

Patty Baker, Clerk of Superior Court - Cherokee County, GA

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA**

IN THE MATTER OF:

**Access to DFCS Records for the
Purpose of Adoption Background Checks**

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Standing Order

**STANDING ORDER REGARDING ACCESS TO DFCS RECORDS FOR THE
PURPOSE OF ADOPTION BACKGROUND CHECKS**

Pursuant to O.C.G.A. 49-5-40(b), records concerning child abuse and neglect in the custody of the Department of Family and Children Services (hereinafter “DFCS” or “Department”) are “declared to be confidential, and access thereto is prohibited except as provided in Code Sections 49-5-41 and 49-5-41.1.” It is imperative for this Court to obtain adoption background checks on potential adoptive parents to ensure there is no prior history of abuse and neglect. Anna Crawford Children’s Center is a child advocacy center in this county, which performs all adoption background checks for this Court in adoption proceedings. The adoption background check must include a search for DFCS records to ensure adoption is appropriate in each case. Pursuant to O.C.G.A. 49-5-41(a)(8), a child advocacy center shall have reasonable access to records concerning reports of child abuse if needed to carry out its legal responsibilities to protect children from child abuse or neglect. Anna Crawford Children’s Center is a child advocacy center and the underlying purpose of the records request for the adoption background checks is to protect children from abuse and neglect. As a result, DFCS shall comply with any record request from Anna Crawford Children’s Center so long as the request is pursuant to a Superior Court adoption proceeding. Further, any records concerning child abuse or neglect

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that are released to this Court in adoption proceedings shall be reviewed in-camera and shall be filed under seal to maintain confidentiality.

SO ORDERED this 3 day of November, 2020.

A handwritten signature in cursive script, appearing to read "Ellen McElyea", written over a horizontal line.

THE HONORABLE ELLEN MCELYEA
Chief Judge, Superior Court of Cherokee County