

The Senate Committee on Health and Human Services offered the following substitute to HB 972:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 and Code Section 49-5-8 of the Official Code of Georgia
2 Annotated, relating to the Juvenile Code and powers and duties of the Department of Human
3 Services, respectively, so as to allow the Division of Family and Children Services of the
4 Department of Human Services to offer extended care youth services to youths between 18
5 and 21 years of age under certain circumstances; to change a definition; to clarify juvenile
6 court jurisdiction and the termination of dependency orders; to provide for voluntary
7 agreements for services and court oversight; to change provisions relating to the Department
8 of Human Services' powers and duties; to amend Part 1 of Article 3 of Chapter 11 of Title
9 15 of the Official Code of Georgia Annotated, relating to general provisions relative to
10 dependency proceedings, so as to require certain information be provided to a caregiver,
11 foster parent, preadoptive parent, or relative by DFCS upon placement of a child; to provide
12 for related matters; to provide for effective dates; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

17 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
18 Code, is amended by revising paragraph (10) of Code Section 15-11-2, relating to definitions,
19 as follows:

20 "(10) 'Child' means any individual who is:

21 (A) Under the age of 18 years;

22 (B) Under the age of 17 years when alleged to have committed a delinquent act;

23 (C) ~~Under the age of 22 years and in the care of DFCS as a result of being adjudicated~~
24 ~~dependent before reaching 18 years of age;~~ Between 18 and 21 years of age and
25 receiving extended care youth services from DFCS; or

26 ~~(D) Under the age of 23 years and eligible for and receiving independent living~~
 27 ~~services through DFCS as a result of being adjudicated dependent before reaching 18~~
 28 ~~years of age; or~~

29 ~~(E) Under the age of 21 years who committed an act of delinquency before reaching~~
 30 ~~the age of 17 years and who has been placed under the supervision of the court or on~~
 31 ~~probation to the court for the purpose of enforcing orders of the court."~~

32 **SECTION 1-2.**

33 Said chapter is further amended by revising subparagraph (F) of paragraph (1) of Code
 34 Section 15-11-10, relating to exclusive original jurisdiction, as follows:

35 ~~"(F) Has remained in foster care after such child's eighteenth birthday or who is~~
 36 ~~receiving independent living services from DFCS after such child's eighteenth birthday;~~
 37 ~~provided, however, that such jurisdiction shall be for the purpose of reviewing the~~
 38 ~~status of such child and the services being provided to such child as a result of such~~
 39 ~~child's independent living plan or status as a child in foster care~~ Is receiving extended
 40 care youth services; provided, however, that such jurisdiction shall be for the purpose
 41 of reviewing the status of the case, determining that extended care youth services are
 42 in the best interests of such child, adopting a transition plan for such child, ensuring the
 43 provision of developmentally appropriate services and supports consistent with such
 44 plans, and determining whether reasonable efforts are being made to transition such
 45 child to independent living or another planned permanent adult living arrangement; or"

46 **SECTION 1-3.**

47 Said chapter is further amended by revising paragraph (16) of subsection (b) of Code Section
 48 15-11-201, relating to DFCS case plan contents, as follows:

49 "(16) A requirement that the DFCS case manager and staff and, as appropriate, other
 50 representatives of such child provide him or her with assistance and support in
 51 developing a transition plan that is personalized at the direction of such child, including
 52 specific options on housing, health insurance, education, local opportunities for mentors
 53 and continuing support services, and ~~work force~~ workforce supports and employment
 54 services, and is as detailed as such child may elect. The transition plan shall be
 55 completed in the 90 day period:

56 ~~(A) Immediately~~ immediately prior to the date on which such child will attain 18 years
 57 of age; or

58 ~~(B) If such child remains in the care of DFCS past his or her eighteenth birthday,~~
 59 ~~before his or her planned exit from DFCS care."~~

60 **SECTION 1-4.**

61 Said chapter is further amended by revising subsection (c) of Code Section 15-11-214,
62 relating to duration of disposition orders, as follows:

63 ~~"(c) Unless a child remains in DFCS care or continues to receive services from DFCS,~~
64 ~~when~~ When a child adjudicated as a dependent child reaches 18 years of age, all orders in
65 connection with dependency proceedings affecting him or her then in force terminate and
66 he or she shall be discharged from further obligation or control."

67 **SECTION 1-5.**

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

69 "ARTICLE 4A

70 15-11-340.

71 (a) A child may receive extended care youth services from DFCS. In order to receive such
72 services, he or she must be between 18 and 21 years of age, sign a voluntary placement
73 agreement with DFCS, and meet objective eligibility criteria established by DFCS, which
74 shall include one or more of the following requirements:

75 (1) Be completing secondary education or a program leading to an equivalent credential;

76 (2) Be enrolled in an institution which provides postsecondary or vocational education;

77 (3) Be a participant in a program or activity designed to promote or remove barriers to
78 employment;

79 (4) Be employed for at least 120 hours per month;

80 (5) Be employed for 80 hours per month, provided that he or she is also engaged in one
81 of the activities described in paragraphs (1) through (3) of this subsection or can only
82 work 80 hours per month due to a medical condition; or

83 (6) Be incapable of doing any of the activities described in paragraphs (1) through (5)
84 of this subsection due to a medical condition.

85 (b) When a child is receiving extended care youth services from DFCS, a DFCS case
86 manager and staff, other representatives of such child and, as appropriate, such child shall
87 develop a transition plan that is personalized at the direction of such child, including an
88 option to execute a durable power of attorney for health care, health care proxy, or other
89 similar document recognized by law with respect to health care and specific options on
90 housing, health insurance, education, local opportunities for mentors and continuing
91 support services, and workforce supports and employment services, and is as detailed as
92 such child may elect. Such transition plan shall be completed within 30 days of the child
93 agreeing to such services and shall be updated as required by this article.

94 (c) A child may terminate a voluntary placement agreement and stop receiving extended
95 care youth services at any time.

96 (d) Every 60 days, a DFCS case manager shall determine if a child is still eligible for
97 extended care youth services. If DFCS determines that a child is no longer eligible for
98 extended care youth services, DFCS may terminate the voluntary placement agreement
99 with such child and stop providing extended care youth services. DFCS shall provide
100 written or electronic notice to such child regarding such termination and to the court that
101 approved such services.

102 (e) A child who is within 12 months of becoming 21 years of age shall not be permitted
103 to sign a voluntary placement agreement with DFCS for extended care youth services.

104 15-11-341.

105 (a) No later than 120 days after a voluntary placement agreement is signed by a child,
106 DFCS shall file with the court a written report which shall contain the following:

107 (1) The child's name, date of birth, race, gender, and current address;

108 (2) Facts to support a finding that the child meets the eligibility criteria for extended care
109 youth services and an explanation as to why it is in the child's best interests to receive
110 extended care youth services;

111 (3) A copy of the signed voluntary placement agreement;

112 (4) A plan for such child to transition to independent living or another planned
113 permanent adult living arrangement which is appropriate for the age and independence
114 of the child using a form adopted by DFCS;

115 (5) Any information the child wants the court to consider; and

116 (6) Any other information DFCS wants the court to consider.

117 (b) Within 30 days of the filing of the written report required by this Code section, the
118 court shall hold a review hearing and make written findings of fact for the purpose of
119 determining whether extended care youth services are in the best interests of such child.

120 The court shall issue an order with regard to the child having extended care youth services
121 if it has determined that such services are in the best interests of the child and, as
122 appropriate, approve or reject the plan for transition to independent living or another
123 planned permanent adult living arrangement submitted by DFCS.

124 15-11-342.

125 (a) When a child is receiving services under this article, the date such child is considered
126 to have entered foster care shall be 60 days after such child signed the voluntary placement
127 agreement.

128 (b)(1) No later than 12 months after a child is considered to have entered foster care, the
 129 court shall hold a hearing and make findings of fact for the purpose of determining
 130 whether:

131 (A) The services and supports provided by DFCS under the child's voluntary placement
 132 agreement are developmentally appropriate;

133 (B) DFCS has made reasonable efforts to finalize the child's plan for transition to
 134 independent living or another planned permanent adult living arrangement; and

135 (C) The child is making progress toward achieving independence.

136 (2) The court shall issue an order adopting or rejecting any updated transition plan for
 137 such child.

138 (c) So long as a child is eligible for and remains in extended care youth services, the court
 139 shall conduct periodic review hearings and make written findings of fact in accordance
 140 with subsection (b) of this Code section no later than 12 months following the previous
 141 hearing. Such periodic review hearings shall continue so long as such child is eligible for
 142 and remains in extended care youth services.

143 (d) Five days prior to any hearing conducted under this Code section, DFCS shall submit
 144 a report for the court's consideration, on a form adopted by DFCS, recommending a plan
 145 for transition to independent living or another permanent planned adult living arrangement
 146 and include the child's name, address, and telephone number, the date he or she entered
 147 extended care youth services, and the placement and services being provided for such child.

148 (e) Within the 90 day period prior to a child no longer receiving extended care youth
 149 services from DFCS, a DFCS case manager and staff, and other representatives of such
 150 child and, as appropriate, such child shall develop a final transition plan that is personalized
 151 at the direction of such child, including an option to execute a durable power of attorney
 152 for health care, health care proxy, or other similar document recognized by law with
 153 respect to health care and specific options on housing, health insurance, education, local
 154 opportunities for mentors and continuing support services, and workforce supports and
 155 employment services, and is as detailed as such child may elect."

156 **PART II**

157 **SECTION 2-1.**

158 Code Section 49-5-8 of the Official Code of Georgia Annotated, relating to the powers and
 159 duties of the Department of Human Services, is amended in subsection (a) by deleting "and"
 160 at the end of paragraph (10), by replacing the period with "; and" at the end of paragraph
 161 (11), and by adding a new paragraph to read as follows:

162 "(12) Extended care youth services for youths between 18 and 21 years of age as set forth
 163 in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for
 164 providing such services in accordance with 42 U.S.C. Section 675, as it existed on
 165 February 1, 2018."

166 **PART III**
 167 **SECTION 3-1.**

168 Part 1 of Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
 169 relating to general provisions relative to dependency proceedings, is amended by revising
 170 Code Section 15-11-109, relating to notice of hearings to specified nonparties, as follows:

171 "15-11-109.

172 (a) In advance of each hearing or review, DFCS shall give written notice of the date, time,
 173 place, and purpose of the review or hearing, including the right to be heard, to the caregiver
 174 of a child, the foster parent of a child, any preadoptive parent, or any relative providing
 175 care for a child. The written notice shall be delivered to the recipient at least 72 hours
 176 before the review or hearing, except in the case of preliminary protective hearings or
 177 emergency hearings when such notice is not possible, by United States mail, e-mail, or
 178 hand delivery.

179 (b) Notice of a hearing or review shall not be construed to require a legal custodian, foster
 180 parent, preadoptive parent, or relative caring for a child to be made a party to the hearing
 181 or review solely on the basis of such notice and opportunity to be heard.

182 (c) Upon placement of a child, DFCS shall provide the caregiver, foster parent,
 183 preadoptive parent, or relative providing care for such child with the following information
 184 in writing:

185 (1) At the time of placement, if available, but no later than 30 days after the child is
 186 placed in the home or facility:

187 (A) A copy of or recommendations from the child's most recent physical and dental
 188 examinations and any available information on the child's known medical conditions
 189 and current medications;

190 (B) A copy of or recommendations from the child's most recent developmental
 191 assessment, trauma assessment, and psychological evaluation;

192 (C) A copy of any court scheduling order or the dates and times for any scheduled
 193 hearings relating to the child; and

194 (D) Health insurance information for the child, including the child's Medicaid number.

195 Provision of records in accordance with this paragraph shall not be considered a violation
 196 of subsection (b) of Code Section 49-5-40; and

