

Senate Bill 401

By: Senators Kirkpatrick of the 32nd, Payne of the 54th, Kennedy of the 18th, Jackson of the 41st, Robertson of the 29th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the
2 juvenile code, so as to implement the recommendations of the Senate Foster Care and
3 Adoption Study Committee; to provide for annual reporting to the General Assembly of
4 certain de-identified data from juvenile court clerks relating to foster children who are in
5 need of services or delinquent; to remove the service of summons by publication requirement
6 at the adjudication phase in dependency proceedings; to repeal Code Section 15-11-163,
7 relating to interlocutory order of disposition when summons served by publication; to
8 provide that the petition to terminate parental rights be immediately filed and docketed
9 without delay when presented to the juvenile court clerk; to provide for related matters; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the juvenile
14 code, is amended by revising subsection (d) of Code Section 15-11-64, relating to collection
15 of information by juvenile court clerks, reporting requirements, and data collection, as
16 follows:

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17 "(d) Pursuant to rules adopted by the Supreme Court of Georgia, on and after January 1,
18 2021, each clerk of the juvenile court shall collect data on all cases in which a child alleged
19 or adjudicated to be a child in need of services or a delinquent child is placed in foster care
20 and has also been alleged or adjudicated to be a dependent child and shall transmit such
21 data as required by such rules. On and after April 15, 2025, and annually thereafter, each
22 clerk of the juvenile court shall also transmit such data to the Administrative Office of the
23 Courts for the previous calendar year. On and after May 15, 2025, and annually thereafter,
24 the Administrative Office of the Courts shall transmit de-identified data together with a
25 comprehensive, aggregated permanency report by county to the General Assembly for the
26 previous calendar year. Such data shall include, at a minimum, the adherence on each case
27 by the court to the time frames contained in Code Section Sections 15-11-102 and
28 15-11-322."

29

SECTION 2.

30 Said chapter is further amended by revising subsection (a) of Code Section 15-11-160,
31 relating to issuance of summons in dependency proceedings, as follows:

32 "(a) The court shall direct the issuance of a summons to a child if such child is 14 years of
33 age or older, such child's parent, guardian, or legal custodian, such child's attorney, such
34 child's guardian ad litem, if any, and any other persons who appear to the court to be proper
35 or necessary parties to the proceeding, requiring them to appear before the court at the time
36 fixed to answer the allegations of the petition alleging dependency. A copy of the petition
37 alleging dependency shall accompany the summons ~~unless the summons is served by~~
38 ~~publication, in which case the published summons shall indicate the general nature of the~~
39 ~~allegations and where a copy of the petition alleging dependency can be obtained."~~

40 **SECTION 3.**

41 Said chapter is further amended by revising subsections (d), (e), (f), and (g) of Code Section
42 15-11-161, relating to service of summons in dependency proceedings, as follows:

43 ~~“(d) If, after due diligence, a party to be served with a summons cannot be found and such~~
44 ~~party's address cannot be ascertained, whether he or she is within or outside this state, the~~
45 ~~court may order service of the summons upon him or her by publication. The adjudication~~
46 ~~hearing shall not be earlier than five days after the date of the last publication the party~~
47 ~~required to be served with a summons cannot be located by personal service after the~~
48 ~~exercise of due diligence, the court may proceed to adjudicate the matter, subject to the~~
49 ~~right of such party to a rehearing. Any rehearing request shall be made in writing with~~
50 ~~notice to all parties.~~

51 ~~(e)(1) Service by publication shall be made once a week for four consecutive weeks in~~
52 ~~the official organ of the county where the petition alleging dependency has been filed.~~
53 ~~Service shall be deemed complete upon the date of the last publication.~~

54 ~~(2) When served by publication, the notice shall contain the names of the parties, except~~
55 ~~that the anonymity of a child shall be preserved by the use of appropriate initials, and the~~
56 ~~date the petition alleging dependency was filed. The notice shall indicate the general~~
57 ~~nature of the allegations and where a copy of the petition alleging dependency can be~~
58 ~~obtained and require the party to be served by publication to appear before the court at~~
59 ~~the time fixed to answer the allegations of the petition alleging dependency.~~

60 ~~(3) Within 15 days after the filing of the order of service by publication, the clerk of~~
61 ~~court shall mail a copy of the notice, a copy of the order of service by publication, and~~
62 ~~a copy of the petition alleging dependency to the last known address of the party being~~
63 ~~served by publication.~~

64 ~~(f)(e) Service of the summons may be made by any suitable person under the direction of~~
65 ~~the court.~~

66 ~~(g)~~(f) The court may authorize the payment from county funds of the costs of service and
67 of necessary travel expenses incurred by persons summoned or otherwise required to
68 appear at the hearing."

69 **SECTION 4.**

70 Said chapter is further amended by repealing Code Section 15-11-163, relating to
71 interlocutory order of disposition when summons served by publication in dependency
72 proceedings.

73 **SECTION 5.**

74 Said chapter is further amended by revising subsection (b) of Code Section 15-11-280,
75 relating to termination of parental rights petition, style, contents, and putative father, as
76 follows:

77 "(b) The petition to terminate parental rights shall be made, verified, and ~~endorsed by the~~
78 ~~court as provided in Article 3 of this chapter for a petition alleging dependency~~
79 immediately filed and docketed without delay when presented to the clerk of the juvenile
80 court."

81 **SECTION 6.**

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