

House Bill 906 (AS PASSED HOUSE AND SENATE)

By: Representatives Dempsey of the 13th, Ballinger of the 23rd, Houston of the 170th,
Efstration of the 104th, and Thomas of the 39th

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 15
9 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 amend
12 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
13 inspection of public records, so as to repeal certain provisions in order to clarify the law
14 regarding the legislative branch of government; to exclude public disclosure of personal
15 information of certain foster parents or former foster parents; to provide for related matters;
16 to provide for effective dates; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 style="text-align:center">**PART I**
19 style="text-align:center">**SECTION 1-1.**

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

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

24 (A) Under the age of 18 years;

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

- 26 (C) ~~Under the age of 22 years and in the care of DFCS as a result of being adjudicated~~
 27 ~~dependent before reaching 18 years of age; Between 18 and 21 years of age and~~
 28 ~~receiving extended care youth services from DFCS; or~~
 29 (D) ~~Under the age of 23 years and eligible for and receiving independent living~~
 30 ~~services through DFCS as a result of being adjudicated dependent before reaching 18~~
 31 ~~years of age; or~~
 32 (E) Under the age of 21 years who committed an act of delinquency before reaching
 33 the age of 17 years and who has been placed under the supervision of the court or on
 34 probation to the court for the purpose of enforcing orders of the court."

35 SECTION 1-2.

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

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

49 SECTION 1-3.

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

52 "(16) A requirement that the DFCS case manager and staff and, as appropriate, other
 53 representatives of such child provide him or her with assistance and support in
 54 developing a transition plan that is personalized at the direction of such child, including
 55 specific options on housing, health insurance, education, local opportunities for mentors
 56 and continuing support services, and ~~work force~~ workforce supports and employment
 57 services, and is as detailed as such child may elect. The transition plan shall be
 58 completed in the 90 day period:
 59 (A) ~~Immediately~~ immediately prior to the date on which such child will attain 18 years
 60 of age; or

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

63 **SECTION 1-4.**

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

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

70 **SECTION 1-5.**

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

72 "ARTICLE 4A

73 15-11-340.

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

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

88 (b) When a child is receiving extended care youth services from DFCS, a DFCS case
 89 manager and staff, other representatives of such child and, as appropriate, such child shall
 90 develop a transition plan that is personalized at the direction of such child, including an
 91 option to execute a durable power of attorney for health care, health care proxy, or other
 92 similar document recognized by law with respect to health care and specific options on
 93 housing, health insurance, education, local opportunities for mentors and continuing

94 support services, and workforce supports and employment services, and is as detailed as
95 such child may elect. Such transition plan shall be completed within 30 days of the child
96 agreeing to such services and shall be updated as required by this article.

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

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

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

107 15-11-341.

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

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

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

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

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

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

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

120 (b) Within 30 days of the filing of the written report required by this Code section, the
121 court shall hold a review hearing and make written findings of fact for the purpose of
122 determining whether extended care youth services are in the best interests of such child.
123 The court shall issue an order with regard to the child having extended care youth services
124 if it has determined that such services are in the best interests of the child and, as
125 appropriate, approve or reject the plan for transition to independent living or another
126 planned permanent adult living arrangement submitted by DFCS.

127 15-11-342.

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

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

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

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

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

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

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

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

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

159

PART II

160

SECTION 2-1.

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

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

169

PART III

170

SECTION 3-1.

171 Part 1 of Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
 172 relating to general provisions relative to dependency proceedings, is amended by revising
 173 Code Section 15-11-109, relating to notice of hearings to specified nonparties, as follows:
 174 "15-11-109.

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

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

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

188 (1) At the time of placement:

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

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

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

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

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

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

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

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

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

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

213

PART IV

214

SECTION 4-1.

215 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
 216 inspection of public records, is amended in subsection (a) of Code Section 50-18-72, relating
 217 to when public disclosure is not required, by repealing and reserving paragraph (12) and by
 218 adding a new paragraph to read as follows:

219 "(21.1)(A) Records of the Department of Human Services concerning any foster parent
 220 or former foster parent that reveal his or her home address, home telephone number,
 221 day and month of birth, social security number, insurance or medical information,
 222 mother's birth name, credit card information, debit card information, bank account
 223 information, account number, utility account number, password used to access his or
 224 her account, financial data or information other than compensation by a government

225 agency, or unlisted telephone number if so designated in a public record or that reveal
226 the identity of his or her immediate family members or dependents.

227 (B) For the purposes of this paragraph, the term 'foster parent or former foster parent'
228 means individuals who were approved to serve in such capacity by the Division of
229 Family and Children Services of the Department of Human Services or a child-placing
230 agency licensed in accordance with Code Section 49-5-12."

231 **PART V**

232 **SECTION 5-1.**

233 This part and Part IV of this Act shall become effective upon its approval by the Governor
234 or upon its becoming law without such approval. Part II and Part III of this Act shall become
235 effective on July 1, 2018. Part I of this Act shall become effective on July 1, 2020.

236 **SECTION 5-2.**

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