

Senate Bill 368

By: Senators Harbin of the 16th, Gooch of the 51st, Dugan of the 30th, Thompson of the 14th, Mullis of the 53rd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated,  
2 relating to children and youth services, so as to prohibit child-placing agencies from being  
3 required to perform, assist, counsel, recommend, consent to, refer, or participate in any  
4 placement of a child for foster care or adoption when the placement violates certain religious  
5 or moral convictions of the child-placing agency; to provide for nondiscrimination of such  
6 child-placing agencies by entities of state and local government; to provide that certain  
7 actions shall not form the basis of a civil action; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

13 "49-5-25.

14 (a) To the extent permitted under federal law, no child-placing agency shall be required  
15 to perform, assist, counsel, recommend, consent to, refer, or participate in any placement  
16 of a child for foster care or adoption when the proposed placement would violate the  
17 child-placing agency's written religious or moral convictions or policies.

18 (b) The department shall not deny an application for any license or revoke any license of  
19 a child-placing agency because of the child-placing agency's objection to performing,  
20 assisting, counseling, recommending, consenting to, referring, or participating in a  
21 placement that violates the child-placing agency's written religious or moral convictions  
22 or policies.

23 (c) No entity of this state or of any county, municipality, or other political subdivision of  
24 this state shall deny to a child-placing agency any grant, contract, or participation in a  
25 government program because of the child-placing agency's objection to performing,  
26 assisting, counseling, recommending, consenting to, referring, or participating in a

27 placement that violates the child-placing agency's written religious or moral convictions  
28 or policies.

29 (d) Refusal of a child-placing agency to perform, assist, counsel, recommend, consent to,  
30 refer, or participate in a placement that violates the agency's written religious or moral  
31 convictions or policies shall not form the basis of a civil action for either damages or  
32 injunctive relief."

33 **SECTION 2.**

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