

ADOPTED

Representative Dempsey of the 13th offers the following amendment:

1 *Amend the substitute to HB 1238 (LC 52 1088S) by replacing line 6 with the following:*

2 to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
3 relating to general provisions regarding juvenile code, so as to establish procedures for
4 children who remain in certain clinical facilities after inpatient medical necessity has been
5 met due to the absence of an immediate and safe discharge placement; to authorize facilities
6 to make referrals to MATCH and provide notice to the Division of Family and Children
7 Services; to require the Division of Family and Children Services to file a petition alleging
8 dependency within 45 days of notice; to establish an intensive care coordinator; to provide
9 for construction; to amend Article 6 of Chapter 5 of Title 49 of the Official Code of Georgia
10 Annotated, relating to programs and protection for children, so as to require the Division of
11 Family and Children Services to file a petition alleging dependency within 45 days of notice;
12 to provide expedited reunification services for children; to provide for reports; to provide for
13 related matters; to provide for contingent effectiveness; to repeal conflicting laws; and for
14 other purposes.

15 *By inserting between lines 22 and 23 the following:*

16 Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
17 general provisions regarding juvenile code, is amended by adding a new Code section to read
18 as follows:

19 "15-11-42.

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

21 (1) 'Child' means a minor enrolled in a Medicaid health plan or considered underinsured
22 or uninsured.

- 23 (2) 'Clinically appropriate level of care' means a service that is recommended by a
24 treatment team with knowledge about the child's current clinical presentation.
- 25 (3) 'Crisis stabilization unit' means a short-term residential program designed to provide
26 psychiatric stabilization and detoxification services.
- 27 (4) 'Evidence based services' means programs, therapies, and interventions that are
28 scientifically validated to reduce recidivism, improve long-term outcomes of youth, and
29 prevent deeper involvement in the juvenile justice system.
- 30 (5) 'Home setting' means a residential setting that is not a licensed clinical facility.
- 31 (6) 'Licensed clinical facility' means any facility that admits children only upon a
32 determination of medical necessity by a treating clinician. This includes psychiatric
33 residential treatment facilities and crisis stabilization units.
- 34 (7) 'MATCH' means the Multi-Agency Treatment for Children (MATCH) team within
35 the Department of Behavioral Health and Developmental Disabilities as established
36 pursuant to Code Section 37-1-20.
- 37 (8) 'Psychiatric residential treatment facility' means a subacute residential alternative to
38 acute psychiatric hospitalization.
- 39 (9) 'Title IV-E Prevention Services Clearinghouse' means an initiative of the United
40 States Department of Health and Human Services, established under the federal Family
41 First Prevention Services Act, that reviews and rates child welfare programs.
- 42 (b) When a hospital, psychiatric hospital, or licensed clinical facility determines that a
43 child is ready to discharge but remains in the facility due to the absence of an immediate
44 and safe discharge placement, the facility may submit a referral to MATCH. The facility's
45 referral shall include a clinical recommendation of what the clinically appropriate level of
46 care to which the child can safely be discharged. MATCH shall follow typical protocols,
47 including attempting engagement with family and legal guardians to identify
48 family-specific recommendations of service providers to meet the needs identified by the
49 child's clinicians. MATCH shall submit written recommendations to the referring facility.

50 (c)(1) The facility may notify the Division of Family and Children Services intake when
51 the parents or legal guardians of a child ready to discharge do not agree to promptly
52 provide the child a home setting or consent to treatment in a clinically appropriate level
53 of care and:

54 (A) The facility has recommended discharge to a clinically appropriate level of care
55 as the least restrictive setting in which the child can safely be served; and

56 (B) MATCH has identified home and community based supports and services the
57 family can access.

58 (2) Upon such notification and documentation that reasonable efforts to engage the
59 parents in a clinically recommended discharge plan have occurred, the Division of Family
60 and Children Services shall file a dependency petition within 45 days of receiving notice
61 from a hospital, psychiatric hospital, psychiatric hospital, or licensed clinical facility that
62 a child remains in the facility after medical necessity has been met.

63 (3) During the course of the investigation or upon filing the petition, the Division of
64 Family and Children Services investigator in charge of the case shall begin focused case
65 management activities, including assigning a customized intensive care coordinator to
66 facilitate clinical discharge planning, treatment coordination, parent, guardian, or legal
67 custodian engagement, and transition services for the purpose of preventing unnecessary
68 foster care placement and supporting safe reunification.

69 (d) To facilitate reunification and prevent unnecessary termination of parental rights, the
70 Division of Family and Children Services shall provide expedited access to evidence based
71 in-home parent skill-based programs and services approved by the Title IV-E Prevention
72 Services Clearinghouse.

73 (e) Nothing in this Code section shall prohibit the Division of Family and Children
74 Services from assuming protective custody of a child or seeking appropriate orders of the
75 juvenile court when necessary to protect the health or safety of the child.

76 (f) A child meeting the criteria described in subsection (c) of this Code section shall not
 77 be deemed abandoned solely because a parent, guardian, or legal custodian lacks the
 78 clinical capacity, financial resources, treatment access, or placement options necessary to
 79 immediately resume custody.

80 (g) The court shall review the Division of Family and Children Services' reasonable and
 81 diligent efforts to support engagement and prevent foster care placement at each review
 82 hearing, including, but not limited to:

- 83 (1) Referrals to evidence based services;
- 84 (2) Assistance with transportation, visitation, or treatment access;
- 85 (3) Coordination of clinical discharge and placement planning; and
- 86 (4) Communication with the parent, guardian, or legal custodian.

87 (h) Except where allowed by the federal Adoption and Safe Families Act of 1997, in effect
 88 on January 1, 2026, termination of parental rights shall not be sought solely on the basis
 89 of treatment complexity, placement availability, or lack of an immediate and safe discharge
 90 placement."

91 SECTION 3.

92 Article 6 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
 93 programs and protection for children, is amended by adding a new part to read as follows:

94 "Part 4

95 49-5-158.

96 (a) As used in this Code section, the term 'Title IV-E Prevention Services Clearinghouse'
 97 means an initiative of the United States Department of Health and Human Services,
 98 established under the federal Family First Prevention Services Act, that reviews and rates
 99 child welfare programs.

100 (b) The Division of Family and Children Services shall file a dependency petition within
 101 45 days of receiving notice from a hospital, psychiatric hospital, or licensed clinical facility
 102 that a child remains in the facility after medical necessity has been met.

103 (c) The Division of Family and Children Services shall provide expedited reunification
 104 services to children subject to this Code section, including evidence based in-home parent
 105 skill-based programs and services approved by the Title IV-E Prevention Services
 106 Clearinghouse.

107 (d) The Department of Human Services shall report to the House Appropriations
 108 Committee and the Senate Appropriations Committee regarding:

109 (1) The number of children identified under this Code section and not served;

110 (2) The average duration of hospital boarding of a child after such child is medically
 111 ready for discharge;

112 (3) Permanency outcomes, including reunification and termination of parental rights; and

113 (4) Utilization of evidence based in-home parent skill-based programs and services
 114 approved by the Title IV-E Prevention Services Clearinghouse."

115 **SECTION 4.**

116 (a) Except as provided in subsections (b) and (c) of this section, this Act shall become
 117 effective on July 1, 2026.

118 (b) Sections 2 and 3 of this Act shall become effective only if state funds are specifically
 119 appropriated for the purposes of such sections in an appropriations Act enacted by the
 120 General Assembly.

121 (c) If funds are so appropriated, then this Act shall become effective on the later of:

122 (1) The date on which such appropriations Act becomes effective; or

123 (2) The beginning date of the fiscal year for which such appropriations are made.

124 **SECTION 5.**