

Senate Bill 167

By: Senators Brass of the 28th, Kirk of the 13th, Watson of the 1st, Unterman of the 45th and Thompson of the 14th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
2 relating to dependency proceedings under the Juvenile Code, so as to provide for reasonable
3 efforts in determining a permanent home; to provide relative search requirements; to provide
4 for continuation of placements; to amend Code Section 15-11-321 of the Official Code of
5 Georgia Annotated, relating to custody of child following termination proceedings or
6 surrender of parental rights, so as to provide for determining placements in the best interests
7 of the child; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
11 dependency proceedings under the Juvenile Code, is amended by revising subsection (f) of
12 Code Section 15-11-202, relating to reasonable efforts by DFCS to preserve or reunify
13 families, as follows:

14 ~~"(f)(1)~~ When determining whether reasonable efforts have been made, the court shall
15 consider whether services to the child alleged to be or adjudicated as a dependent child
16 and his or her family were:

17 ~~(1)(A)~~ Relevant to the safety and protection of such child;

18 ~~(2)(B)~~ Adequate to meet the needs of such child and his or her family;

19 ~~(3)(C)~~ Culturally and linguistically appropriate;

20 ~~(4)(D)~~ Available and accessible;

21 ~~(5)(E)~~ Consistent and timely; and

22 ~~(6)(F)~~ Realistic under the circumstances.

23 (2) In determining whether reasonable efforts have been made to finalize an alternative
24 permanent home for a child adjudicated dependent, the court shall also consider whether
25 DFCS has completed the diligent search required by subsection (e) of Code Section

26 15-11-211 and has provided notice to persons identified in such diligent search as
 27 required by subsection (c) of Code Section 15-11-211."

28 **SECTION 2.**

29 Said article is further amended by revising subsections (d) and (e) of Code Section
 30 15-11-211, relating to relative search by DFCS, as follows:

31 "(d) The diligent search required by this Code section and the notification required by
 32 subsection (c) of this Code section shall be completed, documented in writing, and filed
 33 with the court within 30 days from the date on which the alleged dependent child was
 34 removed from his or her home and at each periodic review hearing required by Code
 35 Section 15-11-216.

36 (e) After the completion of the diligent search required by this Code section, DFCS shall
 37 have a continuing duty to search for relatives or other persons who have an ongoing
 38 commitment to a child and with whom it may be appropriate to place the alleged dependent
 39 child until such relatives or persons are found or until such child is placed for adoption
 40 unless the court excuses DFCS from conducting a diligent search. If a relative entitled to
 41 notice under subsection (c) of this Code section fails, within six months from the date he
 42 or she receives the required notice, to demonstrate an interest in and willingness to provide
 43 a permanent home for a child, the court may excuse DFCS from considering such relative
 44 as a placement."

45 **SECTION 3.**

46 Said article is further amended by adding a new subsection to and by revising subsections
 47 (f) and (g) of Code Section 15-11-215, relating to notice of change in placement hearings,
 48 as follows:

49 "(f) If the court finds that the child has been living in a stable home environment with his
 50 or her current caregivers for the past 12 months and that removal of the child from such
 51 caregivers would be detrimental to the child's emotional well-being, the court may presume
 52 that continuation of the child's placement with his or her current caregivers is in the child's
 53 best interests and shall enter a finding that a change of placement is a failure by DFCS to
 54 make reasonable efforts to finalize the permanency plan which is in effect at the time of the
 55 hearing.

56 ~~(f)~~(g) Placement or a change of legal custody by the court outside DFCS shall relieve
 57 DFCS of further responsibility for a child adjudicated as a dependent child except for any
 58 provision of services ordered by the court to ensure the continuation of reunification
 59 services to such child's family when appropriate.

60 ~~(g)~~(h) A placement change shall not include a temporary absence from the child's
 61 identified and ongoing foster care placement, including, but not limited to, visitation with
 62 a friend, sibling, relative, or other caretaker, including a pre-placement visit to a possible
 63 foster or adoptive placement; hospitalization for medical, acute psychiatric episodes or
 64 diagnosis; respite care when the child is expected to return to his or her foster care
 65 placement; day or overnight camp; temporary travel with the foster family or child care
 66 institution personnel, church, school, or other persons or groups approved by DFCS; trial
 67 home visits with the court's permission, if required by subsection (b) of Code Section
 68 15-11-212; and runaway episodes."

69 **SECTION 4.**

70 Code Section 15-11-321 of the Official Code of Georgia Annotated, relating to custody of
 71 child following termination proceedings or surrender of parental rights, is amended by
 72 revising subsection (a) as follows:

73 "(a) When a court enters an order terminating the parental rights of a parent or accepts a
 74 parent's voluntary surrender of parental rights, or a petition for termination of parental
 75 rights is withdrawn because a parent has executed an act of surrender in favor of the
 76 department, a placement may be made only if the court finds that such placement is in the
 77 best interests of the child and in accordance with such child's court approved permanency
 78 plan created pursuant to Code Sections 15-11-231 and 15-11-232. ~~In determining which
 79 placement is in a child's best interests, the court shall initially attempt to place the child
 80 with an adult who is a relative or fictive kin, if such individual is willing and found by the
 81 court to be qualified to receive and care for such child.~~ In determining which placement
 82 is in a child's best interests, the court shall enter findings of fact reflecting its consideration
 83 of the following:

- 84 (1) Such child's need for a placement that offers the greatest degree of legal permanence
 85 and security;
- 86 (2) The least disruptive placement for such child;
- 87 (3) Such child's sense of attachment and need for continuity of relationships;
- 88 (4) The value of biological and familial connections; and
- 89 (5) Any other factors the court deems relevant to its determination."

90 **SECTION 5.**

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