

House Bill 1054 (AS PASSED HOUSE AND SENATE)

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 amend An Act amending Title 19 of the Official Code of
18 Georgia Annotated, relating to domestic relations, establishing the State Children's Trust
19 Fund and the State Children's Trust Fund Commission, approved April 16, 1987 (Ga. L.
20 1987, p. 1133), as amended by an Act approved April 27, 1999 (Ga. L. 1999, p. 520), so as
21 to repeal a section regarding an automatic repealer; to provide for related matters; to repeal
22 conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

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

SECTION 5.

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

SECTION 6.

Said chapter is further amended by revising Code Section 19-14-20, relating to the creation of the State Children's Trust Fund, to read as follows:

"19-14-20.

The State Children's Trust Fund is created as a separate fund in the state treasury. The fund shall be expended only as provided in this chapter and in Part 1 of Article 6 of Chapter 5 of Title 49, and the State Children's Trust Fund shall continue in existence until repealed by the legislature."

SECTION 7.

Said chapter is further amended by revising Code Section 19-14-23, relating to issuance of warrants regarding disbursements from the Children's Trust Fund, as follows:

"19-14-23.

Disbursements made pursuant to Code Section ~~19-14-9~~ 49-5-135 shall be paid out of the Children's Trust Fund in the state treasury by warrant of the Governor."

SECTION 8.

Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is amended in Code Section 19-15-4, relating to the Georgia Child Fatality Review Panel, by revising subsection (b) to read as follows:

~~"(b) The panel shall be attached for administrative purposes only to the Department of Human Resources. Notwithstanding any provision in Code Section 50-4-3 to the contrary, the State Children's Trust Fund Commission shall provide such staff support as may be necessary to enable the panel to discharge its duties under the law~~ The Office of the Child Advocate for the Protection of Children shall coordinate the work of the panel and shall provide such administrative and staff support to the panel as may be necessary to enable the panel to discharge its duties under this chapter. The panel shall be attached to the Office of Planning and Budget for administrative purposes, and its planning, policy, and budget functions shall be coordinated with those of the Office of the Child Advocate."

SECTION 9.

Article 6 of Chapter 5 of Title 49, relating to programs and protection for children, is amended by striking Part 1 in its entirety and inserting in lieu thereof a new Part 1 to read as follows:

"Part 1

49-5-130.

The General Assembly finds and declares:

(1) That the future of this state depends on our supporting and nurturing the creation and development of strong, safe, stable, and successful families. Therefore, the General Assembly is committed to ensuring the provision of appropriate services to children, youth, and families. The intent of this article is to provide for the effective coordination and communication between providers of prevention and early intervention services for children and youth and juvenile justice and child welfare systems at all levels of state government;

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

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

49-5-131.

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

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

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

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

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

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

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

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

9 49-5-132.

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

12 (b) The office shall be the successor entity to the Children and Youth Coordinating
 13 Council and to the Children's Trust Fund Commission and shall assume the continuing
 14 responsibilities, duties, rights, staff, contracts, debts, liabilities, and authorities of those
 15 bodies, any law to the contrary notwithstanding.

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

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

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

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

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

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

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

35 (6) In coordination and cooperation with all components of the children's service
 36 systems of this state, to develop legislative proposals and executive policy proposals

1 reflective of the priorities of the entire child related systems of this state, including, but
2 not limited to, child abuse injury prevention, treatment, and juvenile justice systems;

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

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

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

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

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

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

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

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

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

26 49-5-133.

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

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

1 49-5-134.

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

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

12 (c) Membership on the advisory board does not constitute public office and no member
13 shall be disqualified from holding public office by reason of his or her membership.

14 (d) The advisory board shall elect a chairperson from among its membership. The
15 advisory board may elect such other officers and committees as it considers appropriate.

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

23 49-5-135.

24 (a) The advisory board shall:

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

28 (2) Maintain minutes of its meetings;

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

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

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

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

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

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

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

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

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

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

17 (2) The organization demonstrates a willingness and ability to provide program models
 18 and consultation to organizations and communities regarding program development and
 19 maintenance; and

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

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

25 **SECTION 10.**

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

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

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

31 **SECTION 11.**

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

