

The Senate Health and Human Services Committee offered the following substitute to HB 913:

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 provide for the bidding out of child welfare services
3 state wide through contracts with community based providers; to provide for definitions; to
4 provide for qualifications for contractors; to provide for contract standards; to provide for a
5 review; to provide for procedures; to provide for related matters; to provide for a contingent
6 effective date; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

12 "ARTICLE 3

13 49-2-30.

14 As used in this article, the term:

15 (1) 'Applicant' means a faith based or community based organization that seeks to
16 provide child welfare services under this article.

17 (2) 'Child welfare services' means adoption, family preservation, independent living,
18 emergency shelter, residential group care, foster care, therapeutic foster care, intensive
19 residential treatment, foster care supervision, case management, post-placement
20 supervision, and family reunification.

21 (3) 'Commission' means the Child Welfare Services Planning Commission.

22 (4) 'Division' means the Division of Family and Children Services.

23 (5) 'Lead agency' means a faith based or community based agency selected under this
24 article to manage and provide child welfare services.

25 49-2-31.

26 (a) There shall be created the Child Welfare Services Planning Commission. The
27 commission shall be composed of 11 members, who shall represent local community
28 participation and input through community based providers, foster parents, members of the
29 faith community, adults who were provided care in Georgia's foster care system, and child
30 advocacy organizations that are currently under contract with the division to furnish foster
31 care and adoption services. Members of the commission shall be appointed as follows: five
32 shall be appointed by, and serve at the pleasure of, the Governor, three shall be appointed
33 by, and serve at the pleasure of, the Lieutenant Governor, and three shall be appointed by,
34 and serve at the pleasure of, the Speaker of the House of Representatives.

35 (b) The commission, with advice from the division, shall submit a plan to the Governor
36 and the General Assembly to competitively bid the provision of child welfare services
37 through fixed price contracts with a limited number of lead agencies. Each lead agency
38 shall represent a community equal to one or more of the 15 service regions of the division.
39 The plan shall be submitted by January 1, 2015, and shall be phased in over a two-year
40 period beginning July 1, 2015.

41 (c) In cooperation with the commission, the division shall seek approval of a federal Title
42 IV-E Waiver Demonstration Project through the Administration for Children and Families
43 of the United States Department of Health and Human Services to implement and receive
44 fixed funding to accomplish the purposes of this article.

45 (d) The commission should be guided by the following principles in designing the plan to
46 competitively bid the provision of child welfare services with lead agencies:

47 (1) Each lead agency should have the ability to manage or provide all necessary child
48 welfare services through a local network of providers, but the lead agency should directly
49 provide no more than 35 percent of all child welfare services in the region;

50 (2) Each lead agency should have the ability to ensure continuity of care from entry to
51 exit for all children referred from the protective investigation and court systems, along
52 with the capability and willingness to demonstrate accountability for meeting the
53 outcomes and performance standards related to child welfare services established by the
54 Governor and the General Assembly;

55 (3) Each lead agency should receive payment by the division of a reasonable monthly
56 administrative rate to operate the lead agency and a case rate per child calculated as the
57 total appropriated funds allocated for child welfare services during the prior fiscal year
58 divided by the monthly average number of children served in the same fiscal year, but

59 there should be a penalty with the case rate per child for the lead agency as regards
 60 children who return to the lead agency for foster care within 12 months of achieving
 61 permanency, either through reunification, permanent guardianship, or adoption;

62 (4) The division should retain responsibility for the quality of contracted services and
 63 programs and should ensure that services are delivered in accordance with applicable
 64 federal and state statutes and regulations. The division should monitor and maintain
 65 accountability for the lead agency contracts through standard provisions including, but
 66 not limited to, termination in the event of default by the lead agency or lack of sufficient
 67 funding for the child welfare services;

68 (5) Each lead agency should give a hiring preference to persons employed by the
 69 division in the provision of child welfare services whose positions might shift to lead
 70 agencies under this article if the employee meets the lead agency's qualifications;

71 (6) The division should not transfer services to a lead agency until the division, in
 72 consultation with the local community, has conducted a readiness assessment of the
 73 region and lead agency to ensure the lead agency is prepared to deliver and be
 74 accountable for such services. The readiness assessment should evaluate the operational
 75 ability of the region and lead agency based on a set of uniform criteria developed in
 76 consultation with currently operating faith based and community based organizations and
 77 reflecting national accreditation standards, which evaluate programmatic, financial,
 78 technical assistance, training, and organizational competencies, along with criteria
 79 reflective of the priorities of the local community; and

80 (7) The division, in consultation with the lead agencies, should establish a quality
 81 assurance program for competitively bid services based on nationally recognized
 82 standards and should report to the public on a monthly basis each lead agency's
 83 performance on federal outcome measures and outcome measures established by the
 84 Governor and the General Assembly. The report should be made available, at a
 85 minimum, in a conspicuous location on the division's website.

86 (e) This article shall cease to be effective if the Administration for Children and Families
 87 of the United States Department of Health and Human Services does not approve a federal
 88 Title IV-E Waiver Demonstration Project to implement and receive fixed funding to
 89 accomplish the purposes of this article."

90 **SECTION 2.**

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

93 **SECTION 3.**

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