

Senate Bill 170

By: Senators Hill of the 6th, Shafer of the 48th, Hufstetler of the 52nd, Gooch of the 51st, Brass of the 28th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
2 programs and protection for children and youth, so as to provide for the certification of
3 volunteers to provide child care services for foster children and their families; to provide for
4 limited immunity; to provide for a short title; to provide for legislative findings; to provide
5 for definitions; to provide for the establishment by the Department of Human Services of a
6 uniform certification system including varying levels of certification; to provide for statutory
7 construction; to establish the Georgia SERVES Act Advisory Committee and provide for its
8 membership and duties; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and
13 protection for children and youth, is amended in Code Section 49-5-3, relating to definitions
14 relative to children and youth services, by revising paragraph (16) as follows:

15 "(16) 'Reasonable and prudent parent standard' means the standard characterized by
16 careful and sensible parental decisions that maintain the health, safety, and best interests
17 of a child while at the same time encouraging the emotional and developmental growth
18 of the child, that a caregiver shall use when determining whether to allow a child in foster
19 care under the responsibility of the department to participate in extracurricular,
20 enrichment, cultural, and social activities, including but not limited to allowing the child
21 to be placed in the temporary care of a Georgia SERVES Volunteer pursuant to Article
22 1A of this chapter."

23 **SECTION 2.**

24 Said chapter is further amended in Code Section 49-5-12, relating to licensing and inspection
 25 of child welfare agencies, standards, revocation or refusal of license, penalties, and
 26 violations, by revising subsection (a) as follows:

27 "(a) As used in this Code section, the term 'child welfare agency' means any child-caring
 28 institution, child-placing agency, children's transition care center, or maternity home. This
 29 term shall not include any private entity under contract with the department to certify
 30 Georgia SERVES Volunteers pursuant to Article 1A of this chapter, but which are not
 31 directly involved in child care or child placement under this chapter."

32 **SECTION 3.**

33 Said chapter is further amended by revising Code Section 49-5-12.2, relating to immunity
 34 from liability, as follows:

35 "49-5-12.2.

36 Any caregiver or other entity under contract with the department, including Georgia
 37 SERVES Volunteer or any entity that contracts to certify Georgia SERVES Volunteers
 38 pursuant to Article 1A of this chapter, shall be immune from civil liability as a result of a
 39 caregiver's approval of the participation of a child, who is in the custody of the department,
 40 in an age or developmentally appropriate activity, so long as such caregiver or Georgia
 41 SERVES Volunteer or other entity under contract with the department acts in accordance
 42 with the reasonable and prudent parent standard. No provision in any agreement between
 43 the department and a caregiver, a Georgia SERVES Volunteer, or an entity under contract
 44 with the department shall diminish the standard of care provided in this Code section."

45 **SECTION 4.**

46 Said chapter is further amended by adding a new article to read as follows:

47 "ARTICLE 1A

48 49-5-30.

49 This article shall be known and may be cited as the 'Georgia SERVES Act of 2017.'

50 49-5-31.

51 It is the intent of the General Assembly to remove barriers to participation in the foster care
 52 system and streamline involvement of Georgians in volunteering at different levels to
 53 provide increased and improved care options and support for children in state care. The
 54 intent of this article is to streamline the process, without reducing in any way the ability of

55 the Department of Human Services and its partners to protect children in care. Properly
 56 implemented, this system will increase the number of volunteers helping with the foster
 57 care system and aid in retention of volunteers by allowing volunteers to move between
 58 child-placing agencies and levels of involvement seamlessly. The focus shall be on
 59 normalcy and enabling opportunities for social development, recreation, academic growth,
 60 and positive life experiences, based on a child's desires and developmental, emotional,
 61 physical, and other needs and in consideration of the child's current circumstances at the
 62 time of foster care placement. This will also decrease the burden on the state and county
 63 departments of family and children services to manage volunteers and allow for more
 64 efficient transition of volunteers between child placement agencies.

65 49-5-32.

66 As used in this article, the term:

67 (1) 'Babysitting' means intermittent daytime or evening care, not lasting more than 12
 68 hours and not including overnight care or regular daytime care.

69 (2) 'Caregiver' shall have the same meaning as in Code Section 49-5-3.

70 (3) 'Child-placing agency' shall have the same meaning as in Code Section 49-5-3.

71 (4) 'Georgia SERVES Volunteer' or 'volunteer' means an individual certified pursuant
 72 to this article to provide varying degrees of support for foster families, including, but not
 73 limited to, babysitting or respite care for foster children, free of charge.

74 (5) 'Interim caregiver' means a Level III volunteer certified to provide respite care.

75 (6) 'Respite care' means emergency or short-term care lasting more than 24 hours, but
 76 not more than 72 hours.

77 49-5-33.

78 (a) The department shall establish, with input from the Georgia SERVES Act Advisory
 79 Committee established pursuant to Code Section 49-5-35, a uniform certification system
 80 and guidelines for individuals serving as volunteers for foster children and their families
 81 in this state. The department shall ensure that the system provides for coordination within
 82 the department between the Division of Family and Children Services, the Office of
 83 Residential Child Care, and any other appropriate divisions or offices to provide for a
 84 seamless process for volunteers to become certified pursuant to this article and to serve as
 85 a volunteer for any child-placing agency or the department. The department shall establish
 86 three certification levels for volunteers, as follows:

87 (1) Level I shall include the ability of a volunteer to have brief interactions with a foster
 88 child;

- 89 (2) Level II shall include the ability of a volunteer to providing babysitting services for
90 a foster family; and
- 91 (3) Level III shall include the ability of a volunteer to serve as an interim caregiver to
92 provide respite care for a foster family.
- 93 (b) The department shall provide for issuance of a photo identification card with an
94 expiration date and level of certification to each Georgia SERVES Volunteer certified
95 pursuant to this chapter.
- 96 (c) All volunteers shall be subject to fingerprint and criminal background checks pursuant
97 to Code Section 49-5-69.1.
- 98 (d) The department shall establish specific requirements for each level of volunteer,
99 including, but not limited to, the following:
- 100 (1) Training requirements for each level of volunteers as appropriate, including, but not
101 limited to, a minimum of two hours of online or in-person training, initially and annually
102 thereafter. Such training may include, as determined appropriate by the department for
103 each level, best standards for care, safety issues, mandatory reporting requirements, and
104 caring for children with therapeutic needs; and
- 105 (2) Home inspections or modified home inspections for Level III volunteers who will
106 serve as interim caregivers and provide respite care in their homes.
- 107 (e) The department shall be authorized to impose a reasonable fee to cover the costs of
108 certifying volunteers pursuant to this article.
- 109 (f) The department shall establish a state-wide data base of certified volunteers which can
110 be used to match available volunteers to child-placing agencies upon request.
- 111 (g) The department may contract with one or more outside entities to assist in establishing
112 and administering the uniform certification system established pursuant to this Code
113 section.
- 114 (h) At least every two years, the department shall review and update, as necessary, the
115 certification system and guidelines established pursuant to this article for the certification
116 of volunteers.
- 117 49-5-34.
- 118 (a) A child-placing agency may accept any volunteer certified at the appropriate level to
119 provide services as needed, regardless of any other child-placing agency affiliation of the
120 volunteer.
- 121 (b) Caregivers of foster children shall be given full autonomy to apply the reasonable and
122 prudent parent standard, as defined in Code Section 49-5-3, in engaging the services of
123 Georgia SERVES Volunteers.

124 (c)(1) Nothing in this article shall prevent a child-placing agency from requiring
125 additional standards for its volunteers providing babysitting services and respite care for
126 foster families.

127 (2) Nothing in this article shall be construed to require a child-placing agency to accept
128 any volunteer certified pursuant to this article for use by such child-placing agency.

129 49-5-35.

130 (a) The Georgia SERVES Act Advisory Committee is established to advise the department
131 on establishing a uniform certification system and guidelines for individuals serving as
132 volunteers for foster children and their families in this state pursuant to this article.

133 (b) The committee shall be composed of nine persons, as follows:

134 (1) The director of the Division of Family and Children Services of the department or his
135 or her designee;

136 (2) The director of the Governor's Office for Children and Families or his or her
137 designee;

138 (3) The director of the Office of the Child Advocate for the Protection of Children or his
139 or her designee;

140 (4) The following members to be appointed by the Speaker of the House of
141 Representatives:

142 (A) One representative from a child-placing agency;

143 (B) One current foster parent; and

144 (C) One licensed member of the State Bar of Georgia with expertise in child placement
145 or child welfare services; and

146 (5) The following members to be appointed by the President of the Senate:

147 (A) One representative from a county department of family and children services;

148 (B) One representative from an organization that partners with the department or
149 child-placing agencies to provide foster volunteers; and

150 (C) One former dependent child or youth, as defined in Code Section 49-5-3, who
151 spent at least one year in foster care.

152 (c) The terms of the committee appointments shall be for two years. The appointments
153 shall be made as soon as feasible, but not later than August 1, 2017. The committee shall
154 meet once a month or as needed and shall make recommendations to the department on
155 guidelines and certification requirements no later than July 1, 2018, and every two years
156 thereafter. The members of the committee shall elect a chairperson and a vice chairperson
157 who shall serve for two-year terms in such office.

158 (d) Citizen members shall receive a daily expense allowance in the amount specified in
159 subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance
160 authorized for state employees.

161 (e) Staff support shall be provided by the department's Division of Family and Children
162 Services."

163 **SECTION 5.**

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