

The House Committee on Judiciary offers the following substitute to SB 350:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the
2 Department of Human Services, so as to establish a pilot program relating to the privatization
3 of certain child welfare services; to provide for legislative findings; to provide for
4 definitions; to provide for a final report; to provide for contingent effectiveness; to provide
5 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 The General Assembly finds that:

- 10 (1) The Division of Family and Children Services ("DFCS") of the Department of Human
11 Services has responsibility for the planning, administration, and management of the state's
12 child welfare programs;
- 13 (2) Currently, DFCS relies heavily on private agencies, including the placement of almost
14 half of the children in Georgia's foster care by private child placing agencies;
- 15 (3) Georgia is developing strategic plans, carried out in partnership with an array of allied
16 state agencies, formal and informal collaborators, community based providers, families and
17 children served, and concerned citizens, to respond to the evolving needs of children and
18 families and continuous quality improvement; and
- 19 (4) Increasing the number and array of community based services to allow more children
20 to remain safely in their homes or to transition more quickly back home or to a new
21 adoptive family, as appropriate, should result in reduced recurrence of maltreatment and
22 reduced child deaths associated with abuse and neglect.

23 SECTION 2.

24 Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department
25 of Human Services, is amended by adding a new Code section to read as follows:

26 "49-2-18.

27 (a) As used in this Code section, the term:

28 (1) 'Child welfare services' means those services relating to programs and protection for
29 children and youth conducted pursuant to Chapter 5 of this title, including, but not limited
30 to, adoption services, foster care, and case management services; provided, however, that
31 child welfare services shall not include services related to child protection investigations.

32 (2) 'Division' means the Division of Family and Children Services of the Department of
33 Human Services.

34 (b) Beginning July 1, 2014, the division shall conduct a two-year pilot program for the
35 purpose of evaluating whether child welfare programs and child welfare services should
36 be privatized state wide and identifying which programs and services should be privatized.
37 The pilot program shall be established in up to three regional service areas identified by the
38 division based on the number of children in congregate care in the service area, the degree
39 of problems in the provision of child welfare services in the service areas, or any other
40 appropriate factors determined by the division; provided, however, that the services
41 provided shall not exceed 35 percent of all child welfare services provided in the regional
42 service area. The division shall establish a request for proposals for the purpose of entering
43 into a contract with one or more private entities to provide child welfare services for the
44 communities in the pilot program regional service area or areas. Such request for proposal
45 shall delineate the requirements and criteria for the provision of child welfare services. The
46 request for proposals shall be developed with local community participation, including, but
47 not limited to, input from community based providers, foster parents, members of the faith
48 community, adults who were provided care in Georgia's foster care system, and child
49 advocacy organizations that are currently under contract with the division to furnish foster
50 care and adoption services.

51 (c) In contracting for the delivery of child welfare services, the division shall retain
52 responsibility for the quality of contracted services and programs and shall ensure that
53 services are delivered in accordance with applicable federal and state laws and regulations.
54 In addition, any contract entered into pursuant to the pilot program shall require adherence
55 to nationally recognized child welfare performance outcome measures.

56 (d) The division shall adopt written policies and procedures for monitoring the contract for
57 delivery of services by private entities. Such policies and procedures shall address, at a
58 minimum, the following:

59 (1) Evaluation of fiscal accountability and program operations, including achievement
60 of performance standards, monitoring of subcontractors, and timely follow-up of
61 corrective actions for significant findings;

- 62 (2) Reduction of the duplication of the division's program monitoring activities, both
 63 internally and with other agencies, to the extent possible; and
- 64 (3) Communication of the written findings, conclusions, and recommendations from
 65 monitoring the contract for services to the division, as expeditiously as possible.
- 66 (e) The division shall evaluate the pilot program and submit a report regarding quality
 67 performance, outcome measure attainment, and cost efficiency results of the pilot program
 68 to the Governor, Lieutenant Governor, and Speaker of the House of Representatives no
 69 later than July 1, 2016. Such report shall also include recommendations as to expansion
 70 of the pilot program state wide and identification of services which should be included in
 71 privatization efforts. The outcome measures should include, but not be limited to:
- 72 (1) Increase in permanency for all infants, children, and youth by reducing time in foster
 73 placements when possible and promoting a successful transition to adulthood for older
 74 youth;
- 75 (2) Increase in positive outcomes for infants, children, youth, and families in their homes
 76 and communities and improvement of the safety and well-being of infants, children, and
 77 youth; and
- 78 (3) Prevention of child abuse and neglect and the reentry of infants, children, and youth
 79 into foster care.
- 80 (f) The division shall be authorized to establish such rules and regulations as may be
 81 necessary or desirable in order to execute the pilot program.
- 82 (g) This Code section shall become effective only if the Administration for Children and
 83 Families of the United States Department of Health and Human Services approves a federal
 84 Title IV-E waiver demonstration project, if necessary."

85 **SECTION 2.**

86 This Act shall become effective upon its approval by the Governor or upon its becoming law
 87 without such approval.

88 **SECTION 3.**

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