

House Bill 1025

By: Representative Oliver of the 56th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juvenile proceedings, so as to add certain provisions relating to placement of sibling groups
3 and sibling visitation; to provide for legislative findings; to provide for a definition; to
4 change provisions relating to preserving and unifying families; to change provisions relating
5 to reports and plans; to provide for sibling visitation; to provide for related matters; to
6 provide an effective date; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 The General Assembly finds that sibling relationships are an integral aspect of the family
10 unit, and therefore seeks to ensure the preservation and strengthening of the child's family
11 ties by requiring reasonable efforts to place sibling groups together in foster care. The
12 General Assembly presumes that nurturing the existing sibling relationships is in the best
13 interest of a child, particularly in those situations where a child cannot be with his or her
14 parents, guardians, or legal custodians as a result of court intervention. The General
15 Assembly recognizes that it is beneficial for a child who is removed from his or her home
16 and placed in foster care to be able to continue relationships with his or her brothers and
17 sisters in order that the siblings may share their strengths and association in their everyday
18 and often common experiences. To that end, the General Assembly finds that a child in
19 foster care should be allowed reasonable visitation with other siblings, consistent with the
20 best interest of each sibling.

21 **SECTION 2.**

22 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
23 proceedings, is amended by inserting a new paragraph in Code Section 15-11-2, relating to
24 definitions, to read as follows:

1 (4) Reasonable efforts of the type described in paragraph (2) of this subsection shall not
 2 be required to be made with respect to a parent or sibling of a child if a court of
 3 competent jurisdiction has determined that:

4 (A) The parent or sibling has subjected the child to aggravated circumstances which
 5 may include but need not be limited to abandonment, torture, chronic abuse, and sexual
 6 abuse;

7 (B) The parent or sibling has:

8 (i) Committed murder of another child of the parent;

9 (ii) Committed voluntary manslaughter of another child of the parent;

10 (iii) Aided or abetted, attempted, conspired, or solicited to commit murder or
 11 voluntary manslaughter of another child of the parent; or

12 (iv) Committed a felony assault that results in serious bodily injury to the child or
 13 another child of the parent; or

14 (C) The parental rights of the parent to a sibling have been terminated involuntarily;

15 (5) If reasonable efforts of the type described in paragraph (2) of this subsection are not
 16 made with respect to a child as a result of a determination made by a court of competent
 17 jurisdiction in accordance with paragraph (4) of this subsection:

18 (A) A permanency hearing in accordance with subsection (o) of this Code section shall
 19 be held for the child within 30 days after such determination; and

20 (B) Reasonable efforts shall be made to place the child in a timely manner in
 21 accordance with the permanency plan and to complete whatever steps are necessary to
 22 finalize the permanent placement of the child; and

23 (6) Reasonable efforts to place a child for adoption or with a legal guardian may be made
 24 concurrently with reasonable efforts of the type described in paragraph (2) of this
 25 subsection."

26 "(c) If the report contains a plan for reunification services, ~~such~~ the plan if adopted by the
 27 court shall be in effect until modification by the court. The plan shall address each reason
 28 requiring removal and shall contain at least the following:

29 (1) The purpose for which the child was placed in foster care, including a statement of
 30 the reasons why the child cannot be adequately protected at home and the harm ~~which~~
 31 that may occur if the child remains in the home and shall also include a description of the
 32 services offered and the services provided to prevent removal of the child from the home;

33 (2) A discussion of how the plan is designed to achieve a placement in a safe setting that
 34 is the least restrictive, most family-like, and most appropriate setting available and in
 35 close proximity to the home of the parents, consistent with the best interests and special
 36 needs of the child;

1 (3) A clear description of the specific actions to be taken by the parents and the specific
 2 services to be provided by the Division of Family and Children Services of the
 3 Department of Human Resources or other appropriate agencies in order to bring about
 4 the identified changes that must be made in order for the child to be safely returned home;
 5 provided, however, that all services and actions required of the parents ~~which~~ that are not
 6 directly related to the circumstances necessitating separation cannot be made conditions
 7 of the return of the child without further court review;

8 (4) Specific time frames in which the goals of the plan are to be accomplished to fulfill
 9 the purpose of the reunification plan;

10 (5) The person within the Division of Family and Children Services of the Department
 11 of Human Resources or other agency who is directly responsible for ensuring that the
 12 plan is implemented; ~~and~~

13 (6) Consideration of the advisability of a reasonable visitation schedule which allows the
 14 parents to maintain meaningful contact with their children through personal visits,
 15 telephone calls, and letters; and

16 (7) If applicable, any efforts made to place siblings together, and if the siblings were not
 17 placed together, the reasons why the siblings could not be placed together."

18 "(f) When a recommendation is made that reunification services are not appropriate and
 19 should not be allowed, the report shall address each reason requiring removal and shall
 20 contain at least the following:

21 (1) The purpose for which the child was placed in foster care, including a statement of
 22 the reasons why the child cannot be adequately and safely protected at home and the
 23 harm ~~which~~ that may occur if the child remains in the home and a description of the
 24 services offered and the services provided to prevent removal of the child from the home;
 25 ~~and~~

26 (2) A clear statement describing all of the reasons supporting a finding that reasonable
 27 efforts to reunify a child with the child's family will be detrimental to the child, and that
 28 reunification services therefore need not be provided, including specific findings as to
 29 whether any of the grounds for terminating parental rights exist, as set forth in
 30 subsection (b) of Code Section 15-11-94 or paragraph (4) of subsection (a) of this Code
 31 section; and

32 (3) If applicable, any efforts made to place siblings together, and if the siblings were not
 33 placed together, the reasons why the siblings could not be placed together."

34 SECTION 4.

35 Said chapter is further amended by adding a new Code Section 15-11-58.1 to read as follows:

1 "15-11-58.1.

2 (a) Siblings separated due to a foster care or adoptive placement may petition a superior
3 or juvenile court with jurisdiction over one or more of the siblings for reasonable sibling
4 visitation rights.

5 (b) If a petitioner under this Code section petitions a court to issue a visitation decree or
6 to amend a visitation order, the court:

7 (1) May hold a hearing to determine whether visitation is in the best interests of the
8 children;

9 (2) Shall weigh the relative interests of each child and base its decision on the best
10 interests of the children promoting the greatest welfare and least harm to the children; and

11 (3) May issue an appropriate order or decree."

12 **SECTION 5.**

13 This Act shall become effective on July 1, 2003.

14 **SECTION 6.**

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