

Legislative Changes Effective July 1, 2016



Starting July 1, 2016 bills that passed through both the Senate and House and were signed into law by Governor Deal go into effect. The following only represents some of the changes to the Code following the 2015-2016 legislative session. Please note that there are many other changes that will effect the child welfare community that are not mentioned here. The noted changes are of particular importance to both child welfare agencies and parents in Georgia. They represent alterations to mandating reporting requirements and the establishment of the child abuse registry.

HB 905: New Mandated Reporting Language

*Under the newly added statutory language any individual, who acting in good faith, is in possession of **unlawful images and materials of children (i.e. child pornography) to assist law enforcement or DFCS when the safety of a child is threatened by another individual will be given immunity from criminal liability as long as the person turns the materials in and reports to the police or another mandated reporter with 72 hours of coming into possession of the images.** The purpose of this portion of the statute is to incentivize individuals who are trying to help law enforcement and protect children to step forward with an inappropriate material they find.*

*The statute also established a public scoreboard for child welfare agencies under the Department of Human Services and adds language regarding evaluation disputes and inspections. It further **expands what is defined as mandated child abuse reporting under OCGA 19-7-5 to include endangering a child.** Under other section of the Code child endangerment can include:*

- *When a person intentionally allows or has knowledge that a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery (§16-5-70(d)(1) -(2));*
- *any person who intentionally causes or permits a child to be present where any person is manufacturing methamphetamine (§16-5-73);*
- *driving under the influence with a child in the vehicle (§16-5-73); and*
- *Prenatal abuse (§15-11-2).*

HB 905 also clarifies the 4-year year by saying that any consensual act between two minors where one is less than 14 years old is considered sexual abuse. It goes on to that a consensual sexual relationship between a minor and an adult where the age difference is 4 years or less is not child abuse. Under the 4 year rule the following is true:

- (13-year-old and 14-year-old –yes child abuse)*
- (14-year-old and 18-year-old- not child abuse)*
- (15-year-old and 19-year-old – not child abuse)*
- (16-year-old and 20-year-old – not child abuse)*
- (17-year-old and 21-year-old – not child abuse)*

What is the Child Abuse Registry?

During the 2015 legislative session **SB 138** was created and later signed into law. The bill established a new child abuse registry officially called the Child Protective Service Information System (CPSIS) but it is most commonly referred to as the Child Abuse Registry (CAR). The purpose of the legislation is to diminish child maltreatment by creating a stronger deterrence and help give child facilities pertinent information when hiring staff.

Who Can Access the CAR?

The information will not be open to the public, instead the registry is accessible to certain agencies and individuals. For example, CPS investigators, and the Department of Early Care and Learning (DECAL) can access CAR. Also, licensed agencies that with children or for providing care of children can use the CAR for licensing or employment reasons. Court Appointed Special Advocates(CASA) may use CAR to help screen and employees and volunteers. In fact, state departments are requiring their service providers to screen all staff and volunteers who work directly with children. Any individual may also request a self-check.

Who is Placed on the CAR?

Beginning July 1, 2016, the registry will **contain the names of individuals with substantiated reports of child abuse** that have been investigated by DFCS. Any convictions or cases that occurred before July 1, 2016 will **not** be included in the registry which limits screening ability.

It is CRITICAL to note the law applies to anyone who is 13 or older!

What Happens Once You Are Added to the CAR?

If a person is placed on the registry, he or she will be notified and then they will only have **10 days** to file an appeal, if the appeal is not overruled, their name will remain on the registry for **life**. Thanks to the tireless work of child advocates an additional provision was added to hopefully protect young children who are added to the registry. The provision allows a minor to be removed from the registry when he or she turns 18. But, only if more than a year has passed from the day the act was committed; there hasn't been any other substantiated incidents; and they prove by a preponderance of the evidence that they are rehabilitated.

What Does This Mean for My Child?

Children and adults need to fully understand what is considered maltreatment (abuse and/ or neglect) in Georgia.

Visit our website for additional information about what is considered reportable maltreatment:

www.preventchildabusega.org

For a full list of new legislation that effects children, families and professionals that take effect July 1, please visit the [Georgia General Assembly](#), [Barton Child Law and Policy Center](#) or [Voices for Georgia's Children](#).