	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	Child Protective Services Information System	**Effective Date:**	January 2020
	Policy Title:	Access to the Child Protective Services Information System		
	Policy Number:	20.5	**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
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
O.C.G.A. § 15-11-133.1 Temporary Alternatives to Foster Care

REQUIREMENTS

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

1. An abuse investigator who has investigated or any federal, federally recognized tribal, state, or local governmental entity of this or any other state or any agent of such governmental agencies which is investigating or responding to a report of a case of possible child abuse or is investigating a case of possible child abuse and who shall only be provided information relating to such case for purposes of using such information in such investigation.
2. State or other government agencies of 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. Any federal, federally recognized tribal, state, or local government entity of this state, or any other state, any agent of such governmental entities requesting information concerning a prospective foster or adoptive parent or any adult living in the home of the prospective foster or adoptive parent, for the use of conducting background checks on prospective or adoptive parents.
4. Any child-placing agency of this state licensed to place children in foster homes or for adoption requesting information concerning a prospective foster or adoptive parent, which information shall be provided and used solely for the purpose of conducting background checks of foster parents or adoptive parents.
5. Any entity licensed by any other state to place children for adoption which information shall be provided at the discretion of the DFCS and used solely for the purpose of conducting background checks on adoptive parents or prospective adoptive parents.
6. 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

DRAFT

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.

7. 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.
8. 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.
9. Pursuant to a court order for DFCS to conduct a preliminary assessment of a relative or fictive kin who is to provide care for the child as a temporary alternative to foster care. (See policy 5.11 Investigations: Kinship Assessment for Temporary Alternatives to Foster Care and 19.9 Case Management: Safety Screening).

DFCS shall:

1. Allow access or provide information from CPSIS to the following:
   a. An individual who makes 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.
   b. 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.
2. Provide persons and entities authorized in subsection (a) of O.C.G.A. § 49-5-185 with access to or information from the child abuse registry sufficient to meet the requirements prescribed by Congress as conditions to federal funding for programs administered by such entities or persons.
3. Maintain confidentiality of information contained in the child abuse registry. Information contained in the registry is not 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.

NOTE: 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

DRAFT

Upon receipt of a Child Protective Services Information System Screening Request Information Form, **the CPSIS staff 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 as 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 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 to determine if the individual's name is included.
   a. Launch the Child Protective Services Information System Screening Results Form:
      i. Review the form for accuracy; and
      ii. Transmit the form to the requestor via mail, email or other correspondence as appropriate within 30 calendar days of receipt of the request.

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 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 Protective Services Information System (Child Abuse Registry) Screening Request Information Form;
   c. Scan and email the request Child Protective Services Information System (Child Abuse Registry) Screening Request Information Form and a copy of the identification verification to the CPSIS at cpsis.selfcheck@dhs.ga.gov.
2. Upon receipt of the Child Abuse Registry Screening Request from the County Department, **the CPSIS staff will**:
   a. Enter the individual's information from the Child Protective Services Information System (Child Abuse Registry) Screening Request Information Form into CPSIS; and upload the identification verification.
   b. Screen the individual's name in the CPSIS and if the requestor's name is included;
   c. Launch the Child Protective Services Information System Screening Results Form ensuring that it contains information regarding whether or not the requestor's name is included in the registry and if so, the date upon which the name was listed; and
   d. Transmit the Child Protective Services Information System Screening Results Form to the requestor within 30 calendar days via mail or other correspondence as deemed appropriate.
3. If the CPSIS receives an email, or mailed copy of a written request directly from an individual to determine if their name is included in the CPSIS, **the CPSIS staff will**:
   a. Communicate with the requestor via email or telephone number included on the request form informing him/her that they must present in person to a DFCS County

DRAFT

Office a valid passport, military ID card, driver's license or state ID at for verification, prior to the requested information being released.

b. Upon the requestor presenting valid verification of identification in the DFCS County Office, see steps 2a-d above for procedures.

Child Protective Services Investigator Screening Requests

CPS Investigators, including the Special Investigation Unit and Supervisors, must access the CPSIS external portal to conduct a screening to determine if an individual is included on the child abuse registry.

1. Submit a screening request through the CPSIS External Portal (https://gacar.dhs.ga.gov).
2. Select Option 2. A Child Abuse Investigator. Further instructions will be available on the website.
3. Provide written request on agency letterhead to include case ID, applicant's name and purpose of the screening request.
   NOTE: The screening request form once received will be treated just as any request received from a legally authorized individual or entity.

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
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

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

DRAFT

obtain information which was obtained from the child abuse registry, except as authorized in this article, shall be guilty of a misdemeanor.

Child Placing Agency
A child placing agency means as an organization established to provide or arrange for a child's placement in the home of an approved foster or adoptive parent.

FORMS AND TOOLS

N/A

DRAFT