

Senate Bill 387

By: Senators Kirkpatrick of the 32nd, Hatchett of the 50th, Payne of the 54th, Robertson of the 29th, Jackson of the 41st and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 5 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to identification cards for persons without drivers' licenses, so as to provide that
3 personal identification card applications of certain applicants who are either homeless or in
4 the legal custody of the Division of Family and Children Services do not require signatures
5 by the applicant's parent, guardian, or responsible adult; to provide that fees for such cards
6 for persons in DFCS custody shall be waived; to amend Article 1 of Chapter 5 of Title 49 of
7 the Official Code of Georgia Annotated, relating to children and youth services, so as to
8 authorize the Department of Human Services to establish programs that will provide a child
9 or youth entering foster care with a photograph; to authorize such department to establish
10 programs that will provide certain such child or youth with a personal identification card, if
11 eligible; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Article 5 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
15 identification cards for persons without drivers' licenses, is amended in Code Section
16 40-5-100, relating to personal identification cards, contents, possession of more than one card

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17 prohibited, and optional contributions to and participation in voluntary programs, by adding
18 a new subsection to read as follows:

19 "(g) Any eligible applicant child or youth 14 to 17 years of age who does not have an
20 address of residence or is in the legal custody of the Division of Family and Children
21 Services of the Department of Human Services shall not be required to have a parent,
22 guardian, or responsible adult sign or verify the application for an identification card."

23 **SECTION 2.**

24 Said article is further amended by revising subsection (c) of Code Section 40-5-103, relating
25 to fee, issuance period, exemptions from fees, and renewal, as follows:

26 "(c) The department shall not be authorized to collect a fee for an identification card from
27 those persons who are entitled to a free veterans' or honorary driver's license under the
28 provisions of Code Section 40-5-36, from a child or youth who is in the legal custody of
29 the Division of Family and Children Services of the Department of Human Services, or
30 from an individual receiving extended care youth services from such division."

31 **SECTION 3.**

32 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
33 children and youth services, is amended by revising subsection (a) of Code Section 49-5-8,
34 relating to powers and duties of the Department of Human Services, as follows:

35 "(a) The Department of Human Services is authorized and empowered, through its own
36 programs and the programs of county or district departments of family and children
37 services, to establish, maintain, extend, and improve throughout the state, within the limits
38 of funds appropriated therefor, programs that will provide:

39 (1) Preventive services as follows:

40 (A) Collecting and disseminating information about the problems of children and
41 youths and providing consultative assistance to groups, public and private, interested

42 in developing programs and services for the prevention, control, and treatment of
43 dependency and delinquency among the children of this state; and

44 (B) Research and demonstration projects designed to add to the store of information
45 about the social and emotional problems of children and youths and improve the
46 methods for dealing with these problems;

47 (2) Child welfare services as follows:

48 (A) Casework services for children and youths and for mothers bearing children out
49 of wedlock, whether living in their own homes or elsewhere, to help overcome
50 problems that result in dependency or delinquency. The department shall be authorized
51 to contract with, certify, or partner with licensed child-placing agencies to assist with
52 or provide such casework services;

53 (B) Protective services that will investigate complaints of abuse or abandonment of
54 children and youths by parents, guardians, custodians, or persons serving in loco
55 parentis and, on the basis of the findings of such investigation, offer social services to
56 such parents, guardians, custodians, or persons serving in loco parentis in relation to the
57 problem or bring the situation to the attention of a law enforcement agency, an
58 appropriate court, or another community agency;

59 (C) Supervising and providing required services and care involved in the interstate
60 placement of children;

61 (D) Homemaker service, or payment of the cost of such service, when needed due to
62 the absence or incapacity of the mother;

63 (E) Boarding care, or payment of maintenance costs, in foster family homes or in
64 group-care facilities for children and youths who cannot be adequately cared for in their
65 own homes;

66 (F) Boarding care or payment of maintenance costs for mothers bearing children out
67 of wedlock prior to, during, and for a reasonable period after childbirth;

- 68 (G) Day-care services for the care and protection of children whose parents are absent
69 from the home or unable for other reasons to provide parental supervision; and
- 70 (H) Casework services and care to all children and youths where the parent, custodian,
71 or guardian has placed such children in the custody of the department by voluntary
72 agreement, until such agreement is revoked by the parent, custodian, or guardian upon
73 request that such children be returned to the parent, custodian, or guardian or to another
74 relative or the voluntary agreement expires; provided, however, that nothing in this
75 subparagraph shall prohibit the department from obtaining an order placing such
76 children in its custody in accordance with Article 3 of Chapter 11 of Title 15. The
77 department shall be authorized to contract with, certify, or partner with licensed
78 child-placing agencies to assist with or provide such casework services;
- 79 (3) Services to courts, upon their request, as follows:
- 80 (A) Accepting for casework services and care all children and youths whose legal
81 custody is vested in the department by the court;
- 82 (B) Providing shelter or custodial care for children prior to examination and study or
83 pending court hearing;
- 84 (C) Making social studies and reports to the court with respect to children and youths
85 as to whom petitions have been filed; and
- 86 (D) Providing casework services and care or payment of maintenance costs for children
87 and youths who have run away from their home communities within this state, or from
88 their home communities in this state to another state, or from their home communities
89 in another state to this state; paying the costs of returning such runaway children and
90 youths to their home communities; and providing such services, care, or costs for
91 runaway children and youths as may be required under Chapter 4B of this title;
- 92 (4) Regional group-care facilities for the purpose of:
- 93 (A) Providing local authorities an alternative to placing any child in a common jail;

- 94 (B) Shelter care prior to examination and study or pending a hearing before juvenile
95 court;
- 96 (C) Detention prior to examination and study or pending a hearing before juvenile
97 court; and
- 98 (D) Study and diagnosis pending determination of treatment or a hearing before
99 juvenile court;
- 100 (5) Facilities designed to afford specialized and diversified programs, such as forestry
101 camps, ranches, and group residences, for the care, treatment, and training of children and
102 youths of different ages and different emotional, mental, and physical conditions;
- 103 (6) Regulation of child-placing agencies, child-caring institutions, and maternity homes
104 by:
- 105 (A) Establishing rules and regulations for and providing consultation on such rules and
106 regulations for all such agencies, institutions, and homes; and
- 107 (B) Licensing and inspecting periodically all such agencies, institutions, and homes to
108 ensure their adherence to established standards as prescribed by the department;
- 109 (7) Adoption services, as follows:
- 110 (A) Supervising the work of all child-placing agencies when funds are made available;
- 111 (B) Providing services to parents desiring to surrender children for adoption as
112 provided for in adoption statutes;
- 113 (C) Providing care or payment of maintenance costs for mothers bearing children out
114 of wedlock and children being considered for adoption;
- 115 (D) Inquiring into the character and reputation of persons making application for the
116 adoption of children;
- 117 (E) Placing children for adoption;
- 118 (F) Providing financial assistance to families adopting children once the child has been
119 placed for adoption, determined eligible for assistance, and the adoption assistance
120 agreement has been signed prior to the finalization of the adoption by all parties.

121 Financial assistance may only be granted for hard-to-place children with physical,
122 mental, or emotional disabilities or with other problems for whom it is difficult to find
123 a permanent home. Financial assistance may not exceed 100 percent of the amount that
124 would have been paid for boarding such child in a family foster home and for special
125 services such as medical care not available through insurance or public facilities. Such
126 supplements shall only be available to families who could not provide for the child
127 adequately without continued financial assistance. The department may review the
128 supplements paid at any time but shall review them at least annually to determine the
129 need for continued assistance;

130 (G) Providing payment to a licensed child-placing agency which places a child with
131 special needs who is under the jurisdiction of the department for adoption. Payment
132 may not exceed \$5,000.00 for each such adoption arranged by an agency. The board
133 shall define the special needs child. One-half of such payment shall be made at the time
134 of placement and the remaining amount shall be paid when the adoption is finalized.
135 If the adoption disrupts prior to finalization, the state shall be reimbursed by the
136 child-placing agency in an amount calculated on a prorated basis based on length of
137 time the child was in the home and the services provided; and

138 (H) Providing payment to an agency which recruits, educates, or trains potential
139 adoptive or foster parents for preparation in anticipation of adopting or fostering a
140 special needs child. The board shall define the special needs child and set the payment
141 amount by rule and regulation. Upon appropriate documentation of these preplacement
142 services in a timely manner, payments as set by the board shall be made upon
143 enrollment of each potential adoptive or foster parent for such services;

144 (8) Staff development and recruitment programs through in-service training and
145 educational scholarships for personnel as may be necessary to assure efficient and
146 effective administration of the services and care for children and youths authorized in this
147 article. The department is authorized to disburse state funds to match federal funds in

148 order to provide qualified employees with graduate or postgraduate educational
149 scholarships in accordance with rules and regulations adopted by the board pursuant to
150 Article VIII, Section VII, Paragraph I of the Constitution of Georgia;

151 (9) Miscellaneous services, such as providing all medical, hospital, psychiatric, surgical,
152 or dental services or payment of the costs of such services as may be considered
153 appropriate and necessary by competent medical authority to those children subject to the
154 supervision and control of the department without securing prior consent of parents or
155 legal guardians;

156 (10) Preparation, education, and training for foster parents which will provide them with
157 the appropriate knowledge and skills to provide for the needs of foster children, including
158 knowledge and skills relating to the reasonable and prudent parent standard for the
159 participation of the child in age or developmentally appropriate activities, and continue
160 such preparation, as necessary, after the placement of the children. The department shall
161 be authorized to require varying levels of initial and annual training based on the
162 experience of the foster parents, the age and needs of the foster child or children, and
163 whether the foster parents are providing only respite care. All or part of such training
164 may be offered online;

165 (11)(A) Each child or youth who has entered foster care, and within 90 days of such
166 entrance, with, a photograph of himself or herself, provided however, that if such child
167 or youth is under 14 years of age, then his or her foster parent or placement shall be
168 provided a photograph of such child or youth. It shall be the responsibility of the
169 Division of Family and Children Services of the department to ensure that each such
170 child or youth receives a photograph in accordance with the provisions of this
171 paragraph. Provision of records in accordance with this paragraph shall not be
172 considered a violation of subsection (b) of Code Section 49-5-40;

173 (B) Each child or youth who is 14 years of age or older, has entered foster care, and
174 within 90 days of such entrance, with, if such child or youth is eligible, a personal

175 identification card issued pursuant to Code Section 40-5-100. It shall be the
176 responsibility of the Division of Family and Children Services of the department to
177 ensure that each such eligible child or youth receives a personal identification card in
178 accordance with the provisions of this paragraph. Provision of records in accordance
179 with this paragraph shall not be considered a violation of subsection (b) of Code
180 Section 49-5-40;

181 ~~(11)~~(12) Each youth who is leaving foster care by reason of having attained 18 years of
182 age, unless the child has been in foster care for less than six months, with, if the child is
183 eligible to receive such document, an official or certified copy of the United States birth
184 certificate of the child, a social security card issued by the Commissioner of Social
185 Security, health insurance information, a copy of the child's medical records, a driver's
186 license or identification card issued by a state in accordance with the requirements of
187 Section 202 of the REAL ID Act of 2005, and any official documentation necessary to
188 prove that the child was previously in foster care. Provision of records in accordance
189 with this paragraph shall not be considered a violation of subsection (b) of Code Section
190 49-5-40; and

191 ~~(12)~~(13) Extended care youth services for youths between 18 and 21 years of age as set
192 forth in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for
193 providing such services in accordance with 42 U.S.C. Section 675, as it existed on
194 February 1, 2018."

195 **SECTION 4.**

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