

House Bill 1054

By: Representatives Cooper of the 41st, Manning of the 32nd, Butler of the 18th, Martin of the 47th, Willard of the 49th, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Children and Family Services Strengthening Act of 2008"; to amend Article
2 5 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Child
3 Advocate for the Protection of Children, so as to provide the necessary staffing and
4 administrative support to the Georgia Child Fatality Review Panel; to amend Chapter 14 of
5 Title 19 of the Official Code of Georgia Annotated, relating to child abuse and neglect
6 prevention, so as to transfer the functions of the Children's Trust Fund Commission to the
7 Governor's Office for Children and Families; to repeal Code Sections 19-14-2 through
8 19-14-9; to provide for the continued existence of the Children's Trust Fund; to amend
9 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, so
10 as to provide the Office of the Child Advocate for the Protection of Children with certain
11 responsibilities regarding administrative and staff support; to provide that the Georgia Child
12 Fatality Review Panel shall be attached to the Office of Planning and Budget; to amend
13 Article 6 of Chapter 5 of Title 49, relating to programs and protection for children, so as to
14 make legislative declarations; to provide for definitions; to establish the Governor's Office
15 for Children and Families; to provide such office with certain powers and responsibilities;
16 to provide for an executive director; to provide for an advisory board; to provide for revisions
17 for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for
18 other purposes.

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

20 **SECTION 1.**

21 This Act may be cited as the "Children and Family Services Strengthening Act of 2008."

22 **SECTION 2.**

23 The General Assembly finds that well-intentioned efforts over the years have resulted in the
24 creation of several agencies focused on preventing child abuse and juvenile delinquency, on
25 serving at-risk families and troubled youth, and on promoting the improvement of our state's

1 child welfare system. The General Assembly further finds that the work of some of these
 2 agencies overlaps, and that the at-risk families and troubled children of Georgia will be more
 3 efficiently and effectively served by consolidating the Children and Youth Coordinating
 4 Council with the Children's Trust Fund Commission, by placing the functions of the Georgia
 5 Child Fatality Review Panel under the supervision of the Child Advocate for the Protection
 6 of Children, and by encouraging these consolidated agencies to collaborate to create a
 7 consistent vision for serving the needs of our state's families in need.

8 **SECTION 3.**

9 Article 5 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the
 10 Child Advocate for the Protection of Children, is amended in Code Section 15-11-173,
 11 relating to duties, by adding a new paragraph (3) and renumbering the remaining paragraphs
 12 respectively.

13 "(3) Coordinate and supervise the work of the Georgia Child Fatality Review Panel
 14 created by Code Section 19-5-4 and provide such staffing and administrative support to
 15 the panel as may be necessary to enable the panel to carry out its statutory duties;"

16 **SECTION 4.**

17 Chapter 14 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse and
 18 neglect prevention, is amended by revising Code Section 19-14-1, relating to the short title
 19 for the "Child Abuse and Neglect Prevention Act," to read as follows:

20 "19-14-1.

21 ~~This chapter shall be known and may be cited as the 'Child Abuse and Neglect Prevention~~
 22 ~~Act.'~~ The functions and duties of the State Children's Trust Fund Commission are hereby
 23 transferred to the Governor's Office for Children and Families effective July 1, 2008. All
 24 action taken by the State Children's Trust Fund Commission prior to that date shall be
 25 considered valid, and the Governor's Office for Children and Families shall as of July 1,
 26 2008, assume all ongoing and continuing obligations of the Children's Trust Fund
 27 Commission. All personnel, supplies, records, materials, furniture, furnishings, books,
 28 equipment, and services of the Children's Trust Fund Commission shall be transferred to
 29 the office on July 1, 2008."

30 **SECTION 5.**

31 Said chapter is further amended by repealing Code Sections 19-14-2 through 19-14-9.

1 children and youth and juvenile justice and child welfare systems at all levels of state
2 government;

3 (2) That consolidating multiple child welfare and juvenile justice funding and policy
4 agencies into a single agency with authority to address the needs of at-risk children from
5 birth through adolescence will create a more unified, consistent approach to addressing
6 the needs of our state's children and youth; and

7 (3) Its intent to reduce the number of children committed by the courts to institutions
8 operated by the Department of Juvenile Justice and the Department of Human Resources
9 or other state agencies and to provide a preventative, comprehensive plan for the
10 development of community based alternatives so that children who have committed
11 delinquent acts and children who are at risk of becoming dependents of state government
12 and its institutions may not have to be committed to a state detention facility or other such
13 facility. Additionally, it is the intent of this article to provide for noninstitutional
14 disposition options in any case before the juvenile court where such disposition is deemed
15 to be in the best interest of the child and of the community.

16 49-5-131.

17 (a) As used in this article, the term:

18 (1) 'Board' means the advisory board to the Governor's Office for Children and Families
19 created pursuant to Code Section 49-5-134.

20 (2) 'Child' means a person under the age of 17 years or a person under the age of 18 years
21 who is alleged to be deprived or is alleged to be a status offender as those terms are
22 defined by Code Section 15-11-2.

23 (3) 'Delinquent act' means an act defined in paragraph (6) of Code Section 15-11-2;
24 provided, however, that such term shall not include a 'designated felony act' as such term
25 is defined in paragraph (2) of subsection (a) of Code Section 15-11-63.

26 (4) 'Director' means the executive director of the Governor's Office for Children and
27 Families.

28 (5) 'Fund' means the Children's Trust Fund created pursuant to Code Section 19-14-20.

29 (6) 'Neglect' means harm to a child's health or welfare by a person responsible for the
30 child's health or welfare which occurs through negligent treatment, including the failure
31 to provide adequate food, clothing, shelter, or medical care.

32 (7) 'Office' means the Governor's Office for Children and Families created pursuant to
33 Code Section 49-5-132.

34 (8) 'Prevention program' means a system of direct provision of child abuse and neglect
35 prevention services to a child, parent, or guardian and may include research or
36 educational programs related to prevention of child abuse and neglect.

1 49-5-132.

2 (a) There is established the Governor's Office for Children and Families which shall be
3 assigned to the Governor's Office of Planning and Budget for administrative purposes.

4 (b) The office shall be the successor entity to the Children and Youth Coordinating
5 Council and to the Children's Trust Fund Commission and shall assume the continuing
6 responsibilities, duties, rights, and authorities of those bodies, any law to the contrary
7 notwithstanding.

8 (c) The office may accept federal funds granted by Congress or executive order for the
9 purposes of the fund as well as gifts and donations from individuals, private organizations,
10 or foundations. The acceptance and use of federal funds does not commit state funds and
11 does not place an obligation upon the General Assembly to continue the purposes for which
12 the federal funds are made available. All funds received in the manner described in this
13 Code section shall be transmitted to the director of the Office of Treasury and Fiscal
14 Services for deposit in the fund to be disbursed as other moneys in such fund.

15 (d) The office is further vested with authority to carry out the following duties and
16 responsibilities in consultation with the board:

17 (1) To carry out the prevention and community based service programs as provided for
18 in Part 2 of this article;

19 (2) To carry out the duties relating to mentoring as provided for in Part 3 of this article;

20 (3) To cooperate with and secure cooperation of every department, agency, or
21 instrumentality in the state government or its political subdivisions in the furtherance of
22 the purposes of this article;

23 (4) To prepare, publish, and disseminate fundamental child related information of a
24 descriptive and analytical nature to all components of the children's service system of this
25 state, including, but not limited to, the juvenile justice system;

26 (5) To serve as a state-wide clearing-house for child related information and research;

27 (6) In coordination and cooperation with all components of the children's service
28 systems of this state, to develop legislative proposals and executive policy proposals
29 reflective of the priorities of the entire child related systems of this state, including, but
30 not limited to, child abuse injury prevention, treatment, and juvenile justice systems;

31 (7) To serve in an advisory capacity to the Governor on issues impacting the children's
32 service systems of this state;

33 (8) To coordinate high visibility child related research projects and studies with a
34 state-wide impact when those studies and projects cross traditional system component
35 lines;

1 (9) To provide for the interaction, communication, and coordination of all components
2 of the children's service systems of this state and to provide assistance in establishing
3 state-wide goals and standards in the system;

4 (10) To provide for the effective coordination and communication between providers of
5 children and youth services, including pediatrics, health, mental health, business and
6 industry, and all components of social services, education, and educational services;

7 (11) To encourage and facilitate the establishment of local commissions or coalitions on
8 children and youth and to facilitate the involvement of communities in providing services
9 for their children and youth;

10 (12) To review and develop an integrated state plan for services provided to children and
11 youth in this state through state programs;

12 (13) To provide technical assistance and consultation to members of the council and
13 local governments, particularly those involved in providing services to their children and
14 youth;

15 (14) To facilitate elimination of unnecessary or duplicative efforts, programs, and
16 services; and

17 (15) To do any and all things necessary and proper to enable it to perform wholly and
18 adequately its duties and to exercise the authority granted to it.

19 49-5-133.

20 (a) There shall be an executive director of the office who shall be appointed by and serve
21 at the pleasure of the Governor.

22 (b) The director may contract with other agencies, public or private, or persons as the
23 director deems necessary for the rendering and affording of such services, facilities,
24 studies, research, and reports as will best enable the office to carry out its functions,
25 responsibilities, and duties under this article. The director is specifically authorized to
26 enter cooperative contracts for the sharing of staff expertise and personnel with the Office
27 of the Child Advocate for the Protection of Children.

28 49-5-134.

29 (a) There is established an advisory board to the office which shall consist of at least 15
30 members appointed by the Governor who as a group have training, experience, or special
31 knowledge concerning the prevention and treatment of child abuse and neglect, emotional
32 disability, foster care, teenage pregnancy, juvenile delinquency, law enforcement,
33 pediatrics, health care, drug treatment and rehabilitation, early childhood, primary and
34 secondary education, or the administration of juvenile justice.

1 (b) At least one-fifth of the members of the board shall be under the age of 24 at the time
2 of their appointment, and at least three members shall have been or shall currently be under
3 the jurisdiction of the juvenile justice system or the foster care system. A single member
4 may fulfill both of the above requirements.

5 (c) Membership on the commission does not constitute public office and no member shall
6 be disqualified from holding public office by reason of his or her membership.

7 (d) The Governor shall designate a chairperson of the commission from among the
8 members who shall serve in that position at the pleasure of the Governor. The commission
9 may elect such other officers and committees as it considers appropriate.

10 (e) Members shall serve without compensation, although each member of the board shall
11 be reimbursed for actual expenses incurred in the performance of his or her duties from
12 funds available to the office. Such reimbursement shall be limited to all travel and other
13 expenses necessarily incurred through service on the board, in compliance with travel rules
14 and regulations. However, in no case shall a member of the board be reimbursed for
15 expenses incurred in the member's capacity as the representative of another state agency.

16 49-5-135.

17 (a) The board shall:

18 (1) Meet at such times and places as it shall determine necessary or convenient to
19 perform its duties. The board shall also meet on the call of the chairperson, the director,
20 or the Governor;

21 (2) Maintain minutes of its meetings;

22 (3) Adopt rules and regulations for the transaction of its business;

23 (4) In consultation with the office, establish criteria for determining eligibility for receipt
24 of disbursements from the fund;

25 (5) Review applications for disbursements of available money from the fund for child
26 abuse and neglect prevention purposes;

27 (6) In consultation with the office, administer federal assistance funds for the purposes
28 mentioned in this article, including but not limited to funds under the Juvenile Justice and
29 Delinquency Prevention Act;

30 (7) Maintain records of all expenditures of the funds received as gifts and donations, and
31 disbursements made, from the fund and from other state and federal funds;

32 (8) Conform to the standards and requirements prescribed by the state accounting officer
33 pursuant to Chapter 5B of Title 50;

34 (9) Using the combined expertise and experience of its members, provide regular advice
35 and counsel to the director to enable the office to carry out its statutory duties under this
36 article; and

1 (10) Carry out such duties of the office as may be required by federal law or regulation
 2 so as to enable the state to receive and disburse federal funds for child abuse prevention
 3 and treatment and juvenile delinquency prevention and treatment.

4 (b) The board may authorize the disbursement of available money from the fund after
 5 appropriation thereof to an entity or program eligible pursuant to the criteria of the office
 6 exclusively to fund a private nonprofit or public organization in the development or
 7 operation of a prevention program if all of the following conditions are met:

8 (1) The organization demonstrates broad based community involvement emphasizing
 9 volunteer efforts and demonstrates expertise in child abuse prevention issues;

10 (2) The organization demonstrates a willingness and ability to provide program models
 11 and consultation to organizations and communities regarding program development and
 12 maintenance; and

13 (3) Other conditions that the board may deem appropriate.

14 (c) Funds shall not be disbursed from the trust fund to any organization or other entity or
 15 for any purpose authorized in subsection (a) of this Code section until approved by the
 16 Governor; provided, however, that the Governor may not authorize the disbursement of
 17 funds to an organization or other entity which the office has not recommended for a grant."

18 **SECTION 9.**

19 Title 15 of the Official Code of Georgia Annotated, relating to the courts, is amended by
 20 replacing "Children and Youth Coordinating Council" with "Governor's Office for Children
 21 and Families" wherever the former occurs in:

22 (1) Code Section 15-5-81, relating to the Georgia Courts Automation Commission; and

23 (2) Code Section 15-11-79, relating to juvenile records.

24 **SECTION 10.**

25 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 26 agencies, is amended in Code Section 35-6A-3, relating to the Criminal Justice Coordinating
 27 Council, by replacing "Children and Youth Coordinating Council" with "Governor's Office
 28 for Children and Families" wherever the former occurs.

29 **SECTION 11.**

30 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 31 by replacing "Children and Youth Coordinating Council" with "Governor's Office for
 32 Children and Families" wherever the former occurs in:

33 (1) Code Section 49-5-155, relating to the receipt of federal grant funds;

34 (2) Code Section 49-5-156, relating to mentoring programs for youth;

- 1 (3) Code Section 49-5-224, relating to certain reports required by the Department of Human
2 Resources; and
3 (4) Code Section 49-5-227, relating to a coordinated system of care for children and youth.

4 **SECTION 12.**

5 Said title is further amended in Code Section 49-5-156, relating to mentoring programs for
6 youth, by replacing "council" with "office" wherever the former occurs.

7 **SECTION 13.**

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