

The Senate Health and Human Services Committee offered the following substitute to HB 914:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so
2 as to provide that certain school personnel who are required to report child abuse shall be
3 notified by the department or governmental child protective agency upon receipt of such
4 report and upon completion of its investigation; to provide for the bidding out of child
5 welfare services state wide through contracts with community based providers; to provide
6 for definitions; to provide for qualifications for contractors; to provide for contract standards;
7 to provide for a review; to provide for procedures; to provide for related matters; to provide
8 for a contingent effective date; to provide for an effective date; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
12 by revising subsection (a) of Code Section 49-5-41, relating to persons and agencies
13 permitted access to records, by adding a new paragraph to read as follows:

14 "(5.1) Within 24 hours of a school employee making a report of suspected child abuse
15 pursuant to Code Section 19-7-5, the department or governmental child protective agency
16 that received such report shall acknowledge, in writing, the receipt of such report to the
17 reporting individual. Within five days of completing the investigation of the suspected
18 child abuse, the department or governmental child protective agency shall disclose, in
19 writing, to the school counselor for the school such child was attending at the time of the
20 reported child abuse, advising as to whether the suspected child abuse was confirmed or
21 unconfirmed. If a school does not have a school counselor, such disclosure shall be made
22 to the principal;"
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SECTION 2.

Said title is further amended in Chapter 2, relating to the Department of Human Services, by adding a new article to read as follows:

"ARTICLE 3

49-2-30.

As used in this article, the term:

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

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

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

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

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

49-2-31.

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

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

(c) In cooperation with the commission, the division shall seek approval of a federal Title IV-E Waiver Demonstration Project through the Administration for Children and Families

58 of the United States Department of Health and Human Services to implement and receive
59 fixed funding to accomplish the purposes of this article.

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

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

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

70 (3) Each lead agency should receive payment by the division of a reasonable monthly
71 administrative rate to operate the lead agency and a case rate per child calculated as the
72 total appropriated funds allocated for child welfare services during the prior fiscal year
73 divided by the monthly average number of children served in the same fiscal year, but
74 there should be a penalty with the case rate per child for the lead agency as regards
75 children who return to the lead agency for foster care within 12 months of achieving
76 permanency, either through reunification, permanent guardianship, or adoption;

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

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

86 (6) The division should not transfer services to a lead agency until the division, in
87 consultation with the local community, has conducted a readiness assessment of the
88 region and lead agency to ensure the lead agency is prepared to deliver and be
89 accountable for such services. The readiness assessment should evaluate the operational
90 ability of the region and lead agency based on a set of uniform criteria developed in
91 consultation with currently operating faith based and community based organizations and
92 reflecting national accreditation standards, which evaluate programmatic, financial,
93 technical assistance, training, and organizational competencies, along with criteria
94 reflective of the priorities of the local community; and

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

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

105 **SECTION 3.**

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

108 **SECTION 4.**

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