

House Bill 912 (AS PASSED HOUSE AND SENATE)

By: Representatives Reeves of the 34<sup>th</sup>, Fleming of the 121<sup>st</sup>, Oliver of the 82<sup>nd</sup>, Wiedower of the 119<sup>th</sup>, Wilson of the 80<sup>th</sup>, and others

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 style="text-align:center">**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.