

SENATE SUBSTITUTE TO HB 972:

**AS PASSED SENATE**

**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 amend Part 1 of Article 3 of Chapter 11 of Title  
 9 15 of the Official Code of Georgia Annotated, relating to general provisions relative to  
 10 dependency proceedings, so as to require certain information be provided to a caregiver,  
 11 foster parent, preadoptive parent, or relative by DFCS upon placement of a child; to provide  
 12 for related matters; to provide for effective dates; to repeal conflicting laws; and for other  
 13 purposes.

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

15 **PART I**

16 **SECTION 1-1.**

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

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

21 (A) Under the age of 18 years;

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

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

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

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

32 **SECTION 1-2.**

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

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

46 **SECTION 1-3.**

47 Said chapter is further amended by revising paragraph (16) of subsection (b) of Code Section  
 48 15-11-201, relating to DFCS case plan contents, as follows:

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

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

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

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**SECTION 1-4.**

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

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

**SECTION 1-5.**

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

“ARTICLE 4A

15-11-340.

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

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

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

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

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

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

104 15-11-341.

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

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

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

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

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

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

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

117 (b) Within 30 days of the filing of the written report required by this Code section, the  
 118 court shall hold a review hearing and make written findings of fact for the purpose of  
 119 determining whether extended care youth services are in the best interests of such child.

120 The court shall issue an order with regard to the child having extended care youth services  
 121 if it has determined that such services are in the best interests of the child and, as  
 122 appropriate, approve or reject the plan for transition to independent living or another  
 123 planned permanent adult living arrangement submitted by DFCS.

124 15-11-342.

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

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

131 (A) The services and supports provided by DFCS under the child's voluntary placement  
 132 agreement are developmentally appropriate;

133 (B) DFCS has made reasonable efforts to finalize the child's plan for transition to  
 134 independent living or another planned permanent adult living arrangement; and

135 (C) The child is making progress toward achieving independence.

136 (2) The court shall issue an order adopting or rejecting any updated transition plan for  
 137 such child.

138 (c) So long as a child is eligible for and remains in extended care youth services, the court  
 139 shall conduct periodic review hearings and make written findings of fact in accordance  
 140 with subsection (b) of this Code section no later than 12 months following the previous  
 141 hearing. Such periodic review hearings shall continue so long as such child is eligible for  
 142 and remains in extended care youth services.

143 (d) Five days prior to any hearing conducted under this Code section, DFCS shall submit  
 144 a report for the court's consideration, on a form adopted by DFCS, recommending a plan  
 145 for transition to independent living or another permanent planned adult living arrangement  
 146 and include the child's name, address, and telephone number, the date he or she entered  
 147 extended care youth services, and the placement and services being provided for such child.

148 (e) Within the 90 day period prior to a child no longer receiving extended care youth  
 149 services from DFCS, a DFCS case manager and staff, and other representatives of such  
 150 child and, as appropriate, such child shall develop a final transition plan that is personalized  
 151 at the direction of such child, including an option to execute a durable power of attorney  
 152 for health care, health care proxy, or other similar document recognized by law with  
 153 respect to health care and specific options on housing, health insurance, education, local  
 154 opportunities for mentors and continuing support services, and workforce supports and  
 155 employment services, and is as detailed as such child may elect."

## 156 **PART II**

### 157 **SECTION 2-1.**

158 Code Section 49-5-8 of the Official Code of Georgia Annotated, relating to the powers and  
 159 duties of the Department of Human Services, is amended in subsection (a) by deleting "and"  
 160 at the end of paragraph (10), by replacing the period with "; and" at the end of paragraph  
 161 (11), and by adding a new paragraph to read as follows:

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

166 **PART III**  
 167 **SECTION 3-1.**

168 Part 1 of Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
 169 relating to general provisions relative to dependency proceedings, is amended by revising  
 170 Code Section 15-11-109, relating to notice of hearings to specified nonparties, as follows:

171 "15-11-109.

172 (a) In advance of each hearing or review, DFCS shall give written notice of the date, time,  
 173 place, and purpose of the review or hearing, including the right to be heard, to the caregiver  
 174 of a child, the foster parent of a child, any preadoptive parent, or any relative providing  
 175 care for a child. The written notice shall be delivered to the recipient at least 72 hours  
 176 before the review or hearing, except in the case of preliminary protective hearings or  
 177 emergency hearings when such notice is not possible, by United States mail, e-mail, or  
 178 hand delivery.

179 (b) Notice of a hearing or review shall not be construed to require a legal custodian, foster  
 180 parent, preadoptive parent, or relative caring for a child to be made a party to the hearing  
 181 or review solely on the basis of such notice and opportunity to be heard.

182 (c) Upon placement of a child, DFCS shall provide the caregiver, foster parent,  
 183 preadoptive parent, or relative providing care for such child with the following information  
 184 in writing:

185 (1) At the time of placement:

186 (A) An explanation of the process for enrolling the child in school and any information  
 187 necessary to complete the process;

188 (B) A description of any financial assistance for which the caregiver, foster parent,  
 189 preadoptive parent, or relative may be eligible, including any financial assistance  
 190 available for child care;

191 (C) A description of the reasonable and prudent parenting standard defined in Code  
 192 Section 49-5-3; and

193 (D) Contact information for a county or district department of family and children  
 194 services; and

195 (2) At the time of placement, if available:

196 (A) A copy of or recommendations from the child's most recent physical and dental  
 197 examinations and any available information on the child's known medical conditions  
 198 and current medications;

199 (B) A copy of or recommendations from the child's most recent developmental  
 200 assessment, trauma assessment, and psychological evaluation;

201 (C) A copy of any court scheduling order or the dates and times for any scheduled  
 202 hearings relating to the child; and

203 (D) Health insurance information for the child, including the child's Medicaid number.

204 If the information listed in this paragraph is not available to DFCS at the time of  
 205 placement, DFCS shall request such information no later than 15 days after the child  
 206 enters foster care and provide such information to the caregiver, foster parent,  
 207 preadoptive parent, or relative providing care for the child. Provision of records in  
 208 accordance with this paragraph shall not be considered a violation of subsection (b) of  
 209 Code Section 49-5-40."

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#### **PART IV**

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#### **SECTION 4-1.**

212 This part, Part II, and Part III of this Act shall become effective on July 1, 2018, and Part I  
 213 of this Act shall become effective on July 1, 2020.

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#### **SECTION 4-2.**

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