

House Bill 1085

By: Representatives Dempsey of the 13th, Manning of the 32nd, Peake of the 137th, Lindsey of the 54th, Oliver of the 83rd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 15-11-58 of the Official Code of Georgia Annotated, relating to
 2 reasonable efforts regarding reunification of family, so as to provide for additional
 3 requirements for case plans and permanency plans submitted and approved by the juvenile
 4 court for children in the custody of the Division of Family and Children Services of the
 5 Department of Human Services; to provide for an effective date; to repeal conflicting laws;
 6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-11-58 of the Official Code of Georgia Annotated, relating to reasonable
 10 efforts regarding reunification of family, is amended by revising subsection (c) as follows:

11 "(c) If the report contains a plan for reunification services, such plan if adopted by the
 12 court shall be in effect until modification by the court. The plan shall address each reason
 13 requiring removal and shall contain at least the following:

14 (1) The purpose for which the child was placed in foster care, including a statement of
 15 the reasons why the child cannot be adequately protected at home and the harm which
 16 may occur if the child remains in the home, and shall also include a description of the
 17 services offered and the services provided to prevent removal of the child from the home;

18 (2) A discussion of how the plan is designed to achieve a placement in a safe setting that
 19 is the least restrictive, most family-like, and most appropriate setting available and in
 20 close proximity to the home of the parents, consistent with the best interests and special
 21 needs of the child;

22 (3) A clear description of the specific actions to be taken by the parents and the specific
 23 services to be provided by the Division of Family and Children Services of the
 24 Department of Human Services or other appropriate agencies in order to bring about the
 25 identified changes that must be made in order for the child to be safely returned home;
 26 provided, however, that all services and actions required of the parents which are not

- 27 directly related to the circumstances necessitating separation cannot be made conditions
28 of the return of the child without further court review;
- 29 (4) Specific time frames in which the goals of the plan are to be accomplished to fulfill
30 the purpose of the reunification plan;
- 31 (5) The person within the Division of Family and Children Services of the Department
32 of Human Services or other agency who is directly responsible for ensuring that the plan
33 is implemented; ~~and~~
- 34 (6) Consideration of the advisability of a reasonable visitation schedule which allows the
35 parents to maintain meaningful contact with their children through personal visits,
36 telephone calls, and letters;
- 37 (7) A statement that reasonable efforts have been made and a requirement that reasonable
38 efforts shall be made for so long as the child remains in the custody of the department:
- 39 (A) To place siblings removed from their home in the same foster care, kinship,
40 guardianship, or adoptive placement, unless the Division of Family and Children
41 Services documents that such a joint placement would be contrary to the safety or
42 well-being of any of the siblings; and
- 43 (B) In the case of siblings removed from their home who are not so jointly placed, for
44 frequent visitation or other ongoing interaction between the siblings, unless the
45 Division of Family and Children Services documents that such frequent visitation or
46 other ongoing interaction would be contrary to the safety or well-being of any of the
47 siblings;
- 48 (8) Provisions ensuring the educational stability of the child while in foster care,
49 including:
- 50 (A) An assurance that the placement of the child in foster care takes into account the
51 appropriateness of the current educational setting and the proximity to the school in
52 which the child is enrolled at the time of placement;
- 53 (B) An assurance that the state agency has coordinated with appropriate local
54 educational agencies to ensure that the child remains in the school in which the child
55 is enrolled at the time of placement; or
- 56 (C) If remaining in such school is not in the best interests of the child, an assurance by
57 the Division of Family and Children Services that such division and the local
58 educational agencies have cooperated to assure the immediate and appropriate
59 enrollment in a new school, with all of the educational records of the child provided to
60 such new school; and
- 61 (9) A requirement that the Division of Family and Children Services of the Department
62 of Human Services case manager and staff, and, as appropriate, other representatives of
63 the child, provide the child with assistance and support in developing a transition plan

64 that is personalized at the direction of the child; includes specific options on housing,
 65 health insurance, education, local opportunities for mentors and continuing support
 66 services, and work force supports and employment services; and is as detailed as the child
 67 may elect in the 90 day period immediately prior to the date on which the child will attain
 68 18 years of age."

69 **SECTION 2.**

70 Said Code section is further amended by revising subsection (f) as follows:

71 "(f) When a recommendation is made that reunification services are not appropriate and
 72 should not be allowed, the report shall address each reason requiring removal and shall
 73 contain at least the following:

74 (1) The purpose for which the child was placed in foster care, including a statement of
 75 the reasons why the child cannot be adequately and safely protected at home and the
 76 harm which may occur if the child remains in the home, and a description of the services
 77 offered and the services provided to prevent removal of the child from the home; ~~and~~

78 (2) A clear statement describing all of the reasons supporting a finding that reasonable
 79 efforts to reunify a child with the child's family will be detrimental to the child, and that
 80 reunification services therefore need not be provided, including specific findings as to
 81 whether any of the grounds for terminating parental rights exist, as set forth in subsection
 82 (b) of Code Section 15-11-94 or paragraph (4) of subsection (a) of this Code section; and

83 (3) The statements, provisions, and requirements found in paragraphs (7) and (8) of
 84 subsection (c) of this Code section."

85 **SECTION 3.**

86 Said Code section is further amended by revising paragraph (7) of subsection (o) as follows:

87 "(7) A supplemental order of the court adopting the permanency plan ~~must~~ shall be
 88 entered within 30 days after the court has determined that reunification efforts will not
 89 be made by the Division of Family and Children Services of the Department of Human
 90 Services, if applicable, or within 12 months after the child is considered to have entered
 91 foster care, whichever is first, and at least every 12 months thereafter while the child is
 92 in foster care, unless the court finds good cause why such order cannot be entered by that
 93 time. The supplemental order shall include a requirement that the Division of Family
 94 and Children Services of the Department of Human Services case manager and staff, and,
 95 as appropriate, other representatives of the child, provide the child with assistance and
 96 support in developing a transition plan that is personalized at the direction of the child;
 97 includes specific options on housing, health insurance, education, local opportunities for
 98 mentors and continuing support services, and work force supports and employment

99 services; and is as detailed as the child may elect in the 90 day period immediately prior
100 to the date on which the child will attain 18 years of age."

101 **SECTION 4.**

102 This Act shall become effective upon its approval by the Governor or upon its becoming law
103 without such approval.

104 **SECTION 5.**

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