

House Bill 333

By: Representatives Mumford of the 95th, Ralston of the 7th, and Mangham of the 94th

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 update certain provisions relating to juvenile proceedings; to
3 change certain provisions relating to disposition of a deprived child; to change certain
4 provisions regarding reunification efforts; to change certain provisions regarding child
5 placement following termination orders; to provide for related matters; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
10 proceedings, is amended by striking paragraph (2) of subsection (a) of Code Section
11 15-11-55, relating to disposition of deprived child, and inserting in its place the following:

12 "(2) Subject to conditions and limitations as the court prescribes, transfer temporary legal
13 custody to any of the persons or entities described in this paragraph. Without limiting the
14 generality of the foregoing, such conditions and limitations shall include a provision that
15 the court shall approve or direct the retransfer of the physical custody of the child back
16 to the parents, guardian, or other custodian either upon the occurrence of specified
17 circumstances or in the discretion of the court. Any such retransfer of physical custody
18 may be made subject to such further conditions and limitations as the court prescribes,
19 including supervision for the protection of the child. The persons or entities to whom or
20 which temporary legal custody may be transferred shall include the following:

21 (A) Any individual including a putative father who, after study by the probation officer
22 or other person or agency designated by the court, is found by the court to be qualified
23 to receive and care for the child;

24 (B) An agency or other private organization licensed or otherwise authorized by law
25 to receive and provide care for the child;

26 (C) Any public agency authorized by law to receive and provide care for the child; or

1 (D) An individual in another state with or without supervision by an appropriate officer
2 under Code Section 15-11-89.

3 ~~Except for dispositions pursuant to paragraph (1) of subsection (a) of Code Section~~
4 ~~15-11-66 and Code Section 15-11-67, before transferring~~ In deprivation cases based on
5 a petition brought by the Department of Human Resources, before a transfer of temporary
6 legal custody in an order of disposition under this paragraph a reasonably diligent search
7 for a parent or relative of the child or for other persons who have demonstrated an
8 ongoing commitment to the child shall be conducted by the court and the Department of
9 Human Resources. Such search shall be completed within 90 days from the date on which
10 the child was removed from the home, the results of such search documented in writing
11 and filed with the court at the time of the first review. During such 90 day period, the
12 child may be placed in the temporary legal custody of the Department of Human
13 Resources or any other appropriate entity or person; or"

14 SECTION 2.

15 Said chapter is further amended by striking subsection (p) of Code Section 15-11-58, relating
16 to reunification efforts, and inserting in lieu thereof the following:

17 "(p) In advance of each review or hearing to be held with respect to a child pursuant to this
18 Code section, the court shall provide written notice or shall direct that a party shall provide
19 written notice of such review or hearing, including their right to be heard at such review
20 or hearing, to the custodian of the child, to the foster parents of the child, and to any
21 preadoptive parents or relatives providing care for the child, ~~consistent with the form and~~
22 ~~timing of notice~~ on or about the time that notice is required to be provided to parties;
23 provided, however, that this provision shall not be construed to require a custodian, foster
24 parent, preadoptive parent, or relative caring for the child to be made a party to the hearing
25 solely on the basis of such notice and opportunity to be heard. At each such hearing the
26 court in its discretion, based upon the evidence, may enter an order accepting or rejecting
27 any report of the Division of Family and Children Services of the Department of Human
28 Resources, ordering an additional evaluation, appointing a guardian ad litem, or
29 undertaking such other review as it deems necessary and appropriate to determine the
30 disposition that is in the child's best interest. The court's order may incorporate all or part
31 of the report of the Division of Family and Children Services of the Department of Human
32 Resources. In its order the court shall include findings of fact which reflect the court's
33 consideration, in accordance with subsection (a) of Code Section 15-11-56, of the oral and
34 written testimony information offered by the parents, the custodian of the child, the foster
35 parents of the child, any preadoptive parents or relatives providing care for the child who
36 are required to be provided with notice and a right to be heard in any review or hearing to

1 be held with respect to the child, and the Division of Family and Children Services of the
2 Department of Human Resources. A disposition may be made under the terms of this Code
3 section only if the court finds that such disposition is in the best interest of the child."

4 **SECTION 3.**

5 Said chapter is further amended by striking paragraph (3) of subsection (a) of Code Section
6 15-11-103, relating to placement of child following termination order, and inserting in lieu
7 thereof the following:

8 "(3) If no placement of the child is effected under paragraph (1) or (2) of this subsection,
9 the court may commit the child to a suitable individual ~~on the condition that the person~~
10 ~~becomes~~ as the guardian of the person of the child pursuant to the court's authority under
11 Code Section 15-11-30.1, if the court determines such placement is the most appropriate
12 for and in the best interest of the child."

13 **SECTION 4.**

14 This Act shall become effective on July 1, 2005.

15 **SECTION 5.**

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