

The Senate Committee on Health and Human Services offered the following substitute to HB 982:

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 reasonable efforts
3 by DFCS to preserve or reunify families; to change provisions relating to relative searches
4 conducted by DFCS; to change provisions relating to termination of parental rights; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 (f) of Code Section 15-11-202,
9 relating to reasonable efforts by DFCS to preserve or reunify families, as follows:
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11 "(f)(1) When determining whether reasonable efforts have been made, the court shall
12 consider whether services to the child alleged to be or adjudicated as a dependent child
13 and his or her family were:

14 ~~(1)(A)~~ Relevant to the safety and protection of such child;

15 ~~(2)(B)~~ Adequate to meet the needs of such child and his or her family;

16 ~~(3)(C)~~ Culturally and linguistically appropriate;

17 ~~(4)(D)~~ Available and accessible;

18 ~~(5)(E)~~ Consistent and timely; and

19 ~~(6)(F)~~ Realistic under the circumstances.

20 (2) When determining whether reasonable efforts have been made to finalize an
21 alternative permanent home for a child adjudicated as a dependent child, the court shall
22 consider whether DFCS has completed the diligent search required by subsection (e) of
23 Code Section 15-11-211 and has provided notice as required by subsection (c) of Code
24 Section 15-11-211."

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SECTION 2.

Said article is further amended by revising subsections (d) and (e) of Code Section 15-11-211, relating to relative search by DFCS, as follows:

"(d) The diligent search required by this Code section and the notification required by subsection (c) of this Code section shall be completed, documented in writing, and filed with the court within 30 days from the date on which the alleged dependent child was removed from his or her home and at each periodic review hearing required by Code Section 15-11-216.

(e) After the completion of the diligent search required by this Code section, DFCS shall have a continuing duty to search for relatives or other persons who have demonstrated an ongoing commitment to a child and with whom it may be appropriate to place the alleged dependent child until such relatives or persons are found or until such child is placed for adoption unless the court excuses DFCS from conducting a diligent search. If a relative entitled to notice pursuant to subsection (c) of this Code section fails, within six months of the date he or she received such notice, to affirm an interest in providing a permanent home for such child, the court may excuse DFCS from the continuing duty to consider such relative as a permanent placement."

SECTION 3.

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

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

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

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

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

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

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

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

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

60 ~~(E)(v)~~ Aiding or abetting, attempting, conspiring, or soliciting to commit murder or
61 voluntary manslaughter of another child of such parent;
62 ~~(F)(vi)~~ Aiding or abetting, attempting, conspiring, or soliciting to commit murder or
63 voluntary manslaughter of the other parent of such child; or
64 ~~(G)(vii)~~ Committing felony assault that has resulted in serious bodily injury to such
65 child or to another child of such parent; or
66 (D) Pursuant to a court order, the child has been in foster care under the responsibility
67 of DFCS for a cumulative period of 12 months or longer and the parent substantially
68 neglected or willfully refused to remedy the circumstances that caused the child to be
69 in foster care.
70 (2) If a petition to terminate parental rights has been filed by another party, DFCS shall
71 seek to be joined as a party to such petition."

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SECTION 4.

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