

House Bill 972 (COMMITTEE SUBSTITUTE)

By: Representatives Willard of the 51st, Oliver of the 82nd, Reeves of the 34th, Thomas of the 39th, Peake of the 141st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 and Code Section 49-5-8 of the Official Code of Georgia
2 Annotated, relating to the Juvenile Code and powers and duties of the Department of Human
3 Services, respectively, so as to allow the Division of Family and Children Services of the
4 Department of Human Services to offer extended care youth services to youths between 18
5 and 21 years of age under certain circumstances; to change a definition; to clarify juvenile
6 court jurisdiction and the termination of dependency orders; to provide for voluntary
7 agreements for services and court oversight; to change provisions relating to the Department
8 of Human Services' powers and duties; to provide for effective dates; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

13 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
14 Code, is amended by revising paragraph (10) of Code Section 15-11-2, relating to definitions,
15 as follows:

16 "(10) 'Child' means any individual who is:

17 (A) Under the age of 18 years;

18 (B) Under the age of 17 years when alleged to have committed a delinquent act;

19 (C) ~~Under the age of 22 years and in the care of DFCS as a result of being adjudicated~~
20 ~~dependent before reaching 18 years of age; Between 18 and 21 years of age and~~
21 ~~receiving extended care youth services from DFCS; or~~

22 (D) ~~Under the age of 23 years and eligible for and receiving independent living~~
23 ~~services through DFCS as a result of being adjudicated dependent before reaching 18~~
24 ~~years of age; or~~

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25 ~~(E)~~ Under the age of 21 years who committed an act of delinquency before reaching
 26 the age of 17 years and who has been placed under the supervision of the court or on
 27 probation to the court for the purpose of enforcing orders of the court."

28 **SECTION 1-2.**

29 Said chapter is further amended by revising subparagraph (F) of paragraph (1) of Code
 30 Section 15-11-10, relating to exclusive original jurisdiction, as follows:

31 ~~"(F) Has remained in foster care after such child's eighteenth birthday or who is~~
 32 ~~receiving independent living services from DFCS after such child's eighteenth birthday;~~
 33 ~~provided, however, that such jurisdiction shall be for the purpose of reviewing the~~
 34 ~~status of such child and the services being provided to such child as a result of such~~
 35 ~~child's independent living plan or status as a child in foster care~~ Is receiving extended
 36 care youth services; provided, however, that such jurisdiction shall be for the purpose
 37 of reviewing the status of the case, determining that extended care youth services are
 38 in the best interests of such child, adopting a transition plan for such child, ensuring the
 39 provision of developmentally appropriate services and supports consistent with such
 40 plans, and determining whether reasonable efforts are being made to transition such
 41 child to independent living or another planned permanent adult living arrangement; or"

42 **SECTION 1-3.**

43 Said chapter is further amended by revising paragraph (16) of subsection (b) of Code Section
 44 15-11-201, relating to DFCS case plan contents, as follows:

45 "(16) A requirement that the DFCS case manager and staff and, as appropriate, other
 46 representatives of such child provide him or her with assistance and support in
 47 developing a transition plan that is personalized at the direction of such child, including
 48 specific options on housing, health insurance, education, local opportunities for mentors
 49 and continuing support services, and ~~work force~~ workforce supports and employment
 50 services, and is as detailed as such child may elect. The transition plan shall be
 51 completed in the 90 day period:

52 (A) ~~Immediately~~ immediately prior to the date on which such child will attain 18 years
 53 of age; or

54 (B) ~~If such child remains in the care of DFCS past his or her eighteenth birthday,~~
 55 ~~before his or her planned exit from DFCS care."~~

56 **SECTION 1-4.**

57 Said chapter is further amended by revising subsection (c) of Code Section 15-11-214,
 58 relating to duration of disposition orders, as follows:

59 ~~"(c) Unless a child remains in DFCS care or continues to receive services from DFCS,~~
 60 ~~when~~ When a child adjudicated as a dependent child reaches 18 years of age, all orders in
 61 connection with dependency proceedings affecting him or her then in force terminate and
 62 he or she shall be discharged from further obligation or control."

63 **SECTION 1-5.**

64 Said chapter is further amended by adding a new article to read as follows:

65 "ARTICLE 4A

66 15-11-340.

67 (a) A child may receive extended care youth services from DFCS. In order to receive such
 68 services, he or she must be between 18 and 21 years of age, sign a voluntary placement
 69 agreement with DFCS, and meet objective eligibility criteria established by DFCS, which
 70 shall include one or more of the following requirements:

- 71 (1) Be completing secondary education or a program leading to an equivalent credential;
 72 (2) Be enrolled in an institution which provides postsecondary or vocational education;
 73 (3) Be a participant in a program or activity designed to promote or remove barriers to
 74 employment;
 75 (4) Be employed for at least 120 hours per month;
 76 (5) Be employed for 80 hours per month, provided that he or she is also engaged in one
 77 of the activities described in paragraphs (1) through (3) of this subsection or can only
 78 work 80 hours per month due to a medical condition; or
 79 (6) Be incapable of doing any of the activities described in paragraphs (1) through (5)
 80 of this subsection due to a medical condition.

81 (b) When a child is receiving extended care youth services from DFCS, a DFCS case
 82 manager and staff, other representatives of such child and, as appropriate, such child shall
 83 develop a transition plan that is personalized at the direction of such child, including an
 84 option to execute a durable power of attorney for health care, health care proxy, or other
 85 similar document recognized by law with respect to health care and specific options on
 86 housing, health insurance, education, local opportunities for mentors and continuing
 87 support services, and workforce supports and employment services, and is as detailed as
 88 such child may elect. Such transition plan shall be completed within 30 days of the child
 89 agreeing to such services and shall be updated as required by this article.

90 (c) A child may terminate a voluntary placement agreement and stop receiving extended
 91 care youth services at any time.

92 (d) Every 60 days, a DFCS case manager shall determine if a child is still eligible for
 93 extended care youth services. If DFCS determines that a child is no longer eligible for
 94 extended care youth services, DFCS may terminate the voluntary placement agreement
 95 with such child and stop providing extended care youth services. DFCS shall provide
 96 written or electronic notice to such child regarding such termination and to the court that
 97 approved such services.

98 (e) A child who is within 12 months of becoming 21 years of age shall not be permitted
 99 to sign a voluntary placement agreement with DFCS for extended care youth services.

100 15-11-341.

101 (a) No later than 120 days after a voluntary placement agreement is signed by a child,
 102 DFCS shall file with the court a written report which shall contain the following:

103 (1) The child's name, date of birth, race, gender, and current address;

104 (2) Facts to support a finding that the child meets the eligibility criteria for extended care
 105 youth services and an explanation as to why it is in the child's best interests to receive
 106 extended care youth services;

107 (3) A copy of the signed voluntary placement agreement;

108 (4) A plan for such child to transition to independent living or another planned
 109 permanent adult living arrangement which is appropriate for the age and independence
 110 of the child using a form adopted by DFCS;

111 (5) Any information the child wants the court to consider; and

112 (6) Any other information DFCS wants the court to consider.

113 (b) Within 30 days of the filing of the written report required by this Code section, the
 114 court shall hold a review hearing and make written findings of fact for the purpose of
 115 determining whether extended care youth services are in the best interests of such child.
 116 The court shall issue an order with regard to the child having extended care youth services
 117 if it has determined that such services are in the best interests of the child and, as
 118 appropriate, approve or reject the plan for transition to independent living or another
 119 planned permanent adult living arrangement submitted by DFCS.

120 15-11-342.

121 (a) When a child is receiving services under this article, the date such child is considered
 122 to have entered foster care shall be 60 days after such child signed the voluntary placement
 123 agreement.

124 (b)(1) No later than 12 months after a child is considered to have entered foster care, the
 125 court shall hold a hearing and make findings of fact for the purpose of determining
 126 whether:

127 (A) The services and supports provided by DFCS under the child's voluntary placement
 128 agreement are developmentally appropriate;
 129 (B) DFCS has made reasonable efforts to finalize the child's plan for transition to
 130 independent living or another planned permanent adult living arrangement; and
 131 (C) The child is making progress toward achieving independence.
 132 (2) The court shall issue an order adopting or rejecting any updated transition plan for
 133 such child.
 134 (c) So long as a child is eligible for and remains in extended care youth services, the court
 135 shall conduct periodic review hearings and make written findings of fact in accordance
 136 with subsection (b) of this Code section no later than 12 months following the previous
 137 hearing. Such periodic review hearings shall continue so long as such child is eligible for
 138 and remains in extended care youth services.
 139 (d) Five days prior to any hearing conducted under this Code section, DFCS shall submit
 140 a report for the court's consideration, on a form adopted by DFCS, recommending a plan
 141 for transition to independent living or another permanent planned adult living arrangement
 142 and include the child's name, address, and telephone number, the date he or she entered
 143 extended care youth services, and the placement and services being provided for such child.
 144 (e) Within the 90 day period prior to a child no longer receiving extended care youth
 145 services from DFCS, a DFCS case manager and staff, and other representatives of such
 146 child and, as appropriate, such child shall develop a final transition plan that is personalized
 147 at the direction of such child, including an option to execute a durable power of attorney
 148 for health care, health care proxy, or other similar document recognized by law with
 149 respect to health care and specific options on housing, health insurance, education, local
 150 opportunities for mentors and continuing support services, and workforce supports and
 151 employment services, and is as detailed as such child may elect."

152 **PART II**

153 **SECTION 2-1.**

154 Code Section 49-5-8 of the Official Code of Georgia Annotated, relating to the powers and
 155 duties of the Department of Human Services, is amended in subsection (a) by deleting "and"
 156 at the end of paragraph (10), by replacing the period with "; and" at the end of paragraph
 157 (11), and by adding a new paragraph to read as follows:
 158 "(12) Extended care youth services for youths between 18 and 21 years of age as set forth
 159 in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for providing
 160 such services in accordance with 42 U.S.C. Section 675, as it existed on February 1, 2018."

161

PART III

162

SECTION 3-1.

163 This part and Part II of this Act shall become effective on July 1, 2018, and Part I of this Act

164 shall become effective on July 1, 2020.

165

SECTION 3-2.

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