



Georgia Department of Human Services

# 2017

# LEGISLATIVE SESSION

## SUMMARY



The work of the Georgia General Assembly is integral to the execution of the Department of Human Services vision to build stronger families for a stronger Georgia. In a 40-day legislative session that ended March 30, members of the General Assembly acted on several proposals of significance to the Department's mission, vision and core values.

Primarily, the General Assembly carried out its Constitutional requirement to pass a state budget, which makes available the necessary resources that support programs to build stronger families for a stronger Georgia.

**The Fiscal Year 2018 budget** continues support for programs in the Department's divisions of Aging Services, Family and Children Services and Child Support Services. It also supports a pay raise for staff and additional positions for the administration of human resources, Adult Protective Services and foster care services. The General Assembly has also invested in new agency initiatives and the continued development and integration of Georgia Gateway, the state's new integrated eligibility system.

New funding for the budget, which takes effect July 1, is outlined below.

### **Departmental Administration**

- \$10,997,544 for the Office of Information Technology to continue the development and integration of a statewide eligibility system – Georgia Gateway
- \$668,105 to increase the hourly payment rate to \$57.50 for Adult Protective Services, Child Support, and Division of Family and Children Services (DFCS) SAAGs
- \$2,520,929 to secure 25 additional Office of Human Resources employees to meet the Department's needs in the areas of recruitment and retention

### **Aging Services**

- \$4,120,000 for the Georgia Alzheimer's Project which will establish sites across the state to assist in the early detection and treatment of Alzheimer's disease
- \$4,200,000 for additional services to meet the client demand for Non-Medicaid Home and Community Based services that assist older Georgians in maintaining their independence
- \$766,484 to hire 11 additional Adult Protective Services supervisors

### **Family and Children Services**

- \$10,722,897 to increase funds for the DFCS foster parent per diem rate by 57%
- \$14,924,850 for the first year of a two-year plan to increase the relative foster care provider per diem rate by \$10 (\$5 this year, \$5 next year)
- \$5,255,343 for the first year of a two-year plan to increase the child placing agencies' (CPA) foster parent per diem rate by \$10 (\$5 this year, \$5 next year)
- \$20,166,982 to cover growth in the number of children being placed in foster care and group homes and to meet the rise in demand for social services
- \$25,874,554 to increase the salaries for child welfare services workers by an average of 19%
- \$2,861,585 to hire 80 additional staff for foster care support services
- \$2,514,997 for 27 additional staff to fully implement the supervisor-mentor program



## Enacted policy changes

In addition to establishing the FY18 budget, the General Assembly considered nearly 2,400 bills or resolutions. A summary of bills that achieved final passage in 2017 that are relevant to the Department's programs and services is below, broken down by division or office. Each proposal must receive the signature of Gov. Nathan Deal to become law.

## AGING SERVICES

**HB 154** permits dental hygienists to perform authorized dental hygiene services in schools, hospitals and nursing homes under the general supervision of a licensed dentist (without the dentist being present); prohibits the hygienist from performing any services on a patient that has dental pain or clearly visible evidence of widespread dental disease; requires the hygienist to immediately refer patients that have dental pain or clearly visible evidence of widespread dental disease to the authorizing licensed dentist for clinical examination and treatment

**HB 221** creates a uniform power of attorney for commerce and trade to protect vulnerable adults from financial exploitation

**SB 16** adds autism spectrum disorder, Tourette's syndrome, epidermolysis bullosa, Alzheimer's disease, acquired immune deficiency syndrome (AIDS), and peripheral neuropathy to the list of conditions which may be treated with low THC oil

## CHILD SUPPORT SERVICES

**SB 132** removes the civil case filing and disposition forms from the Georgia Code and authorizes the Judicial Council of Georgia (with the approval of the Supreme Court) to promulgate the forms; authorizes state court and superior court clerks to transmit the data contained on civil case filing and disposition forms to the Administrative Office of the Courts through electronic means

**SB 137** shifts the entire burden of a \$25 annual maintenance fee for child support enforcement to the noncustodial parent; includes provisions of annual Child Support Commission cleanup legislation

**HB 261** allows certain individuals sentenced to incarceration between March 18, 1968, and October 31, 1982, to petition the court for a retroactive grant of first offender status if he or she would have otherwise qualified

## FAMILY AND CHILDREN SERVICES

**HB 75** is agency legislation that exempts information in child abuse records that was provided or disclosed by law enforcement from the open records mandate when there is an ongoing investigation or pending prosecution of a near death or child death child abuse case

**HB 86** is agency legislation that adds sex trafficking a person for sexual servitude to the definition of sexual abuse in the code section delineating requirements for mandatory reporting of child abuse (passage of this legislation brings DFCS in compliance with the "Justice for Victims of Trafficking Act of 2015")

**HB 206** "The Pharmacy Audit Bill of Rights" provides that clerical or other errors do not constitute a basis to recoup payments made by providers of medical assistance; includes provisions of SB 202 which increases the personal needs allowance to be deducted from a nursing home resident's income

**HB 250** requires the Department to accept a letter issued within the previous 12 months by the Department of Early Care and Learning (DECAL) stating that an individual who will provide short term care (babysit) for a foster child has received a satisfactory determination by DECAL in lieu of requiring an additional background screening or fingerprint check

**HB 359** allows a parent of a child to delegate caregiving authority through a power of attorney regarding the child to an individual who is an adult, who resides in this state, and who is the grandparent, great-grandparent, stepparent, former stepparent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling of the child or is approved as an agent by an organization licensed as a child-placing agency or a nonprofit entity that is focused on child or family services and that is in good standing with the Internal Revenue Service for a period not to exceed one year



**HB 391** adds fire stations and police stations to the locations where a mother can leave a newborn child less than 30 days old; allows the mother to decline providing her name and address when the child is left in the physical custody of an employee of the authorized locations

**SB 168** is agency legislation that expands access to child abuse records to other state agencies serving the same child, and local and federal authorities investigating allegations of child abuse, or child placing agencies vetting potential foster or adoptive homes

**SB 174** enacts reforms recommended by the Georgia Council on Criminal Justice Reform to include adding DFCS employees to the list of required individuals on the planning group for family treatment court; requires DFCS to establish a written protocol to assess cases substantiating abuse or neglect for possible referral to family treatment court in collaboration with the planning group

**SB 175** enacts reforms relating to juvenile court proceedings recommended by the Georgia Council on Criminal Justice Reform; allows juvenile courts to impose certain conditions on parents, guardians, and legal custodians of children in need of services, delinquent, or involved in a court's community based risk reduction program and provides for procedure

**SB 186** allows students who earned a high school diploma through dual credit coursework to be eligible for a HOPE grant toward an associate degree; includes language from HB 331 which authorizes a kinship caregiver to give legal consent in the form of an affidavit for a child residing with him/her to receive educational services and medical services directly related to academic enrollment and to participate in curricular or extracurricular activities

**SB 250** requires individuals who were convicted in another country to register on the State Sexual Offender Registry

## **FACILITIES AND SUPPORT SERVICES**

**SB 104** requires the posting of the human trafficking hotline model notice in all government buildings and requires government entities to post a hyperlink to the human trafficking hotline model notice on their websites

## **HUMAN RESOURCES**

**SB 201** mandates employers with 25 or more employees that provide sick leave to allow an employee to use sick leave for the care of an immediate family member; however, employers are not required to allow leave for an immediate family member for more than five days of earned sick leave

### **Other legislation of interest:**

**HB 279** allows an individual who alleges to be a victim of family violence to petition the court to file his or her petition to change his or her name or to change the name of his or her child waiving the publication and parental consent requirements and seal or limit information on the public record

**HB 341** adds those who patronize or solicit a person who is the victim of sexual servitude to the offense of sex trafficking; adds sex trafficking a person for sexual servitude to the list of dangerous sexual offenses where the violator must register as a sex offender; adds pimping and pandering to a list of offenses where the offender must serve at least 24 hours of incarceration; removes the sunset provision on the requirement for posting the human trafficking hotline in certain locations, etc.

**SB 52** repeals a sunset provision relating to mental health and authorizing a licensed professional counselor to perform certain acts

**SB 88** authorizes the Department of Community Health to license and regulate narcotic treatment centers

**SB 117** changes the definition of the term "agency"; provides for the establishment of certain policies and standards to be used by all agencies; provides for waivers under certain circumstances

**SB 126** requires that all tort actions against the state under this article shall be brought in the state or superior court of the county wherein the tort giving rise to the loss occurred; however, wrongful death actions may be brought in the county wherein the tort giving rise to the loss occurred or the county wherein the decedent died





**SB 160** provides the Superior Court with exclusive original jurisdiction for cases involving aggravated assault upon a public safety officer involving the use of a firearm and aggravated battery upon a public safety officer; allows a superior court the discretion to transfer such cases back to juvenile court

**SB 193** revises provisions to promote healthy pregnancies; revises the program mission and practice of the Positive Alternatives for Pregnancy and Parenting Grant Program; repeals legislative authority; removes certain references to medically indigent women; revises certain definitions; removes the Positive Alternatives for Pregnancy and Parenting Grant Program from the Indigent Care Trust Fund; states that the language of the article does not prohibit any direct client service provider from promoting or expending non-grant funds for a political or religious purpose

**Follow-up for next year:**

**HB 344** is agency legislation to correct an errant term in law which passed for the department in 2015 to allow the department to provide paternity testing for individuals that are currently under an order for child support who have come into knowledge that they are not the biological fathers, when paternity has not already been established, or if the individual has not refused testing previously (the bill has already passed the House chamber and was on the Senate calendar for a chamber vote on day 40; however, the legislative session ended before the Senate addressed voting on it - the bill is in position to be selected for a vote early in the 2018 legislative session)