



**Georgia Department
of Human Services**
Office of General Counsel

DHS Rule Changes

Office of General Counsel

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stronger families

FOR A STRONGER GEORGIA



Road Map

- Review of Rule Change Procedures
- Initial Approval – Safe Place for Newborns Act Signage
- Final Approval – Division of Child Support Services
 - Federal Annual Maintenance Fee
 - Federal Final Rule
 - Agency Review of Office of State Administrative Hearing (OSAH) Decisions
- Request to Board



Rule Change Procedure

1. Board Considers Motion to Publish Proposed Rule
2. 30-Day Public Comment Period
3. Public Hearing
4. Motion for Final Adoption of Proposed Rule
5. Send Final Rule to Secretary of State



Initial – Safe Place for Newborns

Act Provides Immunity from Prosecution When an Infant Child is Given to Participating
Medical Facility, Police Station or Fire Station

HB 513 Requires DHS to Create Standards for Signs Alerting Public of Locations
Legislation Effective July 1, 2018

Current Rule:

- None

Proposed Change:

- New Rule 290-1-9-.01
- Standards for Signs

Rule Published August 23 –
September 21

Public Hearing September 12



Initial – Safe Place for Newborns



- 11” x 17” Sign
- White with Black Letters
- Standard Message & Logo
- Outside Doors or Inside Public Areas
- Weather Resistant
- Template on DHS Website



Final – Annual Maintenance Fee

\$25 Annual Fee Charged Once \$500 Collected
Federal Legislation Increased Fee to \$35 / \$550
SB 427 Increased Fee to \$35
Legislation Effective October 1, 2018

Current Rule:

- DCSS Charges \$25

Proposed Change:

- DCSS Charges \$35

Rule Published June 1 – June 30

Public Hearing July 11



Final – Federal Final Rules

Affecting Various Aspects of DCSS Programs

SB 427

Legislation Effective July 1, 2018

- Consideration given to the obligor's ability to pay
- Incarceration may not be treated as voluntary unemployment
- Imputation of income based on ability to earn and other economic factors
- Enrollment in public healthcare is sufficient for child's healthcare needs



Final – Federal Final Rules

Affecting Various Aspects of DCSS Programs

SB 427

Legislation Effective July 1, 2018

Current Rule:

- Rule 4 – Unstable Financial Conditions
- Rule 4 – Healthcare
- Rule 6 – Healthcare
- Rule 6 – Modifications When Incarcerated

Rule Published June 1 – June 30

Proposed Change:

- Removes Language Regarding Financial Conditions
- Inserts References to Public Healthcare Option
- Incarceration May Be Considered a Substantial Change in Circumstances

Public Hearing July 11



Final – Office of State Administrative Hearing (OSAH) Decisions

Removal of Rules Related to Commissioner Review of Initial Decisions

HB 790

Legislation Effective Upon Governor's Signature – May 8, 2018

Current Rule:

- OSAH Enters Initial Decision
- Party or DHS May Request Review
- Final Decision Appealed to Superior Court

Rule Published June 1 – June 30

Proposed Change:

- Removes Commissioner Review From Rule 19
- All OSAH Decisions Appealed to Superior Court
- Definition of Final Decision in Rule 3

Public Hearing July 11



Request to Board

Motion to Publish Notice of Rulemaking

- Safe Place for Newborns Signage – Rule 290-1-9-.01

Motion for Final Adoption

- Annual Maintenance Fee – 290-7-1-.05
- Federal Final Rules – 290-7-1-.04 & 290-7-1-.06
- OSAH Decisions – 290-7-1-.03 & 290-7-1-.19



QUESTIONS

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