

Senate Bill 167

By: Senators Brass of the 28th, Kirk of the 13th, Watson of the 1st, Unterman of the 45th and Thompson of the 14th

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-211 of the Official Code of Georgia Annotated, relating to
2 relative search by DFCS, so as to provide that a foster placement for a child adjudicated as
3 a dependent child may be deemed as the child's fictive kin in determining such child's
4 permanency plan; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

9 "(e)(1) After the completion of the diligent search required by this Code section, DFCS
10 shall have a continuing duty to search for relatives or ~~other persons who have~~
11 demonstrated an ongoing commitment to a child and fictive kin with whom it may be
12 appropriate to place the alleged dependent child until such relatives or persons fictive kin
13 are found or until such child is placed for adoption unless the court excuses DFCS from
14 conducting a diligent search.

15 (2) If the court finds, within the six months of the date of such child's removal from his
16 or her home, that reasonable diligent search efforts conducted by DFCS have not resulted
17 in identification of any relatives or fictive kin who are willing and able to provide a
18 permanent home for such child and that such child is living with a foster parent, in a
19 stable home environment, and that removal of such child from such foster parent would
20 be detrimental to such child's emotional well-being and best interests as defined by Code
21 Section 15-11-26, the court may determine that continued placement of the child with
22 such foster parent is a preferred placement over any later identified relative or fictive kin
23 presented by DFCS as a result of their continuing duty to search for relatives or fictive
24 kin. In all cases in which the child has reached the age of 11, the judge shall consider the
25 desires of the child.

26 (3) Except where confirmed safety and welfare concerns exist, if a child has been in such
27 a stable foster placement for 12 months or more, a presumption shall exist that remaining
28 in such placement is in the child's best interests."

29 **SECTION 2.**

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