the panel shall not be
 374 civilly liable or ~~criminally liable~~ subject to criminal prosecution for any disclosure of
 375 information made by such member as authorized by this Code section."

376 "(i) Notwithstanding any other provisions of law, information acquired by and documents,
 377 records, and reports of the panel and ~~child-abuse~~ protocol committees and review
 378 committees applicable to a child who at the time of his or her death was in the custody of
 379 a state department or agency or foster parent shall not be confidential and shall be subject
 380 to Article 4 of Chapter 18 of Title 50, relating to open records."

381 **SECTION 8.**

382 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
 383 general provisions for the Georgia Bureau of Investigation, is amended by revising Code
 384 Section 35-3-5, relating to the powers and duties of the director of the Georgia Bureau of
 385 Investigation, as follows:

386 "35-3-5.

387 (a) There is created the position of director.

388 (b) The director shall be the chief administrative officer and shall be both appointed and
389 removed by the Board of Public Safety with the approval of the Governor.

390 (c) The director shall coordinate and supervise the work of the Georgia Child Fatality
391 Review Panel created by Code Section 19-15-4 or shall designate a person from within the
392 bureau to serve as the coordinator and supervisor and shall provide such staffing and
393 administrative support to the Georgia Child Fatality Review Panel as may be necessary to
394 enable it to carry out its statutory duties.

395 (d) The director shall report the death of any child to the chairperson of the review
396 committee, as such term is defined in Code Section 19-15-1, for the county in which such
397 child resided at the time of death, unless the director or his or her designee has knowledge
398 that such death has been reported by the county medical examiner or coroner, pursuant to
399 Code Section 19-15-3, and shall provide such review committee access to any records of
400 the bureau relating to such child.

401 ~~(c)~~(e) Except as otherwise provided by this chapter, and subject to the general policy
402 established by the board, the director shall supervise, direct, account for, organize, plan,
403 administer, and execute the functions vested in the bureau by this chapter."

404

SECTION 9.

405 It is the intent of the General Assembly to provide for transparency relative to investigations
406 involving child abuse and child fatalities in order to best protect the children of this state.
407 The General Assembly finds that more disclosure of information may be necessary when a
408 child is deceased. The General Assembly intends that agencies and departments of this state
409 share data in order to conduct research for the purpose of preventing child fatalities in this
410 state.

411

SECTION 10.

412 Code Section 49-5-41 of the Official Code of Georgia Annotated, relating to persons and
413 agencies permitted access to child abuse and dependency records, is amended by revising
414 paragraphs (6), (7.1), and (8) of subsection (a), paragraph (5) of subsection (c), and
415 subsection (e) as follows:

416 ~~"(6) Any adult requesting information regarding investigations by the department or a~~
417 ~~governmental child protective agency regarding the findings or information about the~~
418 ~~case of child abuse or neglect that results in a child involving a fatality or near fatality,~~
419 ~~unless such disclosure of information would jeopardize a criminal investigation or~~
420 ~~proceeding, but such access shall be limited to a disclosure of the available facts and~~
421 ~~findings. Any identifying information, including but not limited to the child or~~
422 ~~caretaker's name, race, ethnicity, address, or telephone numbers and any other~~

423 ~~information that is privileged or confidential, shall be redacted to preserve the~~
 424 ~~confidentiality of the child, other children in the household, and the child's parents,~~
 425 ~~guardians, custodians, or caretakers; provided, however, that the following may be~~
 426 ~~redacted from such records:~~

- 427 (A) Information that would jeopardize a criminal investigation or proceeding;
 428 (B) Medical and mental health records made confidential by other provisions of law;
 429 (C) Privileged communications of an attorney;
 430 (D) The identifying information of a person who reported suspected child abuse;
 431 (E) Information that may cause mental or physical harm to the sibling or other child
 432 living in the household of the child being investigated;
 433 (F) The name of a child who suffered a near fatality;
 434 (G) The name of any parent or other person legally responsible for the child being
 435 investigated who is not the subject of the reported child abuse or neglect; and
 436 (H) The name of any member of the household of the child being investigated who is
 437 not the subject of the reported child abuse or neglect."

438 ~~"(7.1) A child advocacy center which is certified by the Child Abuse Protocol Committee~~
 439 ~~of protocol committee, as such term is defined in Code Section 19-15-1, for the county~~
 440 ~~where the principal office of the center is located as participating in the Georgia Network~~
 441 ~~of Children's Advocacy Centers or a similar accreditation organization and which is~~
 442 ~~operated for the purpose of investigation of known or suspected child abuse and treatment~~
 443 ~~of a child or a family which is the subject of a report of abuse, and which has been~~
 444 ~~created and supported through one or more intracommunity compacts between such~~
 445 ~~advocacy center and one or more police agencies, the office of the district attorney, a~~
 446 ~~legally mandated public or private child protective agency, a mental health board, and a~~
 447 ~~community health service board; provided, however, that any child advocacy center~~
 448 ~~which is granted access to records concerning reports of child abuse shall be subject to~~
 449 ~~the confidentiality provisions of subsection (b) of Code Section 49-5-40 and shall be~~
 450 ~~subject to the penalties imposed by Code Section 49-5-44 for authorizing or permitting~~
 451 ~~unauthorized access to or use of such records;~~

452 (8) Police or any other law enforcement agency of this state or any other state or any
 453 medical examiner or coroner investigating a report of known or suspected abuse or any
 454 ~~child fatality review panel committee or child abuse protocol committee or subcommittee~~
 455 ~~thereof~~ created pursuant to Chapter 15 of Title 19, it being found by the General
 456 Assembly that the disclosure of such information is necessary in order for such entities
 457 to carry out their legal responsibilities to protect children from abuse and neglect, which
 458 protective actions include bringing criminal actions for such abuse or neglect, and that
 459 such disclosure is therefore permissible and encouraged under the 1992 amendments to

460 Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section
 461 5106(A)(b)(4); and"

462 "(5) An agency, facility, or person having responsibility or authorization to assist in
 463 making a judicial determination for the child who is the subject of the report or record of
 464 child abuse, including but not limited to members of officially recognized citizen review
 465 panels, court appointed guardians ad litem, certified Court Appointed Special Advocate
 466 (CASA) volunteers who are appointed by a judge of a juvenile court to act as advocates
 467 for the best interest of a child in a juvenile proceeding, and members of a ~~county child~~
 468 ~~abuse protocol committee or task force, as such term is defined in Code Section 19-15-1;"~~

469 ~~"(e)(1) Except as provided in paragraph (2) of this subsection and notwithstanding~~
 470 ~~Notwithstanding any other provisions of law, with the exception of medical and mental~~
 471 ~~health records made confidential by other provisions of law, child abuse and dependency~~
 472 ~~records shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title~~
 473 ~~50 if the records are applicable to a child who at the time of his or her fatality or near~~
 474 ~~fatality was:~~

475 ~~(1)(A) In the custody of a state department or agency or foster parent;~~

476 ~~(2)(B) A child as defined in paragraph (3) of Code Section 15-11-741; or~~

477 ~~(3)(C) The subject of an investigation, report, referral, or complaint under Code~~
 478 ~~Section 15-11-743 or 31-2A-15~~

479 ~~shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50,~~
 480 ~~relating to open records; provided, however, that any identifying information, including~~
 481 ~~but not limited to the child or caretaker's name, race, ethnicity, address, or telephone~~
 482 ~~numbers and any other information that is privileged or confidential, shall be redacted to~~
 483 ~~preserve the confidentiality of the child, other children in the household, and the child's~~
 484 ~~parents, guardians, custodians, or caretakers.~~

485 (2) The following may be redacted from such records:

486 (A) Medical and mental health records made confidential by other provisions of law;

487 (B) Privileged communications of an attorney;

488 (C) The identifying information of a person who reported suspected child abuse; and

489 (D) The name of a child who suffered a near fatality."

490 (3) Upon the release of documents pursuant to this subsection, the department may
 491 comment publicly on the case."

492 **SECTION 11.**

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