

Senators Ligon of the 3rd, McKoon of the 29th, Harbin of the 16th, Stone of the 23rd, Anderson of the 24th and others offered the following amendment:

NOT GERMANE

1 *Amend the Senate substitute to HB 972 (LC 37 2661S) by adding after "child;" on line 11 the*
 2 *following:*

3 to amend Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated,
 4 relating to children and youth services, so as to allow a child-placing agency to decline to
 5 accept a referral from the department and decline to perform services not referred under a
 6 contract with the department based on the child-placing agency's sincerely held religious
 7 beliefs; to prevent the department from discriminating against or causing any adverse action
 8 against a child-placing agency based on its sincerely held religious beliefs; to provide for
 9 assertion of such rights; to provide a definition; to provide for a short title; to provide for
 10 legislative findings;

11 *By replacing lines 209 through 211 with the following:*

12 Part IV of this Act shall be known and may be cited as the "Keep Faith in Adoption and
 13 Foster Care Act."

SECTION 4-2.

14 The General Assembly finds that maintaining a diverse network of adoption and foster care
 15 service providers which accommodate children from various cultural backgrounds is a high
 16 priority of this state such that reasonable accommodations should be made to allow people
 17 of different geographical regions, backgrounds, and beliefs to remain within and become a
 18 part of such network. The General Assembly finds that it is important that decisions
 19 regarding the placement of children be made using the best interests of the child standard,
 20 including using child-placing organizations best able to provide for a child's physical,
 21 psychological, spiritual, and emotional needs and development. The General Assembly finds
 22 that child-placing agencies have the right to provide services in accordance with the agencies'
 23 sincerely held religious beliefs.
 24

SECTION 4-3.

25 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
 26 children and youth services, is amended by adding a new Code section to read as follows:

27 "49-5-25.
 28

29 (a) As used in this Code section, the term 'adverse action' means an action that results in,
30 directly or indirectly, the denial of funding; the refusal to renew funding; the cancellation
31 of funding; the denial of a contract for services; the refusal to renew a contract for services;
32 the cancellation of a contract for services; the denial of a license; the refusal to renew a
33 license; the cancellation of a license; an enforcement action; deterrence or prevention of
34 reasonable actions; and any other similar action that materially alters the terms of funding,
35 a contract, or a license.

36 (b) When making referrals for adoption or foster care services to child-placing agencies
37 under contract with the department, the department shall use its best efforts to refer services
38 to a child-placing agency that is able to provide such services. If a child-placing agency
39 declines to accept the department's referral, the department shall not use such declination
40 in determining whether such referral is in the best interests of the child. To the extent
41 allowed by federal law, including compliance with the Americans with Disabilities Act and
42 Title VI of the Civil Rights Act of 1964, a child-placing agency may decline to accept a
43 referral of a prospective adoptive or foster family for adoption or foster care services under
44 a contract with the department based on the child-placing agency's sincerely held religious
45 beliefs. If a child-placing agency declines to accept a referral, the department shall
46 immediately refer those services to another child-placing agency. The department shall not
47 take any adverse action against a child-placing agency or an organization that seeks to
48 become a child-placing agency on the basis, wholly or partly, that such child-placing
49 agency or organization has declined to accept a referral for adoption or foster care services
50 that do not comply with such child-placing agency's or organization's sincerely held
51 religious beliefs.

52 (c) For services not referred under a contract with the department, a child-placing agency
53 may decline to perform any service for a prospective adoptive or foster family that conflicts
54 with the child-placing agency's sincerely held religious beliefs, and the department shall
55 not take any adverse action against such child-placing agency for declining to perform such
56 service.

57 (d) The department or child-placing agency may assert this Code section as a defense in
58 any judicial or administrative proceeding and otherwise allowed by law. Nothing in this
59 Code section shall be construed to constitute a waiver of sovereign immunity of the state
60 or any of its boards, departments, bureaus, or agencies, or any officer or employee thereof."

61

PART V

62

SECTION 5-1.

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This part and Parts II through IV of this Act shall become effective on July 1, 2018, and

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Part I of this Act shall become effective on July 1, 2020.

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SECTION 5-2.