



Georgia Department of Human Services
Office of General Counsel

Legal Update

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General Counsel

Vision, Mission and Core Values

Vision

Stronger Families for a Stronger Georgia.

Mission

Strengthen Georgia by providing Individuals and Families access to services that promote self-sufficiency, independence, and protect Georgia's vulnerable children and adults.

Core Values

- **Provide access to resources that offer support and empower Georgians and their families.**
- **Deliver services professionally and treat all clients with dignity and respect.**
- **Manage business operations effectively and efficiently by aligning resources across the agency.**
- **Promote accountability, transparency and quality in all services we deliver and programs we administer.**
- **Develop our employees at all levels of the agency.**



Office of General Counsel

Vision

To be a trusted business partner engaged in the development of stronger families for a stronger Georgia.

Mission

Our mission is to work collaboratively with our partners to assist the multiple business facets of the Georgia Department of Human Services in identifying and responding to legal matters in a practical and sustainable way.

Core Values

- Provide access to resources that offer support and empower Georgians and their families.
- Deliver services professionally and treat all clients with dignity and respect.
- Manage business operations effectively and efficiently by aligning resources across the office.
- Promote accountability, transparency and quality in all services we deliver and programs we administer.
- Develop our employees at all levels of the office.



OGC Responsibilities

- The Office of General Counsel provides ongoing support to the Department's three divisions and ten offices. Support of the Department includes guidance on program initiatives and all required regulatory functions related to:
 - Child welfare and safety
 - Family development and independence
 - Aging services
 - Enterprise-level functions



Legal Update

Major Projects

- Kenny A Exit Plan Signed by Governor Deal and Commissioner Crittenden
- Contract structuring and drafting for Integrated Eligibility System (IES)

Ongoing

- Review of proposed legislation
- Federal and State law compliance
- Privacy compliance, training and breach response
- State administrative hearing process
- Drafting of contracts, agreements and proposals
- Constituent inquiries, including open records requests
- Drafting of administrative rules and coordination of rule changes



Summary of Proposed Changes

Clean Up Within Rules

- 290-7-1-.04 – Citation
- 290-7-1-.13 – Typo
- 290-7-1-.14 – Spacing

Tax Refund Intercept Program

- 290-7-1-.08

Redirection of Child Support Payments

- 290-7-1-.15



Tax Offset Procedure

Rule 290-7-1-.08

Conflict with State Law

- Rule does not recognize administrative hearings at time of intercept
- O.C.G.A. 48-7-164

Change to Methods of Confirming Arrears Amount

- Law and regulations provide for a payment record or verification of arrears
- DCSS should not proceed on arrears affidavit only

Accurately Describe Pre-Tax Offset Notice Procedure

- Notices to obligors & IRS sent by Federal Office of Child Support Enforcement



Redirection of Child Support Payments

Rule 290-7-1-.15

Current Rule – Redirect Payments to Child’s Custodian

- Grandparents and other family members
- No need to receive new court order

Obligor Becomes Custodian

- DCSS cannot simply close case
- DCSS cannot redirect funds back to obligor
- Obligor may be excused from payments

Proposed Change

- Refrain from enforcement of monthly support
- Continue to collect arrears
- Evidence needed to determine custody



Rule Change Procedure

August 24, 2016 Board Approved Motion to Publish Proposed Rule

30 Day Public Comment Period Held

- Rule Published September 1 through September 30
- Public Hearing on Rule Change Held on October 5
- DHS Received Positive Feedback from Local DCSS Attorneys & Offices
- No Negative Comments or Further Changes Suggested

November 16, 2016 Motion for Final Adoption of Proposed Rule

- Resolution for Adoption to Board
- Send Final Rule to Secretary of State



Request to Board

Motion to Adopt Final Rules

- 290-7-1-.04 Establishment of Child Support Obligation
- 290-7-1-.08 Federal and State Tax Intercept Program
- 290-7-1-.13 Intergovernmental Child Support Proceedings (UIFSA)
- 290-7-1-.14 Collection and Disbursement of Child Support Payments
- 290-7-1-.15 Allocation and Redirection of Payments for Current Support

Motion to Approve BB&T Banking Resolution



Proposed 2017 DHS Board Meeting Dates

- | <u>Date</u> | <u>Location</u> |
|---------------------|---|
| • February 15, 2017 | 2 Peachtree Street NW, Atlanta, Georgia |
| • May 17, 2017 | Location to be determined |
| • August 23, 2017 | Location to be determined |
| • November 15, 2017 | 2 Peachtree Street NW, Atlanta, Georgia |



Reminder: Affidavit of Public Officer

- Annual Affidavit (O.C.G.A. § 21-5-50)
 - Executive Directors and members of each state Board, Commission, or Authority **MUST FILE AN AFFIDAVIT** stating that HE/SHE “took no official action in the previous calendar year that had a material effect on such board member’s private financial or business interests.”
- Instructions: <http://ethics.ga.gov/boards-authorities-and-commissions/>
- File by January 31, 2017



QUESTIONS

