

House Bill 153

By: Representatives Loudermilk of the 14th, Oliver of the 83rd, Lewis of the 15th, Franklin of the 43rd, Setzler of the 35th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 6 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia
2 Annotated, relating to the deprivation of juveniles, so as to provide certain requirements
3 when placing children with the Division of Family and Children Services; to amend Article
4 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to children and
5 youth services, so as to provide new definitions; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 6 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
10 relating to the deprivation of juveniles, is amended by revising subsection (c) of Code
11 Section 15-11-55, relating to the disposition of a deprived child, as follows:

12 "(c) Notwithstanding any other provision of law, the court after transferring temporary
13 legal custody of a child to the Division of Family and Children Services within the
14 Department of Human Resources may at any time conduct sua sponte a judicial review of
15 the current placement plan being provided to said child. After its review the court may
16 order the division to comply with the current placement plan, order the division to devise
17 a new placement plan within available division resources, or make any other order relative
18 to placement or custody outside the Department of Human Resources as the court finds to
19 be in the best interest of the child. ~~Placement or a change of custody by the court outside~~
20 ~~the Department of Human Resources shall relieve the department of further responsibility~~
21 ~~for the child so placed. The policy of the State of Georgia is that children in the custody~~
22 ~~of the Division of Family and Children Services should have stable placements. The~~
23 ~~division shall keep the court notified of the location of the child's placement while in the~~
24 ~~division's custody. Changes in the child's placement shall be made only after notification~~
25 ~~to the court and all parties to allow time to challenge the change as not in the child's best~~
26 ~~interest. Exceptions to the advance notice shall be made if the child's health or welfare~~

1 would be endangered by delaying a change in placement, but the court and the parties must
2 be notified within 24 hours of the placement change."

3 **SECTION 2.**

4 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
5 children and youth services, is amended by revising paragraph (12) of Code Section 49-5-3,
6 relating to definitions, as follows:

7 "(12) 'Legal custody' means a legal status created by court order embodying the
8 following rights and responsibilities:

9 (A) The right to have the physical possession of the child or youth;

10 (B) The right and the duty to protect, train, and discipline ~~him~~ the child or youth;

11 (C) The responsibility to provide ~~him~~ the child or youth with food, clothing, shelter,
12 education, and ordinary medical care; and

13 (D) The right to determine where and with whom ~~he~~ the child or youth shall live,
14 provided that these rights and responsibilities shall be exercised subject to the powers,
15 rights, duties, and responsibilities of the guardian of the person of the child or youth and
16 subject to any residual parental rights and responsibilities. These rights are subject to
17 judicial oversight and review pursuant to Code Section 15-11-55."

18 **SECTION 3.**

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