

Senate Bill 293

By: Senator Meyer von Bremen of the 12th

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 deprived juveniles, so as to provide specifically for the consideration  
3 of in-state and out-of-state placements for children at permanency plan hearings; to provide  
4 for procedural safeguards to assure that in a permanency hearing there is consultation with  
5 the child, in an age appropriate manner, regarding the proposed permanency and transition  
6 plan for the child; to require that foster parents, preadoptive parents, and relative caregivers  
7 are given notice of their right to be heard at certain hearings and proceedings; to amend  
8 Article 2 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
9 termination of parental rights, to provide that foster parents, preadoptive parents and relative  
10 caregivers must be provided notice of their right to be heard at all court proceedings held  
11 pursuant to such Article; to amend Article 2 of Chapter 5 of Title 49 of the Official Code of  
12 Georgia Annotated, relating to child abuse and deprivation records, so as to provide that the  
13 Department of Human Resources shall not disclose or use information from child abuse and  
14 neglect registries obtained from other states outside the department for any purpose other  
15 than conducting background checks to be used in foster care and adoptive placements; to  
16 permit the department to provide health and education records to children who leave foster  
17 care as a result of reaching the age of majority; to provide for related matters; to provide for  
18 an effective date; to repeal conflicting laws; and for other purposes.

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

20 **SECTION 1.**

21 Part 6 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
22 relating to deprived juveniles, is amended by adding a new Code section to read as follows:

23 "15-11-55.1.

24 In advance of any hearing or other proceeding to be held with respect to a child pursuant  
25 to Code Section 15-11-55 or a deprivation hearing to be held with respect to a child  
26 pursuant to paragraph (3) of subsection (c) of Code Section 15-11-49 and Code Sections

1 15-11-39 and 15-11-39.2, the court shall provide notice or shall direct that a party shall  
 2 provide notice of such hearing or other proceeding, including their right to be heard at such  
 3 hearing or other proceeding, to the foster parents of the child, and to any preadoptive  
 4 parents or relatives providing care for the child, consistent with the form and timing of  
 5 notice to parties; provided, however, that this provision shall not be construed to require  
 6 a foster parent, preadoptive parent, or relative caring for the child to be made a party to the  
 7 hearing solely on the basis of such notice and right to be heard."

## 8 SECTION 2.

9 Part 6 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
 10 relating to deprived juveniles, is amended in Code Section 15-11-58, relating to case plans,  
 11 permanency plans, and other court proceedings regarding deprived juveniles, by revising  
 12 paragraph (4) of subsection (o) as follows:

13 "(4) The parents, the custodian of the child, the foster parents of the child, any  
 14 preadoptive parent or relative providing care for the child, and other parties shall be given  
 15 written notice of a permanency hearing at least five days in advance and shall be advised  
 16 that the permanency plan recommended by the Division of Family and Children Services  
 17 of the Department of Human Resources will be submitted to the court for consideration  
 18 to become an order of the court. Procedural safeguards shall be applied with respect to  
 19 parental rights pertaining to the removal of the child from the home of his or her parents,  
 20 to a change in the child's placement, and to any determination affecting visitation  
 21 privileges of parents. Procedural safeguards shall also be applied to assure that the court  
 22 or the judicial citizen review panel conducting a permanency hearing, including any  
 23 hearing regarding transition of the child from foster care to independent living, shall  
 24 consult, in an age-appropriate manner, with the child regarding the proposed permanency  
 25 or transition plan for such child. The provisions of subsection (p) of this Code section  
 26 concerning notice, opportunity to be heard, authority of the court, and content of the  
 27 court's order are applicable to proceedings under this paragraph."

## 28 SECTION 3.

29 Part 6 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
 30 relating to deprived juveniles, is amended in Code Section 15-11-58, relating to case plans,  
 31 permanency plans, and other court proceedings regarding deprived juveniles, by revising  
 32 paragraph (6) of subsection (o) as follows:

33 "(6) The court or judicial citizen review panel which conducts the permanency hearing  
 34 shall determine, as a finding of fact, whether the Division of Family and Children  
 35 Services of the Department of Human Resources has made reasonable efforts to finalize

1 the permanency plan which is in effect at the time of the hearing. Further, the court or the  
 2 judicial citizen review panel, if applicable, shall determine as a finding of fact whether,  
 3 in the case of a child placed out of the state, the out-of-state placement continues to be  
 4 appropriate and in the best interest of the child and, in the case of a child who has attained  
 5 the age of 14, shall determine the services needed to assist the child to make a transition  
 6 from foster care to independent living. Also, in the case of a child whose permanency  
 7 plan provides that the child will not be returned to the parent, the court or judicial citizen  
 8 review panel, if applicable, shall consider in-state and out-of-state placement options for  
 9 such child. Such findings of fact shall be made a part of the report of the judicial citizen  
 10 review panel to the court and any supplemental order entered by the court. ~~The provisions~~  
 11 ~~of subsection (p) of this Code section concerning notice, opportunity to be heard,~~  
 12 ~~authority of the court, and content of the court's order are applicable to proceedings under~~  
 13 ~~this paragraph."~~

#### 14 SECTION 4.

15 Part 6 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
 16 relating to deprived juveniles, is amended in Code Section 15-11-58, relating to case plans,  
 17 permanency plans, and other court proceedings regarding deprived juveniles, by revising  
 18 subsection (p) as follows:

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

1 any preadoptive parents or relatives providing care for the child who are required to be  
 2 provided with notice and a right to be heard in any review, ~~or hearing,~~ or proceeding to be  
 3 held with respect to the child, and the Division of Family and Children Services of the  
 4 Department of Human Resources. A disposition may be made under the terms of this Code  
 5 section only if the court finds that such disposition is in the best interest of the child."

#### 6 **SECTION 5.**

7 Article 2 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
 8 termination of parental rights, is amended by revising Code Section 15-11-104, relating to  
 9 the applicability of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia  
 10 Annotated to said Article 2, as follows:

11 "15-11-104.

12 In a proceeding under this article, the provisions of Article 1 of this chapter shall apply  
 13 unless in conflict with this article. In advance of any hearing or other proceeding to be held  
 14 with respect to a child pursuant to this article, the court shall provide written notice or shall  
 15 direct that a party shall provide written notice of such hearing or other proceeding,  
 16 including their right to be heard at such hearing or other proceeding, to the foster parents  
 17 of the child and to any preadoptive parents or relatives providing care for the child,  
 18 consistent with the form and timing of notice to parties; provided, however, that this  
 19 provision shall not be construed to require a foster parent, preadoptive parent, or relative  
 20 caring for the child to be made a party to the hearing solely on the basis of such notice and  
 21 right to be heard."

#### 22 **SECTION 6.**

23 Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child  
 24 abuse and neglect records, is amended by adding a new subsection (c) to Code Section  
 25 49-5-40, relating to definitions and confidentiality of records, to read as follows:

26 "(c) Each and every record concerning child abuse or neglect which is received by the  
 27 department from the child abuse and neglect registry of any other state shall not be  
 28 disclosed or used outside the department for any other purpose other than conducting  
 29 background checks to be used in foster care and adoptive placements."

#### 30 **SECTION 7.**

31 Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child  
 32 abuse and neglect records, is further amended by adding a new paragraph (12) to subsection  
 33 (c) of Code Section 49-5-41, relating to persons and agencies permitted access to records, to  
 34 read as follows:

