**IN THE JUVENILE COURT OF \_\_\_\_\_\_\_\_\_\_\_ COUNTY**

**STATE OF GEORGIA**

**In the interest of: File No.**

 **Case No.**

**DEFENDANT**

 **A child.**

 **Sex:**

 **DOB:**

STATE’S *EX PARTE* MOTION FOR ACCESS TO DEPARTMENT OF HUMAN SERVICES DIVISION OF FAMILY AND CHILDREN SERVICES RECORDS

 Comes now, DISTRICT ATTORNEY, by and through the undersigned Assistant District Attorney, and moves this Honorable Court *ex parte* to order the Department of Human Services to release records of the above-named child to Detective [NAME] of the [CITY/COUNTY] Police Department, pursuant to OCGA § 49-5-41(a)(9). In support of the State’s motion, the State relies on the following:

The above-named child made allegations of sexual abuse which caused said child to be deprived on November 18, 2008 and remain in the care and custody of the Department of Human Services Georgia Division of Family and Children Services (“DFCS”) until [DATE].

The child submitted to a forensic interview related to the allegations of sexual abuse; this interview was conducted on behalf of DFCS between [DATES].

The child submitted to numerous psychological evaluations conducted on behalf of DFCS relating to the allegations of sexual abuse between [DATES].

The forensic interview, reports generated as a result of the psychological evaluations, and all “documents, books, maps, drawings, computer based or generated information, data, data fields, digital images, photographs, video images, audio recordings, and video recordings” relating to the allegations of abuse in the custody of the DFCS are considered “records” for the purpose of disclosure. OCGA § 49-5-40.

These records in the custody of DFCS are confidential, except where access to provided pursuant to OCGA § 49-5-41.

Section 49-5-41(a)(9) of the Official Code of Georgia Annotated states “[p]olice or any other law enforcement agency of this state or any other state or any medical examiner or coroner investigating a report of known or suspected child abuse or any review committee or protocol committee created pursuant to Chapter 15 of Title 19, it being found by the General Assembly that the disclosure of such information is necessary in order for such entities to carry out their legal responsibilities to protect children from child abuse and neglect, which protective actions include bringing criminal actions for such child abuse or neglect, and that such disclosure is therefore permissible and encouraged under the 1992 amendments to Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section 5106(A)(b)(4)[.]”

Detective [NAME] is a post-certified law enforcement officer with the [CITY/COUNTY] Police Department investigating a report of suspected child abuse of the above-named child, which occurred on or before [DATE].

Wherefore, the State respectfully requests this Honorable Court order the Department of Family and Children’s Services provide reasonable access to each and every record containing reports of child abuse to Detective [NAME] of the [CITY/COUNTY] Police Department.

Respectfully submitted this the [DATE].

Assistant District Attorney

**IN THE JUVENILE COURT OF FULTON COUNTY**

**STATE OF GEORGIA**

**In the interest of: File No.**

 **Case No.**

**[DEFENDANT]**

 **A child.**

 **Sex:**

 **DOB:**

**ORDER**

This matter came before the Court upon State’s Ex Parte Motion For Access To Department Of Human Services Division Of Family And Children Services Records. This Court, having heard said motion, makes the following Findings of Fact:

1. There are records alleging abuse of [NAME] [DATE OF BIRTH] in the custody of the Department of Human Services Division of Family and Children Services (“DFCS”);
2. Said records are confidential; and
3. Access to those records by Detective [NAME] of the [CITY/COUNTY] Police Department is permitted pursuant to OCGA §49-5-41(a)(9).

IT IS ORDERED that DFCS provide reasonable access to any and all records, consisting of “documents, books, maps, drawings, computer based or generated information, data, data fields, digital images, photographs, video images, audio recordings, and video recordings” as to allegations of abuse of [NAME] to Detective [NAME] of the [CITY/COUNTY] Police Department.

SO ORDERED, this the [DATE].

 Judge