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|  | GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL | | | |
| | Chapter: | Child Protective Services Information System | Effective Date: | July 2016 |
| | Policy Title: | Access to Child Abuse Registry Information | | |
| | Policy Number: | 20.4 | Previous Policy #: | N/A |

CODES/REFERENCES

O.C.G.A. §49-5-180 Central Child Abuse Registry Definitions
O.C.G.A. § 49-5-185 Access to Information in Registry; Statistical Analysis of Substantiated Cases Entered into Child Abuse Registry; Requests to Determine if One's Name is Included in Registry
O.C.G.A. § 49-5-186 Confidentiality of Information in Registry; Penalties for Unauthorized Use of Information
O.C.G.A. § 49-5-187 Immunity from Civil or Criminal Liability

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall only allow access or provide information from the Child Protective Services Information System (CPSIS) to the following individuals or entities as follows:

1. A Georgia abuse investigator who has or is investigating a case of possible child abuse, and who shall only be provided information relating to such case for the purposes of using such information in the investigation;
2. State or other government agencies in Georgia or any other state which license entities that have interactions with children or are responsible for providing care for children or licensed entities in Georgia which interact with children or are responsible for providing care for children. Information shall only be provided for the purposes of licensing or employment of a specific individual;
3. A licensing entity which may disclose information from the CPSIS in a written notice to an applicant or licensed entity whose license is denied or revoked as a result of information found in the registry, to the extent that such information is required in such notice by a federal or state law, regulation or policy, or in a proceeding arising from an adverse action taken against a licensed entity or individual as a result of information found in the CPSIS.
4. The Department of Early Care and Learning which is authorized to disclose all or a portion of the information from the CPSIS used to determine that a records check is unsatisfactory or to rescind a determination that a records check is satisfactory to an individual who has submitted a records check application or whose satisfactory records check determination has been rescinded.
5. An affiliate court appointed special advocate program, as such term is defined in Code Section 15-11-2, which information shall be provided and used solely for the purpose of screening and selecting employees and volunteers of such affiliate court appointed special advocate program and screening and selecting individuals to serve as a CASA, as such term is defined in Code Section 15-11-2.

6. An individual who make a written request to DFCS to find out whether his or her name is included in the CPSIS. Upon presentation of a passport, military identification card, driver's license, or state identification card at any DFCS County Department office, DFCS shall disclose to such person whether his or her name is included in the CPSIS and, if so, the date upon which his or her name was listed in the CPSIS. DFCS shall provide such information in writing to the person making the request, within 30 days of receipt of the written request.
7. The Governor's Office, the General Assembly, district attorneys and law enforcement agencies with a statistical analysis of the number of substantiated cases of child abuse entered into the CPSIS at the end of each calendar year.
NOTE: The analysis shall not include the names of any children, parents or persons associated with the child abuse.

DFCS shall provide persons and entities authorized in subsection (a) of this Code section with access to or information from the child abuse registry sufficient to meet the requirements prescribed by Congress as conditions to federal funding for program administered by such entities or persons or entities.

Information in the child abuse registry shall be confidential and shall not be subject to Article 4 of Chapter 18 of Title 50, and access thereto is prohibited except as provided in this article. Such information shall not be deemed to be a record of child abuse for the purposes of Article 2 of this chapter.

DFCS and other authorized agencies, entities, and persons and the employees thereof, providing information from the child abuse registry as authorized by this article and any person who uses such information shall have no civil liability or criminal responsibility thereof.

PROCEDURES

CPSIS History Screening Requests

Upon receipt of a [Child Abuse Registry Screening Request Information Form](#), the **Child Abuse Registry Specialist (CARS)** will:

1. Verify that the request is from a legally authorized individual or entity;
NOTE: Information provided to a licensed State of Georgia or other state government agency that has interaction or is responsible for providing care for children may only be provided information for licensing purposes or employment of a specific individual.
 - a. If the request is concerning a child protective services case, document the case ID for which the request for information is associated;
 - b. If the request is concerning licensure, document the agency requesting the information.
 - c. If the request is concerning an individual's employment, document the requestor's information concerning the individual being screened and the position being applied for.
 - d. If the individual or entity is determined not to be legally authorized to obtain information from the registry, notify them via email or other written notification that they are not authorized to obtain such information pursuant to state law.
2. If the request is determined to be from a legally authorized individual or entity, conduct the screening of the CPSIS.
 - a. If the individual being screened for in the CPSIS is found to be included in the

registry:

- i. Determine if the name is in pending “non-viewable” or final status.
 - ii. If a name is in pending “non-viewable” status due to a judicial review of a substantiated maltreatment, the screening results **shall not** be shared for particular case.
NOTE: In such cases the CARS will hold screening results, unless the individual being screened has other cases on the registry that are not under appeal through the judicial review process. The results of the case pending the judicial review will be sent to the requestor upon receipt of the findings from the judicial review.
 - iii. Launch the [Child Abuse Registry Screening Results Form](#):
 1. Review the form for accuracy, and
 2. Mail the form to the requestor via first class mail or other correspondence as appropriate.
- b. If the individual being screened is NOT found to be included in the CPSIS:
- i. Launch the Child Abuse Registry Screening Results Form
 1. Review the form for accuracy
 2. Mail the form to the requesting individual or entity of the findings via first class mail or other correspondence as appropriate.

Individual Requests for CPSIS Information

1. If an in-person request is received by the County Department from an individual requesting information regarding their name being included in the CPSIS, the County **CPSIS designee will:**
 - a. Verify the individual’s identity by viewing and copying a valid passport, military identification, driver’s license, or state identification;
 - b. Have the requestor complete the [Child Abuse Registry Screening Request Information Form](#);
 - c. Upload and submit the request and a copy of the identification verification to the CPSIS via the CPSIS interface.
2. Upon receipt of the Child Abuse Registry Screening Request from the county via the CPSIS interface, **the CARS will:**
 - a. Screen the individual’s name in the CPSIS and if the requestor’s name is located, disclose to the individual whether his or her name is included in the registry and if so, the date upon which the name was listed; and
 - b. Send via first class mail the results of the screening of the CPSIS to the requestor via the [Child Abuse Registry Screening Results Form](#).
3. If the CPSIS receives a fax, email, or mailed copy of a written request directly from an individual to determine if their name is included in the CPSIS, **the CARS will:**
 - a. Stamp the copy of the written request with the date it was received and upload the request to the CPSIS;
 - b. Prepare and send via first class mail to the requestor the [Child Abuse Registry Screening Request Information Form](#) informing the requestor that they must present in person a valid passport, military ID card, driver’s license or state ID at a County Department Office for verification prior to the requested information being released.
 - c. Upon the requestor presenting valid verification of identification in the DFCS

county office, see steps 2a-b above for procedures.

Annual Statistical Information and Reports

No later than December 31st each calendar year the **Data Unit will** gather numerical and demographic data in order to complete a statistical analysis of the number of substantiated cases of child abuse entered into the CPSIS at the end of each calendar year and provide a report to:

1. The Governor's Office;
2. The General Assembly;
3. District attorneys; and
4. Law enforcement agencies

NOTE: The analysis shall not include the names of any children, parents or persons associated with the child abuse.

PRACTICE GUIDANCE

A **Georgia Abuse Investigator** means the Georgia Division of Family and Children Services, any county Department of Family and Children Services, or any designee thereof.

Information obtained from the child abuse registry shall not be made a part of any record which is open to the public except as provided in O.C.G.A. §49-5-186(b)(2); however, that a district attorney may use such information in any court proceeding in the course of any criminal prosecution, if such information is otherwise admissible.

Notwithstanding any other provisions of law, information in the child abuse registry applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent, which information relates to the child while in the custody of such state department or agency or foster parent, shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50.

Any person who knowingly provides any information from the child abuse registry to a person not authorized to be provided such information under this article shall be guilty of a misdemeanor.

Any person who knowingly and under false pretense obtains or attempts to obtain information which was obtained from the child abuse registry, except as authorized in this article, shall be guilty of a misdemeanor.

FORMS AND TOOLS

[Child Abuse Registry Screening Request Information Form](#)

[Child Abuse Registry Screening Results Form](#)