

Mandatory Reporting Requirements: Children Georgia

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Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Physicians licensed to practice medicine, physician assistants, interns, or residents; • Hospital or medical personnel; • Dentists; • Licensed psychologists and persons participating in internships to obtain licensing; • Podiatrists; • Registered professional nurses or licensed practical nurses or nurse's aides; • Professional counselors, social workers, or licensed marriage and family therapists; • School teachers; • School administrators; • School counselors, visiting teachers, school social workers, or certified school psychologists; • Child welfare agency personnel; • Child-counseling personnel; • Child service organization personnel; • Law enforcement personnel; • Reproductive health care facilities or pregnancy resource center personnel and volunteers; and • Persons who process or produce visual or printed matter, either privately or commercially.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • Reasonable cause to believe that suspected child abuse has occurred. • A person who, in the course of processing or producing visual or printed matter either privately or commercially, has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct. <p>Where does it go?</p> <ul style="list-style-type: none"> • Mandatory Reporters: Reports shall be made to the Department of Human Services by: <ul style="list-style-type: none"> • Oral report by calling to the Georgia Abuse hotline at 1-855-CHILD (+1 855-422-4453); • Faxing the form to 229-317-9663 (to request a pdf version of the form contact customer_services_dfcs@dhs.ga.gov); • Electronic submission by e-mail of the completed Georgia Mandated Reporter form to customer_services_dfcs@dhs.ga.gov, or by completing the digital form located at https://cps.dhs.ga.gov (which requires completion of mandated report training),or; • An appropriate police authority or district attorney. Specific Officials: If the mandatory reporter must

make a report based on an official duty as a member of staff of a hospital, school, social agency or similar facility, the reporter shall notify the person in charge of the facility, or the designated delegate thereof, who will then report the suspected child abuse. That staff member shall then be deemed to have fully complied with the statute. These “Specific Officials” are required to report suspected abuse only with respect to children to whom they attended in connection with their work (*May v. State*, 761 S.E.2d 38 (2014)).

- Visual or Printed Matter: If the report relates to processing of visual or printed matter, then the reporter shall report such incident, or cause a report to be made, to the Georgia Bureau of Investigation or the law enforcement agency for the county in which such matter is submitted.
- The reporting-related telephone numbers for each county may be found at <http://dfcs.dhs.georgia.gov/locations>.

What definitions are important to know?

- **“Child”** means any person under the age of 18.
- **“Child abuse”** means:
 - Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means;
 - Neglect or exploitation of a child by a parent or caretaker thereof;
 - Endangering a child;
 - Sexual abuse of a child; or
 - Sexual exploitation of a child.
- **“Endangering a child”** means:
 - any act of cruelty to children described by subsection (d) of Code Section 16-5-70, defined as (1) intentionally allowing a child to witness the commission of a forcible felony, battery, or family violence battery; or (2) committing a forcible felony, battery, or family violence battery knowing that a child is present to see or hear the act;
 - any act described by Code Section 16-5-73 concerning intentionally causing or permitting a child to be present where any manufacturing methamphetamine or processing a chemical substance with the intent to manufacture methamphetamine;
 - any act described by subsection (l) of Code Section 40-6-391 which concerns the endangerment of a child under the age of 14 years by transporting him or her while driving a motor vehicle under the influence of drugs or alcohol; or
 - prenatal abuse which means (a) exposure to chronic or severe use of alcohol or the unlawful use of any uncontrolled substance, which results in symptoms of withdrawal in a newborn or the presence of a controlled substance or a metabolite thereof in a newborn's body, blood, urine, or meconium that is not the result of medical treatment; or (b) medically diagnosed and harmful effects in a newborn's physical appearance or functioning.
- **“Sexual abuse”** means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not such person's spouse to engage in any act which involves:
 - Sexual intercourse, including genital-genital, oral-genital, anal-genital, or anal-anal, whether between persons of the same or opposite sex;
 - Bestiality;
 - Masturbation;

	<ul style="list-style-type: none"> • Lewd exhibition of the genitals or pubic area of any person; • Flagellation or torture by or upon a person who is nude; • Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude; • Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts; • Defecation or urination for the purpose of sexual stimulation; • Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure; or • Any act described by subsection (c) of Code Section 16-5-46, which pertains to trafficking a person for labor or sexual servitude. <p>• “Sexual exploitation” means conduct by any person who allows, permits, encourages, or requires a child to engage in:</p> <ul style="list-style-type: none"> • Prostitution, as defined in Code Section 16-6-9; or • Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused, by telephone or otherwise and shall be followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or to an appropriate police authority or district attorney.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • The names and addresses of the child and the child's parents or caretakers, if known; • The child's age; • The nature and extent of the child's injuries, including any evidence of previous injuries; and • Any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. • The reporter is not specifically required by statute to provide his or her name in the report.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an “abused” child. • Suspected child abuse which is required to be reported by any person shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law. • A member of the clergy will not be required to report child abuse that comes to his attention solely within the context of a confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator. • Any other person not required by law to report who has reasonable cause to believe that suspected child abuse has occurred <u>may</u> report or cause reports to be made. • Any person or persons, partnership, firm, corporation, association, hospital, or other entity participating

in the making of a report or causing a report to be made, and individuals who otherwise provide information or assistance, including, but not limited to, medical evaluations or consultations in connection with a report made to a child welfare agency providing protective services or to an appropriate police authority or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation is made in good faith. See also *O'Heron v. Blaney*, 583 S.E.2d 834 (Supreme Court of Georgia, 2003).

- Any person required to report who knowingly and willfully fails to do so shall be guilty of a misdemeanor. Crimes declared to be misdemeanors shall generally be punished by a fine not to exceed \$1,000 or by confinement for a total term not to exceed 12 months, or both.

Statutory
citation(s):

- Ga. Code Ann. § 19-7-5 and § 16-12-100 *et seq*; *May v. State*, 761 S.E.2d 38 (2015); *O'Heron v. Blaney*, 583 S.E.2d 834 (2003).