

The Senate Committee on Judiciary offered the following substitute to HB 472:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 general provisions of the Juvenile Code, so as to revise procedures concerning removal  
3 considerations; to provide for definitions; to provide that the Department of Juvenile Justice  
4 staff acting as juvenile court intake officers may not make determinations concerning alleged  
5 dependent children; to participate in training; to provide that before a juvenile court removes  
6 a child from the child's parent, guardian, or legal custodian and places the child in protective  
7 custody, the court shall consider whether there are reasonable temporary alternatives to foster  
8 care; to permit the court to order temporary alternatives to foster care ex parte, prior to  
9 preliminary protective hearings; to provide that the juvenile court may order temporary  
10 alternatives to foster care following a preliminary protective hearing; to provide time limits  
11 for preliminary protective hearings and adjudicatory hearings when a temporary alternative  
12 to foster care is ordered; to provide considerations for less restrictive placements; to amend  
13 Titles 15, 17, and 35 of the Official Code of Georgia Annotated, relating to courts, criminal  
14 procedure, and law enforcement, so as to revise provisions relating to a uniform  
15 misdemeanor citation; to create the Georgia Council on Criminal Justice Reform and provide  
16 for its members, chairperson, other officers, committees, staff, funding, duties, powers, and  
17 sunset of such commission; to provide for a definition; to provide for related matters; to  
18 provide for an effective date; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**PART I**  
21 style="text-align:center">**SECTION 1-1.**

22 Chapter 11 of Title 15 of the Georgia Code Annotated, relating to general provisions of the  
23 Juvenile Code, is amended by revising paragraph (33) of and adding a new paragraph to  
24 Code Section 15-11-2, relating to definitions, as follows:

25 "(33) 'Fictive kin' means a person who is ~~known to a child as a relative, but is not, in fact,~~  
 26 ~~related by blood or marriage to such child and with whom such child has resided or had~~  
 27 ~~significant contact~~ not related to the child by blood, marriage, or adoption but who prior  
 28 to his or her placement in foster care is known to the family, has a substantial and positive  
 29 relationship with the child, and is willing and able to provide a suitable home for the  
 30 child."

31 "(73.1) 'Temporary alternatives to foster care' means measures that a juvenile court may  
 32 order in lieu of removal of or placement of a child or children alleged to be dependent in  
 33 protective custody which will prevent or reduce the trauma or removal; allow a child to  
 34 be cared for by persons with whom the child has an existing bond or attachment; or that  
 35 ensure the safety of the child pending further action by the court on the dependency  
 36 complaint or petition."

### 37 SECTION 1-2.

38 Said chapter is further amended by revising subsection (b) of and adding a new subsection  
 39 to Code Section 15-11-68, relating to the duties of juvenile court intake officers, to read as  
 40 follows:

41 "(b) Notwithstanding subsection (a) of this Code section, DJJ, as the employer, shall  
 42 maintain sole authority over the duties and responsibilities of all DJJ staff members serving  
 43 as juvenile court intake officers. No DJJ staff member shall serve as a juvenile court intake  
 44 officer in a dependency proceeding commenced under Article 3 of this chapter.

45 (c) Each juvenile court intake officer exercising the authority to remove a child pursuant  
 46 to the provisions of Articles 1 and 3 of this chapter shall first successfully complete, each  
 47 year, eight hours of appropriate training relevant to the performance of such  
 48 determinations, including, but not limited to, training concerning contrary to the welfare  
 49 determinations, reasonable efforts to prevent removal of a child and diligent search  
 50 requirements consistent with Article 3 of this chapter, reasonable alternatives to foster care,  
 51 and DFCS policies and procedures related to the removal of a child and placement of such  
 52 child in foster care."

### 53 SECTION 1-3.

54 Said chapter is further amended by revising Code Section 15-11-133, relating to removal of  
 55 children from home and protective custody, as follows:

56 "15-11-133.

57 (a) A child may be removed from his or her home, without the consent of his or her  
 58 parents, guardian, or legal custodian:

59 (1) Pursuant to an order of the court under this article; or

- 60 (2) By a law enforcement officer or duly authorized officer of the court if a child is in  
 61 imminent danger of abuse or neglect if he or she remains in the home.
- 62 (b) Upon removing a child from his or her home, a law enforcement officer or duly  
 63 authorized officer of the court shall:
- 64 (1) Immediately deliver such child to a medical facility if such child is believed to suffer  
 65 from a serious physical condition or illness which requires prompt treatment, and, upon  
 66 delivery, shall promptly contact DFCS;
- 67 (2) Bring such child immediately before the juvenile court or promptly contact a the  
 68 juvenile court intake officer; and
- 69 (3) Promptly give notice to the court and such child's parents, guardian, or legal  
 70 custodian that such child is in protective custody, together with a statement of the reasons  
 71 for taking such child into protective custody.
- 72 (c) The removal of a child from his or her home by a law enforcement officer shall not be  
 73 deemed an arrest.
- 74 (d) A law enforcement officer removing a child from his or her home has all the privileges  
 75 and immunities of a law enforcement officer making an arrest.
- 76 (e) A law enforcement officer shall promptly contact a the juvenile court intake officer for  
 77 issuance of a court order once such officer has taken a child into protective custody and  
 78 delivered such child to a medical facility.
- 79 (f) The A juvenile court intake officer shall immediately determine if a child should be  
 80 released, remain in protective custody, or be brought before the court upon being contacted  
 81 by a law enforcement officer, duly authorized officer of the court, or DFCS that a child has  
 82 been taken into protective custody.
- 83 (g) In addition to the requirements of Code Section 15-11-134, prior to authorizing the  
 84 removal of a child from his or her home as provided in paragraph (1) of subsection (a) of  
 85 this Code section or ordering a child to remain in protective custody as provided in  
 86 subsection (f) of this Code section, the court shall consider whether there are reasonable  
 87 alternatives to the removal of the child and placement of the child in foster care and may  
 88 order temporary alternatives to foster care in lieu of removing the child and placing the  
 89 child in protective custody or continuing the child in protective custody pursuant to Code  
 90 Section 15-11-133.1."

91 **SECTION 1-4.**

92 Said chapter is further amended by adding a new Code section to read as follows:

93 "15-11-133.1.  
94 (a) Temporary alternatives to foster care may be ordered by the court ex parte, prior to a  
95 preliminary protective hearing, or may be ordered following a preliminary protective  
96 hearing. A temporary alternative to foster care may include one or more of the following:  
97 (1) A temporary order authorizing the child to be cared for by a relative or fictive kin;  
98 (2) A temporary protective order pursuant to the provisions of Code Section 15-11-29;  
99 or  
100 (3) An order that the DFCS investigate and report to the court whether removal is  
101 necessary.  
102 (b) An order pursuant to paragraph (1) of subsection (a) of this Code section requiring the  
103 child to be cared for by a relative or fictive kin shall be based upon a finding by the court  
104 that continuation of the child in his or her home would be contrary to his or her welfare.  
105 Such findings shall be made on an individualized basis and shall be documented in the  
106 court's written order.  
107 (c) When entering an order pursuant to paragraph (1) of subsection (a) of this Code  
108 section, the court shall order a preliminary assessment of the person who is to provide care  
109 for the child by a probation officer, or such other individual or agency as the court may  
110 designate, which shall include, at a minimum:  
111 (1) A walk-through of such person's residence to identify safety hazards;  
112 (2) An in-state criminal record check, pursuant to subsection (a) or (c) of Code Section  
113 35-3-34, of such person and all other adults living in such person's residence;  
114 (3) A search of the Georgia Sex Offender Registry for the name of such person and all  
115 other adults living in such person's residence;  
116 (4) A search of data provided electronically to the public by the Department of  
117 Community Supervision and the Department of Corrections for information concerning  
118 such person and all adults living in such person's residence; and  
119 (5) If DFCS is conducting the assessment, a search of the child abuse registry.  
120 Such preliminary assessment shall be completed no later than 72 hours after the time such  
121 order is entered except that if such order is entered on a weekend, such preliminary  
122 assessment may be completed no later than five days after the order is entered.  
123 (d) Upon issuance of an order for a temporary alternative to foster care, a preliminary  
124 protective hearing shall be completed as provided in Code Section 15-11-145, except that  
125 such preliminary protective hearing shall be held within five days of the order for a  
126 temporary alternative to foster care.  
127 (e) Unless modified by the court, temporary alternatives to foster care ordered by the court  
128 in accordance with this Code section shall remain in effect until modified by the court or  
129 until the court has held the preliminary protective hearing. The court may continue to

130 impose the temporary alternatives to foster care after the preliminary protective hearing in  
 131 accordance with subsection (b) of Code Section 15-11-146."

132 **SECTION 1-5.**

133 Said chapter is further amended by revising subsections (b) and (c) of Code Section  
 134 15-11-146, relating to preliminary protective hearing and findings, as follows:

135 "(b) The court:

136 (1) On finding that the complainant has proven neither of the required elements  
 137 prescribed in subsection (a) of this Code section, shall dismiss the case and shall return  
 138 the child before the court to his or her parent, guardian, or legal custodian;

139 (2) On finding that the complainant has not met the burden of proving that protective  
 140 custody is necessary, shall return the child before the court to his or her parent, guardian,  
 141 or legal custodian pending the hearing on the dependency petition. The court may also  
 142 order a temporary alternative to foster care as provided in subsection (a) of Code Section  
 143 15-11-133.1 if it determines that such an order is necessary to prevent abuse or neglect  
 144 prior to the adjudicatory hearing and to prevent the need for the child to be placed in  
 145 foster care; or

146 (3) On finding that the complainant has met the burden prescribed in subsection (a) of  
 147 this Code section, may place the child before the court in the temporary custody of DFCS  
 148 pending the hearing on the dependency petition. DFCS shall prioritize temporary  
 149 placement with an adult who is a relative or fictive kin, provided that such individual has  
 150 met DFCS's requirements for relative placement and such temporary placement is in the  
 151 best interests of such child.

152 (c) A court's order removing a child from his or her home or ordering a temporary  
 153 alternative to foster care in accordance with paragraph (1) of subsection (a) of Code  
 154 Section 15-11-133.1 shall be based upon a finding that:

- 155 (1) Continuation in his or her home would be contrary to such child's welfare; ~~and~~ or  
 156 (2) Removal is in such child's best interests."

157 **SECTION 1-6.**

158 Said chapter is further amended by revising subsection (a) of Code Section 15-11-181,  
 159 relating to adjudication hearing, as follows:

160 "(a) The court shall fix a time for an adjudication hearing. If the alleged dependent child  
 161 is in foster care, the hearing shall be scheduled for no later than ten days after the filing of  
 162 the petition alleging dependency. If the alleged dependent child is not in foster care, but  
 163 the court has ordered a temporary alternative to foster care, the adjudication hearing shall  
 164 be held no later than 30 days after the filing of the petition alleging dependency.

165 Otherwise, the adjudication hearing shall be held no later than 60 days after the filing of  
 166 the petition alleging dependency. If adjudication is not completed within 60 days from the  
 167 date such child was taken into protective custody, the petition alleging dependency may be  
 168 dismissed without prejudice."

169 **SECTION 1-7.**

170 Said chapter is further amended by revising subsection (c) of Code Section 15-11-411,  
 171 relating to temporary custody and time limitations, as follows:

172 "(c) If a parent, guardian, or legal custodian has not assumed custody of his or her child  
 173 at the end of the 12 hour period described in subsection (a) of this Code section, the court  
 174 shall be notified and shall place such child in the least restrictive placement consistent with  
 175 such child's needs for protection or control. In making its determination of placement, the  
 176 court should consider the following placement options:

177 (1) In the custody of such child's parents, guardian, or legal custodian upon such person's  
 178 promise to bring such child before the court when requested by the court;

179 (2) Before placing the child in the custody of DFCS, whether the child may be placed  
 180 with a relative or fictive kin upon such person's promise to bring such child before the  
 181 court when requested by the court;

182 ~~(2)~~(3) In the custody of DFCS which shall promptly arrange for foster care of such child;

183 ~~(3)~~(4) In a secure residential facility or nonsecure residential facility in accordance with  
 184 Code Section 15-11-412; or

185 ~~(4)~~(5) In any other court-approved placement that is not a secure residential facility or  
 186 nonsecure residential facility."

187 **SECTION 1-8.**

188 Said chapter is further amended by revising subsection (c) of Code Section 15-11-414,  
 189 relating to continued custody hearings and findings, as follows:

190 "(c) If the court determines there is probable cause to believe that a child has committed  
 191 a status offense or is otherwise in need of services, the court may order that such child:

192 (1) Be released to the custody of his or her parent, guardian, or legal custodian; or

193 (2) Be placed in the least restrictive placement consistent with such child's need for  
 194 protection and control as authorized by Code Section 15-11-411 and in accordance with  
 195 Code Section 15-11-415. Before placing the child in the custody of DFCS, the court shall  
 196 consider whether the child may be placed with a relative or fictive kin upon such person's  
 197 promise to bring such child before the court when requested by the court. Upon finding  
 198 that such a placement may be made, the court is authorized to order such a placement."

199

**PART II**

200

**SECTION 2-1.**

201 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by  
 202 repealing Code Section 15-5-21.1, relating to development and utilization of uniform  
 203 misdemeanor citation and complaint form, in its entirety.

204

**SECTION 2-2.**

205 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
 206 amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 17-4-23,  
 207 relating to procedure for arrests by citation for motor vehicle violations, issuance of warrants  
 208 for arrest for failure of persons charged to appear in court, and bond, as follows:

209 "(a)(1) A law enforcement officer may arrest a person accused of violating any law or  
 210 ordinance enacted by local law governing the operation, licensing, registration,  
 211 maintenance, or inspection of motor vehicles or violating paragraph (2), (3), or (5) of  
 212 subsection (a) of Code Section 3-3-23 by the issuance of a citation, as provided by Code  
 213 Section 35-3-15 or 40-13-1, provided that such offense is committed in his or her  
 214 presence or information constituting a basis for such arrest was received by the arresting  
 215 officer from a law enforcement officer observing such offense being committed, except  
 216 that, when such offense results in an accident, an investigating officer may issue citations  
 217 regardless of whether the offense occurred in the presence of a law enforcement officer.

218 (2) A law enforcement officer may arrest a person accused of any misdemeanor violation  
 219 of Code Section 16-7-21, 16-8-14, 16-8-14.1, or 16-13-30 by the issuance of a citation,  
 220 as provided by Code Section 35-3-15 or 40-13-1, provided that such offense is committed  
 221 in his or her presence or information constituting a basis for such arrest was received by  
 222 the arresting officer or an investigating officer from another law enforcement officer or  
 223 other individual observing or aware of such offense being committed. When an arrest is  
 224 made for such offense, prior to releasing the accused on citation, the arresting law  
 225 enforcement officer shall review the accused's criminal record as such is on file with the  
 226 Federal Bureau of Investigation and the Georgia Crime Information Center within the  
 227 Georgia Bureau of Investigation and verify the identity of the accused through ~~ensure that~~  
 228 ~~the accused's fingerprints are obtained~~ or some other means."

229

**SECTION 2-3.**

230 Said title is further amended by adding a new chapter to read as follows:

231

"CHAPTER 19232 17-19-1.

233 (a) There is created the Georgia Council on Criminal Justice Reform for the purpose of  
234 conducting periodic comprehensive reviews of criminal laws, criminal procedure,  
235 sentencing laws, adult correctional issues, juvenile justice issues, enhancement of probation  
236 and parole supervision, better management of the prison population and of the population  
237 in the custody of the Department of Juvenile Justice, and other issues related to criminal  
238 and accountability courts. The Georgia Council on Criminal Justice Reform shall establish  
239 performance measures using analysis of data collected under law to track the  
240 implementation of criminal justice and juvenile justice reforms and shall propose additional  
241 reforms for reducing recidivism, lowering state expenses, and maintaining an effective and  
242 efficient Code that will promote public safety.

243 (b) As used in this chapter, the term 'council' means the Georgia Council on Criminal  
244 Justice Reform.

245 17-19-2.

246 (a) The Governor shall appoint all 20 members of the council which shall be composed of  
247 one member of the Senate, one member of the House of Representatives, one member who  
248 shall be either a Justice of the Supreme Court or a Judge of the Court of Appeals, one  
249 superior court judge, one juvenile court judge, one district attorney, one solicitor-general,  
250 one criminal defense attorney, one sheriff, the executive counsel to the Governor or his or  
251 her designee, the director of the Criminal Justice Coordinating Council or his or her  
252 designee, the commissioner of the Department of Corrections or his or her designee, the  
253 commissioner of the Department of Community Supervision or his or her designee, the  
254 commissioner of the Department of Juvenile Justice or his or her designee, the  
255 commissioner of the Department of Behavioral Health and Developmental Disabilities or  
256 his or her designee, the chairperson of the State Board of Pardons and Paroles or his or her  
257 designee, the executive director of the Georgia Association of Chiefs of Police or his or her  
258 designee, and three other members as determined by the Governor.

259 (b) Each member of the council shall be appointed to serve for a term of four years or until  
260 his or her successor is duly appointed, except the members of the General Assembly, who  
261 shall serve until completion of their current terms of office. A member may be appointed  
262 to succeed himself or herself on the council. If a member of the council is an elected or  
263 appointed official, the member, or his or her designee, shall be removed from the council  
264 if the member no longer serves as such elected or appointed official.



265 (c) The Governor shall designate the chairperson of the council. The council may elect  
266 other officers as it deems necessary. The chairperson of the council may designate and  
267 appoint committees from among the membership of the council, as well as appoint other  
268 persons to perform such functions as he or she may determine to be necessary as relevant  
269 to and consistent with this chapter. The chairperson shall vote only to break a tie.

270 (d) The council shall be attached for administrative purposes only to the Criminal Justice  
271 Coordinating Council. The Criminal Justice Coordinating Council shall provide staff  
272 support for the council and shall use any funds specifically appropriated to the council for  
273 its work.

274 17-19-3.

275 (a) The council may conduct meetings at such places and times as it deems necessary or  
276 convenient to enable it to exercise fully and effectively its powers, perform its duties, and  
277 accomplish the objectives and purposes of this chapter. The council shall hold meetings  
278 at the call of the chairperson. The council shall meet not less than twice every year.

279 (b) A quorum for transacting business shall be a majority of the members of the council.

280 (c) Any legislative members of the council shall receive the allowances provided for in  
281 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the  
282 amount specified in subsection (b) of Code Section 45-7-21, as well as the mileage or  
283 transportation allowance authorized for state employees. Members of the council who are  
284 state officials, other than legislative members, or state employees shall receive no  
285 compensation for their services on the council, but they shall be reimbursed for expenses  
286 incurred by them in the performance of their duties as members of the council in the same  
287 manner as they are reimbursed for expenses in their capacities as state officials or state  
288 employees. The funds necessary for the reimbursement of the expenses of state officials,  
289 other than legislative members, and state employees shall come from funds appropriated  
290 to or otherwise available to their respective departments. All other funds necessary to carry  
291 out the provisions of this chapter shall come from funds appropriated to the Senate and the  
292 House of Representatives.

293 17-19-4.

294 (a) The council shall have the following duties:

295 (1) To periodically, and at least every two years, review the conditions, needs, issues,  
296 and problems related to criminal justice; issue a report on the same to the executive  
297 counsel of the Governor, the Office of Planning and Budget, and the chairpersons of the  
298 House Committee on Appropriations, the Senate Appropriations Committee, the House  
299 Committee on Judiciary, and the Senate Judiciary Committee; and recommend any action

300 or proposed legislation which the council deems necessary or appropriate. Nothing  
 301 contained in the council's report shall be considered to authorize or require a change in  
 302 any law without action by the General Assembly;

303 (2) To evaluate and consider the best practices, experiences, and results of legislation in  
 304 other states with regard to children, adults, and families involved in the juvenile or  
 305 superior court or equivalent systems; and

306 (3) To identify and recommend whether and when any state law should be modified to  
 307 conform, whenever desirable, to federal legislation.

308 (b) The council shall have the power to:

309 (1) Evaluate how the laws and programs affecting the criminal justice system in this state  
 310 are working;

311 (2) Request and receive data from and review the records of appropriate state agencies  
 312 and courts to the greatest extent allowed by state and federal law;

313 (3) Accept public or private grants, devises, and bequests;

314 (4) Authorize entering into contracts or agreements through the council's chairperson as  
 315 are necessary or incidental to the performance of its duties;

316 (5) Establish rules and procedures for conducting the business of the council; and

317 (6) Conduct studies, hold public meetings, collect data, or take any other action the  
 318 council deems necessary to fulfill its responsibilities.

319 (c) The council shall be authorized to retain the services of attorneys, consultants, subject  
 320 matter experts, economists, budget analysts, data analysts, statisticians, and other  
 321 individuals or organizations as determined appropriate by the council.

322 17-19-5.

323 This chapter shall be repealed effective June 30, 2026, unless continued in effect by the  
 324 General Assembly prior to that date."

325 **SECTION 2-4.**

326 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended  
 327 in Article 1 of Chapter 3, relating to general provisions regarding the Georgia Bureau of  
 328 Investigation, by adding a new Code section to read as follows:

329 "35-3-15.

330 The Georgia Bureau of Investigation shall develop a uniform misdemeanor citation and  
 331 complaint form for use by all law enforcement officials who are empowered to arrest  
 332 individuals for misdemeanors and local ordinance violations. Such form shall serve as the  
 333 citation, summons, accusation, or other instrument of prosecution of the offense or offenses

334 for which the accused is charged and as the record of the disposition of the matter by the  
335 court before which the accused is brought and contain other matter as the council provides.  
336 Each such form shall have a unique identifying number which shall serve as the docket  
337 number for the court having jurisdiction of the accused. The Board of Public Safety shall  
338 promulgate rules and regulations for each class of court for the use of such citations."

339

**PART III**

340

**SECTION 3-1.**

341 This Act shall become effective upon its approval by the Governor or upon its becoming law  
342 without such approval.

343

**SECTION 3-2.**

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