

The House Committee on Juvenile Justice offers the following substitute to SB 167:

**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 under the Juvenile Code, so as to provide for reasonable
3 efforts in determining a permanent home; to provide relative search requirements; to provide
4 for continuation of placements; to amend Code Section 15-11-321 of the Official Code of
5 Georgia Annotated, relating to custody of child following termination proceedings or
6 surrender of parental rights, so as to provide for determining placements in the best interests
7 of the child; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
11 dependency proceedings under the Juvenile Code, is amended by revising subsection (f) of
12 Code Section 15-11-202, relating to reasonable efforts by DFCS to preserve or reunify
13 families, as follows:

14 "(f)(1) When determining whether reasonable efforts have been made, the court shall
15 consider whether services to the child alleged to be or adjudicated as a dependent child
16 and his or her family were:

17 (A) Relevant to the safety and protection of such child;

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

19 (C) Culturally and linguistically appropriate;

20 (D) Available and accessible;

21 (E) Consistent and timely; and

22 (F) Realistic under the circumstances.

23 (2) In determining whether reasonable efforts have been made to finalize an alternative
24 permanent home for a child adjudicated dependent, the court shall also consider whether
25 DFCS has completed the diligent search required by subsection (e) of Code Section

26 15-11-211 and has provided notice to persons identified in such diligent search as
27 required by subsection (c) of Code Section 15-11-211."

SECTION 2.

29 Said article is further amended by revising subsections (d) and (e) of Code Section
30 15-11-211, relating to relative search by DFCS, as follows:

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

36 (e) After the completion of the diligent search required by this Code section, DFCS shall
37 have a continuing duty to search for relatives or other persons who have an ongoing
38 commitment to a child and with whom it may be appropriate to place the alleged dependent
39 child until such relatives or persons are found or until such child is placed for adoption
40 unless the court excuses DFCS from conducting a diligent search. If a relative entitled to
41 notice under subsection (c) of this Code section fails, within six months from the date he
42 or she receives the required notice, to demonstrate an interest in and willingness to provide
43 a permanent home for a child, the court may excuse DFCS from considering such relative
44 as a placement."

SECTION 3.

46 Said article is further amended by adding a new subsection to and by revising subsections
47 (f) and (g) of Code Section 15-11-215, relating to notice of change in placement hearings,
48 as follows:

49 "(f) If the court finds that the child has been living in a stable home environment with his
50 or her current caregivers for the past 12 months and that removal of the child from such
51 caregivers would be detrimental to the child's emotional well-being, the court may presume
52 that continuation of the child's placement with his or her current caregivers is in the child's
53 best interests and shall enter a finding that a change of placement is a failure by DFCS to
54 make reasonable efforts to finalize the permanency plan which is in effect at the time of the
55 hearing.

56 (f)(g) Placement or a change of legal custody by the court outside DFCS shall relieve
57 DFCS of further responsibility for a child adjudicated as a dependent child except for any
58 provision of services ordered by the court to ensure the continuation of reunification
59 services to such child's family when appropriate.

60 (g)(h) A placement change shall not include a temporary absence from the child's
61 identified and ongoing foster care placement, including, but not limited to, visitation with
62 a friend, sibling, relative, or other caretaker, including a pre-placement visit to a possible
63 foster or adoptive placement; hospitalization for medical, acute psychiatric episodes or
64 diagnosis; respite care when the child is expected to return to his or her foster care
65 placement; day or overnight camp; temporary travel with the foster family or child care
66 institution personnel, church, school, or other persons or groups approved by DFCS; trial
67 home visits with the court's permission, if required by subsection (b) of Code Section
68 15-11-212; and runaway episodes."

SECTION 4.

70 Code Section 15-11-321 of the Official Code of Georgia Annotated, relating to custody of
71 child following termination proceedings or surrender of parental rights, is amended by
72 revising subsection (a) as follows:

73 "(a) When a court enters an order terminating the parental rights of a parent or accepts a
74 parent's voluntary surrender of parental rights, or a petition for termination of parental
75 rights is withdrawn because a parent has executed an act of surrender in favor of the
76 department, a placement may be made only if the court finds that such placement is in the
77 best interests of the child and in accordance with such child's court approved permanency
78 plan created pursuant to Code Sections 15-11-231 and 15-11-232. ~~In determining which~~
79 ~~placement is in a child's best interests, the court shall initially attempt to place the child~~
80 ~~with an adult who is a relative or fictive kin, if such individual is willing and found by the~~
81 ~~court to be qualified to receive and care for such child.~~ In determining which placement
82 is in a child's best interests, the court shall enter findings of fact reflecting its consideration
83 of the following:

- 84 (1) Such child's need for a placement that offers the greatest degree of legal permanence
85 and security;
86 (2) The least disruptive placement for such child;
87 (3) Such child's sense of attachment and need for continuity of relationships;
88 (4) The value of biological and familial connections; and
89 (5) Any other factors the court deems relevant to its determination."

SECTION 5.

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