

House Bill 1637

By: Representative Lim of the 99<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-11-201 of the Official Code of Georgia Annotated, relating to  
2 DFCS case plan and contents, so as to provide for additional and appropriate services for a  
3 parent, guardian, or legal custodian of an alleged dependent child designed to result in  
4 permanent placement or emancipation; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 15-11-201 of the Official Code of Georgia Annotated, relating to DFCS case  
9 plan and contents, is amended by revising subsection (b) as follows:

10 "(b) A case plan shall be developed by DFCS and the parent, guardian, or legal custodian  
11 of the alleged dependent child and, when appropriate, such child. A case plan shall  
12 include, but not be limited to, all of the following:

13 (1) A description of the circumstances that resulted in such child being placed under the  
14 jurisdiction of the court and in foster care;

15 (2) An assessment of such child's and his or her family's strengths and needs and the type  
16 of placement best equipped to meet those needs;

17 (3)(A) A description of the type of home or institution in which such child is to be  
18 placed, including a discussion of the safety and appropriateness of the placement.

19 (B) If a child is placed in a qualified residential treatment program, DFCS must  
20 document:

21 (i) Reasonable and good faith efforts to identify and include all the individuals of the  
22 child's family and permanency team;

23 (ii) All contact information for members of the family and permanency team;

24 (iii) All contact information for other family members and fictive kin who are not  
25 part of the family and permanency team;

26 (iv) Evidence that meetings of the family and permanency team, including meetings  
27 relating to the assessment required by Code Section 15-11-219, are held at a time and  
28 place convenient for family;

29 (v) If reunification is the goal, evidence demonstrating that the parent from whom the  
30 child was removed provided input on the members of the family and permanency  
31 team;

32 (vi) Evidence that the assessment required by Code Section 15-11-219 is determined  
33 in conjunction with the family and permanency team;

34 (vii) The placement preferences of the family and permanency team relative to the  
35 assessment that recognizes children should be placed with their siblings unless there  
36 is a finding by the court that such placement is contrary to their best interest; and

37 (viii) If the placement preferences of the family and permanency team and child are  
38 not the placement setting recommended by the qualified individual conducting the  
39 assessment under Code Section 15-11-219, the reasons why the preferences of the  
40 team and of the child were not recommended.

41 (C) If a child is placed in a qualified residential treatment program for more than six  
42 consecutive or nonconsecutive months, DFCS must maintain:

- 43 (i) Documentation of the assessment completed by a qualified individual, including  
44 written recommendations regarding the placement that will provide the child with the  
45 most effective level of care in the least restrictive environment and how that  
46 placement is consistent with the permanency goals established for the child; and  
47 (ii) Documentation of the determination and approval or disapproval of the placement  
48 in a qualified residential treatment program by the court;
- 49 (4) Specific time limited goals and related activities designed to enable the safe return  
50 of such child to his or her home, or, in the event that return to his or her home is not  
51 possible, activities designed to result in permanent placement or emancipation, with such  
52 goals and related activities to include appropriate services for the parent, guardian, or  
53 legal custodian of the alleged dependent child;
- 54 (5) Assignment of specific responsibility for accomplishing the planned activities;
- 55 (6) The projected date of completion of the case plan objectives;
- 56 (7) The date time limited services will be terminated;
- 57 (8) A schedule of visits between such child and his or her siblings and other appropriate  
58 family members and an explanation if no visits are scheduled;
- 59 (9) When placement is made in a foster family home, group home, or other child care  
60 institution that is either a substantial distance from the home of such child's parent,  
61 guardian, or legal custodian or out of state, the case plan shall specify the reasons why  
62 the placement is the most appropriate and is in the best interests of the child;
- 63 (10) When an out-of-state group home placement is recommended or made, the case plan  
64 shall comply with Code Section 39-4-4, the Interstate Compact on the Placement of  
65 Children. In addition, documentation of the recommendation of the multidisciplinary  
66 team and the rationale for such particular placement shall be included. The case plan  
67 shall also address what in-state services or facilities were used or considered and why  
68 they were not recommended;

69 (11) If applicable, a statement that reasonable efforts have been made and a requirement  
70 that reasonable efforts shall be made for so long as such child remains in the custody of  
71 the department:

72 (A) To place siblings removed from their home in the same foster care, kinship care,  
73 guardianship, or adoptive placement, unless DFCS documents that such a joint  
74 placement would be contrary to the safety or well-being of any of the siblings; and

75 (B) In the case of siblings removed from their home who are not so jointly placed, for  
76 frequent visitation or other ongoing interaction between the siblings, unless DFCS  
77 documents that such frequent visitation or other ongoing interaction would be contrary  
78 to the safety or well-being of any of the siblings;

79 (12) Provisions ensuring the educational stability of such child while in foster care,  
80 including:

81 (A) An assurance that the placement of such child in foster care takes into account the  
82 appropriateness of the current educational setting and the proximity to the school in  
83 which such child is enrolled at the time of placement;

84 (B) An assurance that the state agency has coordinated with appropriate local  
85 educational agencies to ensure that such child remains in the school in which such child  
86 is enrolled at the time of placement; or

87 (C) If remaining in such school is not in the best interests of the child, an assurance by  
88 DFCS that DFCS and the local educational agencies have cooperated to assure the  
89 immediate and appropriate enrollment in a new school, with all of the educational  
90 records of such child provided to such new school;

91 (13) An account of health and education information about such child including school  
92 records, immunizations, known medical problems, any known medications he or she may  
93 be taking, names and addresses of his or her health and educational providers; such  
94 child's grade level performance; assurances that such child's placement in foster care

95 takes into account proximity to the school in which he or she was enrolled at the time of  
96 placement; and other relevant health and educational information;

97 (14) A recommendation for a permanency plan for such child. If, after considering  
98 reunification, adoptive placement, permanent guardianship, or placement with a fit and  
99 willing relative, DFCS recommends placement in another planned permanent living  
100 arrangement for a child who has attained the age of 16, the case plan shall include:

101 (A) Documentation of a compelling reason or reasons why reunification, termination  
102 of parental rights and adoption, permanent guardianship, or placement with a fit and  
103 willing relative are not in the child's best interests;

104 (B) Documentation of the intensive, ongoing, and unsuccessful efforts made by the  
105 state agency to return the child home or secure a placement for the child with a fit and  
106 willing relative, a legal guardian, or an adoptive parent, including through efforts that  
107 utilize search technology, including social media, to find biological family members for  
108 the child; and

109 (C) Documentation of the steps the state agency is taking to ensure that the child's  
110 foster family home or child care institution is following the reasonable and prudent  
111 parent standard, as defined in Code Section 49-5-3, and documentation that the child  
112 has regular, ongoing opportunities to engage in age or developmentally appropriate  
113 activities, as defined in Code Section 49-5-3, including by consulting with the child in  
114 an age-appropriate manner about the opportunities of the child to participate in the  
115 activities.

116 For purposes of this paragraph, a 'compelling reason' shall include the same reasons as those  
117 cited in paragraph (2) of subsection (b) of Code Section 15-11-233;

118 (15)(A) A statement that the parent, guardian, or legal custodian of such child and the  
119 child have had an opportunity to participate in the development of the case plan, to  
120 review the case plan, to sign the case plan, and to receive a copy of the plan, or an  
121 explanation about why such persons were not able to participate or sign the case plan.

122 (B) The case plan for each child in foster care who has attained the age of 14 years old  
123 shall be developed and revised in consultation with the child and, at the option of the  
124 child, up to two members of the case planning team who are chosen by the child and  
125 who are not a foster parent of, or caseworker for, the child. DFCS may reject an  
126 individual selected by a child to be a member of the case planning team at any time if  
127 DFCS has good cause to believe that the individual would not act in the best interests  
128 of the child. One such member may be designated to be the child's advisor and, as  
129 necessary, advocate, with respect to the application of the reasonable and prudent  
130 parent standard to the child.

131 (C) The case plan for each child in foster care who has attained the age of 14 years old  
132 shall include:

133 (i) A document describing the rights of the child with respect to education, health,  
134 visitation, and court participation, the right to be provided with a consumer report  
135 pursuant to 42 U.S.C. Section 675(5)(I), and the right to stay safe and avoid  
136 exploitation; and

137 (ii) A signed acknowledgment by the child that the child has been provided with a  
138 copy of the document described in division (i) of this subparagraph and that the rights  
139 contained in the document have been explained to the child in an age-appropriate  
140 way;

141 (16) A requirement that the DFCS case manager and staff and, as appropriate, other  
142 representatives of such child provide him or her with assistance and support in  
143 developing a transition plan that is personalized at the direction of such child, including  
144 specific options on housing, health insurance, education, local opportunities for mentors  
145 and continuing support services, and workforce supports and employment services, and  
146 is as detailed as such child may elect. The transition plan shall be completed in the 90  
147 day period immediately prior to the date on which such child will attain 18 years of age;

148 (17) For such child in out-of-home care who is 14 years of age or older, a written  
149 description of the programs and services which will help him or her prepare for the  
150 transition from foster care to independent living; and

151 (18) The identity of the person within DFCS or other agency who is directly responsible  
152 for ensuring that the case plan is implemented."

153 **SECTION 2.**

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