



Tom C. Rawlings
Director

Division of Family & Children Services Governor Kemp's Foster Care and Adoption Reform Proposals

Synopsis: Governor Kemp unveiled his foster care and adoption reform package in the annual State of the State address

Concepts regarding foster care expected to be introduced:

- Increases the tax credit for adoptions out of the state foster care system from \$2,000 to \$6,000 for the first five years
- Reduces the age for an unmarried individual to adopt in Georgia from 25 to 21. Current state law only allows Georgians between the ages of 21 and 25 to adopt if they are a relative of the child
- Proposes the Families First Commission tasked with considering systematic reform foster care system

Status: Number of legislative bills currently being filed

Division of Family & Children Services
House Bill 911
Foster Care and Adoption Reform Proposals

Rep. Ed Setzler

Synopsis: Strengthens penalties for offenses of sexual misconduct by a foster parent.

- Closes a loophole in Georgia law pertaining to sexual misconduct by a foster parent
- Foster parents convicted of the most serious form of the offense could face prison sentences of up to 25 years and fines of up to \$100,000

Status: House Hopper

Division of Family & Children Services
House Bill 912
Foster Care and Adoption Reform Proposal

Rep. Bert Reeves

Synopsis: Allows foster parents to arrange for occasional short-term babysitting of foster children for up to 72 hours by a person 18 or older selected using reasonably prudent parenting standards

- Authorizes foster parents to share specific information with the babysitter prior to leaving child in their care.

Status: House Hopper

Division of Family & Children Services
House Bill 913
Foster Care and Adoption Reform Proposal

Rep. Bert Reeves

Synopsis: Strengthens and clarifies current statutory codes regarding foster care and adoption laws

- Revises required criminal history record checks
- Allows notice by certified mail in certain adoption proceedings
- Updates adoption-related forms with revocation periods

Status: House Hopper

Division of Family & Children Services
Senate Bill 335
Foster Care and Adoption Proposals

Senator Matt Brass

Synopsis: Lt. Governor Geoff Duncan's proposal to improve child protection laws

- Waives any admission fees to a state park, historic site or recreational area operated by the state for any child in temporary or permanent custody of DFCS
- Mandates collection of data for foster care decisions to help keep the system on track.
- Requires the juvenile courts to publish reports that document adherence to statutory guidelines.
- Clarifies that hearings with dependency case time limitations and termination of parental rights hearings are to take priority in attorney conflict resolution over all other civil and criminal hearings and non-jury appearances in any other class of trial court
- Authorizes DFCS to reduce the required 15 hours of training per year and 26 hours of training before receiving any foster children based on the experience of foster parents as well as the age and needs of the foster child/children.

Status: Currently in the Senate Rules Committee

Division of Family & Children Services
Senate Bill 368
Foster Care Religious Liberty Exemption Bill

Senator Marty Harbin

Synopsis: Allows agencies to deny prospective adoptions based on religious grounds

Provides the following religious exemptions:

- Allows for a foster parent to refuse to accept a child in foster care placement if that placement would violate the foster parent's religious convictions or policies;
- DFCS shall not deny a CPA application because of the CPA's refusal to perform certain tasks that do not align with their religious convictions;
- Prohibits the state from denying a CPA any contract due to the CPA's refusal to perform certain tasks that may violate the CPA's religious convictions; and
- Prevents a civil action against a CPA for refusing to perform a duty that violates their religious convictions.

Status: Senate Hopper

Division of Family & Children Services
House Bill 855
Eligibility for Newly Enrolled Foster Care Students

Rep. Marcus Wiedower

Synopsis: Foster children would be immediately evaluated for services available through an individualized evaluation plan (IEP) if they have experienced trauma

- Requires the State Board of Education to adopt criteria for the determination of foster care students' eligibility for special education
- Lists evidence of the effect of trauma on a foster care student's school performance
- Requires local school systems to make eligibility determinations immediately upon enrollment

Status: Currently in the House Education Committee

Division of Family & Children Services
House Bill 555
Public Welfare Case Managers Proposal

Rep. Kasey Carpenter

Synopsis: Protects public child welfare case managers for actions undertaken in the performance of their official duties by requiring that warrants for their arrest of be issued by a superior, state or probate court judge.

- Currently only judges of a superior court, state court or probate court may issue warrants for any alleged offenses that were committed during the performance of job duties for public servants like law enforcement and teachers
- Requires an evidentiary hearing prior to an arrest warrant

Status: Awaiting action in the House Rules Committee

Division of Family & Children Services
House Bill 440
Raise the Age Bill

Rep. Mandi Ballinger and Rep. Mary Margaret Oliver

Synopsis: Allows cases involving 17-year-olds to be tried in the juvenile justice system.

- Currently, Georgia is only 1 of 3 states (Texas and Wisconsin) that charge 17-year-olds who commit nonviolent offenses as adults.
- Would not change the 1994 Georgia law that allows teens between 13 and 17 to be tried as adults if they commit certain felonies: murder, rape, voluntary manslaughter, robbery with a firearm, etc...

Status: Hearings under way in the House Juvenile Justice Committee

Division of Family & Children Services Carryover Legislation-Sampling

House Bill 24

Composition of State Commissions and Boards

Synopsis: This bill requires members of state and local boards, authorities, commissions and similar entities to be appointed or elected by an elected official of the state or a political subdivision or a grand jury. It affects the DFCS Advisory Board, Regional Advisory Boards and county boards of family and children services. Regional Advisory Board members are appointed by the regional director, who is not an elected official.

House Bill 37

Expand Medicaid Now Act

Synopsis: This bill would authorize appropriations to obtain federal financial participation and fund the state's portion of costs for expanding the Medicaid Program under the federal Patient Protection and Affordable Care Act as amended by the Health Care and Education Reconciliation Act of 2010.

House Bill 301

Georgia Educational Scholarship Act

Synopsis: This bill establishes a program through which an account for payment of private education costs can be established for certain categories of students (including low income and disabled students and children adopted from foster care) utilizing the students portion of funds from his or her local school system.

Questions

Kevin Harris, DFCS Director of Legislative Affairs

Kevin.harris@dhs.ga.gov

404.293.8647