

House Bill 962 (AS PASSED HOUSE AND SENATE)

By: Representatives Abrams of the 89<sup>th</sup>, Dempsey of the 13<sup>th</sup>, Benton of the 31<sup>st</sup>, Hugley of the 136<sup>th</sup>, Sharper of the 177<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 49 of the Official Code of Georgia Annotated, relating to  
2 general provisions applicable to social services, so as to authorize the Department of Human  
3 Services to provide a separate link or portal on its website providing kinship caregivers with  
4 information and access necessary to apply for public assistance benefits; to amend Article  
5 1 of Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the  
6 Department of Human Services generally, so as to provide for the creation, appointment, and  
7 duties of a kinship care enforcement administrator; to amend Article 7 of Chapter 4 of Title  
8 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as  
9 to require the Department of Community Health to provide that certain dependents of a  
10 military service member shall maintain eligibility and priority for certain medical assistance  
11 and developmental disability services under certain conditions; to require the department to  
12 request a waiver if necessary to implement such provision; to provide that such provision  
13 shall only apply to the fullest extent permissible to remain in compliance with certain federal  
14 laws, rules, and regulations; to provide for definitions; to provide for related matters; to  
15 repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **PART I**  
18 **SECTION 1-1.**

19 Chapter 1 of Title 49 of the Official Code of Georgia Annotated, relating to general  
20 provisions applicable to social services, is amended by adding a new Code section to read  
21 as follows:

22 "49-1-8.

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

24 (1) 'Basic necessities' means water, electricity, gas, power, light, heat, telephone, or other  
25 public utility services.

26 (2) 'Child' means any person under 18 years of age.

27 (3) 'Kinship caregiver' means a grandparent, aunt, uncle, great aunt, great uncle, cousin,  
 28 sibling, or close family friend of a child who has assumed responsibility for raising such  
 29 child in an informal, noncustodial, or guardianship capacity upon the parents of such  
 30 child losing or abdicating the ability to care for or provide basic necessities for such child.

31 (4) 'Parents' means the legal father and the legal mother of a child.

32 (b) The department shall have the authority to provide and shall take all necessary steps  
 33 to so provide a separate link or portal on its website which provides access to social  
 34 services that are specific to kinship caregivers and the children in their care. Such link or  
 35 portal shall provide specific information and access for applying for public assistance  
 36 benefits in this state as a kinship caregiver and on behalf of children in the care of a kinship  
 37 caregiver."

## 38 **PART II**

### 39 **SECTION 2-1.**

40 Article 1 of Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the  
 41 Department of Human Services generally, is amended by adding a new subsection to Code  
 42 Section 49-2-1, relating to department created, transfer of powers, functions, and duties of  
 43 Department of Human Resources to Department of Human Services, creation, appointment,  
 44 removal, and duties of commissioner of human services, to read as follows:

45 "(c)(1) As used in this subsection, the term:

46 (A) 'Fictive kin' shall have the same meaning as set forth in Code Section 15-11-2.

47 (B) 'Kinship caregiver' means a grandparent, aunt, uncle, great aunt, great uncle,  
 48 cousin, or sibling of a child under the age of 18 or fictive kin who has assumed  
 49 responsibility for raising such child in an informal, noncustodial, or guardianship  
 50 capacity upon the legal parents of such child losing or abdicating the ability to care for  
 51 or provide basic necessities for such child.

52 (2) There is created the position of kinship care enforcement administrator within the  
 53 Department of Human Services who shall be appointed by and serve at the discretion of  
 54 the commissioner of human services. The kinship care enforcement administrator shall  
 55 account for, monitor, facilitate, and ensure compliance with all laws, rules, and  
 56 regulations of the federal government and this state which relate to any programs,  
 57 including, but not limited to, any pilot programs, subsidies, or benefits, available to  
 58 kinship caregivers or the children within their care."

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

61 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
62 medical assistance generally, is amended by adding a new Code section to read as follows:  
63 "49-4-158.

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

65 (1) 'Dependent' means a spouse, birth child, adopted child, or stepchild of a military  
66 service member.

67 (2) 'Legal resident' means a person who maintains Georgia as his or her principal  
68 establishment, home of record, or permanent home and to where, whenever absent due  
69 to military obligation, he or she intends to return.

70 (3) 'Military service' means service in the armed forces or armed forces reserves of the  
71 United States, or membership in the Georgia National Guard.

72 (4) 'Military service member' means a person who is currently in military service or who  
73 has separated from military service in the previous 18 months through either retirement  
74 or military separation.

75 (b) The department shall allow legal residents who are dependents of a military service  
76 member and who are absent from this state due to the member's military service to be  
77 added to a data base to indicate the need for medical assistance upon return to this state.

78 Should a dependent in such a situation be selected from a data base to receive medical  
79 assistance, the dependent shall have six months from the date of the selection notification  
80 to apply for such assistance and another six months to commence using such assistance.

81 In the event a dependent is receiving medical assistance funded by the department and the  
82 medical assistance is disrupted due to the military service member's need for the dependent  
83 to leave Georgia because of such military service member's military service, the medical  
84 assistance shall be resumed upon the dependent's return to Georgia if the dependent is  
85 otherwise eligible. In no case shall payment be made for home and community based  
86 services provided outside this state. A dependent of a military service member shall be  
87 required to provide the department with:

88 (1) A copy of the military service member's DD-214 or other equivalent discharge  
89 paperwork; and

90 (2) Proof of the military service member's legal residence in this state, as prescribed by  
91 the department.

92 (c) A dependent who is a legal resident of this state, having previously been determined  
93 to be eligible for developmental disability services provided by the department, including  
94 waiver services provided under the home and community based services programs

95 authorized under Section 1915(c) of the Social Security Act, shall retain eligibility for  
96 those developmental disability services as long as he or she remains a legal resident of this  
97 state, regardless of having left this state due to the military service member's military  
98 assignment outside this state, as long as he or she is otherwise eligible for such services.

99 (d) The department shall permit a dependent who resides outside this state to be placed on  
100 a waiting list for developmental disabilities services if the dependent left this state due to  
101 the military service member's military assignment outside this state, is otherwise eligible  
102 for those services, and furnishes:

103 (1) A copy of the military service member's DD-214 or other equivalent discharge  
104 paperwork; and

105 (2) Proof of the military service member's legal residence in this state, as prescribed by  
106 the department.

107 (e) For dependents who received developmental disability services and who left this state  
108 due to the military service member's military assignment outside this state, upon the  
109 dependent's return to this state and when a request for services is made, the department  
110 shall:

111 (1) Determine the dependent's eligibility for services, which may include a request for  
112 waiver services provided under the home and community based services programs  
113 authorized under Section 1915(c) of the Social Security Act;

114 (2) Provide to the dependent notification of the determination of eligibility for services,  
115 which includes notification of a denial of services if applicable;

116 (3) Provide the dependent an opportunity to contest the department's determination  
117 through the appeals processes established by the department; and

118 (4) Resume services if the dependent remains eligible.

119 (f) As a condition of continued eligibility for services under subsection (e) of this Code  
120 section, a dependent must inform the department of his or her current address and provide  
121 updates as requested by the department.

122 (g) No payment pursuant to this Code section shall be made for developmental disability  
123 services authorized under this chapter and provided outside this state unless those services  
124 satisfy the conditions specified in 42 CFR 431.52. No payment pursuant to this Code  
125 section shall be made for home and community based services provided outside this state.

126 (h) The department shall request a waiver from the appropriate federal agency if a waiver  
127 is necessary to implement the provisions of this Code section.

128 (i) The department may adopt rules and regulations necessary to implement the provisions  
129 of this Code section.

130 (j) This Code section shall only apply to the fullest extent permissible for Georgia to  
131 remain in compliance with all federal laws, rules, and regulations associated with the  
132 services provided in this chapter."

133

**PART IV**

134

**SECTION 4-1.**

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