

House Bill 971

By: Representatives Gravley of the 67th, Reeves of the 34th, Jackson of the 128th, Holcomb of the 81st, Gullett of the 19th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the
2 Juvenile Code, so as to require annual training for juvenile court intake officers; to provide
3 for the consideration of evidence, including hearsay evidence, in certain juvenile
4 proceedings; to revise a time frame relating to extended care youth services; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
9 Code, is amended by revising paragraphs (41) and (73.1) of Code Section 15-11-2, relating
10 to definitions, as follows:

11 "(41) 'Juvenile court intake officer' means the juvenile court judge, associate juvenile
12 court judge, court service worker, DJJ staff member serving as an intake officer in a
13 delinquency or child in need of services proceeding, or person employed as a juvenile
14 probation or intake officer designated by the juvenile court judge or, where there is none,
15 the superior court judge, who is on duty for the purpose of determining whether any child
16 taken into custody should be released or detained and, if detained, the appropriate place
17 of detention."

18 "(73.1) 'Temporary alternatives to foster care' means measures that a juvenile court may
19 order in lieu of removal of or placement of a child or children alleged to be dependent in
20 protective custody which will prevent or reduce the trauma ~~or~~ of removal; allow a child
21 to be cared for by persons with whom the child has an existing bond or attachment; or
22 that ensure the safety of the child pending further action by the court on the dependency
23 complaint or petition."

24 **SECTION 2.**

25 Said chapter is further amended by revising subsection (c) of Code Section 15-11-68, relating
26 to duties of juvenile court intake officers and training, as follows:

27 "(c) Each juvenile court intake officer exercising the authority to remove a child pursuant
28 to the provisions of Articles 1 and 3 of this chapter shall:

29 (1) First first successfully complete, ~~each year,~~ an initial eight hours of appropriate
30 training; and

31 (2) Annually thereafter complete a minimum of two hours of training each year during
32 which he or she serves as a juvenile court intake officer.

33 Such initial and annual training shall be relevant to the performance of such
34 determinations, including, but not limited to, training concerning contrary to the welfare
35 determinations, reasonable efforts to prevent removal of a child and diligent search
36 requirements consistent with Article 3 of this chapter, reasonable alternatives to foster care,
37 and DFCS policies and procedures related to the removal of a child and placement of such
38 child in foster care."

39 **SECTION 3.**

40 Said chapter is further amended by revising subsection (a) of Code Section 15-11-133.1,
41 relating to temporary alternatives to foster care, as follows:

42 "(a) Temporary alternatives to foster care may be ordered by the court ex parte, prior to a
43 preliminary protective hearing, or may be ordered following a preliminary protective
44 hearing. A temporary alternative to foster care may include one or more of the following:

45 (1) A temporary order authorizing the child to be cared for by a relative or fictive kin;

46 (2) A temporary ~~protective~~ order authorizing any of the protective powers set forth in
47 pursuant to the provisions of Code Section 15-11-29 without the necessity of a show
48 cause hearing; or

49 (3) An order that the DFCS investigate and report to the court whether removal is
50 necessary."

51 **SECTION 4.**

52 Said chapter is further amended by adding a new subsection to Code Section 15-11-145,
53 relating to preliminary protective hearings, to read as follows:

54 "(h) The court may consider any evidence, including hearsay evidence, that the court finds
55 to be relevant, reliable, and necessary to determine the needs of an alleged dependent child
56 or to make determinations or findings required by Code Section 15-11-146."

SECTION 5.

57

58 Said chapter is further amended by revising Code Section 15-11-215, relating to notice of
59 change in placement hearings and presumptions, as follows:

60 "15-11-215.

61 (a) Not less than five days in advance of any placement change, DFCS shall notify the
62 court; a child who is 14 years of age or older; the child's parent, guardian, or legal
63 custodian; the person or agency with physical custody of the child; the child's attorney;
64 the child's guardian ad litem, if any; and any other attorney of record of such change in the
65 location of the child's placement while the child is in DFCS custody.

66 (b) If a child's health or welfare may be endangered by any delay in changing his or her
67 placement, the court and all attorneys of record shall be notified of such placement change
68 within 24 hours of such change.

69 (c) A child adjudicated as a dependent child who is 14 years of age or older, his or her
70 parent, guardian, or legal custodian; the person or agency with physical custody of the
71 child; such child's attorney; such child's guardian ad litem, if any; and any attorney of
72 record may request a hearing pertaining to such child's case plan or the permanency plan
73 in order for the court to consider the change in the location of such child's placement and
74 any changes to the case plan or permanency plan resulting from such child's change in
75 placement location. The hearing shall be held within five days of receiving notice of a
76 change in the location of such child's placement and prior to any such placement change,
77 unless such child's health or welfare may be endangered by any delay in changing such
78 child's placement.

79 (d) At the hearing to consider a child adjudicated as a dependent child's case plan and
80 permanency plan, the court shall consider the case plan and permanency plan
81 recommendations made by DFCS, including a recommendation as to the location of the
82 placement of such child, and shall make findings of fact upon which the court relied in
83 determining to reject or accept the case plan or permanency plan and the recommendations
84 made by DFCS, including the location of such child's placement.

85 (e) The court may consider any evidence, including hearsay evidence, that the court finds
86 to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a
87 dependent child and the most appropriate case plan and permanency plan.

88 ~~(e)~~(f) If the court rejects DFCS recommendations, the court shall demonstrate that DFCS
89 recommendations were considered and explain why it did not follow such
90 recommendations. If the court rejects the DFCS case plan and permanency plan
91 recommendations, including the change in the location of the placement of a child
92 adjudicated as a dependent child, the court may order DFCS to devise a new case plan and
93 permanency plan recommendation, including a new recommendation as to the location of

94 such child within the resources of the department, or make any other order relative to
 95 placement or custody outside the department as the court finds to be in the best interests
 96 of such child and consistent with the policy that children in DFCS custody should have
 97 stable placements.

98 ~~(f)~~(g) If the court finds that the child has been living in a stable home environment with
 99 his or her current caregivers for the past 12 months and that removal of the child from such
 100 caregivers would be detrimental to the child's emotional well-being, the court may presume
 101 that continuation of the child's placement with his or her current caregivers is in the child's
 102 best interests and shall enter a finding that a change of placement is a failure by DFCS to
 103 make reasonable efforts to finalize the permanency plan which is in effect at the time of the
 104 hearing; provided, however, that such presumption shall not apply to prevent the return of
 105 the child to his or her parent, guardian, or legal custodian.

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

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

119 **SECTION 6.**

120 Said chapter is further amended by adding a new subsection to Code Section 15-11-216,
 121 relating to periodic review hearings and required evidence, to read as follows:

122 "(f) The court may consider any evidence, including hearsay evidence, that the court finds
 123 to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a
 124 dependent child and the most appropriate case plan and permanency plan."

125 **SECTION 7.**

126 Said chapter is further amended by adding a new subsection to Code Section 15-11-230,
 127 relating to permanency plan hearings, to read as follows:

128 "(f) The court may consider any evidence, including hearsay evidence, that the court finds
129 to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a
130 dependent child and the most appropriate permanency plan."

131 **SECTION 8.**

132 Said chapter is further amended by adding a new subsection to Code Section 15-11-321,
133 relating to custody of a child following termination proceedings or surrender of parental
134 rights, to read as follows:

135 "(a.1) The court may consider any evidence, including hearsay evidence, that the court
136 finds to be relevant, reliable, and necessary to determine the needs of a child and the
137 permanency and custody of a child whose parents have had their parental rights terminated
138 or who have surrendered their parental rights."

139 **SECTION 9.**

140 Said chapter is further amended by revising subsection (d) of Code Section 15-11-340,
141 relating to criteria for receiving services, development of transition plan, and termination, as
142 follows:

143 "(d) Every ~~60 days~~ 12 months, a DFCS case manager shall determine if a child is still
144 eligible for extended care youth services. If DFCS determines that a child is no longer
145 eligible for extended care youth services, DFCS may terminate the voluntary placement
146 agreement with such child and stop providing extended care youth services. DFCS shall
147 provide written or electronic notice to such child regarding such termination and to the
148 court that approved such services."

149 **SECTION 10.**

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