

House Resolution 1307

By: Representative Hill of the 21st

A RESOLUTION

1 Creating the House Study Committee for the Protection of Abused and Neglected Children;
2 and for other purposes.

3 WHEREAS, the safety and welfare of Georgia's children is of critical importance; and

4 WHEREAS, such safety and welfare is dependent upon the laws established for the
5 protection of children and the procedures for reviewing child custody decisions; and

6 WHEREAS, Georgia's history is full of stories of tragedy involving the deaths of children
7 who were placed in temporary custody under the protective services of the Division of
8 Family and Children Services and cases where children were removed from loving foster
9 care parents and were unwisely returned to abusive biological parents; and

10 WHEREAS, many of these tragedies could have been avoided if our laws were better suited
11 to ensuring that all information regarding an abused or neglected child is made available to
12 a fact finder in a custodial case; and

13 WHEREAS, the greatest injustice in a legal system is a procedure that hides the truth of the
14 abusive treatment of a child; and

15 WHEREAS, individuals, foster parents, Division of Family and Children Services
16 employees, and law enforcement officers have witnessed these tragedies first hand and, in
17 order to make a difference, these individuals have come together and made recommendations
18 to improve Georgia's legal system in child custody cases; and

19 WHEREAS, the voices of these concerned individuals have too long been ignored; it is time
20 to seriously consider their pleas for statutory changes and create comprehensive legislation
21 for the protection of Georgia's children.

1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
2 there is created the House Study Committee for the Protection of Abused and Neglected
3 Children to be composed of 11 members. The Speaker of the House of Representatives shall
4 appoint five members of the House of Representatives as members of the committee and
5 shall designate one of such members as chairperson. The Speaker of the House of
6 Representatives shall appoint six additional members of the committee who shall include one
7 case worker from Division of Family and Children Services, one law enforcement official
8 from a local law enforcement agency who shall have experience investigating child abuse
9 cases, one prosecutor with experience prosecuting child abuse cases, the child advocacy
10 officer, a juvenile court judge with extensive experience in termination of parental rights
11 cases, and an attorney who shall be a member of the Georgia bar with extensive experience
12 in representing the best interest of a child in a child custody proceeding. The committee shall
13 meet at the call of the chairperson.

14 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
15 needs, issues, and problems mentioned above or related thereto and recommend any actions
16 or legislation which the committee deems necessary or appropriate. The committee shall
17 specifically undertake to consider the following legislative proposals based upon
18 recommendations from experienced individuals working in the child care area:

- 19 (1) Termination of parental rights where a parent or custodian has exhibited a pattern of
20 misbehavior resulting in permanent or serious injury to the child;
- 21 (2) Mandating that the termination of parental rights petition shall be filed within 12
22 months following placement of a child into temporary custody;
- 23 (3) Authorizing DNA testing of a male parent in a termination of parental rights proceeding
24 for the purpose of overriding a presumption that a husband of a wife at the time of a child's
25 birth is the biological father of the child where there is a basis for believing the male is not
26 the child's biological parent;
- 27 (4) Providing oversight of special assistant attorneys general appointed to represent the
28 Division of Family and Children Services in termination of parental rights hearings or
29 temporary custodial hearings;
- 30 (5) Providing for appeals to the superior court from a juvenile court decision in certain
31 cases involving the termination of parental rights;
- 32 (6) Clarifying the admission of evidence related to past parental misconduct in a
33 termination of parental rights case;
- 34 (7) Authorizing foster parents to attend termination of parental rights hearings;

- 1 (8) Mandating drug and alcohol testing for custodians of abused children under
2 investigation upon certain conditions that permit a finding that drug and alcohol use relates
3 to the abuse or neglect of the child; and
4 (9) Authorizing the child advocacy officer to have access to termination of parental rights
5 hearings, records, and case files.

6 BE IT FURTHER RESOLVED that the committee may conduct such meetings at such
7 places and at such times as it may deem necessary or convenient to enable it to exercise fully
8 and effectively its powers, perform its duties, and accomplish the objectives and purposes
9 of this resolution. The legislative members of the committee shall receive the allowances
10 provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. Citizen
11 members shall receive a daily expense allowance in the amount specified in subsection (b)
12 of Code Section 45-7-21 of the Official Code of Georgia Annotated as well as the mileage
13 or transportation allowance authorized for state employees. All other funds necessary to
14 carry out the provisions of this resolution shall come from funds appropriated to the House
15 of Representatives. The expenses and allowances authorized by this resolution shall not be
16 received by any member of the committee for more than five days unless additional days are
17 authorized. In the event the committee makes a report of its findings and recommendations,
18 with suggestions for proposed legislation, if any, such report shall be made on or before
19 December 31, 2008. The committee shall stand abolished on December 31, 2008.