

**RULES OF THE
GEORGIA DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 290-2-31
RULES AND REGULATIONS FOR RESPITE CARE OF MORE THAN 72 HOURS
FOR CHILDREN IN FOSTER CARE**

SYNOPSIS OF PROPOSED RULE CHANGES:

The Georgia Department of Human Services Division of Family and Children Services is proposing a new rule pursuant to O.C.G.A. § 49-5-8.1. The new rule is tentatively expected to be enacted as 290-2-31 to the Rules of the Georgia Department of Human Services and entitled “RULES AND REGULATIONS FOR RESPITE CARE OF MORE THAN 72 HOURS FOR CHILDREN IN FOSTER CARE”. The purpose of the new rule is to allow more flexibility for caregivers who require respite care of more than seventy-two (72) hours for children in their care.

The changes made to O.C.G.A. §49-5-8.1 (Short-term respite care of child in foster care; reasonable and prudent parent standard) during the 2023 Georgia Legislative session, included an amendment to (a)(4) providing a definition for “short-term” to include “up to 72 hours or for such longer periods of time under such circumstances as may be promulgated by the department pursuant to rules and regulations.” The enactment of this portion of the statute was in response to the need for greater flexibility for foster parents in need of respite care for foster children for longer than seventy-two (72) hours.

The Rule contains a “definitions” section to clarify several terms utilized in the “procedures” section. Notably, the term “respite care” refers to occasional or short-term relief for a caregiver by a person or entity. “Short term” is defined as in O.C.G.A. §49-5-8.1 to mean up to 72 consecutive hours or for such longer periods of time under such circumstances as may be promulgated by the department pursuant to rules and regulations. The rule also makes use of the terms “Extended” and “Respite Care” to refer specifically to respite care that exceeds seventy-two (72) hours.

The proposed Rule seeks to specify the conditions under which foster parents may seek extended respite care from individuals who are not in full approval status as foster parents by DFCS or a Child Placing Agency (CPA), including providing notice to DFCS of the following: who will be providing the respite care, where the respite care will take place, and when the respite period will begin and end. DFCS will assess potential respite caregivers in accordance with DFCS policy provisions. DFCS approval shall be obtained prior to the beginning of the extended respite care period by individuals who are not in full approval status as foster parents by DFCS or a CPA

This Rule will allow foster parents greater flexibility to use respite care for more than seventy-two (72) hours while also ensuring the safety of children in extended respite care.

Because the anticipated effect of the adoption of this rule is to reduce regulatory burdens, it is not anticipated that the adoption of these rule amendments will place administrative burdens on charitable organizations in this state or require any new or expanded filing or reporting requirements or that would limit the ability of charitable organizations to solicit or collect funds.

It is not anticipated that the adoption of these rule amendments will impose excessive regulatory costs on persons or entities providing services under these rules. It is not foreseeable that any cost to comply with the proposed rule amendments can be reduced by a less expensive alternative that fully accomplishes the duties required of the Department.

MAIN FEATURES OF THE NEW RULE:

The addition of the proposed rule to Rules of Department of Human Services Chapter 290-2. FAMILY AND CHILDREN SERVICES include the following:

- Allowing for and providing a process for caregivers to give notice of their intent to use respite care for more than seventy-two (72) consecutive hours to DFCS and the CPA, if applicable, as well as a process for appropriate screening of the potential respite caregiver.

**RULES OF THE
GEORGIA DEPARTMENT OF HUMAN SERVICES
CHAPTER 290-2-31
RULES AND REGULATIONS FOR RESPITE CARE OF MORE THAN 72 HOURS
FOR CHILDREN IN FOSTER CARE
TABLE OF CONTENTS**

Rule 290-2-31-.01 Definitions

Rule 290-2-31-.02 Applicability

Rule 290-2-31-.03 Procedure for Respite Care of More Than 72 Hours for Children in
Foster Care

Rule 290-2-31-.01 Definitions

Unless a different meaning is required by the context, the following terms as used in these Rules and Regulations shall have the meaning hereafter respectively ascribed to them:

- (a) “Child-placing agency” or “CPA” means any institution, society, agency, or facility, whether incorporated or not, which places children in foster homes for temporary care or adoption.
- (b) “Department” means the Department of Human Services of the State of Georgia.
- (c) “DFCS” means the Department of Human Services Division of Family and Children Services of the State of Georgia.
- (d) “Caregiver” means a foster parent with whom a child in foster care has been placed.
- (e) “Foster parent(s)” means the adult member(s) of a foster family who provides supervision and care in a parental role for a child in foster care in full approval status through DFCS or a CPA.
- (f) “Short-term” means up to seventy-two (72) consecutive hours or for such longer periods of time under such circumstances as may be promulgated by the department pursuant to rules and regulations.
- (g) “Occasional” means once per week or less on varying days and not exceeding twice per month.
- (h) “Respite care” means occasional or short-term relief for a caregiver by a person or entity.
- (i) “Extended” means more than seventy-two (72) hours.

Statutory Authority: O.C.G.A. § 49-5-3, 49-5-8, 49-5-8.1.

Rule 290-2-31-.02 Applicability

An individual who is not a Foster Parent is subject to an assessment by DFCS to determine suitability prior to providing Extended Respite Care for any Foster Parent. No additional assessment is required for a Foster Parent to provide Respite Care and Extended Respite Care to another Foster Parent.

Statutory Authority: O.C.G.A. § 49-5-3, 49-5-8, 49-5-8.1.

Rule 290-2-31-.03 Procedure for Respite Care of More Than 72 Hours for Children in Foster Care

- (a) A Foster Parent will provide their DFCS case manager or such case manager's supervisor and, if applicable, the CPA, advance written notice of an intent to use Extended Respite Care.
- i. The notice shall identify who will be providing Extended Respite Care, where Extended Respite Care will occur, and when the Extended Respite Care period will begin and end.
 - ii. Email is the preferred method for providing advance notice to DFCS and, if applicable, the CPA.
 - iii. Approval shall be obtained from DFCS prior to a Foster Parent utilizing Extended Respite Care.
 - iv. Email is the preferred method for DFCS to provide approval to the foster parent utilizing extended respite care.
- (b) An individual designated to provide Extended Respite Care who is not a Foster Parent shall be assessed by DFCS prior to providing Extended Respite Care in accordance with the DFCS Child Welfare Policy Manual, Policy, and Procedures.

Statutory Authority: O.C.G.A. § 49-5-3, 49-5-8, 49-5-8.1.