

House Bill 887 (COMMITTEE SUBSTITUTE)

By: Representatives Efstration of the 104th, Ballinger of the 23rd, Quick of the 117th, Caldwell of the 131st, Abrams of the 89th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Articles 3 and 4 of Chapter 11 of Title 15 of the Official Code of Georgia
2 Annotated, relating to dependency proceedings and termination of parental rights,
3 respectively, so as to prioritize the placement of a child with an adult who is a relative or
4 fictive kin when such individual is qualified to care for such child and it is in the best
5 interests of the child; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
10 dependency proceedings, is amended by revising subsection (e) of Code Section 15-11-135,
11 relating to placement in eligible foster care, as follows:

12 ~~"(e) In any case in which a child is taken into protective custody of DFCS, such child shall~~
13 ~~be placed together;~~

14 (1) DFCS shall give preference for placement to an adult who is a relative or fictive kin
15 over a nonrelated caregiver, provided that the such relative or fictive kin has met all
16 requirements for a DFCS relative or fictive kin placement and such placement is in the
17 best interests of the child; and

18 (2) Such child shall be placed together with his or her siblings who are also in protective
19 custody or DFCS shall include a statement in its report and case plan of continuing efforts
20 to place the siblings together or document why such joint placement would be contrary
21 to the safety or well-being of any of the siblings. If siblings are not placed together,
22 DFCS shall provide for frequent visitation or other ongoing interaction between siblings,
23 unless DFCS documents that such frequent visitation or other ongoing interaction would
24 be contrary to the safety or well-being of any of the siblings."

25 **SECTION 2.**

26 Said article is further amended by revising paragraph (3) of subsection (b) of Code Section
27 15-11-146, relating to preliminary protective hearing and findings, as follows:

28 "(3) On finding that the complainant has met the burden prescribed in subsection (a) of
29 this Code section, may place the child before the court in the temporary custody of DFCS
30 pending the hearing on the dependency petition. DFCS shall prioritize temporary
31 placement with an adult who is a relative or fictive kin, provided that such individual has
32 met DFCS's requirements for relative placement and such temporary placement is in the
33 best interests of such child."

34 **SECTION 3.**

35 Said article is further amended by revising subparagraph (a)(2)(A) of Code Section
36 15-11-212, relating to disposition of a dependent child, as follows:

37 "(A) Any individual, including a biological parent, who, after study by the probation
38 officer or other person or agency designated by the court, is found by the court to be
39 qualified to receive and care for such child, provided that priority for placement is given
40 to an adult who is a relative or fictive kin;"

41 **SECTION 4.**

42 Article 4 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
43 termination of parental rights, is amended by revising subsection (a) of Code Section
44 15-11-321, relating to custody of child following termination proceedings or surrender of
45 parental rights, as follows:

46 "(a) When a court enters an order terminating the parental rights of a parent or accepts a
47 parent's voluntary surrender of parental rights, or a petition for termination of parental
48 rights is withdrawn because a parent has executed an act of surrender in favor of the
49 department, a placement may be made only if the court finds that such placement is in the
50 best interests of the child and in accordance with such child's court approved permanency
51 plan created pursuant to Code Sections 15-11-231 and 15-11-232. In determining which
52 placement is in a child's best interests, the court shall initially attempt to place the child
53 with an adult who is a relative or fictive kin, if such individual is willing and found by the
54 court to be qualified to receive and care for such child. In determining which placement
55 is in a child's best interests, the court shall enter findings of fact reflecting its consideration
56 of the following:

- 57 (1) Such child's need for a placement that offers the greatest degree of legal permanence
58 and security;
- 59 (2) The least disruptive placement for such child;

- 60 (3) Such child's sense of attachment and need for continuity of relationships;
61 (4) The value of biological and familial connections; and
62 (5) Any other factors the court deems relevant to its determination."

63

SECTION 5.

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