

Senate Bill 335

By: Senators Brass of the 28th, Miller of the 49th, Walker III of the 20th, Mullis of the 53rd, Stone of the 23rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 12, Chapter 11 of Title 15, and Chapter 5 of Title
2 49 of the Official Code of Georgia Annotated, relating to general provisions regarding parks,
3 historic areas, memorials, and recreation, Juvenile Code, and programs and protection for
4 children and youth, respectively, so as to strengthen laws and supports for foster children and
5 foster families; to provide for definitions; to provide free access to state parks for foster
6 parents, foster children, and foster family members; to provide for reporting of certain data
7 from juvenile court clerks relating to foster children who are alleged or adjudicated to be a
8 child in need of services or a delinquent child; to provide for attorney conflict resolution in
9 certain juvenile court hearings; to authorize the Department of Human Services to partner
10 with child-placing agencies to assist with casework services; to provide varying levels of
11 training required for experienced foster parents or respite caregivers; to provide for related
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to
16 general provisions regarding parks, historic areas, memorials, and recreation, is amended by
17 adding a new Code section to read as follows:

18 "12-3-9.2.

19 (a) As used in this Code section, the term:

20 (1) 'Fictive kin' shall have the same meaning as set forth in Code Section 15-11-2.

21 (2) 'Foster parent' shall have the same meaning as set forth in Code Section 49-5-60.

22 (b) Any fee for admission to any state park, historic site, or recreational area operated by
23 or pursuant to the authority of the department shall be waived for any child in the
24 temporary or permanent custody of the Division of Family and Children Services of the
25 Department of Human Services, such child's foster parent, such child's relative or fictive

26 kin placement who is serving as the child's primary placement, and any family member of
27 the foster family, relative, or fictive kin placement."

SECTION 2.

29 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to Juvenile Code,
30 is amended by revising Code Section 15-11-64, relating to collection of information by
31 juvenile court clerks, reporting requirement, and data collection, as follows:

32 "15-11-64.

33 (a) Each clerk of the juvenile court shall collect the following information for each child
34 in need of services, delinquent child, and child accused of a class A designated felony act
35 or class B designated felony act and provide such information to DJJ as frequently as
36 requested by DJJ:

37 (1) Name;

38 (2) Date of birth;

39 (3) Sex;

40 (4) Race;

41 (5) Offense charged;

42 (6) Location of the offense, including the name of the school if the offense occurred in
43 a school safety zone, as defined in Code Section 16-11-127.1;

44 (7) The name of the referral source, including the name of the school if the referring
45 source was a school;

46 (8) Disposition of the case; and

47 (9) Date of and authority for commitment, if applicable.

(b) Each clerk of the juvenile court shall report to the Administrative Office of the Courts the total number of petitions or motions filed under subsection (b) of Code Section 15-11-682 for the previous calendar year and, of that number, the number in which the court appointed a guardian ad litem, the number in which the court appointed counsel, the number in which the judge issued an order authorizing an abortion without notification, the number in which the judge denied such an order, and, of the last, the number of denials from which an appeal was filed, the number of appeals that resulted in denials being affirmed, and the number of appeals that resulted in reversals of such denials. Each clerk shall make such report by March 15 of each year for the previous calendar year. The individual reports made to the Administrative Office of the Courts shall be held confidential and not subject to disclosure under Article 4 of Chapter 18 of Title 50, relating to open records. The Administrative Office of the Courts shall provide aggregated statistics only in accordance with subsection (g) of Code Section 16-12-141.1. Such

61 individual reports shall be destroyed six months after submission to the Administrative
62 Office of the Courts.

63 (c) Pursuant to rules promulgated by the Judicial Council of Georgia, on and after
64 January 1, 2019, each clerk of the juvenile court shall collect data on each child alleged or
65 adjudicated to be a delinquent child and transmit such data as required by such rules. The
66 Judicial Council of Georgia shall make and publish in print or electronically such
67 state-wide minimum standards and rules as it deems necessary to carry out this subsection.
68 Each clerk of the juvenile court shall develop and enact policies and procedures necessary
69 to carry out the standards and rules created by the Judicial Council of Georgia.

70 (d) Pursuant to rules promulgated by the Judicial Council of Georgia, on and after
71 January 1, 2021, each clerk of the juvenile court shall collect data on all cases in which a
72 child alleged or adjudicated to be a child in need of services or a delinquent child is placed
73 in foster care and has also been alleged or adjudicated to be a dependent child and shall
74 transmit such data as required by such rules. Such data shall include, at a minimum, the
75 adherence on each case by the court to the time frames contained in Code
76 Section 15-11-102."

77 **SECTION 3.**

78 Said chapter is further amended by revising subsection (c) of Code Section 15-11-110,
79 relating to continuance of a hearing in a dependency proceeding, as follows:

80 "(c) A stipulation between attorneys or the convenience of the parties shall not constitute
81 good cause. ~~Except as otherwise provided by judicial rules governing attorney conflict~~
~~resolution, a pending criminal prosecution or family law matter shall not constitute good~~
83 ~~cause. Hearings with dependency case time limitations required by Code Section~~
84 ~~15-11-102 and termination of parental rights hearings shall take priority in attorney conflict~~
85 ~~resolution over all other civil and criminal hearings and nonjury appearances in any other~~
86 ~~class of trial court.~~ The need for discovery shall not constitute good cause unless the court
87 finds that a person or entity has failed to comply with an order for discovery."

88 **SECTION 4.**

89 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and
90 protection for children and youth, is amended in Code Section 49-5-8, relating to powers and
91 duties of the Department of Human Services, by revising subsection (a) as follows:

92 "(a) The Department of Human Services is authorized and empowered, through its own
93 programs and the programs of county or district departments of family and children
94 services, to establish, maintain, extend, and improve throughout the state, within the limits
95 of funds appropriated therefor, programs that will provide:

96 (1) Preventive services as follows:

97 (A) Collecting and disseminating information about the problems of children and
98 youths and providing consultative assistance to groups, public and private, interested
99 in developing programs and services for the prevention, control, and treatment of
100 dependency and delinquency among the children of this state; and

101 (B) Research and demonstration projects designed to add to the store of information
102 about the social and emotional problems of children and youths and improve the
103 methods for dealing with these problems;

104 (2) Child welfare services as follows:

105 (A) Casework services for children and youths and for mothers bearing children out
106 of wedlock, whether living in their own homes or elsewhere, to help overcome
107 problems that result in dependency or delinquency. The department shall be authorized
108 to contract with, certify, or partner with licensed child-placing agencies to assist with
109 or provide such casework services;

110 (B) Protective services that will investigate complaints of abuse or abandonment of
111 children and youths by parents, guardians, custodians, or persons serving in loco
112 parentis and, on the basis of the findings of such investigation, offer social services to
113 such parents, guardians, custodians, or persons serving in loco parentis in relation to the
114 problem or bring the situation to the attention of a law enforcement agency, an
115 appropriate court, or another community agency;

116 (C) Supervising and providing required services and care involved in the interstate
117 placement of children;

118 (D) Homemaker service, or payment of the cost of such service, when needed due to
119 the absence or incapacity of the mother;

120 (E) Boarding care, or payment of maintenance costs, in foster family homes or in
121 group-care facilities for children and youths who cannot be adequately cared for in their
122 own homes;

123 (F) Boarding care or payment of maintenance costs for mothers bearing children out
124 of wedlock prior to, during, and for a reasonable period after childbirth;

125 (G) Day-care services for the care and protection of children whose parents are absent
126 from the home or unable for other reasons to provide parental supervision; and

127 (H) Casework services and care to all children and youths where the parent, custodian,
128 or guardian has placed such children in the custody of the department by voluntary
129 agreement, until such agreement is revoked by the parent, custodian, or guardian upon
130 request that such children be returned to the parent, custodian, or guardian or to another
131 relative or the voluntary agreement expires; provided, however, that nothing in this
132 subparagraph shall prohibit the department from obtaining an order placing such

133 children in its custody in accordance with Article 3 of Chapter 11 of Title 15. The
134 department shall be authorized to contract with, certify, or partner with licensed
135 child-placing agencies to assist with or provide such casework services;

136 (3) Services to courts, upon their request, as follows:

137 (A) Accepting for casework services and care all children and youths whose legal
138 custody is vested in the department by the court;

139 (B) Providing shelter or custodial care for children prior to examination and study or
140 pending court hearing;

141 (C) Making social studies and reports to the court with respect to children and youths
142 as to whom petitions have been filed; and

143 (D) Providing casework services and care or payment of maintenance costs for children
144 and youths who have run away from their home communities within this state, or from
145 their home communities in this state to another state, or from their home communities
146 in another state to this state; paying the costs of returning such runaway children and
147 youths to their home communities; and providing such services, care, or costs for
148 runaway children and youths as may be required under Chapter 4B of this title;

149 (4) Regional group-care facilities for the purpose of:

150 (A) Providing local authorities an alternative to placing any child in a common jail;

151 (B) Shelter care prior to examination and study or pending a hearing before juvenile
152 court;

153 (C) Detention prior to examination and study or pending a hearing before juvenile
154 court; and

155 (D) Study and diagnosis pending determination of treatment or a hearing before
156 juvenile court;

157 (5) Facilities designed to afford specialized and diversified programs, such as forestry
158 camps, ranches, and group residences, for the care, treatment, and training of children and
159 youths of different ages and different emotional, mental, and physical conditions;

160 (6) Regulation of child-placing agencies, child-caring institutions, and maternity homes
161 by:

162 (A) Establishing rules and regulations for and providing consultation on such rules and
163 regulations for all such agencies, institutions, and homes; and

164 (B) Licensing and inspecting periodically all such agencies, institutions, and homes to
165 ensure their adherence to established standards as prescribed by the department;

166 (7) Adoption services, as follows:

167 (A) Supervising the work of all child-placing agencies when funds are made available;

168 (B) Providing services to parents desiring to surrender children for adoption as
169 provided for in adoption statutes;

170 (C) Providing care or payment of maintenance costs for mothers bearing children out
171 of wedlock and children being considered for adoption;
172 (D) Inquiring into the character and reputation of persons making application for the
173 adoption of children;
174 (E) Placing children for adoption;
175 (F) Providing financial assistance to families adopting children once the child has been
176 placed for adoption, determined eligible for assistance, and the adoption assistance
177 agreement has been signed prior to the finalization of the adoption by all parties.
178 Financial assistance may only be granted for hard-to-place children with physical,
179 mental, or emotional disabilities or with other problems for whom it is difficult to find
180 a permanent home. Financial assistance may not exceed 100 percent of the amount that
181 would have been paid for boarding such child in a family foster home and for special
182 services such as medical care not available through insurance or public facilities. Such
183 supplements shall only be available to families who could not provide for the child
184 adequately without continued financial assistance. The department may review the
185 supplements paid at any time but shall review them at least annually to determine the
186 need for continued assistance;

187 (G) Providing payment to a licensed child-placing agency which places a child with
188 special needs who is under the jurisdiction of the department for adoption. Payment
189 may not exceed \$5,000.00 for each such adoption arranged by an agency. The board
190 shall define the special needs child. One-half of such payment shall be made at the time
191 of placement and the remaining amount shall be paid when the adoption is finalized.
192 If the adoption disrupts prior to finalization, the state shall be reimbursed by the
193 child-placing agency in an amount calculated on a prorated basis based on length of
194 time the child was in the home and the services provided; and

195 (H) Providing payment to an agency which recruits, educates, or trains potential
196 adoptive or foster parents for preparation in anticipation of adopting or fostering a
197 special needs child. The board shall define the special needs child and set the payment
198 amount by rule and regulation. Upon appropriate documentation of these preplacement
199 services in a timely manner, payments as set by the board shall be made upon
200 enrollment of each potential adoptive or foster parent for such services;

201 (8) Staff development and recruitment programs through in-service training and
202 educational scholarships for personnel as may be necessary to assure efficient and
203 effective administration of the services and care for children and youths authorized in this
204 article. The department is authorized to disburse state funds to match federal funds in
205 order to provide qualified employees with graduate or postgraduate educational

206 scholarships in accordance with rules and regulations adopted by the board pursuant to
207 Article VIII, Section VII, Paragraph I of the Constitution of Georgia;
208 (9) Miscellaneous services, such as providing all medical, hospital, psychiatric, surgical,
209 or dental services or payment of the costs of such services as may be considered
210 appropriate and necessary by competent medical authority to those children subject to the
211 supervision and control of the department without securing prior consent of parents or
212 legal guardians;
213 (10) Preparation, education, and training for foster parents which will provide them with
214 the appropriate knowledge and skills to provide for the needs of foster children, including
215 knowledge and skills relating to the reasonable and prudent parent standard for the
216 participation of the child in age or developmentally appropriate activities, and continue
217 such preparation, as necessary, after the placement of the children. The department shall
218 be authorized to require varying levels of initial and annual training based on the
219 experience of the foster parents, the age and needs of the foster child or children, and
220 whether the foster parents are providing only respite care. All or part of such training
221 may be offered online;
222 (11) Each youth who is leaving foster care by reason of having attained 18 years of age,
223 unless the child has been in foster care for less than six months, with, if the child is
224 eligible to receive such document, an official or certified copy of the United States birth
225 certificate of the child, a social security card issued by the Commissioner of Social
226 Security, health insurance information, a copy of the child's medical records, a driver's
227 license or identification card issued by a state in accordance with the requirements of
228 Section 202 of the REAL ID Act of 2005, and any official documentation necessary to
229 prove that the child was previously in foster care. Provision of records in accordance
230 with this paragraph shall not be considered a violation of subsection (b) of Code Section
231 49-5-40; and
232 (12) Extended care youth services for youths between 18 and 21 years of age as set forth
233 in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for
234 providing such services in accordance with 42 U.S.C. Section 675, as it existed on
235 February 1, 2018."

236 **SECTION 5.**

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