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SOCIAL SERVICES

Programs and Protection for Children and Youth: Provide Child Advocacy Centers Access to Records of Child Abuse or Harassment

CODE SECTION:	O.C.G.A. § 49-5-41 (amended)[1]
BILL NUMBER:	SB 575
ACT NUMBER:	969
GEORGIA LAWS:	1996 Ga. Laws 1143
SUMMARY:	The Act provides certified child advocacy centers access to records of child abuse, sexual abuse, or sexual harassment of children and provides penalties for unauthorized access or other breach of confidentiality.
EFFECTIVE DATE:	July 1, 1996

History

In 1987, Georgia law mandated the establishment of a child abuse protocol committee in each county to establish a written policy for handling child abuse cases.[2] These protocol committees were to work with juvenile courts, the police, child advocacy centers and other entities that work toward community involvement and awareness of child abuse.[3] In 1990, these protocol committees, which included a court appointed representative of child advocacy centers,[4] were given the authority to review every death of a child for any reason other than chronic illness.[5] This review component brought about the need for access to all records of child abuse.[6] However, while the Code provided

1. SB 575 affects four sections within chapter 5 of title 49. This *Peach Sheet*™ addresses changes to one section; changes to the remaining three sections are discussed in a separate *Peach Sheet*. *See Legislative Review*, 13 GA. ST. U. L. REV. 300 (1996).

2. 1987 Ga. Laws 1065 (codified at O.C.G.A. § 19-15-2 (Supp. 1996)). The committees are required to draft written child abuse protocols and meet at least semi-annually. 1993 Ga. Laws 1695, § 2, at 1703-04 (Codified at O.C.G.A. § 19-15-2 (Supp. 1996)).

3. Telephone Interview with Diane Woods, attorney (May 9, 1996) [hereinafter Woods Interview]. Senator Clay, sponsor of the bill, stated that Woods requested the bill and wrote the first draft. Telephone Interview with Sen. Charles Clay, Senate District No. 37 (May 9, 1996) [hereinafter Clay Interview].

4. 1988 Ga. Laws 474 (codified at O.C.G.A. § 19-15-2(c)(2) (Supp. 1996)).

5. Woods Interview, *supra* note 3.

6. 1990 Ga. Laws 1785, § 1, at 1789 (codified at O.C.G.A. § 19-15-3 (Supp. 1996)); Woods Interview, *supra* note 3.

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access to these records to all other members of the protocol committee,[7] there was no procedure in place for access by child advocacy groups.[8] The advocacy groups could gain the information through the "back door," by going through other members of the committee, but expressed a desire to make access to records more legitimate.[9] The Act puts child advocacy centers on the same level as the Department of Family and Children Services (DFACS), the police departments, and juvenile courts with regard to access to child abuse records, and guarantees the confidentiality of those records.[10]

SB 575

In order to function properly as advocates of children's rights, child advocacy centers need access to child abuse records.[11] The Act makes access to these records legal, insures confidentiality of the records, and clarifies the position of child advocacy centers as serving a niche outside of DFACS, the police, and juvenile court.[12]

The Senate Judiciary committee added language to SB 575, as introduced, that made it absolutely clear that the child advocacy centers would be subject to the same confidentiality requirements as every other entity that has access to child abuse records.[13] Child advocacy centers have no greater access rights than other entities, and they must maintain confidentiality at all times.[14] The Act incorporates the Georgia law imposing penalties for violations of confidentiality.[15] Senator Clay offered a floor amendment to provide that a child advocacy center must participate in the Georgia Network of Children's Advocacy Centers (GNCAC) in order to have the access provided by the Act.[16] This amendment further clarified exactly to whom the Act applies.[17] The House Judiciary Committee added language requiring

7. 1975 Ga. Laws 1135, § 2, at 1136 (codified at O.C.G.A. § 49-5-41(a) (1995)); 1990 Ga. Laws 1778, § 2, at 1779-81 (codified at O.C.G.A. § 49-5-41(a) (1994)); 1991 Ga. Laws 1320, § 2, at 1321 (codified at O.C.G.A. § 49-5-41(a) (1994)); 1993 Ga. Laws 1712, § 2, at 1714 (codified at O.C.G.A. § 49-5-41(a) (1994)); 1994 Ga. Laws 967, § 1, at 968-70 (codified at O.C.G.A. § 49-5-41(a) (1994)).

8. Woods Interview, *supra* note 3.

9. *Id.*

10. O.C.G.A. § 49-5-41 (Supp. 1996).

11. Woods Interview, *supra* note 3.

12. Clay Interview, *supra* note 3; Woods Interview, *supra* note 3.

13. O.C.G.A. § 49-5-41(a)(7.1) (Supp. 1996). *Compare* SB 575, as introduced, 1996 Ga. Gen. Assem. *with* SB 575 (SCA), 1996 Ga. Gen. Assem.

14. Clay Interview, *supra* note 3.

15. *See* 1990 Ga. Laws 1778, § 1, at 1779 (codified at O.C.G.A. § 49-5-40 (1994)) (imposing confidentiality); 1990 Ga. Laws 1778, § 3, at 1784 (codified at O.C.G.A. § 49-5-44 (1994)) (providing for penalties).

16. O.C.G.A. § 49-5-41(a)(7.1) (Supp. 1996); *see* SB 575 (SFA), 1996 Ga. Gen Assem.

17. Clay Interview, *supra* note 3.

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that a child advocacy center be certified by the child abuse protocol committee of the county where its principal office is located in order to be covered by the Act.[18] The committee substitute also provided that the child advocacy center could be a participant in an accreditation organization other than GNCAC.[19]

C. Shawn Jones

18. O.C.G.A. § 49-5-41(a)(7.1) (Supp. 1996); *see* SB 575 (HCS), 1996 Ga. Gen. Assem. This was intended to ensure the legitimacy of the requesting organization. Clay Interview, *supra* note 3.

19. O.C.G.A. § 49-5-41(a)(7.1) (Supp. 1996); *see* SB 575 (HCS), 1996 Ga. Gen. Assem.

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