

Senate Bill 138

By: Senators Miller of the 49th, Dugan of the 30th, Hill of the 32nd, Kennedy of the 18th, Jackson of the 24th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so  
2 as to provide for various reforms regarding the state's child welfare system pursuant to a  
3 comprehensive review by the Governor's Child Welfare Reform Council; to provide that the  
4 director of the Division of Family and Children Services of the Department of Human  
5 Services is appointed by the Governor; to establish the DFCS State Advisory Board; to  
6 provide requirements for members appointed to county boards of family and children  
7 services; to clarify the primary purpose of county departments of family and children  
8 services; to establish DFCS Regional Advisory Boards; to provide for the sharing of data  
9 relating to the care and protection of children between agencies; to provide for legislative  
10 findings; to provide for the establishment of an interagency data protocol; to provide for  
11 interagency agreements; to provide a manner to address legal impediments that are identified;  
12 to provide for statutory construction; to provide for contact with a school regarding reports  
13 of suspected child abuse; to provide for access to a child's medical and educational records  
14 by a foster parent; to repeal certain provisions deemed unconstitutional regarding a central  
15 child abuse registry; to enact new provisions to provide for the establishment of a central  
16 child abuse registry; to provide for definitions; to provide for the reporting of convictions  
17 relating to child abuse to the Division of Family and Children Services; to provide for entry  
18 of reported convictions into the registry; to provide for a hearing to contest inclusion of a  
19 name in the registry; to limit access to information in the registry; to provide for  
20 confidentiality; to provide for immunity; to repeal a provision relating to the Council for  
21 Welfare Administration; to provide for related matters; to repeal conflicting laws; and for  
22 other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
 26 in Chapter 2, relating to the Department of Human Services, by adding new Code sections  
 27 to read as follows:

28 "49-2-18.

29 (a) The Governor shall appoint the director of the Division of Family and Children  
 30 Services who shall serve at the pleasure of the Governor. The director shall be an  
 31 employee of the Department of Human Services but shall report directly to the Governor.

32 (b) The director shall have at least one of the following qualifications:

33 (1) Educational background or managerial experience involving work with vulnerable  
 34 populations;

35 (2) Work experience in a setting dealing with the safety or well-being of children or  
 36 other vulnerable populations; or

37 (3) Experience working in or managing a complex, multidisciplinary business or  
 38 government agency.

39 49-2-19.

40 (a) There is established the DFCS State Advisory Board which shall consist of 20  
 41 members appointed by the Governor as follows:

42 (1) One representative from each of the 15 DFCS regions; and

43 (2) Five members who are either state legislators or representatives from the fields of:

44 (A) Child welfare;

45 (B) Former youth in foster care;

46 (C) Public health;

47 (D) Behavioral health and developmental disabilities; or

48 (E) Juvenile justice.

49 (b) The advisory board shall review and recommend proposed rules and regulations for the  
 50 Division of Family and Children Services.

51 (c) The advisory board shall elect a chairperson from among its membership. The  
 52 advisory board may elect such other officers and committees as it considers appropriate.

53 (d) The advisory board shall meet at least quarterly and at such additional times as it shall  
 54 determine necessary to perform its duties. The advisory board shall also meet on the call  
 55 of the chairperson, the director of the Division of Family and Children Services, or the  
 56 Governor. The director of the Division of Family and Children Services shall participate  
 57 in such meetings and provide a quarterly report to the advisory board in advance of each  
 58 quarterly meeting.

59 (e) Members shall serve without compensation, although each member of the advisory  
 60 board shall be reimbursed for actual expenses incurred in the performance of his or her  
 61 duties from funds available to the office; provided, however, that any legislative member  
 62 shall receive the allowances authorized by law for legislative members of interim  
 63 legislative committees and any members who are state employees shall be reimbursed for  
 64 expenses incurred by them in the same manner as they are reimbursed for expenses in their  
 65 capacities as state employees."

66 **SECTION 2.**

67 Said title is further amended by revising Code Section 49-3-2, relating to the appointment  
 68 of members to the county department of family and children services, as follows:

69 "49-3-2.

70 (a) Each county board shall consist of between five and seven members who shall be  
 71 appointed by the governing authority of the county. ~~No person serving as a member of a~~  
 72 ~~county board on July 1, 1994, shall have such person's term of office shortened by this~~  
 73 ~~subsection. On and after that date, however, vacancies~~ Vacancies in such office which  
 74 occur for any reason, including but not limited to expiration of the term of office, shall be  
 75 filled by appointment of the county governing authority except as provided in  
 76 subsection (c) of this Code section. No elected officer of the state or any subdivision  
 77 thereof shall be eligible for appointment to the county board. In making appointments to  
 78 the county board of family and children services, the governing authority shall ensure that  
 79 appointments are reflective of gender, race, ethnic, and age characteristics of the county  
 80 population. Further, the governing authority shall ensure that all appointments made on  
 81 or after July 1, 2015, are made from the following categories:

- 82 (1) Pediatric health care providers;  
 83 (2) School teachers and administrators;  
 84 (3) Emergency responders;  
 85 (4) Law enforcement personnel;  
 86 (5) Juvenile court judges;  
 87 (6) Private child welfare service providers;  
 88 (7) Alumni of the child welfare system;  
 89 (8) Mental health care providers;  
 90 (9) Foster parents;  
 91 (10) Court appointed special advocates (CASA); and  
 92 (11) Leaders within the faith-based community.

93 (b) The term of office of members of the county board shall be for five years and until the  
 94 appointment and qualification of their respective successors, ~~except that upon the~~

95 ~~expiration of the terms of the members of the county board in office on July 1, 1994, one~~  
96 ~~member shall be appointed for a one-year term, one member for a two-year term, one~~  
97 ~~member for a three-year term, one member for a four-year term, and one member for a~~  
98 ~~five-year term.~~

99 (c) Appointments to fill vacancies on the county board caused by death, resignation, or  
100 removal before the expiration of a term shall be made for the remainder of such term in the  
101 same manner as provided in this Code section for original appointments. In the event that  
102 the governing authority of the county shall fail to fill any such vacancy or any vacancy  
103 caused by expiration of term on the county board within 90 days after such vacancy occurs,  
104 the commissioner may appoint members to the county board to fill such vacancies.

105 ~~(d) In addition to the five members required by subsection (a) of this Code section, the~~  
106 ~~county governing authority is authorized but not required to appoint two additional~~  
107 ~~members. One such additional member shall be a school counselor employed in the county~~  
108 ~~and one such additional member shall be a law enforcement officer of the county who is~~  
109 ~~responsible for investigating reports of child abuse. Members appointed pursuant to this~~  
110 ~~subsection shall be appointed for terms of five years and shall be paid the per diem~~  
111 ~~authorized in subsection (e) of this Code section. Appointments to fill vacancies created~~  
112 ~~by the death, resignation, or removal before the end of the term of a member appointed~~  
113 ~~pursuant to this subsection shall be made in accordance with subsection (c) of this Code~~  
114 ~~section.~~

115 ~~(e)~~(d) Members of the county board shall serve without compensation, except that they  
116 shall be paid a per diem of not less than \$15.00 per month and shall be reimbursed for  
117 traveling and other expenses actually incurred in the performance of their official duties;  
118 provided, however, that the gross expenses assessed against a county shall not exceed the  
119 amount of the budget of the county previously set aside and levied by the county authorities  
120 for such expenses.

121 ~~(f) In addition to the five members otherwise provided for in this Code section, the board~~  
122 ~~of family and children services in any county of this state having a population of 550,000~~  
123 ~~or more according to the United States decennial census of 1970 or any future such census~~  
124 ~~shall include an additional two members who shall be subject to this Code section in the~~  
125 ~~same manner as the five members otherwise provided for in this Code section. Each~~  
126 ~~member provided for in this subsection shall be appointed for a term of five years and until~~  
127 ~~the appointment and qualification of the member's successor, except that in the initial~~  
128 ~~appointment of the two additional members one member shall be appointed for a four-year~~  
129 ~~term and one member for a five-year term; and these initial members shall serve until the~~  
130 ~~appointment and qualification of their successors."~~

131 **SECTION 3.**

132 Said title is further amended by revising Code Section 49-3-6, relating to the functions of  
 133 county or district departments of family and children services, as follows:

134 "49-3-6.

135 (a) The primary purpose of county departments shall be to protect children. To achieve  
 136 this primary purpose, the county departments shall, in accordance with rules and  
 137 regulations of Division of Family and Children Services of the Department of Human  
 138 Services:

139 (1) Investigate reports of abuse and neglect;

140 (2) Assess, promote, and support the safety of a child in a safe and stable family or other  
 141 appropriate placement in response to allegations of abuse or neglect;

142 (3) Work cooperatively with law enforcement regarding reports that include criminal  
 143 conduct allegations; and

144 (4) Without compromising child safety, coordinate services to achieve and maintain  
 145 permanency on behalf of the child, strengthen the family, and provide prevention,  
 146 intervention, and treatment services pursuant to this title.

147 (b) In addition to the purpose in subsection (a) of this Code section, and subject ~~Subject~~  
 148 to the rules and regulations of the Board of Human Services, the county department shall  
 149 be charged with the administration of all forms of public assistance in the county, including  
 150 home relief; indoor and outdoor care for those in need; temporary assistance for needy  
 151 families; old-age assistance; aid to the blind and otherwise disabled; the care and treatment  
 152 of ~~dependent, neglected, delinquent, and disabled children;~~ and such other welfare  
 153 activities as shall be delegated to it by the Division of Family and Children Services of the  
 154 Department of Human Services or by the county commissioners. The county department  
 155 shall also investigate and pass upon all applications for admission to and discharge from  
 156 county institutions which provide care and treatment for indigents. If so appointed by a  
 157 court of competent jurisdiction, the Division of Family and Children Services of the  
 158 Department of Human Services or the county or district department of family and children  
 159 services shall perform under the supervision of such court the function of probation officer  
 160 or agent of the court in any welfare or penal matters which may be before it."

161 **SECTION 4.**

162 Said title is further amended in Chapter 3, relating to family and children services, by adding  
 163 a new Code section to read as follows:

164 "49-3-9.

165 There is established in each region a DFCS Regional Advisory Board. Each regional  
 166 advisory board shall be composed of the director of each county department of family and

167 children services within the region and five to seven additional members as selected by the  
 168 DFCS regional director. Such additional members shall be representatives from the  
 169 categories included in paragraphs (1) through (11) of subsection (a) of Code Section  
 170 49-3-2. The purpose of the regional advisory boards shall be to improve communication,  
 171 service delivery, and the consistent application of state policy within each DFCS region.  
 172 Each regional advisory board shall meet at least quarterly."

173 **SECTION 5.**

174 Said title is further amended in Chapter 5, relating to programs and protection for children  
 175 and youth, by adding a new Code section to read as follows:

176 "49-5-24.

177 (a)(1) In an effort to improve the availability and quality of programs and services for  
 178 the protection of children and youth, the General Assembly supports interagency efforts  
 179 to gather comprehensive data and to actively share and disseminate data among those  
 180 agencies responsible for making informed decisions regarding the treatment, care,  
 181 security, and protection of children within this state.

182 (2) The General Assembly finds that the sharing and integration of appropriate data and  
 183 information may have numerous benefits for children and families in this state, as well  
 184 as for the state and local agencies attempting to provide services for them.

185 (3) The General Assembly finds that such data sharing and integration can serve the best  
 186 interests of the child and the family, contribute to higher levels of effectiveness in service  
 187 delivery, provide greater efficiency and productivity, and assist in the protection of  
 188 children. Specifically, such data sharing and integration can reduce redundant data entry,  
 189 expedite data sharing between agencies, provide for more timely service delivery, ensure  
 190 more accurate and up-to-date information, assist in the development of a seamless system  
 191 of services, and contribute to better performance and greater accountability by all  
 192 involved parties.

193 (4) The General Assembly finds that the goals and purposes of this chapter, including the  
 194 goal to develop a seamless system of services for children and their families, would be  
 195 furthered by the development of a central repository of data for planning and evaluation  
 196 purposes and urges the agencies to work toward the development of such a central  
 197 repository.

198 (b) The Department of Human Services, working with the following agencies, shall  
 199 develop and implement a workable state-wide system for sharing data relating to the care  
 200 and protection of children between such agencies, utilizing existing state-wide data bases  
 201 and data delivery systems to the greatest extent possible, to streamline access to such data:

202 (1) Division of Family and Children Services of the Department of Human Services;

203 (2) Department of Early Care and Learning;

204 (3) Department of Community Health;

205 (4) Department of Public Health;

206 (5) Department of Behavioral Health and Developmental Disabilities;

207 (6) Department of Juvenile Justice;

208 (7) Department of Education; and

209 (8) Georgia Crime Information Center.

210 (c) The Department of Human Services, working with such agencies, shall establish an  
211 interagency data protocol to enable each agency to accurately and efficiently collect and  
212 share data with the other agencies in the most effective and expeditious manner. The  
213 interagency data protocol shall:

214 (1) Include protocols and procedures to be used by agencies in data processing, including  
215 but not limited to collecting, storing, manipulating, sharing, retrieving, and releasing data;

216 (2) Delineate the specific data to be shared among all or specified agencies, the person  
217 or persons authorized by each agency to have access to another agency's data, and the  
218 security arrangements between agencies to ensure the protection of the data from  
219 unauthorized access that may threaten the privacy of persons and the confidentiality of  
220 the data;

221 (3) Establish the circumstances under which and the reasons for which an agency may  
222 share information with another agency, with a local political subdivision, with a  
223 nongovernmental entity, or with an individual; and

224 (4) Ensure compliance with all state and federal laws and regulations concerning the  
225 privacy of information, including but not limited to the federal Family Educational Rights  
226 and Privacy Act of 1974, 20 U.S.C. Section 1232g, and the federal Health Insurance  
227 Portability and Accountability Act of 1996, 42 U.S.C. Section 1320d to 1320d-9.

228 (d) To further delineate the parameters for the sharing of data with one or more agencies,  
229 specific interagency agreements may be executed between or among agencies.

230 (e) If a federal law or regulation impedes necessary data sharing between agencies, the  
231 appropriate agency or agencies shall make all reasonable attempts to be granted a waiver  
232 or exemption from the applicable law or regulation.

233 (f) The Department of Human Services and any of the agencies in subsection (b) of this  
234 Code section may apprise chairpersons of the appropriate committees of the General  
235 Assembly of the need for any legislative action necessary to facilitate or improve data  
236 sharing between agencies for the purposes of this Code section.

237 (g)(1) Notwithstanding any provision to the contrary, nothing in this Code section shall  
238 be construed to nullify any memoranda of understanding existing as of June 30, 2015, or

239 prohibit the creation of memoranda of understanding on and after July 1, 2015, between  
 240 or among agencies concerning data sharing or any other data sharing practices.  
 241 (2) Notwithstanding any provision to the contrary, nothing in this Code section shall  
 242 prohibit the release to or sharing of data with nongovernmental entities or individuals if  
 243 the release or sharing is otherwise required, permitted, or allowed pursuant to state or  
 244 federal law."

245 **SECTION 6.**

246 Said title is further amended by revising subsections (c) and (d) of Code Section 49-5-41,  
 247 relating to persons and agencies permitted access to records, as follows:

248 "(c) The department or a county or other state or local agency may permit access to records  
 249 concerning reports of child abuse and may release information from such records to the  
 250 following persons or agencies when deemed appropriate by such department:

251 (1) A physician who has before him or her a child whom he or she reasonably suspects  
 252 may be abused;

253 (2) A licensed child-placing agency, a licensed child-caring institution of this state which  
 254 is assisting the Department of Human Services by locating or providing foster or adoptive  
 255 homes for children in the custody of the department, or an investigator appointed by a  
 256 court of competent jurisdiction of this state to investigate a pending petition for adoption;

257 (3) A person legally authorized to place a child in protective custody when such person  
 258 has before him or her a child he or she reasonably suspects may be abused and such  
 259 person requires the information in the record or report in order to determine whether to  
 260 place the child in protective custody;

261 (4) An agency or person having the legal custody, responsibility, or authorization to care  
 262 for, treat, or supervise the child who is the subject of a report or record;

263 (5) An agency, facility, or person having responsibility or authorization to assist in  
 264 making a judicial determination for the child who is the subject of the report or record of  
 265 child abuse, including but not limited to members of officially recognized citizen review  
 266 panels, court appointed guardians ad litem, certified Court Appointed Special Advocate  
 267 (CASA) volunteers who are appointed by a judge of a juvenile court to act as advocates  
 268 for the best interest of a child in a juvenile proceeding, and members of a protocol  
 269 committee, as such term is defined in Code Section 19-15-1;

270 (6) A legally mandated public child protective agency or law enforcement agency of  
 271 another state bound by similar confidentiality provisions and requirements when, during  
 272 or following the department's investigation of a report of child abuse, the alleged abuser  
 273 has left this state;

274 (7) A child welfare agency, as defined in Code Section 49-5-12, or a school where the  
 275 department has investigated allegations of child abuse made against any employee of  
 276 such agency or school and any child remains at risk from exposure to that employee,  
 277 except that such access or release shall protect the identity of:

278 (A) Any person reporting the child abuse; and

279 (B) Any other person whose life or safety has been determined by the department or  
 280 agency likely to be endangered if the identity were not so protected;

281 (8) An employee of a school or employee of a child welfare agency, as defined in Code  
 282 Section 49-5-12, against whom allegations of child abuse have been made, when the  
 283 department has been unable to determine the extent of the employee's involvement in  
 284 alleged child abuse against any child in the care of that school or agency. In those  
 285 instances, upon receiving a request and signed release from the employee, the department  
 286 may report its findings to the employer, except that such access or release shall protect  
 287 the identity of:

288 (A) Any person reporting the child abuse; and

289 (B) Any other person whose life or safety has been determined by the department or  
 290 agency likely to be endangered if the identity were not so protected;

291 (9) Any person who has an ongoing relationship with the child named in the record or  
 292 report of child abuse any part of which is to be disclosed to such person but only if that  
 293 person is required to report suspected abuse of that child pursuant to subsection (b) of  
 294 Code Section 19-7-5, as that subsection existed on January 1, 1990;

295 (10) Any school principal or any school guidance counselor, school social worker, or  
 296 school psychologist who is certified under Chapter 2 of Title 20 and who is counseling  
 297 a student as a part of such counseling person's school employment duties, but those  
 298 records shall remain confidential and information obtained therefrom by that counseling  
 299 person may not be disclosed to any person, except that student, not authorized under this  
 300 Code section to obtain those records, and such unauthorized disclosure shall be  
 301 punishable as a misdemeanor;

302 (10.1) Any school official of a school that a child who was the subject of a report of  
 303 suspected child abuse made pursuant to Code Section 19-7-5 attends in which there is an  
 304 ongoing investigation of the reported abuse. Any such ongoing investigation shall  
 305 include contact with such school to obtain any relevant information from school  
 306 personnel regarding the report of suspected child abuse;

307 (11) The Department of Early Care and Learning or the Department of Education; or

308 (12) An individual, at the time such individual is leaving foster care by reason of having  
 309 attained the age of majority, but such access shall be limited to providing such individual

310 with a free copy of his or her health and education records, including the most recent  
 311 information available.

312 (d) Notwithstanding any other provision of law, any child-caring agency, child-placing  
 313 agency, or identified foster parent shall have reasonable access to nonidentifying  
 314 information from the placement or child protective services record compiled by any state  
 315 department or agency having custody of a child with respect to any child who has been  
 316 placed in the care or custody of such agency or foster parent or for whom foster care is  
 317 being sought, excluding all documents obtained from outside sources which cannot be  
 318 redisclosed under state or federal law. A department or agency shall respond to a request  
 319 for access to a child's record within 14 days of receipt of such written request. Any  
 320 child-caring agency, child-placing agency, or identified foster parent who is granted access  
 321 to a child's record shall be subject to the penalties imposed by Code Section 49-5-44 for  
 322 unauthorized access to or use of such records. Such record shall include reports of abuse  
 323 of such child and the social history of the child and the child's family, the medical history  
 324 of such child, including psychological or psychiatric evaluations, or educational records  
 325 as allowed by state or federal law and any plan of care or placement plan developed by the  
 326 department, provided that no identifying information is disclosed regarding such child.  
 327 Notwithstanding the provisions of this subsection, a foster parent, as an agent of the  
 328 department, shall have access to a child's medical and educational records in the same  
 329 manner and to the same extent as the department itself and to the fullest extent allowable  
 330 by law to ensure the proper care and education of a child entrusted to the foster parent's  
 331 care."

### 332 SECTION 7.

333 Said title is further amended in Chapter 5 by repealing Article 8, relating to the central child  
 334 abuse registry, and enacting a new article to read as follows:

### 335 "ARTICLE 8

336 49-5-180.

337 As used in this article, the term:

338 (1) 'Abuse investigator' means the division, any county or district department of family  
 339 and children services, any law enforcement agency, or any district attorney or designee  
 340 thereof. The term also includes coroners, medical examiners, and out-of-state abuse  
 341 investigators.

342 (2) 'Child' means any person under 18 years of age.

- 343 (3) 'Child abuse' has the same meaning as in paragraph (4) of subsection (b) of Code  
344 Section 19-7-5.
- 345 (4) 'Child abuse crime' means:
- 346 (A) A violation of Article 1 or Article 2 of Chapter 5 of Title 16 or subsections (b) or  
347 (c) of Code Section 16-5-70, in which physical injury or death is inflicted on a minor  
348 child by a parent or caretaker thereof by other than accidental means;
- 349 (B) A violation of Code Section 16-12-1 regarding a minor child by a parent or  
350 caretaker thereof;
- 351 (C) A violation of Chapter 6 of Title 16 in which the victim is a minor;
- 352 (D) A violation of Part 2 of Article 3 of Chapter 12 of Title 16; or
- 353 (E) Any other crime that, in the discretion of the prosecuting attorney, constitutes child  
354 abuse.
- 355 (5) 'Child abuse registry' means the Child Protective Services Information System  
356 established pursuant to Code Section 49-5-181.
- 357 (6) 'Convicted' means a finding or verdict of guilty or a plea of guilty regardless of  
358 whether an appeal of the conviction has been sought. Such term also includes having  
359 been arrested, charged, and sentenced for the commission of a child abuse crime for  
360 which:
- 361 (A) A plea of nolo contendere was entered to the charge; or
- 362 (B) First offender treatment without adjudication of guilt pursuant to the charge was  
363 granted. The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title  
364 42, relating to probation of first offenders, or other first offender treatment shall be  
365 conclusive evidence of arrest and sentencing for such crime.
- 366 (7) 'Convicted child abuser' means a person who is convicted of a child abuse crime.
- 367 (8) 'Division' means the Division of Family and Children Services of the Department of  
368 Human Services.
- 369 (9) 'Out-of-state abuse investigator' means a public child protective agency or law  
370 enforcement agency of any other state bound by confidentiality requirements as to  
371 information obtained under this article which are similar to those provided in this article.
- 372 (10) 'Sexual abuse' has the same meaning as in paragraph (10) of subsection (b) of Code  
373 Section 19-7-5.
- 374 (11) 'Sexual exploitation' has the same meaning as in paragraph (11) of subsection (b)  
375 of Code Section 19-7-5.

376 49-5-181.

377 (a) The division shall establish and maintain a central child abuse registry which shall  
378 receive notice regarding convicted child abusers pursuant to Code Section 49-5-182 and  
379 which shall be known as the 'Child Protective Services Information System.'

380 (b) The child abuse registry shall be operated in such a manner as to enable abuse  
381 investigators to:

382 (1) Immediately identify and locate convicted child abusers; and

383 (2) Maintain and produce aggregate statistical data of cases of child abuse in which a  
384 person was convicted.

385 49-5-182.

386 Upon receipt of a sentence in which a person is convicted of a child abuse crime, the  
387 prosecuting attorney shall notify the division within 30 working days following such  
388 receipt. Such notice may be submitted electronically and shall contain the following  
389 documents:

390 (1) A certified copy of the sentence;

391 (2) A complete history of the convicted child abuser, including a certified copy of the  
392 indictment, accusation, or both and such other information as the division may require;

393 (3) Name, age, sex, race, social security number, and birthdate of the victim of child  
394 abuse by the convicted child abuser, if known; and

395 (4) Name, age, sex, race, social security number, and birthdate of the child's parents,  
396 custodian, or caretaker, if known.

397 49-5-183.

398 (a) Upon receipt of a notice from a prosecuting attorney pursuant to Code Section  
399 49-5-182, the division shall include in the child abuse registry the name of the convicted  
400 child abuser, the offense for which he or she was convicted, and whether the offense is  
401 considered physical abuse, neglect or exploitation, sexual abuse, or sexual exploitation.

402 (b) Any person whose name appears in the child abuse registry shall be entitled to a  
403 hearing for an administrative determination of whether or not expungement of such  
404 person's name should be ordered. In order to exercise such right, the person must file a  
405 written request for a hearing with the division. The provisions of this subsection shall not  
406 apply to persons who have waived their hearing after receipt of notice.

407 (c) Upon receipt by the division of a written request for a hearing pursuant to subsection  
408 (b) of this Code section, the division shall transmit such request to the Office of State  
409 Administrative Hearings within ten days of receipt. The Office of State Administrative  
410 Hearings shall conduct a hearing in accordance with Chapter 13 of Title 50, the 'Georgia

411 Administrative Procedure Act,' except as otherwise provided in this Code section. A  
412 hearing shall be conducted within 60 days following receipt of the request by the Office  
413 of State Administrative Hearings. Upon a finding that there is no credible evidence that  
414 the person who requested the hearing is a convicted child abuser, the Office of State  
415 Administrative Hearings shall order the division to expunge that name from the registry.  
416 The general public shall be excluded from such hearings and the files and records relating  
417 thereto shall be confidential and not subject to public inspection.

418 (d) Notwithstanding any other provision of law, the decision of the Office of State  
419 Administrative Hearings pursuant to subsection (c) of this Code section shall constitute the  
420 final agency decision. Any party shall have the right of judicial review of that decision in  
421 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except  
422 that the petition for review shall be filed within 30 days after such decision and may only  
423 be filed with and the decision appealed to the superior court of the county where the  
424 hearing took place or, if the hearing was conducted by telephone, the Superior Court of  
425 Fulton County. The procedures for such appeal shall be the same as those for judicial  
426 review of contested cases under Code Section 50-13-19. The review and records thereof  
427 shall be closed to the public and not subject to public inspection. The decision of the  
428 superior court under this subsection shall not be subject to further appeal or review.

429 49-5-184.

430 (a) Except as otherwise authorized in subsection (c) of this Code section and subsection  
431 (b) of Code Section 49-5-185, only an abuse investigator who has investigated or is  
432 investigating a case of possible child abuse shall be provided any information from the  
433 child abuse registry and shall only be provided information relating to that case for  
434 purposes of using that information in such investigation.

435 (b) The division shall provide the Governor's office, the General Assembly, district  
436 attorneys, and law enforcement agencies with a statistical analysis of convicted child  
437 abusers entered into the child abuse registry at the end of each calendar year. This analysis  
438 shall not include the names of any children, parents, or persons associated with the child  
439 abuse. This analysis shall not be protected by any laws prohibiting the dissemination of  
440 confidential information.

441 (c) A person may make a written request to the division to find out whether such person's  
442 name is included in the child abuse registry. Upon presentation of a passport, military  
443 identification card, driver's license, or identification card authorized under Code Sections  
444 40-5-100 through 40-5-104, the office receiving such request shall disclose to such person  
445 whether that person's name is included in the child abuse registry and, if so, the date upon

446 which the person's name was listed in the registry and the child abuse crime for which the  
 447 person was convicted.

448 49-5-185.

449 (a) Information in the child abuse registry shall be confidential and access thereto is  
 450 prohibited except as provided in this article. Such information shall not be deemed to be  
 451 a record of child abuse for purposes of Article 2 of this chapter.

452 (b)(1) Information obtained from the child abuse registry shall not be made a part of any  
 453 record which is open to the public except as provided in paragraph (2) of this subsection;  
 454 provided, however, that a district attorney may use such information in any court  
 455 proceeding in the course of any criminal prosecution for any offense which constitutes  
 456 or results from child abuse, if such information is otherwise admissible.

457 (2) Notwithstanding any other provisions of law, information in the child abuse registry  
 458 applicable to a child who at the time of his or her death was in the custody of a state  
 459 department or agency or foster parent, which information relates to the child while in the  
 460 custody of such state department or agency or foster parent, shall not be confidential and  
 461 shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records.

462 (c) Any person who knowingly provides any information from the child abuse registry to  
 463 a person not authorized to be provided such information under this article shall be guilty  
 464 of a misdemeanor.

465 (d) Any person who knowingly and under false pretense obtains or attempts to obtain  
 466 information which was obtained from the child abuse registry, except as authorized in this  
 467 article, shall be guilty of a misdemeanor.

468 49-5-186.

469 The division and employees thereof providing information from the child abuse registry  
 470 as authorized by this article and any person who uses such information from the child abuse  
 471 registry as authorized by this article shall have no civil or criminal liability therefor."

472 **SECTION 8.**

473 Said title is further amended by repealing and reserving Code Section 49-2-16, relating to the  
 474 Council for Welfare Administration.

475 **SECTION 9.**

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