

Senate Bill 241

By: Senator Thomas of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 establish the Department of Family and Children Services; to provide definitions; to provide
3 for the Board of Family and Children Services; to provide for its membership and functions;
4 to provide that the Department of Family and Children Services shall succeed to the powers,
5 duties, responsibilities, and functions of the Division of Family and Children Services of the
6 Department of Human Resources; to provide for the transfer of employees; to provide for the
7 appointment of a commissioner; to provide for other matters relative to the foregoing; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
12 inserting immediately following Chapter 5A a new Chapter 5B to read as follows:

13 style="text-align:center">"CHAPTER 5B

14 31-5B-1.

15 Given the growing concern and complexities of issues relating to social services, economic
16 support for families in need, and child welfare and protective services in this state, it is the
17 intent of the General Assembly to create a Department of Family and Children Services.

18 31-5B-2.

19 Notwithstanding the provisions of Code Section 31-1-1, as used in this chapter, the term:

20 (1) 'Board' means the Board of Family and Children Services established under Code
21 Section 31-5B-4.

22 (2) 'Commissioner' means the commissioner of family and children services as provided
23 in Code Section 31-5B-3.

1 (3) 'Department' means the Department of Family and Children Services established
2 under Code Section 31-5B-3.

3 31-5B-3.

4 (a) There is created and established the Department of Family and Children Services,
5 which shall be a separate department and agency of state government. The Department of
6 Family and Children Services shall perform the functions and assume the duties and
7 powers exercised on June 30, 2003, by the Division of Family and Children Services of the
8 Department of Human Resources. The department shall also assume powers and
9 responsibilities with respect to the expenditure of any funds appropriated to the Division
10 of Family and Children Services.

11 (b) There is created the position of commissioner of family and children services. The
12 commissioner shall be the chief administrative officer of the department and be subject to
13 appointment and removal by the Governor. Subject to the general policy established by
14 the board created under Code Section 31-5B-4, the commissioner shall supervise, direct,
15 account for, organize, plan, administer, and execute the functions vested in the department.

16 (c) In addition to its other powers, duties, and functions, the department is authorized to
17 solicit and accept donations, contributions, and gifts and receive, hold, and use grants,
18 devises, and bequests of real, personal, and mixed property on behalf of the state to enable
19 the department to carry out its functions and purposes.

20 31-5B-4.

21 (a) There is created the Board of Family and Children Services which shall establish the
22 general policy to be followed by the Department of Family and Children Services. The
23 board shall consist of nine members appointed by the Governor and confirmed by the
24 Senate.

25 (b) The Governor shall designate the initial terms of the members of the board as follows:
26 three members shall be appointed for one year; three members shall be appointed for two
27 years; and three members shall be appointed for three years. Thereafter, all succeeding
28 appointments shall be for three-year terms from the expiration of the previous term.

29 (c) Vacancies in office shall be filled by appointment by the Governor in the same manner
30 as the appointment to the position on the board which becomes vacant, and the appointment
31 shall be submitted to the Senate for confirmation at the next session of the General
32 Assembly. An appointment to fill a vacancy other than by expiration of a term of office
33 shall be for the balance of the unexpired term.

1 (d) Members of the board may be removed from office under the same conditions for
2 removal from office of members of professional licensing boards provided in Code Section
3 43-1-17.

4 (e) There shall be a chairperson of the board elected by and from the membership of the
5 board who shall be the presiding officer of the board.

6 (f) The members of the board shall receive a per diem allowance and expenses as shall be
7 set and approved by the Office of Planning and Budget in conformance with rates and
8 allowances set for members of other state boards.

9 31-5B-5.

10 (a) All persons employed by the Division of Family and Children Services of the
11 Department of Human Resources on June 30, 2003, shall, on July 1, 2003, become
12 employees of the Department of Family and Children Services created pursuant to this
13 chapter. Such employees shall be subject to the employment practices and policies of the
14 department on and after July 1, 2003, but the compensation and benefits of such transferred
15 employees shall not be reduced as a result of such transfer. Employees who are subject to
16 the rules of the State Personnel Board and thereby under the State Merit System of
17 Personnel Administration and who are transferred to the department shall retain all existing
18 rights under the State Merit System of Personnel Administration. Retirement rights of such
19 transferred employees existing under the Employees' Retirement System of Georgia or
20 other public retirement systems on June 30, 2003, shall not be impaired or interrupted by
21 the transfer of such employees and membership in any such retirement system shall
22 continue in the same status possessed by the transferred employees on June 30, 2003.
23 Accrued annual and sick leave possessed by said employees on June 30, 2003, shall be
24 retained by said employees as employees of the department.

25 (b)(1) The department shall conform to federal standards for a merit system of personnel
26 administration in any respects necessary for receiving federal grants and the board is
27 authorized and empowered to effect such changes as may, from time to time, be
28 necessary in order to comply with such standards.

29 (2) The department is authorized to employ, on a full-time or part-time basis, such
30 medical, supervisory, institutional, and other professional personnel and such clerical and
31 other employees as may be necessary to discharge the duties of the department under this
32 chapter. The department is also authorized to contract for such professional services as
33 may be necessary.

34 (3) Classified employees of the department under this chapter shall in all instances be
35 employed and dismissed in accordance with rules of the State Personnel Board.

1 (4) All personnel of the department are authorized to be members of the Employees'
2 Retirement System of Georgia as provided in Chapter 2 of Title 47. All rights, credits,
3 and funds in that retirement system which are possessed by state personnel transferred
4 by provisions of this chapter to the department, or otherwise had by persons at the time
5 of employment with the department, are continued and preserved, it being the intention
6 of the General Assembly that such persons shall not lose any rights, credits, or funds to
7 which they may be entitled prior to becoming employees of the department.

8 (c) The department shall succeed to all rules, regulations, policies, procedures, and
9 administrative orders of the Division of Family and Children Services which were in effect
10 on June 30, 2003, or scheduled to go into effect on or after July 1, 2003, and which relate
11 to the functions transferred to the department by this chapter. Such rules, regulations,
12 policies, procedures, and administrative orders shall remain in effect until amended,
13 repealed, superseded, or nullified by proper authority or as otherwise provided by law.

14 (d) The rights, privileges, entitlements, and duties of parties to contracts, leases,
15 agreements, and other transactions entered into before July 1, 2003, by the Division of
16 Family and Children Services and which pertain to the functions transferred to the
17 department by this chapter shall continue to exist; and none of these rights, privileges,
18 entitlements, and duties are impaired or diminished by reason of the transfer of the
19 functions to the department. In all such instances, the Department of Family and Children
20 Services shall be substituted for the Division of Family and Children Services of the
21 Department of Human Resources, and the Department of Health shall succeed to the rights
22 and duties under such contracts, leases, agreements, and other transactions."

23 **SECTION 2.**

24 This Act shall become effective upon its approval by the Governor or upon its becoming law
25 without such approval.

26 **SECTION 3.**

27 All laws and parts of laws in conflict with this Act are repealed.