

# Georgia's New Mandatory Reporter Law

O.C.G.A. § 19-7-5, Georgia's mandatory law, requires certain individuals who work with children to report suspected physical or sexual abuse to law enforcement. Any person or official required by the statute to report a suspected case of child abuse who fails to do so can be subject to misdemeanor punishment. If any of the following people have reasonable cause to believe that a child has been physically or sexually abused, he or she must make a report of the suspected abuse:

- Physicians licensed to practice medicine, interns, or residents;
- Hospital or medical personnel;
- Dentists;
- Licensed psychologists;
- Podiatrists;
- Registered professional nurses or licensed practical nurses;
- Professional counselors, social workers, or licensed marriage and family therapists;
- School teachers;
- School administrators;
- School guidance counselors, visiting teachers, school social workers, or school psychologists;
- Child welfare agency personnel;
- Child-counseling personnel;
- Child service organization personnel; or
- Law enforcement personnel.

Effective July 2012, changes to Georgia's mandatory reporter law will greatly widen the scope of individuals who have an affirmative duty to report suspected abuse. The law has previously only imposed this duty on professionals who work with children. The legislature has broadened the definition of "child service organization personnel" to include "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."

This definition would appear to include Little League coaches, tutors, boy/girl scout volunteers, as well as volunteers in other youth programs providing any form of tutoring, education or other type of training to a child.

This means that in most situations where people volunteer to help or supervise children, they will face the same criminal liability for failing to report suspected child molestation that was formerly imposed only on professionals or paid employees.

Georgia criminal defense attorneys are concerned that the new law will now lead to even more false allegations being reported and/or prosecuted. Volunteers, who typically lack any formal training, will likely feel compelled to report even the slightest bit of suspicion out of fear of facing criminal liability. This could result in more children being formally interviewed by law enforcement and more individuals being suspected of committing abuse. It will be interesting to see if the new law actually deters people from volunteering with community organizations out of concerns about the greater amount of responsibility now accompanying these positions.