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SOCIAL SERVICES

Programs and Protection for Children: Allows Certain Child-Placing Agencies to Access Child Abuse Records

CODE SECTION:	O.C.G.A. § 49-5-41 (amended)
BILL NUMBER:	HB 1210
ACT NUMBER:	849
GEORGIA LAWS:	2002 Ga. Laws 861
SUMMARY:	The Act allows licensed child placement agencies and child-caring institutions that are assisting the Department of Human Resources in providing foster homes or adoptive homes for children to have access to records of child abuse. Court appointed investigators of adoption petitions are also allowed access to child abuse records.
EFFECTIVE DATE:	May 13, 2002

History

In 2000, there were 74,803 reports of child abuse and neglect in Georgia.¹ Approximately 85% of the child abuse cases actually occur in the children's own home.² Nationally, the number of reported instances of child abuse or neglect has increased by 33% in the last decade, reaching 3.2 million reports a year.³

Currently, private licensed child-placing agencies reviewing the background of potential adoptive parents can review the applicant's criminal background and check a listing of registered sexual offenders.⁴ However, these private agencies do not have access to records of reports of child abuse by potential adoptive parents.⁵

1. See Prevent Child Abuse – Georgia, *Statistics, available at* <http://www.gcca.org/html/statistics.html> (last visited May 9, 2002).

2. *See id.*

3. *See id.*

4. Telephone interview with Sandra Milhollin, Office of Adoptions, Ga. Dep't of Human Res. (May 8, 2002) [hereinafter Milhollin Interview].

5. *Id.*

House Bill 1210 allows the public agency having access to reports of alleged child abuse or neglect to legally release the information to private agencies or court investigators seeking to assist in placing a child in the custody of the Department of Human Resources.⁶ HB 1210 provides greater protection for children being considered for adoption.⁷

HB 1210

Representatives Georganna Sinkfield, Maretta Taylor, Carolyn Hughley, Alberta Anderson, Clint Smith, and JoAnn McClinton of the 57th, 134th, 133rd, 116th, 19th, and 68th Districts, respectively, sponsored the bill.⁸ The bill was introduced on February 4, 2002, and the House of Representatives assigned the bill to the House Committee on Children and Youth.⁹ The House Committee on Children and Youth favorably reported HB 1210, as substituted, on February 7, 2002.¹⁰

As introduced, HB 1210 would have permitted licensed child-caring and child-placing agencies and court-appointed investigators access to records of child abuse when the agencies and investigators were responsible for placing children into foster care or adoption.¹¹ The House Committee on Children and Youth changed HB 1210 by permitting access to records of child abuse to licensed child-placing agencies, and to licensed child-caring institutions that assist the Department of Human Resources in providing foster or adoptive homes for children in the department's custody, and to court-appointed investigators reviewing pending adoption petitions.¹² The House adopted the committee substitute and unanimously passed the bill on February 12, 2002.¹³

6. *Id.*

7. *Id.*

8. HB 1210, as introduced, 2002 Ga. Gen. Assem.

9. State of Georgia Final Composite Status Sheet, HB 1210, Apr. 15, 2002.

10. *Id.* Compare HB 1210, as introduced, 2002 Ga. Gen. Assem., with HB 1210 (HCS), 2002 Ga. Gen. Assem.

11. See HB 1210, as introduced, 2002 Ga. Gen. Assem.

12. Compare HB 1210, as introduced, 2002 Ga. Gen. Assem., with HB 1210 (HCS), 2002 Ga. Gen. Assem.

13. House of Representatives Voting Record, HB 1210 (Feb. 12, 2002).

Before passage, the House of Representatives voted to defeat an amendment proposed by Representative Warren Massey of the 86th District.¹⁴ Representative Massey's amendment would have allowed members of the Georgia General Assembly to have access to records of child abuse when acting in their capacity as state representatives.¹⁵ Representative Douglas Dean of the 48th District expressed concern about members of the Georgia General Assembly getting involved in child abuse cases.¹⁶ Representative Dean suggested that the General Assembly should concentrate on helping the state agencies do a better job of protecting children.¹⁷ The amendment was defeated by a vote of 113 to 48.¹⁸

Senate Consideration

Upon introduction, the Senate assigned HB 1210 to its Senate Health and Human Services Committee.¹⁹ The Senate Health and Human Services Committee favorably reported HB 1210 unchanged on March 7, 2002.²⁰ The Senate adopted and unanimously passed a floor amendment to HB 1210 on April 3, 2002.²¹ The Senate floor amendment included language in HB 1210 to provide for an effective date upon approval by the Governor or upon becoming law without his approval.²² The House agreed to the Senate version of HB 1210 and passed HB 1210 without additional changes on April 9, 2002.²³ Governor Roy Barnes signed HB 1210 into law on May 13, 2002.²⁴

14. *See id.*

15. Audio Recording of House Proceedings, Feb. 12, 2002 (remarks by Rep. Warren Massey), at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter House Audio].

16. *See* House Audio, *supra* note 15 (remarks by Rep. Douglas Dean).

17. *See id.*

18. Georgia House of Representatives Voting Record, HB 1210 (Feb. 12, 2002).

19. State of Georgia Final Composite Status Sheet, HB 1210, Apr. 12, 2002.

20. *Id.*

21. *See* 2002 Ga. Sen. Voting Record, HB 1210 (Apr. 3, 2002).

22. *Compare* HB 1210 (HCS), 2002 Ga. Gen. Assem., *with* HB 1210 (SFA), 2002 Ga. Gen. Assem.

23. State of Georgia Final Composite Status Sheet, HB 1210, Apr. 12, 2002.

24. Ga. Laws 861, § 2, at 861. The Act became effective upon approval by the governor. *See id.*

The Act

The Act amends Chapter 5 of Title 49 by changing the language of paragraph (2) of subsection (c) of Code section 49-5-41.²⁵ The Act provides that licensed child-placing agencies, licensed child-caring institutions assisting the Department of Human Resources (DHR) with children in the DHR's care for adoption and foster home purposes, and court-appointed investigators investigating adoption petitions shall be permitted to access records of child abuse.²⁶

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25. O.C.G.A. § 49-5-41(c)(2) (2002).

26. *Id.*