

The House Committee on Special Rules offers the following substitute to HR 1701:

#### A RESOLUTION

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

3 WHEREAS, the interest of the child should be first and foremost in all of Georgia's child  
4 protection laws; and

5 WHEREAS, the safety and welfare of Georgia's children is dependent upon the laws  
6 established for the protection of children and the procedures for reviewing child custody  
7 decisions; and

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

12 WHEREAS, moreover, this state is not immune from the horrible and tragic stories of child  
13 abuse and child sexual exploitation; and

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

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

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

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

4 WHEREAS, the interests of Georgia's children must be #1 in Georgia's child protection  
5 laws.

6 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
7 there is created the House Study Committee for the Protection of Abused and Neglected  
8 Children to be composed of five members. The Speaker of the House of Representatives  
9 shall appoint five members of the House of Representatives as members of the committee  
10 and shall designate one of such members as chairperson. The committee shall elicit the  
11 views from experts who shall include case workers from Division of Family and Children  
12 Services, law enforcement officials from local law enforcement agencies who shall have  
13 experience investigating child abuse cases, prosecutors with experience prosecuting child  
14 abuse cases, the child advocacy officer, juvenile court judges with extensive experience in  
15 termination of parental rights cases, and attorneys who shall be a member of the Georgia bar  
16 with extensive experience in representing the best interest of a child in a child custody  
17 proceeding. The committee shall meet at the call of the chairperson.

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

- 23 (1) Termination of parental rights where a parent or custodian has exhibited a pattern of  
24 misbehavior resulting in permanent or serious injury to the child;
- 25 (2) Mandating that the termination of parental rights petition shall be filed within 12  
26 months following placement of a child into temporary custody;
- 27 (3) Authorizing DNA testing of a male parent in a termination of parental rights  
28 preceding for the purpose of overriding a presumption that a husband of a wife at the time  
29 of a child's birth is the biological father of the child where there is a basis for believing  
30 the male is not the child's biological parent;
- 31 (4) Providing oversight of special assistant attorneys general appointed to represent the  
32 Division of Family and Children Services in termination of parental rights hearings or  
33 temporary custodial hearings;

1 (5) Providing for appeals to the superior court from a juvenile court decision in certain  
2 cases involving the termination of parental rights;

3 (6) Clarifying the admission of evidence related to past parental misconduct in a  
4 termination of parental rights case;

5 (7) Authorizing foster parents to attend termination of parental rights hearings;

6 (8) Mandating drug and alcohol testing for custodians of abused children under  
7 investigation upon certain conditions that permit a finding that drug and alcohol use  
8 relates to the abuse or neglect of the child; and

9 (9) Authorizing the child advocacy officer to have access to termination of parental  
10 rights hearings, records, and case files.

11 In addition, the study committee should undertake to study and evaluate current law and  
12 government policies and practices related to the sexual exploitation of children, particularly  
13 the commercialization of child sexual exploitation, and the need to improve such laws,  
14 policies, and practices. The study committee should also study and evaluate whether  
15 additional regulation of the adult entertainment industry is warranted to minimize the  
16 secondary effects of such industry relating to children, such as child prostitution and  
17 commercial exploitation of children.

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