

Senate Bill 88

By: Senators Unterman of the 45th, Seay of the 34th, Williams of the 19th, Schaefer of the 50th and Johnson of the 1st

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to child
2 custody proceedings, so as to provide for the creation, authorization, procedure, revocation,
3 and termination of a power of attorney from a parent to a grandparent for the care of a
4 grandchild; to provide for short titles; to provide definitions; to provide for the creation of
5 a program to provide a subsidy to certain grandparents raising grandchildren under certain
6 circumstances; to provide for an assessment and evaluation of certain aspects of the program;
7 to provide for other related matters; to provide effective dates; to repeal conflicting laws; and
8 for other purposes.

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

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Care of a Grandchild Act."

12 **SECTION 2.**

13 The General Assembly finds that:

14 (1) An increasing number of relatives in Georgia, including grandparents and
15 great-grandparents, are providing care to children who cannot reside with their parents
16 due to the parent's incapacity or inability to perform the regular and expected functions
17 to provide such care and support;

18 (2) Parents need a means to confer to grandparents or great-grandparents the authority
19 to act on behalf of grandchildren without the time and expense of a court proceeding;

20 (3) Grandparents and great-grandparents caring for their grandchildren under these
21 circumstances often do not have sufficient financial resources to provide for such
22 children; and

23 (4) Providing both a statutory mechanism for granting authority and limited financial
24 support under certain circumstances to provide for children enhances family preservation
25 and stability.

SECTION 3.

Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to child custody proceedings, is amended by adding a new Article 4 to read as follows:

"ARTICLE 4**Part 1**

19-9-120.

This part shall be known and may be cited as the 'Power of Attorney for the Care of a Minor Child Act.'

19-9-121.

(a) As used in this part, the term:

(1) 'Grandchild' means the minor child of a grandparent.

(2) 'Grandparent' shall have the same meaning as provided in subsection (a) of Code Section 19-7-3 and shall include the biological great-grandparent or stepgreat-grandparent who is the parent or stepparent of a grandparent of a minor child.

(3) 'Parent' shall have the same meaning as provided in Code Section 19-3-37. Such term used in the singular shall mean both parents if both parents share joint legal custody of the child, unless otherwise clearly indicated.

(4) 'Reasonable evidence' means evidence that a reasonable person would find sufficient to determine whether one conclusion is more likely than another.

(5) 'School' means:

(A) Any county or independent school system as defined in Code Section 20-1-9;

(B) Any private school as such term is defined in Code Section 20-2-690;

(C) A home study program meeting the requirements set forth in subsection (c) of Code Section 20-2-690;

(D) Pre-kindergarten programs; or

(E) Early care and education programs as such term is defined in paragraph (6) of Code Section 20-1A-2.

(6) 'School term' means the part of the year in which school is in session.

(7) 'Serious illness' means a physical or mental illness as determined by a licensed health care professional, including a psychiatrist or psychologist that causes the parent to be unable to care for the minor child due to the physical or mental condition or health of the parent, including a condition created by medical treatment.

(8) 'Terminal illness' has the same meaning as the term 'terminal condition' as provided in paragraph (13) of Code Section 31-32-2.

1 19-9-122.

2 (a) A parent of a minor child may delegate to any grandparent residing in this state
3 caregiving authority regarding the minor child when hardship prevents the parent from
4 caring for the child. This authority may be delegated without the approval of a court by
5 executing in writing a power of attorney for the care of a minor child in a form
6 substantially complying with the provisions of this part.

7 (b) Hardships may include, but are not limited to:

8 (1) A parent being unable to provide care due to the death of the other parent;

9 (2) A serious illness or terminal illness of a parent;

10 (3) The physical or mental condition of the parent or the child such that proper care and
11 supervision of the child cannot be provided by the parent;

12 (4) The incarceration of a parent;

13 (5) The loss or uninhabitability of the child's home as the result of a natural disaster; or

14 (6) A period of active military duty of a parent exceeding 24 months.

15 (c) Hardship shall not include the granting of a power of attorney for the care of a minor
16 child for the purpose of subverting an investigation of the child's welfare initiated by the
17 Department of Human Resources or other agency responsible for such investigations.

18 19-9-123.

19 Through the power of attorney for the care of a minor child, the parent may authorize the
20 agent grandparent to perform the following functions:

21 (1) Enroll the child in school and in extracurricular activities;

22 (2) Provide access to school records and may disclose the contents to others;

23 (3) Arrange for and consent to medical, dental, and mental health treatment for the child;

24 (4) Provide access to medical, dental, and mental health records and may disclose the
25 contents thereof to others;

26 (5) Provide for the child's food, lodging, housing, recreation, and travel; and

27 (6) Any additional powers as specified by the parent.

28 19-9-124.

29 (a) An agent grandparent under a power of attorney for the care of a minor child shall act
30 in the best interests of the minor child. Such agent grandparent shall not be liable for
31 consenting or refusing to consent to medical, dental, or mental health care for a minor child
32 when such decision is made in good faith and is exercised in the best interests of the minor
33 child.

1 (b)(1) The agent grandparent shall have the right to enroll the minor child in a public
2 school serving the area where the agent grandparent resides and may enroll the minor
3 child in a private school, pre-kindergarten program, or home study program.

4 (2) The public school shall allow such agent grandparent with a properly executed power
5 of attorney for the care of a minor child to enroll the minor child.

6 (3) At the time of enrollment the grandparent shall provide to the school such residency
7 documentation as is customary in that school district.

8 (4) The school may request reasonable evidence of the stated hardship.

9 (5) If a public school denies enrollment of a minor child under this Code section, such
10 denial may be appealed and shall be treated as any other denial of enrollment of a child
11 in that school district, including all of the remedies otherwise available when enrollment
12 is denied to a child.

13 (6) Except where limited by federal law, the agent grandparent shall have the same
14 rights, duties, and responsibilities that would otherwise be exercised by the parent
15 pursuant to the laws of this state.

16 (7) An agent great-grandparent shall be obligated to comply with any existing court order
17 relative to the child, including, but not limited to, any visitation order.

18 19-9-125.

19 No person, school official, or health care provider who acts in good faith reliance on a
20 power of attorney for the care of a minor child shall be subject to criminal or civil liability
21 or professional disciplinary action for such reliance.

22 19-9-126.

23 Nothing in this article shall preclude a parent or agent grandparent from granting temporary
24 written permission to seek emergency medical treatment or other services for a minor child
25 while in the custody of an adult who is not the parent or agent grandparent and who is
26 temporarily supervising the child at the parent's or agent grandparent's request.

27 19-9-127.

28 (a) Except as may be permitted by the federal No Child Left Behind Act, 20 U.S.C.A.
29 Section 6301, et seq. and Section 7801, et seq., a parent executing the power of attorney
30 for the care of a minor child shall certify that such action is not for the primary purpose of
31 enrolling the child in a school for the sole purpose of participating in the academic or
32 interscholastic athletic programs provided by that school or for any other unlawful purpose.
33 Violation of this subsection shall be punishable in accordance with Georgia law and may

1 require, in addition to any other remedies, repayment by such parent or grandparent of all
2 costs incurred by the school as a result of the violation.

3 (b)(1) The instrument providing for the power of attorney shall be executed by both
4 parents, if both parents are living and have joint legal custody of the minor child, and
5 shall specify which hardship prevents the parent or parents from caring for the child. If
6 the parents do not have joint legal custody, the parent having sole legal custody shall have
7 authority to grant the power of attorney.

8 (2) The power of attorney for the care of a minor child shall be signed and acknowledged
9 before a notary public by the parent executing the power of attorney. Any noncustodial
10 parent shall be notified in writing of the name and address of the grandparent who has
11 been appointed the agent grandparent under the power of attorney. The executing parent
12 shall send the notification by certified mail or statutory overnight delivery, return receipt
13 requested, to the noncustodial parent at the noncustodial parent's last known address
14 within five days of the execution of the power of attorney. A noncustodial parent who
15 has joint legal custody shall have the same authority to execute a revocation of the power
16 of attorney as granted to the custodial parent.

17 (c) If only one parent has sole legal custody of the minor child, then that parent shall have
18 authority to execute the power of attorney and to revoke the power of attorney.

19 19-9-128.

20 (a)(1) The agent grandparent shall have the authority to act on behalf of the minor child
21 until each parent who executed the power of attorney for the care of a minor child
22 revokes the power of attorney in writing and provides notice of the revocation to the
23 agent grandparent as provided in this Code section

24 (2) The agent grandparent shall have the authority to act on behalf of the child until a
25 copy of the revocation of the power of attorney is received by certified mail or statutory
26 overnight delivery, return receipt requested, and upon receipt of the revocation the agent
27 grandparent shall cease to act as agent.

28 (3) The parent shall send a copy of the revocation of the power of attorney to the agent
29 grandparent within five days of the execution of the revocation by certified mail or
30 statutory overnight delivery, return receipt requested.

31 (4) The revoking parent shall notify the school, health care providers, and others known
32 to the parent to have relied upon such power of attorney.

33 (b) The power of attorney for the care of a minor child may also be terminated by any
34 order of a court of competent jurisdiction.

35 (c)(1) The agent grandparent shall notify the school in which the agent grandparent had
36 enrolled the child whenever a change in circumstances results in a change in residence

1 for such child that is expected to last more than six weeks during a school term and such
 2 change in residence is not due to hospitalization, vacation, study abroad, or some reason
 3 otherwise acceptable to the school.

4 (2) The agent grandparent may resign by notifying the parent in writing by certified mail
 5 or statutory overnight delivery, return receipt requested and, if the grandparent agent is
 6 aware that the parent's hardship still exists, such agent grandparent shall also notify child
 7 protective services or such government authority that is charged with assuring proper care
 8 of such minor child.

9 (3) Upon the death of the authorizing parent, the agent grandparent shall notify the
 10 surviving parent as soon as practicable. With consent of the surviving parent or if the
 11 whereabouts of the surviving parent are unknown, the power of attorney may continue
 12 for up to six months so that the child may receive consistent care until more permanent
 13 custody arrangements are made.

14 (d) The authority to designate an agent to act on behalf of a minor child is in addition to
 15 any other lawful action a parent may take for the benefit of such minor child, and the parent
 16 shall continue to have the right to medical, dental, mental health, and school records
 17 pertaining to the minor child.

18 19-9-129.

19 (a) The statutory power of attorney for the care of a minor child form contained in this
 20 Code section may be used to grant an agent grandparent powers with respect to the minor
 21 child's enrollment in school, medical, dental, and mental health care, food, lodging,
 22 recreation, travel, and any additional powers as specified by the parent. This power of
 23 attorney is not intended to be exclusive. No provision of this part shall be construed to bar
 24 use by the parent of any other or different form of power of attorney for the care of a minor
 25 child which complies with this part. A power of attorney for the care of a minor child in
 26 substantially the form set forth in this Code section shall have the same meaning and effect
 27 as prescribed in this part. Substantially similar forms may include forms from other states.

28 (b) The power of attorney for the care of a minor child shall be in substantially the
 29 following form:

30 'GEORGIA POWER OF ATTORNEY FOR THE CARE OF A MINOR CHILD

31 NOTICE:

32 (1) THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE
 33 GRANDPARENT THAT YOU DESIGNATE (THE AGENT GRANDPARENT)
 34 POWERS TO CARE FOR YOUR MINOR CHILD INCLUDING THE POWER TO:

1 ENROLL THE CHILD IN SCHOOL AND IN EXTRACURRICULAR SCHOOL
 2 ACTIVITIES; HAVE ACCESS TO SCHOOL RECORDS AND DISCLOSE THE
 3 CONTENTS TO OTHERS; ARRANGE FOR AND CONSENT TO MEDICAL,
 4 DENTAL, AND MENTAL HEALTH TREATMENT FOR THE CHILD; HAVE
 5 ACCESS TO SUCH RECORDS RELATED TO TREATMENT OF THE CHILD AND
 6 DISCLOSE THE CONTENTS THEREOF TO OTHERS; PROVIDE FOR THE
 7 CHILD'S FOOD, LODGING, RECREATION, AND TRAVEL; AND HAVE ANY
 8 ADDITIONAL POWERS AS SPECIFIED BY THE PARENT.

9 (2) THE AGENT GRANDPARENT IS REQUIRED TO EXERCISE DUE CARE TO
 10 ACT IN THE CHILD'S BEST INTEREST AND IN ACCORDANCE WITH THE
 11 GRANT OF AUTHORITY SPECIFIED IN THIS FORM.

12 (3) A COURT OF COMPETENT JURISDICTION MAY REVOKE THE POWERS OF
 13 THE AGENT GRANDPARENT IF IT FINDS THAT THE AGENT GRANDPARENT
 14 IS NOT ACTING PROPERLY.

15 (4) THE AGENT GRANDPARENT MAY EXERCISE THE POWERS GIVEN IN
 16 THIS POWER OF ATTORNEY FOR THE CARE OF A MINOR CHILD
 17 THROUGHOUT THE CHILD'S MINORITY UNLESS THE PARENT REVOKES
 18 THIS POWER OF ATTORNEY AND PROVIDES NOTICE OF THE REVOCATION
 19 TO THE AGENT GRANDPARENT OR UNTIL A COURT OF COMPETENT
 20 JURISDICTION TERMINATES THIS POWER.

21 (5) THE AGENT GRANDPARENT MAY RESIGN AS AGENT AND MUST
 22 IMMEDIATELY COMMUNICATE SUCH RESIGNATION TO THE PARENT, AND
 23 IF COMMUNICATION WITH SUCH PARENT IS NOT POSSIBLE, THE AGENT
 24 GRANDPARENT SHALL NOTIFY CHILD PROTECTIVE SERVICES OR SUCH
 25 GOVERNMENT AUTHORITY THAT IS CHARGED WITH ASSURING PROPER
 26 CARE OF SUCH MINOR CHILD.

27 (6) THIS POWER OF ATTORNEY MAY BE REVOKED IN WRITING BY ANY
 28 AUTHORIZING PARENT. IF THE POWER OF ATTORNEY IS REVOKED, THE
 29 REVOKING PARENT SHALL NOTIFY THE AGENT GRANDPARENT, SCHOOL,
 30 HEALTH CARE PROVIDERS, AND OTHERS KNOWN TO THE PARENT TO
 31 HAVE RELIED UPON SUCH POWER OF ATTORNEY.

32 (7) IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT
 33 UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

34 POWER OF ATTORNEY FOR THE CARE OF A MINOR CHILD

35 made this ____ day of _____, ____.

1 (1)(A) I, _____ (insert name and address of parent or
 2 parents), hereby appoint _____
 3 (insert name and address of grandparent to be named as agent) as attorney in fact (the
 4 agent grandparent) for my child _____
 5 (insert name of child) to act for me and in my name in any way that I could act in
 6 person.

7 (B) I hereby certify that the agent grandparent named herein is the (place a check mark
 8 beside the appropriate description):

- 9 Biological grandparent;
- 10 Stepgrandparent;
- 11 Biological great-grandparent; or
- 12 Stepgreat-grandparent.

13 (2) The agent grandparent may:

14 (A) Enroll the child in school and in extracurricular activities, have access to school
 15 records, and may disclose the contents to others;

16 (B) Arrange for and consent to medical, dental, and mental health treatment of the
 17 child, have access to such records related to treatment of the child, and disclose the
 18 contents of such records to others;

19 (C) Provide for the child’s food, lodging, recreation, and travel; and

20 (D) Carry out any additional powers specified by the parent as follows:

21 _____
 22 _____
 23 _____

24 (3) The powers granted above shall not include the following powers or shall be subject
 25 to the following rules or limitations (here you may include any specific limitations that
 26 you deem appropriate):

27 _____
 28 _____
 29 _____

30 (4) This power of attorney for the care of a minor child is being executed because of the
 31 following hardship:

32 (A) The death, serious illness, or terminal illness of a parent;

33 (B) The physical or mental condition of the parent or the child such that proper
 34 care and supervision of the child cannot be provided by the parent;

35 (C) The loss or uninhabitability of the child’s home as the result of a natural
 36 disaster;

1 _____ (D) The incarceration of a parent; or

2 _____ (E) A period of active military duty of a parent.

3 (5) (Optional) If a guardian of my minor child is to be appointed, I nominate the
4 following person to serve as such guardian: _____

5 (insert name and address of person nominated to be guardian of the minor child).

6 (6) I am fully informed as to all of the contents of this form and I understand the full
7 import of this grant of powers to the agent grandparent.

8 (7) I certify that the minor child is not emancipated, and, if the minor child becomes
9 emancipated, this power of attorney shall no longer be valid.

10 (8) Except as may be permitted by the federal No Child Left Behind Act, 20 U.S.C.A.
11 Section 6301, et seq. and Section 7801, et seq., I hereby certify that this power of attorney
12 is not executed for the primary purpose of unlawfully enrolling the child in a school so
13 that the child may participate in the academic or interscholastic athletic programs
14 provided by that school.

15 (9) I certify that, to my knowledge, the minor child’s welfare is not the subject of an
16 investigation by the Department of Human Resources.

17 (10) I declare under penalty of perjury under the laws of the State of Georgia that the
18 foregoing is true and correct.

19 Parent Signature: _____
20 (Seal)

21 Parent Signature: _____
22 (Seal)

23 Signed and sealed in the presence of: _____
24 Notary public
25 My commission expires _____

26 (c) The following notice shall be attached to the power of attorney:

27 **ADDITIONAL INFORMATION:**

28 To the grandparent designated as attorney in fact:

29 (1) If a change in circumstances results in the child not living with you for more than six
30 weeks during a school term and such change is not due to hospitalization, vacation, study
31 abroad, or some reason otherwise acceptable to the school, you should notify in writing
32 the school in which you have enrolled the child and to which you have given this power
33 of attorney.

1 (2) You have the authority to act on behalf of the minor child until each parent who
2 executed the power of attorney for the care of the minor child revokes the power of
3 attorney in writing and provides notice of revocation to you as provided in Code Section
4 19-9-128.

5 (3) If you are made aware of the death of the parent who executed the power of attorney,
6 you must notify the surviving parent as soon as practicable. With the consent of the
7 surviving parent, or if the whereabouts of the surviving parent are unknown, the power
8 of attorney may continue for up to six months so that the child may receive consistent
9 care until more permanent custody arrangements are made.

10 (4) You may resign as agent by notifying each parent in writing by certified mail or
11 statutory overnight delivery, return receipt requested, and if you become unable to care
12 for the child, you shall cause such resignation to be communicated to the parent. If
13 communication with such parent is not possible, you must notify child protective services
14 or such government authority that is charged with assuring proper care of such minor
15 child.

16 To school officials:

17 (1) Except as provided in the policies and regulations of the county school board and the
18 federal No Child Left Behind Act, 20 U.S.C.A. Section 6301, et seq. and Section 7801,
19 et seq., this power of attorney, properly completed and notarized, authorizes the agent
20 grandparent named therein to enroll the child named therein in school in the district in
21 which the agent grandparent resides. That agent grandparent is authorized to provide
22 consent in all school related matters and to obtain from the school district educational and
23 behavioral information about the child. Furthermore, this power of attorney shall not
24 prohibit the parent of the child from having access to all school records pertinent to the
25 child.

26 (2) The school district may require such residency documentation as is customary in that
27 school district.

28 (3) No school official who acts in good faith reliance on a power of attorney for the care
29 of a minor child shall be subject to criminal or civil liability or professional disciplinary
30 action for such reliance.

31 To health care providers:

32 (1) No health care provider who acts in good faith reliance on a power of attorney for the
33 care of a minor child shall be subject to criminal or civil liability or professional
34 disciplinary action for such reliance.

1 (2) The parent continues to have the right to all medical, dental, and mental health records
2 pertaining to the minor child.'

3 Part 2

4 19-9-140.

5 This part shall be known and may be cited as the 'Grandchildren's Caregiver Subsidy Act.'

6 19-9-141.

7 As used in this part, the term:

8 (1) 'Area agency on aging' shall have the same meaning as provided in paragraph (2) of
9 Code Section 49-6-72.

10 (2) 'Department' means the Department of Human Resources.

11 (3) 'Division' means the Division of Aging Services of the Department of Human
12 Resources.

13 (4) 'Electronic funds transfer card' means a process of providing financial support
14 through the use of a card to which funds may be regularly added by electronic means and
15 for which restrictions on the use of such funds apply.

16 (5) 'Grandchild caregiver subsidy' means the aid provided on behalf of children under
17 the terms of this part.

18 (6) 'Grandparent' shall have the same meaning as provided in subsection (a) of Code
19 Section 19-7-3 and shall also mean the biological great-grandparent or
20 stepgreat-grandparent who is the parent or stepparent of a grandparent of a minor child.

21 (7) 'Parent' shall have the same meaning as provided in Code Section 19-3-37.

22 19-9-142.

23 (a) The department shall establish a program for providing a grandchild caregiver subsidy
24 to eligible persons pursuant to this part.

25 (b) Upon funds being appropriated by the General Assembly, the grandchild caregiver
26 subsidy shall be provided on behalf of any minor child:

27 (1) Who is in the legal custody or under temporary or permanent guardianship of a
28 grandparent or great-grandparent who resides in Georgia;

29 (2) Whose grandparent has an annual income less than 200 percent of the federal poverty
30 level for the number of dependents including grandchildren and great-grandchildren
31 living in the household;

1 (3) Whose grandchild or great grandchild receiving care has experienced hardship as
2 defined in Code Section 19-9-122 (B); and

3 (4) Who is participating in a grandparent raising grandchildren support program
4 sponsored by the area agency on aging for the regional area in which that grandparent
5 resides.

6 (c) Such grandparent meeting the criteria in subsection (b) of this Code section shall
7 receive a monthly grandchild caregiver subsidy equal to 80 percent of the state-wide
8 average foster care rate for each minor grandchild who is in the legal custody or under
9 temporary or permanent guardianship of such grandparent. Such grandparent shall remain
10 eligible for the grandchild caregiver subsidy for each month that such grandchild or
11 great-grandchild continues to live with the grandparent, provided that the other criteria
12 under this part are met.

13 (d) Any grandchild caregiver subsidy shall be provided to a grandparent for the benefit of
14 the grandchild or great-grandchild through use of an electronic funds transfer card or such
15 other means as the department shall determine appropriate if the electronic funds transfer
16 card is not a viable option for a grandparent and shall not affect the eligibility of the
17 grandchild or great-grandchild to receive Medicaid or PeachCare for Kids benefits or
18 benefits from any other state or federal program for which the grandchild or
19 great-grandchild would otherwise be eligible.

20 (e)(1) Grandparents in every area agency on aging region in this state may request
21 participation in this program.

22 (2) The department shall provide for the implementation of the program and shall ensure
23 that:

24 (A) No more than 1,500 families at any given time shall be participating in the
25 program;

26 (B) No later than the fifth day of each month the grandparent shall provide written
27 affirmation that the grandchild or great-grandchild continues to live in the grandparent's
28 household;

29 (C) Each area agency on aging confirms that the grandparent and grandchild are
30 continuing to participate in the grandparent support program;

31 (D) A periodic verification of eligibility to remain in the program shall be completed
32 at least annually for each family participating in the program;

33 (E) Each grandparent receiving the subsidy periodically affirms that the grandchild
34 caregiver subsidy funds are being used for the following permitted purposes:

35 (i) The purchase of goods, including categories of items such as clothing, food,
36 toiletries, diapers, school supplies, and other educational materials such as books and

1 other supplements, car seats, prescription drugs and over the counter medicines, and
 2 such other items as the department may determine appropriate; and

3 (ii) The purchase of services, including categories such as medical copayments,
 4 dental care, child care, school expenses, and activities fees, rent or housing related
 5 expenses, transportation expenses such as public transportation fares, car repairs,
 6 gasoline, or other transportation costs, and such other services as the department may
 7 determine appropriate; and

8 (F) The grandchild caregiver subsidy funds shall not be used for the purchase of
 9 tobacco products, liquor, beer, wine, lottery tickets, firearms, or any item or substance
 10 which is illegal for a minor to possess, receive, or consume.

11 (f) Any grandparent participating in the grandchild caregiver subsidy program who
 12 knowingly fails to comply with the requirements of the program or who knowingly fails
 13 to notify the department when the grandparent no longer meets the eligibility requirements
 14 for the grandchild caregiver subsidy program under subsection (c) of this Code section
 15 shall be punished in accordance with Georgia law and shall, in addition to all other
 16 remedies, repay all grandchild caregiver subsidy amounts paid during the period of
 17 ineligibility and all costs associated with any action taken by the department in connection
 18 with such ineligibility.

19 (g) A yearly status report shall be submitted from each area agency on aging grandparent
 20 support program to the department's division.

21 (h) The department shall provide for evaluation of the grandchild caregiver subsidy
 22 program during the first two years of the program if sufficient funding is appropriated for
 23 that purpose as a part of the grandchild caregiver subsidy program. The results of such
 24 evaluation shall be published to the General Assembly during the session following the
 25 second year of the evaluation."

26 SECTION 4.

27 Part 1 of Article 4 of Chapter 9 of Title 19 enacted by Section 3 of this Act shall be effective
 28 upon its approval by the Governor or its becoming law without the approval of the Governor.
 29 The remaining provisions of this Act shall become effective July 1, 2007.

30 SECTION 5.

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