

House Bill 982

By: Representatives Nimmer of the 178<sup>th</sup>, LaRiccia of the 169<sup>th</sup>, Ballinger of the 23<sup>rd</sup>, Corbett of the 174<sup>th</sup>, Rhodes of the 120<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to dependency proceedings, so as to change provisions relating to relative searches  
3 conducted by DFCS; to change provisions relating to termination of parental rights; to  
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
8 dependency proceedings, is amended by revising subsection (e) of Code Section 15-11-211,  
9 relating to relative search by DFCS, as follows:

10 "(e) After the completion of the diligent search required by this Code section, DFCS shall  
11 have a continuing duty to search for relatives or ~~other persons who have demonstrated an~~  
12 ~~ongoing commitment to a child and~~ fictive kin with whom it may be appropriate to place  
13 the alleged dependent child until such relatives or ~~persons~~ fictive kin are found or until  
14 such child is placed for adoption unless the court excuses DFCS from conducting a diligent  
15 search. If the court finds, within six months of the date of such child's removal from his  
16 or her home, that the diligent search efforts by DFCS have not resulted in identification of  
17 any relatives or fictive kin who are willing to provide a permanent home for such child, that  
18 such child is living with a foster parent in a stable home environment, and that removal of  
19 such child from such foster parent would be detrimental to such child's emotional  
20 well-being, the court may excuse DFCS from the continuing duty to search for relatives or  
21 fictive kin."

22 style="text-align:center">**SECTION 2.**

23 Said article is further amended by revising subsection (a) of Code Section 15-11-233, relating  
24 to termination of parental rights and exceptions, as follows:

25 "(a)(1) Except as provided in subsection (b) of this Code section, the court shall order  
 26 DFCS shall to file a petition to terminate the parental rights of a parent of a child  
 27 adjudicated as a dependent child ~~or, if such a petition has been filed by another party,~~  
 28 ~~seek to be joined as a party to the petition,~~ and, concurrently, to identify, recruit, process,  
 29 and approve a qualified family for an adoption if:

30 ~~(1)(A)~~ (A) A child adjudicated as a dependent child has been in foster care under the  
 31 responsibility of DFCS for 15 of the most recent 22 months;

32 ~~(2)(B)~~ (B) The court has made a determination that the parent has subjected his or her child  
 33 to aggravated circumstances; ~~or~~

34 ~~(3)(C)~~ (C) The court has made a determination that the parent of a child adjudicated as a  
 35 dependent child has been convicted of:

36 ~~(A)(i)~~ (i) The murder of another child of such parent;

37 ~~(B)(ii)~~ (ii) Murder in the second degree of another child of such parent;

38 ~~(C)(iii)~~ (iii) Voluntary manslaughter of another child of such parent;

39 ~~(D)(iv)~~ (iv) Voluntary manslaughter of the other parent of such child;

40 ~~(E)(v)~~ (v) Aiding or abetting, attempting, conspiring, or soliciting to commit murder or  
 41 voluntary manslaughter of another child of such parent;

42 ~~(F)(vi)~~ (vi) Aiding or abetting, attempting, conspiring, or soliciting to commit murder or  
 43 voluntary manslaughter of the other parent of such child; or

44 ~~(G)(vii)~~ (vii) Committing felony assault that has resulted in serious bodily injury to such  
 45 child or to another child of such parent; or

46 (D) Pursuant to a court order, the child has been in foster care under the responsibility  
 47 of DFCS for a cumulative period of 12 months or longer and the parent substantially  
 48 neglected or willfully refused to remedy the circumstances that caused the child to be  
 49 in foster care.

50 (2) If a petition to terminate parental rights has been filed by another party, DFCS shall  
 51 seek to be joined as a party to such petition."

52 **SECTION 3.**

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