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Rule Change Procedure

1. Board Considers Motion to Publish Proposed Rule
2. 30-Day Public Comment Period
3. Public Hearing
4. Motion for Final Adoption of Proposed Rule
5. Send Final Rule to Secretary of State

Child Protective Services Information System (Georgia's Child Abuse Registry)

- Purpose: To provide a central registry for substantiated child abusers available to child protective services agencies and other designated state or local agencies and entities which provide care for or interact with children.
- Enacted in 2015 legislative session.
- Began operation July 1, 2016.
- Current rules approved May 17, 2017

Initial-Changes to Child Abuse Registry Rules

HB 478 amended O.C.G.A. §§ 49-5-182 through 49-5-184

to improve the child abuse registry

Legislation effective January 1, 2020

Current Rule:

- Rule 290-2-30.02
- Rule 290-2-30.03

Proposed Rule Changes:

- Addition of one definition
- Alleged child abusers name not included in registry until and appeals exhausted
- Only those 18 and above at time of abuse on registry
- Additions to registry information
- Additions to notice to alleged abusers

Current Rule:

- 290-2-30-.04

- 290-2-30-.05

- 290-2-30-.06

Proposed Rule Changes:

- 30 days to appeal to OSAH and the superior court
- Addition of OSAH appeal specifics from statute
- Provision for appeal of cases substantiated before January 1, 2020.
- Provisions for stay of OSAH hearing at the request of a prosecuting attorney
- Removal of obsolete rule
- Addition of procedure for expungement of names from registry
- Removal of obsolete rule

Current Rule:

- 290-2-30-.07

Proposed Change:

- Removal of Obsolete Rule
- Rule reserved

Rules Published
September 9 through
October 9, 2019

Public Hearing October 1, 2019

Request to Board

Motion to Publish Notice of Rulemaking

Child Abuse Registry

Rules 290-2-30-.02 through 290-2-30-.07

Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973

- The purpose of the Americans with Disabilities Act (ADA) of 1990 is:
 - To provide a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities;
 - To provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; and
 - To ensure that the government plays a central role in enforcing the standards established in the ADA on behalf of individuals with disabilities.
- Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability.
 - Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive benefits and services.

O.C.G.A § 30-4-5.

Prohibition on discrimination against legally blind in matters of child custody, guardianship, foster care, visitation, placement, and adoption.

- House Bill 79 passed during the 2019 legislative session
- Purpose of legislation:
 - Relating to rights of persons with disabilities
 - Specifically prevents the discrimination of blind persons by the courts, Department of Human Services, or child-placing agencies in matters relating to child custody, guardianship, foster care, visitation, placement, or adoption.
- O.C.G.A. § 30-4-5 requires the Department to promulgate rules implementing these protections.

Proposed Rules 290-1-11-.01 and 290-1-11-.02

- **Rule 290-1-11-.01 Legal Authority** These rules are adopted and published pursuant Title II of the Americans with Disabilities Act of 1990, as amended (the “ADA”), 42 U.S.C. § 12132, and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, and Chapter 30-4 of the Official Code of Georgia Annotated, O.C.G.A. § 30-4-1 et seq.
- **Rule 290-1-11-.02 Prohibiting Discrimination Against Persons with A Disability**
- The Department prohibits unlawful discrimination on the basis of an individual’s disability, as proscribed by Title II of the Americans with Disabilities Act of 1990, as amended (the “ADA”), 42 U.S.C. § 12132, and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, and applicable state laws.
 - (1) No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities provided by the Department. Such prohibitions include individuals who are considered legally blind under state and federal law.
 - (2) The Department will make reasonable modifications to its policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, as required by the ADA/Section 504. The Department is not required to provide modifications that would fundamentally alter the nature of the service, program, or activity or that would result in undue financial and administrative burdens.

Request to the Board

Motion to Publish Notice of Rulemaking

Prohibiting Discrimination Against Persons with a Disability

Rules 290-1-11-.01 and 290-1-11-.02