

The Senate Committee on Judiciary offered the following substitute to HB 912:

A BILL TO BE ENTITLED
AN ACT

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

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

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

17 "15-11-64.

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

22 (1) Name;

23 (2) Date of birth;

24 (3) Sex;

25 (4) Race;

26 (5) Offense charged;

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

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

31 (8) Disposition of the case; and

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

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

48 (c) Pursuant to rules ~~promulgated by the Judicial Council of Georgia~~ adopted by the
49 Supreme Court of Georgia, on and after January 1, ~~2019~~ 2021, each clerk of the juvenile
50 court shall collect data on each child alleged or adjudicated to be a delinquent child and
51 transmit such data as required by such rules. The ~~Judicial Council of Georgia~~ Supreme
52 Court of Georgia shall make and publish in print or electronically such state-wide
53 minimum standards and rules as it deems necessary to carry out this subsection. Each clerk
54 of the juvenile court shall develop and enact policies and procedures necessary to carry out
55 the standards and rules created by the ~~Judicial Council of Georgia~~ Supreme Court of
56 Georgia.

57 (d) Pursuant to rules adopted by the Supreme Court of Georgia, on and after January 1,
58 2021, each clerk of the juvenile court shall collect data on all cases in which a child alleged
59 or adjudicated to be a child in need of services or a delinquent child is placed in foster care
60 and has also been alleged or adjudicated to be a dependent child and shall transmit such
61 data as required by such rules. Such data shall include, at a minimum, the adherence on
62 each case by the court to the time frames contained in Code Section 15-11-102."

63

SECTION 2.

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

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

74

SECTION 3.

75 Said chapter is further amended by revising subsection (d) of Code Section 15-11-340,
76 relating to criteria for receiving services, development of transition plan, and termination, as
77 follows:

78 "(d) Every ~~60 days~~ 12 months, a DFCS case manager shall determine if a child is still
79 eligible for extended care youth services. If DFCS determines that a child is no longer
80 eligible for extended care youth services, DFCS may terminate the voluntary placement
81 agreement with such child and stop providing extended care youth services. DFCS shall
82 provide written or electronic notice to such child regarding such termination and to the
83 court that approved such services."

84

SECTION 4.

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

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

92 (1) Preventive services as follows:

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

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

100 (2) Child welfare services as follows:

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

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

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

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

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

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

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

123 (H) Casework services and care to all children and youths where the parent, custodian,
124 or guardian has placed such children in the custody of the department by voluntary
125 agreement, until such agreement is revoked by the parent, custodian, or guardian upon
126 request that such children be returned to the parent, custodian, or guardian or to another
127 relative or the voluntary agreement expires; provided, however, that nothing in this
128 subparagraph shall prohibit the department from obtaining an order placing such
129 children in its custody in accordance with Article 3 of Chapter 11 of Title 15. The
130 department shall be authorized to contract with, certify, or partner with licensed
131 child-placing agencies to assist with or provide such casework services;

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

- 133 (A) Accepting for casework services and care all children and youths whose legal
134 custody is vested in the department by the court;
- 135 (B) Providing shelter or custodial care for children prior to examination and study or
136 pending court hearing;
- 137 (C) Making social studies and reports to the court with respect to children and youths
138 as to whom petitions have been filed; and
- 139 (D) Providing casework services and care or payment of maintenance costs for children
140 and youths who have run away from their home communities within this state, or from
141 their home communities in this state to another state, or from their home communities
142 in another state to this state; paying the costs of returning such runaway children and
143 youths to their home communities; and providing such services, care, or costs for
144 runaway children and youths as may be required under Chapter 4B of this title;
- 145 (4) Regional group-care facilities for the purpose of:
- 146 (A) Providing local authorities an alternative to placing any child in a common jail;
- 147 (B) Shelter care prior to examination and study or pending a hearing before juvenile
148 court;
- 149 (C) Detention prior to examination and study or pending a hearing before juvenile
150 court; and
- 151 (D) Study and diagnosis pending determination of treatment or a hearing before
152 juvenile court;
- 153 (5) Facilities designed to afford specialized and diversified programs, such as forestry
154 camps, ranches, and group residences, for the care, treatment, and training of children and
155 youths of different ages and different emotional, mental, and physical conditions;
- 156 (6) Regulation of child-placing agencies, child-caring institutions, and maternity homes
157 by:
- 158 (A) Establishing rules and regulations for and providing consultation on such rules and
159 regulations for all such agencies, institutions, and homes; and
- 160 (B) Licensing and inspecting periodically all such agencies, institutions, and homes to
161 ensure their adherence to established standards as prescribed by the department;
- 162 (7) Adoption services, as follows:
- 163 (A) Supervising the work of all child-placing agencies when funds are made available;
- 164 (B) Providing services to parents desiring to surrender children for adoption as
165 provided for in adoption statutes;
- 166 (C) Providing care or payment of maintenance costs for mothers bearing children out
167 of wedlock and children being considered for adoption;
- 168 (D) Inquiring into the character and reputation of persons making application for the
169 adoption of children;

- 170 (E) Placing children for adoption;
- 171 (F) Providing financial assistance to families adopting children once the child has been
172 placed for adoption, determined eligible for assistance, and the adoption assistance
173 agreement has been signed prior to the finalization of the adoption by all parties.
174 Financial assistance may only be granted for hard-to-place children with physical,
175 mental, or emotional disabilities or with other problems for whom it is difficult to find
176 a permanent home. Financial assistance may not exceed 100 percent of the amount that
177 would have been paid for boarding such child in a family foster home and for special
178 services such as medical care not available through insurance or public facilities. Such
179 supplements shall only be available to families who could not provide for the child
180 adequately without continued financial assistance. The department may review the
181 supplements paid at any time but shall review them at least annually to determine the
182 need for continued assistance;
- 183 (G) Providing payment to a licensed child-placing agency which places a child with
184 special needs who is under the jurisdiction of the department for adoption. Payment
185 may not exceed \$5,000.00 for each such adoption arranged by an agency. The board
186 shall define the special needs child. One-half of such payment shall be made at the time
187 of placement and the remaining amount shall be paid when the adoption is finalized.
188 If the adoption disrupts prior to finalization, the state shall be reimbursed by the
189 child-placing agency in an amount calculated on a prorated basis based on length of
190 time the child was in the home and the services provided; and
- 191 (H) Providing payment to an agency which recruits, educates, or trains potential
192 adoptive or foster parents for preparation in anticipation of adopting or fostering a
193 special needs child. The board shall define the special needs child and set the payment
194 amount by rule and regulation. Upon appropriate documentation of these preplacement
195 services in a timely manner, payments as set by the board shall be made upon
196 enrollment of each potential adoptive or foster parent for such services;
- 197 (8) Staff development and recruitment programs through in-service training and
198 educational scholarships for personnel as may be necessary to assure efficient and
199 effective administration of the services and care for children and youths authorized in this
200 article. The department is authorized to disburse state funds to match federal funds in
201 order to provide qualified employees with graduate or postgraduate educational
202 scholarships in accordance with rules and regulations adopted by the board pursuant to
203 Article VIII, Section VII, Paragraph I of the Constitution of Georgia;
- 204 (9) Miscellaneous services, such as providing all medical, hospital, psychiatric, surgical,
205 or dental services or payment of the costs of such services as may be considered
206 appropriate and necessary by competent medical authority to those children subject to the

207 supervision and control of the department without securing prior consent of parents or
 208 legal guardians;

209 (10) Preparation, education, and training for foster parents which will provide them with
 210 the appropriate knowledge and skills to provide for the needs of foster children, including
 211 knowledge and skills relating to the reasonable and prudent parent standard for the
 212 participation of the child in age or developmentally appropriate activities, and continue
 213 such preparation, as necessary, after the placement of the children. The department shall
 214 be authorized to require varying levels of initial and annual training based on the
 215 experience of the foster parents, the age and needs of the foster child or children, and
 216 whether the foster parents are providing only respite care. All or part of such training
 217 may be offered online;

218 (11) Each youth who is leaving foster care by reason of having attained 18 years of age,
 219 unless the child has been in foster care for less than six months, with, if the child is
 220 eligible to receive such document, an official or certified copy of the United States birth
 221 certificate of the child, a social security card issued by the Commissioner of Social
 222 Security, health insurance information, a copy of the child's medical records, a driver's
 223 license or identification card issued by a state in accordance with the requirements of
 224 Section 202 of the REAL ID Act of 2005, and any official documentation necessary to
 225 prove that the child was previously in foster care. Provision of records in accordance
 226 with this paragraph shall not be considered a violation of subsection (b) of Code Section
 227 49-5-40; and

228 (12) Extended care youth services for youths between 18 and 21 years of age as set forth
 229 in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for
 230 providing such services in accordance with 42 U.S.C. Section 675, as it existed on
 231 February 1, 2018."

232 **SECTION 5.**

233 Said chapter is further amended by adding a new Code section to read as follows:

234 "49-5-8.1.

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

236 (1) 'Caregiver' means a foster parent with whom a child in foster care has been placed.

237 (2) 'Occasional' means once per week or less on varying days and not exceeding twice
 238 per month.

239 (3) 'Short-term' means no more than 72 consecutive hours.

240 (b) A caregiver may arrange for occasional short-term babysitting of a child in foster care
 241 placed with such caregiver and allow individuals age 18 or older to supervise such child
 242 for purposes including medical or other health care appointments for the caregiver, grocery

243 or other shopping, personal grooming appointments, special occasions for the caregiver or
244 caregivers, foster parent training classes, school related meetings, business meetings, adult
245 social gatherings, or an occasional evening event out for the caregiver or caregivers.

246 (c) A caregiver shall use a reasonable and prudent parent standard in selecting and
247 arranging for appropriate babysitters for occasional short-term babysitting pursuant to this
248 Code section.

249 (d) A caregiver shall make all reasonable efforts to provide the babysitter with the
250 following information before leaving the child with the babysitter for short-term
251 babysitting:

252 (1) Information about the child's emotional, behavioral, medical, and physical condition,
253 if any, necessary to provide care for such child during the short-term babysitting period;

254 (2) Any medication that should be administered to such child in foster care during the
255 short-term babysitting period; and

256 (3) Emergency contact information that is valid for the duration of the short-term
257 babysitting period."

258 **SECTION 6.**

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