



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](#).

Looking Out for Georgia's Youth: EDUCATION CAN MAKE A DIFFERENCE

INTRODUCTION

After attending the **Looking Out for Georgia's Youth: Education Can Make a Difference** training and reading this packet, you should be better able to:

- Understand how the mandated reporting laws affect you
- Define four types of abuse and related indicators
- Describe the process for responding to a disclosure of child abuse
- Follow the basic procedure for reporting suspected of child abuse
- Identify protective factors and strategies for preventing child abuse

DID YOU KNOW?

Nationally in 2010, reports from education personnel and law enforcement made up the largest percentages of alleged child abuse reports, at 16.4 % and 16.7% respectively.

MANDATED REPORTERS

Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse, designated several categories of individuals as **mandated reporters**, who "having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made."

All child service organization personnel are mandated reporters

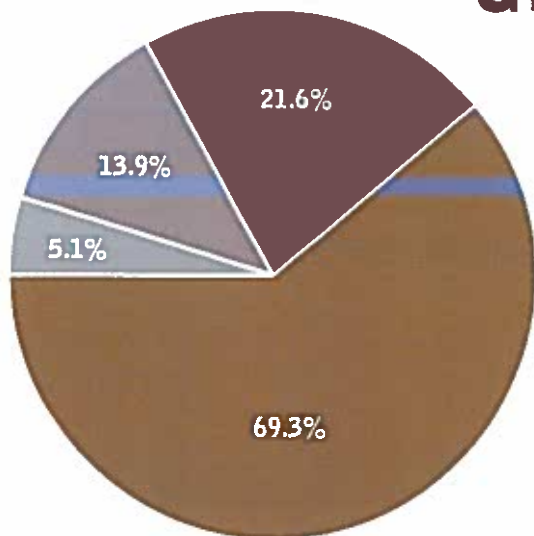
(The complete section of the Georgia Code is on file at your school)

Child service organization personnel' means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

- O.C.G.A. 19-7-5(b)(5)

A report of alleged child abuse is made in Georgia every 14 minutes.*
*38,578 reports in FFY 2010

OVERVIEW OF CHILD ABUSE IN GEORGIA*



VICTIMS OF CHILD ABUSE (REPORTED)



Neglect - **69.3%**



Emotional / Psychological - **21.6%**



Physical Abuse - **13.9%**



Sexual Abuse - **5.1%**

NEGLECT IS ABUSE?

Not only are there more reports of neglect and more substantiated cases of neglect than all the other types of abuse combined, but 430 of child fatalities in the U. S. were attributed to neglect alone.

* FFY 2010

Physical Abuse

The non-accidental physical injury of a child. Physical abuse is the most visible and widely recognized form of child abuse.

INDICATORS

- Has unexplained burns, bites, bruises, broken bones, or black eyes
- Has fading bruises or other marks noticeable after an absence from school
- Seems frightened of the parents and protests or cries when it is time to go home
- Shrinks at the approach of adults
- Reports injury by a parent or another adult caregiver

In Georgia, Corporal Punishment is legal. Abuse is not.

Corporal punishment is any physical punishment of a child to inflict pain as a deterrent to wrongdoing. It may produce transitory pain and potential bruising. If pain and bruising are not excessive or unduly severe and result only in short-term discomfort, this is not considered maltreatment.

-Georgia DFCS

Neglect

The failure of a parent, guardian, or other caregiver to provide for a child's basic needs.

Neglect may be:

- The failure of a parent, guardian, or other caregiver to provide for a child's basic needs, including safety from harm or danger (failure to protect).
- Physical (e.g., failure to provide necessary food or shelter, or lack of appropriate supervision this also includes the failure to protect a child from harm/danger.)
- Medical (e.g., failure to provide necessary medical or mental health treatment)
- Educational (e.g. failure to educate a child or attend to special education needs)
- Emotional (e.g., inattention to a child's emotional needs, failure to provide psychological care, or permitting the child to use alcohol or other drugs)

INDICATORS

- Is frequently absent from school
- Begs or steals food or money
- Lacks needed medical or dental care, immunizations, or glasses
- Is consistently dirty and has severe body odor
- Lacks sufficient clothing for the weather
- Abuses alcohol or drugs
- States that there is no one at home to provide care

Child Protective Services guidelines for supervision:

- Children eight years or younger should not be left alone;
- Children between the ages of nine years and twelve years, based on level of maturity, may be left alone for brief (less than two hours) periods of time; and,
- Children thirteen years and older, who are at an adequate level of maturity, may be left alone and may perform the role of babysitter, as authorized by the parent, for up to twelve hours.

These guidelines assume that the child's age is equivalent with his or her developmental level. A child's maturity should ALWAYS factor into how much supervision is needed.

Sexual Abuse

The exploitation of a child for the sexual gratification of an adult or older child. Sexual abuse is most commonly perpetrated by an individual known to the victim, rarely is the offender a stranger. One-third of all sexual abuse is perpetrated by another child.

Sexual abuse includes touching offenses: fondling, sodomy, rape; and non-touching offenses: child prostitution, indecent exposure and exhibitionism, utilizing the internet as a vehicle for exploitation.

INDICATORS

- Has difficulty walking or sitting
- Suddenly refuses to change for gym or to participate in physical activities
- Reports nightmares or bedwetting
- Experiences a sudden change in appetite
- Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior
- Becomes pregnant or contracts a sexually transmitted disease
- Runs away
- Reports sexual abuse by a parent or another adult caregiver

Up to 50 percent of those who sexually abuse children are under the age of 18.

(Hunter, J.A., Figueredo, A., Malamuth, N.M., & Becker, J.V. (2003). Juvenile sex offenders: Toward the Development of a typology. *Sexual Abuse: A Journal of Research and Treatment*, (2003) Volume 15, No. 1).

Commercial Sexual Exploitation Of Children

The buying, selling or trading of sex acts with a child

If you suspect a child is a victim of commercial sexual exploitation, please contact the Georgia Care Connection Office at 404-602-0068.

Calling the GCCO links the family to supportive services but does not fulfill mandatory reporting of child sexual exploitation as required by Senate Bill 69.

INDICATORS

- Branding or tattooing: victims branded by their pimp with tattoos that include a male name or initials, street name, gang or money symbols; these are often found on legs, neck, chest, hands or arms (this is one of the ways that pimps maintain physical and psychological control over emotionally vulnerable girls)
- An older boyfriend or male friend or relative
- Withdrawn and uncommunicative
- Possession of large amounts of money (girls turn money over to the pimp)
- Poor personal hygiene and/or inappropriate dress
- Runaway or lack of adult supervision/support

An estimated 300 girls are commercially exploited in Georgia every month (and we are still learning how to track the boys). Atlanta has been identified by the FBI as one of the 14 cities with the highest incidence of commercial sexual exploitation of children. However, victims of exploitation come from all over the state and 45% of those referred to Georgia Care Connection lived outside of Fulton and DeKalb counties.

Emotional Abuse

A pattern of behavior that impairs a child's emotional development or sense of self-worth.

It frequently occurs as verbal abuse, but can also include the following: rejection, terrorizing, shameful forms of punishment, withholding physical and emotional contact; developmentally inappropriate expectations.

INDICATORS

- Shows extremes in behavior, such as overly compliant or demanding behavior, extreme passivity, or aggression
- Inappropriately adult (parenting other children, for example) or inappropriately infantile (frequently rocking or head-banging, for example)
- Is delayed in physical or emotional development
- Has attempted suicide
- Reports a lack of attachment to the parent

Suicide

Many of the indicators of abuse are common to multiple categories of abuse. Indicators like running away, school problems, aggression, depression, anxiety, withdrawal, excessive worries, substance abuse, self injury, and suicidal thoughts or actions could be a response to any type of abuse. Deciding why a child needs help is less important than acting on your concern that a child is in harm's way.

If the child you are concerned about has attempted suicide in the past or your concern is about the danger that the child represents to him or herself, you may want to contact the Suicide Prevention Lifeline 1-800-273-TALK (8255) to learn more. Some of the warning signs that someone is at high risk include:

- Talking about wanting to die or kill oneself
- Looking for a way to kill oneself, such as searching online or buying a gun
- Talking about feeling hopeless or having a reason to live
- Talking about feeling trapped or in unbearable pain
- Talking about being a burden to others
- Increasing the use of alcohol or drugs
- Acting anxious or agitated; behaving recklessly
- Sleeping too little or too much
- Withdrawing or feeling isolated
- Showing rage or talking about seeking revenge
- Displaying extreme mood swings

DISCLOSURES

When a child tells you that he or she has been abused, i.e. makes a disclosure, you should always take the statement seriously, regardless of how credible the child's statement seems.

1. Indirect Hints

EXAMPLES

- "My brother wouldn't let me sleep last night."
- "There was no one home to help me with my homework."
- "My babysitter keeps bothering me."
- "I don't like it when my mother leaves me alone with my uncle."

EXPLANATION

A child may talk in these terms because he or she hasn't learned more specific vocabulary, feels ashamed or embarrassed, has promised not to tell, or for a combination of those reasons.

2. Disguised Disclosure

EXAMPLES

- "I know someone who is being touched in a bad way."
- "What would happen if someone told you that he was getting hit and wanted it to stop?"

EXPLANATION

The child may be talking about someone she or he knows, but is just as likely to be talking about himself or herself. Encourage the child to tell you what he or she knows about the "other child." Then ask whether something like what is being said has ever happened to him or her.

3. Disclosures With Strings Attached

EXAMPLE

- "I have a problem, but if I tell you about it, you have to promise not to tell."

EXPLANATION

Many children believe something very negative will happen if they break the secret of abuse. The child may have been threatened by the offender to ensure his or her silence. Let the child know that there are some secrets that you just can't keep. Assure the child that your job is to protect the child and keep him/her safe. Let the child know you will keep it as confidential as possible but that you are required by law to make a report.

What to do When a Child Discloses

1. Find a private place to talk with the child

2. Reassure the child

"I believe you."

"I am glad you told me."

"It is not your fault this happened."

"(Sexual) abuse is wrong."

3. Listen openly and calmly.

Try to keep your own emotions and nonverbal cues neutral. Don't comment on the child's situation as being "good" or "bad." Let the child tell his or her own story.

4. Write down the facts and words as the child has stated them.

Leave out your own assumptions and value judgments.

5. Report the disclosure to the designated reporter in your school/system/agency or your local child protection agency or law enforcement entity.

6. Respect the child's need for confidentiality...

...by not discussing the abuse with anyone other than those required by school/agency policy and the law.

If a child does make a disclosure, *don't* try to get all the details. Listen attentively and ask him/her if he/she wants to say anything else. Believe in the child and be supportive. If she or he chooses to say nothing more, then proceed to notify DFCS or your designated reporter. Also, write down the actual words used in the disclosure and your interaction with the child. This first statement made spontaneously has forensic significance to the investigators and the exact words can be important.

Above all, MINIMIZE the number of questions you ask the child and avoid the use of leading questions (questions that suggest an answer).

MAKING A REPORT

In Georgia, you may fulfill the mandate by reporting to a **designated reporter**. However, there may be situations when you feel more comfortable making a report directly to DFCS.

During regular business hours (8 a.m. to 5 p.m.), you should call the DFCS office in the county in which the child lives. You can look that up online at <http://dfcs.dhs.georgia.gov/complete-list-all-county-offices> or contact **Georgia's Child Protective Services office** at (404) 657-3400.

Between 5 p.m. and 8 a.m., Monday through Friday and on weekends, holidays, and furlough days, you can call **1-855-GA CHILD (1-855-422-4453)**. This number is staffed 24 hours a day.

When You Suspect a Child is Being Maltreated

- Report your concerns to the designated reporter in your school or to a supervisor
- Follow up with your designated reporter to assure that a report is made to child protective services
- Remember, to make a report or cause a report to be made, mandated reporters only need to have "reasonable suspicions," not direct evidence
- School officials do have the authority to photograph injuries

To Whom Do You Report?

An oral report must be made within 24 hours by telephone or in person to the DFCS office providing protective services in the county in which the child lives.

Your program, agency or facility may have an internal child maltreatment reporting protocol. Know this protocol. It is strongly recommended that each staff person involved in the reporting process receive confirmation when a report is made. When unable to reach DFCS, a report must be made to local law enforcement or district attorney in the county in which the child lives. If the child is in immediate danger, call 911. Follow-up with your local DFCS as soon as possible to make an official report to their office.

Rights of the Mandated Reporter

Mandated reporters who report in "good faith" are protected by law, even if the report is not substantiated.

- ***Anonymity or confidentiality.***

All reports are confidential, and the reporter may remain anonymous. It is, however, most helpful to the child if the reporter provides his or her contact information. It is also impossible to prove that you fulfilled the mandate to report if you do so anonymously.

- ***Knowledge of the outcome only of a report.***

Mandated reporters who provide their name at the time of filing the child maltreatment report may request information from DFCS on the outcome of a report. Legally DFCS cannot share any information other than the outcome. Mandated reporters are supposed to receive a letter of acknowledgment, acceptance for investigation or screen-out of the case. If you have reported before and not received a letter, you may want to follow-up to get that documentation.

What are the Penalties for NOT Reporting?

Any person or official required by Georgia law to report suspected cases of child maltreatment and who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

THE ROLE OF CHILD PROTECTIVE SERVICES

The Division of Family and Children Services (DFCS) provides a number of services to communities in Georgia. Child Protective Services (CPS) is a term for those services related to child abuse and neglect, but you may hear DFCS and CPS used interchangeably.

- Interview the child and parents/caregivers
- Arrange for child's medical examination, if necessary
- Assess parents/caregivers' abilities to care for/protect the child
- Provide support for services to parents/caregivers
- Request immediate temporary custody of child from judge in juvenile court when abuse/ neglect is substantiated
- Petition court for permanent custody when parents/ guardians (when given support) fail to demonstrate ability or willingness to care for the child

PREVENTION

PROTECTIVE FACTORS

Parental Resilience

Parents Can Bounce Back!

Social Connections

Parents Have Friends!

Knowledge of Child Development

Parents Know How Children Grow and Learn!

Concrete Support in Times of Need

Parents Know Where to Turn for Help!

Social and Emotional Competence of Children

Children Learn to Talk About and Handle Feelings!

PREVENTION STRATEGIES

- Facilitate Friendships and Mutual Support
- Value and Support Parents
- Strengthen Parenting
- Respond to Family Crises
- Link Families to Services and Opportunities
- Observe and Respond to Early Warning Signs of Abuse or Neglect
- Further Children's Social and Emotional Development

RESOURCES

Georgia Department of Human Services

Division of Family and Children Services

404-657-3400

National Parent Helpline

855-4A PARENT or 855-427-2736

nationalparenthelpline.org

Child Welfare Information Gateway

A service of the Children's Bureau/ACYF

800-394-3366

childwelfare.gov

Strengthening Families

202-371-1565

strengtheningfamilies.net