



STATE OF GEORGIA
Division of Family and Children Services

Nathan Deal
Governor

Bobby D. Cagle
Director

July 25, 2017

Child Welfare Services County Letter No. 2017- 03

To: County Departments of Family and Children Services
District Directors
Regional Directors
State Office Staff

From: Bobby D. Cagle, Director
Georgia Division of Family and Children Services

Re: State Legislative Changes to the Child Welfare Policy Manual

Purpose

The purpose of this Child Welfare Services County Letter (CWSCL) is to announce policy updates resulting from changes in recent state legislation.

Discussion

The Georgia Division of Family and Children Services (DFCS) is responsible for the safety, permanency and well-being of children served. While doing so, we must adhere to the federal and state laws guiding the provision of child welfare services. During the 2017 legislative session, there were several laws that impacted child welfare practice and required policy changes:

1. **House Bill (HB) 75** amends provisions related to reasonable access to and confidentiality of child neglect and abuse records involving a child fatality or near fatality by adding that any part of a record of the DFCS that includes information provided by law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect or dependency records may be redacted from such record.
2. **HB 86** expands the definition of sexual abuse to include sex trafficking.
3. **HB 391** expands safe place for newborns to include fire and police stations; allows a mother to leave her newborn up to 30 days of age (increased from one week) at a safe place without prosecution; and removes the requirement that the mother must provide identifying information.
4. **Senate Bill (SB) 168** includes the following additions to:
 - a. Persons/entities who have reasonable access to child abuse records:
 - i. Licensed adoption agencies placing a child for adoption;
 - ii. Local and state law enforcement agencies of this state, the Department of Community Supervision, probation officers serving pursuant to Article 6 of Chapter 8 of 29 Title 42, the Department of Corrections, and the Department

of Juvenile Justice when such entities, officers, or departments are providing supervision or services to individuals and families to whom the department is also providing services. Such access or release of records shall not be provided when prohibited by federal law or regulation. Access to such records may be provided electronically.

- b. Persons/entities who have access to the child abuse registry:
 - i. Any federal, federally recognized tribal, state, or local governmental entity or any agent of such governmental agencies which is investigating or responding to a report of a case of possible child abuse;
 - ii. Any federal, federally recognized tribal, state, or local governmental entity or any agent of such governmental entities requesting information concerning any prospective foster or adoptive parent or any adult living in the home of the prospective foster or adoptive parent used solely for the purpose of conducting background checks of prospective foster or adoptive parents;
 - iii. Any child-placing agency of this state licensed to place children in foster homes or for adoption requesting information concerning any prospective foster or adoptive parent used solely for the purpose of conducting background checks of foster parents or adoptive parents;
 - iv. Any entity licensed by any other state to place children for adoption which information shall be provided at the discretion of the division and used solely for the purpose of conducting background checks on adoptive parents or prospective adoptive parents.
5. **SB 174** includes that the court may order twelve consecutive months (increased from six months) of clean drug screens or the successful completion of a family treatment court, when dependency is found to have resulted from parental substance abuse before returning the child to the parent, guardian or legal custodian.

Implementation

The policy changes are effective upon release of this CWSCL and will be incorporated into the following policy sections in the near future:

- 2.6 Information Management: Confidentiality/Safeguarding Information
- 3.6 Intakes: Intakes Involving Safe Place for Newborns
- 3.9 Intakes: Intakes Involving Sex Trafficking
- 5.3 Investigations: Making an Investigative Decision
- 5.7 Investigations: Special Circumstances
- 17.7 Legal: Dependency Resulting from Substance Abuse and Case Management
- 19.26 Case Management: Case Management Involving Caregiver Substance Use or Abuse
- 20.4: Child Protective Services Information System (Child Abuse Registry): Access to the Child Protective Services Information System

Regional and County Leadership shall provide opportunities for staff to review and discuss the updated policy to support implementation. Please refer to policy [1.3 Administration: Access, Distribution, and Review of Child Welfare Policies](#) for the applicable requirements and procedures for policy dissemination and review.

Please direct questions regarding this policy release to the Field Program Specialist in your region. Regional staff shall submit questions to the Policy and Regulations Unit at PPPDUit@dhs.ga.gov.

EXPIRED