

The House Committee on Juvenile Justice offers the following substitute to SB 335:

A BILL TO BE ENTITLED
AN ACT

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic
16 areas, memorials, and recreation, is amended by adding a new Code section to read as
17 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 foster parent,
24 relative, or fictive kin who is serving as the primary placement for a child in the temporary
25 or permanent custody of the Division of Family and Children Services of the Department
26 of Human Services."

S. B. 335 (SUB)

27 **SECTION 2.**

28 Said chapter is further amended by revising Code Section 12-3-311, relating to creation of
 29 authority, delegation of powers and duties, and duration of authority's existence, as follows:
 30 "12-3-311.

31 (a) There is created a body corporate and politic to be known as the Lake Lanier Islands
 32 Development Authority, which shall be deemed an instrumentality of the State of Georgia
 33 and a public corporation and by that name, style, and title such body may contract and be
 34 contracted with, sue and be sued, implead and be impleaded, and complain and defend in
 35 all courts.

36 (b) The authority may delegate to one or more of its members, or to its agents and
 37 employees, such powers and duties as it may deem proper.

38 (c) The authority shall exist for 99 years, and upon the expiration thereof, shall exist for
 39 an additional 40 years.

40 (d) The authority is assigned to the Department of Natural Resources for administrative
 41 purposes only."

42 **SECTION 3.**

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

46 "15-11-64.

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

51 (1) Name;

52 (2) Date of birth;

53 (3) Sex;

54 (4) Race;

55 (5) Offense charged;

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

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

60 (8) Disposition of the case; and

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

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

77 (c) Pursuant to rules ~~promulgated~~ adopted by the ~~Judicial Council~~ Supreme Court of
 78 Georgia, on and after January 1, 2019, each clerk of the juvenile court shall collect data on
 79 each child alleged or adjudicated to be a delinquent child and transmit such data as required
 80 by such rules. The ~~Judicial Council~~ Supreme Court of Georgia shall make and publish in
 81 print or electronically such state-wide minimum standards and rules as it deems necessary
 82 to carry out this subsection. Each clerk of the juvenile court shall develop and enact
 83 policies and procedures necessary to carry out the standards and rules created by the
 84 ~~Judicial Council~~ Supreme Court of Georgia.

85 (d) Pursuant to rules adopted by the Supreme Court of Georgia, on and after January 1,
 86 2021, each clerk of the juvenile court shall collect data on all cases in which a child alleged
 87 or adjudicated to be a child in need of services or a delinquent child is placed in foster care
 88 and has also been alleged or adjudicated to be a dependent child and shall transmit such
 89 data as required by such rules. Such data shall include, at a minimum, the adherence on
 90 each case by the court to the time frames contained in Code Section 15-11-102."

91 SECTION 4.

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

94 "(c) A stipulation between attorneys or the convenience of the parties shall not constitute
 95 good cause. ~~Except as otherwise provided by judicial rules governing attorney conflict~~
 96 ~~resolution, a pending criminal prosecution or family law matter shall not constitute good~~
 97 ~~cause.~~ Hearings with dependency case time limitations required by Code Section

98 15-11-102 and termination of parental rights hearings shall take priority in attorney conflict
 99 resolution over all other civil and criminal hearings and nonjury appearances in any other
 100 class of trial court. The need for discovery shall not constitute good cause unless the court
 101 finds that a person or entity has failed to comply with an order for discovery."

102 SECTION 5.

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

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

110 (1) Preventive services as follows:

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

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

118 (2) Child welfare services as follows:

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

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

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

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

- 134 (E) Boarding care, or payment of maintenance costs, in foster family homes or in
 135 group-care facilities for children and youths who cannot be adequately cared for in their
 136 own homes;
- 137 (F) Boarding care or payment of maintenance costs for mothers bearing children out
 138 of wedlock prior to, during, and for a reasonable period after childbirth;
- 139 (G) Day-care services for the care and protection of children whose parents are absent
 140 from the home or unable for other reasons to provide parental supervision; and
- 141 (H) Casework services and care to all children and youths where the parent, custodian,
 142 or guardian has placed such children in the custody of the department by voluntary
 143 agreement, until such agreement is revoked by the parent, custodian, or guardian upon
 144 request that such children be returned to the parent, custodian, or guardian or to another
 145 relative or the voluntary agreement expires; provided, however, that nothing in this
 146 subparagraph shall prohibit the department from obtaining an order placing such
 147 children in its custody in accordance with Article 3 of Chapter 11 of Title 15. The
 148 department shall be authorized to contract with, certify, or partner with licensed
 149 child-placing agencies to assist with or provide such casework services;
- 150 (3) Services to courts, upon their request, as follows:
- 151 (A) Accepting for casework services and care all children and youths whose legal
 152 custody is vested in the department by the court;
- 153 (B) Providing shelter or custodial care for children prior to examination and study or
 154 pending court hearing;
- 155 (C) Making social studies and reports to the court with respect to children and youths
 156 as to whom petitions have been filed; and
- 157 (D) Providing casework services and care or payment of maintenance costs for children
 158 and youths who have run away from their home communities within this state, or from
 159 their home communities in this state to another state, or from their home communities
 160 in another state to this state; paying the costs of returning such runaway children and
 161 youths to their home communities; and providing such services, care, or costs for
 162 runaway children and youths as may be required under Chapter 4B of this title;
- 163 (4) Regional group-care facilities for the purpose of:
- 164 (A) Providing local authorities an alternative to placing any child in a common jail;
- 165 (B) Shelter care prior to examination and study or pending a hearing before juvenile
 166 court;
- 167 (C) Detention prior to examination and study or pending a hearing before juvenile
 168 court; and
- 169 (D) Study and diagnosis pending determination of treatment or a hearing before
 170 juvenile court;

- 171 (5) Facilities designed to afford specialized and diversified programs, such as forestry
172 camps, ranches, and group residences, for the care, treatment, and training of children and
173 youths of different ages and different emotional, mental, and physical conditions;
- 174 (6) Regulation of child-placing agencies, child-caring institutions, and maternity homes
175 by:
- 176 (A) Establishing rules and regulations for and providing consultation on such rules and
177 regulations for all such agencies, institutions, and homes; and
- 178 (B) Licensing and inspecting periodically all such agencies, institutions, and homes to
179 ensure their adherence to established standards as prescribed by the department;
- 180 (7) Adoption services, as follows:
- 181 (A) Supervising the work of all child-placing agencies when funds are made available;
- 182 (B) Providing services to parents desiring to surrender children for adoption as
183 provided for in adoption statutes;
- 184 (C) Providing care or payment of maintenance costs for mothers bearing children out
185 of wedlock and children being considered for adoption;
- 186 (D) Inquiring into the character and reputation of persons making application for the
187 adoption of children;
- 188 (E) Placing children for adoption;
- 189 (F) Providing financial assistance to families adopting children once the child has been
190 placed for adoption, determined eligible for assistance, and the adoption assistance
191 agreement has been signed prior to the finalization of the adoption by all parties.
192 Financial assistance may only be granted for hard-to-place children with physical,
193 mental, or emotional disabilities or with other problems for whom it is difficult to find
194 a permanent home. Financial assistance may not exceed 100 percent of the amount that
195 would have been paid for boarding such child in a family foster home and for special
196 services such as medical care not available through insurance or public facilities. Such
197 supplements shall only be available to families who could not provide for the child
198 adequately without continued financial assistance. The department may review the
199 supplements paid at any time but shall review them at least annually to determine the
200 need for continued assistance;
- 201 (G) Providing payment to a licensed child-placing agency which places a child with
202 special needs who is under the jurisdiction of the department for adoption. Payment
203 may not exceed \$5,000.00 for each such adoption arranged by an agency. The board
204 shall define the special needs child. One-half of such payment shall be made at the time
205 of placement and the remaining amount shall be paid when the adoption is finalized.
206 If the adoption disrupts prior to finalization, the state shall be reimbursed by the

207 child-placing agency in an amount calculated on a prorated basis based on length of
208 time the child was in the home and the services provided; and

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

215 (8) Staff development and recruitment programs through in-service training and
216 educational scholarships for personnel as may be necessary to assure efficient and
217 effective administration of the services and care for children and youths authorized in this
218 article. The department is authorized to disburse state funds to match federal funds in
219 order to provide qualified employees with graduate or postgraduate educational
220 scholarships in accordance with rules and regulations adopted by the board pursuant to
221 Article VIII, Section VII, Paragraph I of the Constitution of Georgia;

222 (9) Miscellaneous services, such as providing all medical, hospital, psychiatric, surgical,
223 or dental services or payment of the costs of such services as may be considered
224 appropriate and necessary by competent medical authority to those children subject to the
225 supervision and control of the department without securing prior consent of parents or
226 legal guardians;

227 (10) Preparation, education, and training for foster parents which will provide them with
228 the appropriate knowledge and skills to provide for the needs of foster children, including
229 knowledge and skills relating to the reasonable and prudent parent standard for the
230 participation of the child in age or developmentally appropriate activities, and continue
231 such preparation, as necessary, after the placement of the children. The department shall
232 be authorized to require varying levels of initial and annual training based on the
233 experience of the foster parents, the age and needs of the foster child or children, and
234 whether the foster parents are providing only respite care. All or part of such training
235 may be offered online;

236 (11) Each youth who is leaving foster care by reason of having attained 18 years of age,
237 unless the child has been in foster care for less than six months, with, if the child is
238 eligible to receive such document, an official or certified copy of the United States birth
239 certificate of the child, a social security card issued by the Commissioner of Social
240 Security, health insurance information, a copy of the child's medical records, a driver's
241 license or identification card issued by a state in accordance with the requirements of
242 Section 202 of the REAL ID Act of 2005, and any official documentation necessary to
243 prove that the child was previously in foster care. Provision of records in accordance

244 with this paragraph shall not be considered a violation of subsection (b) of Code Section
245 49-5-40; and
246 (12) Extended care youth services for youths between 18 and 21 years of age as set forth
247 in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for
248 providing such services in accordance with 42 U.S.C. Section 675, as it existed on
249 February 1, 2018."

250

SECTION 6.

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