



Georgia Department of Human Services
Aging Services | Child Support Services | Family & Children Services

November 30, 2023

Notice of Intended Action and Public Hearing Regarding Proposed Amendments to Ga. Comp. R. & Regs. Rules 290-9-2-.01 through 290-9-2-.15 of the Rules of the Georgia Department of Human Services, Rules and Regulations for Child Placing Agencies

To All Interested Persons and Parties:

The Georgia Department of Human Services (the “Department”) proposes the adoption of rule amendments to Rule 290-9-2-.01 (Definitions); Rule 290-9-2-.02 (Applicability of These Rules); Rule 290-9-2-.03 (Agency Organization and Administration); Rule 290-9-2-.04 (Criminal History Background Checks, Agency Personnel); Rule 290-9-2-.05 (Agency Policies and Procedures for Services); Rule 290-9-2-.06 (Adoption Services); Rule 290-9-2-.07 (Foster Care Services); Rule 290-9-2-.08 (Agency Records and Reports); Rule 290-9-2-.09 (How to Apply for/Renew a License); Rule 290-9-2-.10 (Variances and Waivers); Rule 290-9-2-.11 (Inspections and Access by Department Staff); Rule 290-9-2-.12 (Disaster Preparedness); Rule 290-9-2-.13 (Emergency Orders); Rule 290-9-2-.14 (Enforcement and Penalties); Rule 290-9-2-.15 (Severability of These Rules) of the Rules of the Georgia Department of Human Services, collectively entitled “Rules and Regulations for Child-Placing Agencies.” The Department will be accepting written comments regarding the proposed amendments from November 30, 2023, through December 30, 2023.

This notice, together with a markup of the proposed amendments and a synopsis of the proposed amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, a markup of the proposed amendments, and a synopsis of the proposed amendments may be reviewed during normal business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday, except official State holidays, at the Department of Human Services, Office of General Counsel at the following address:

Office of General Counsel
Georgia Department of Human Services
47 Trinity Avenue SW
Atlanta, Georgia 30334

These documents will also be available for review on the Department’s web page at <https://dhs.georgia.gov/>.

Notice of Intended Action and Public Hearing Regarding Proposed Amendments to Ga. Comp. R. & Regs. Rules 290-9-2-.01 through 290-9-2-.15 of the Rules of the Georgia Department of Human Services, Rules and Regulations for Child Placing Agencies

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An in-person public hearing is scheduled to begin at **10:00 a.m.** on **December 15, 2023**, at 47 Trinity Avenue SW, Room G-07A/B, Atlanta, GA 30334 (information available at <https://dhs.georgia.gov/> under “Events Schedule”) to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing anyone may present data, make a statement, comment, or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received by the Department on or before **December 30, 2023**. Written comments should be addressed to:

Regina M. Quick
General Counsel
Georgia Department of Human Services
47 Trinity Avenue SW
Atlanta, Georgia 30334

It is the intent of the Department that the proposed amendments be considered for adoption by the Board at its meeting scheduled in February 2024, location to be determined. Up-to-date meeting schedule information will be posted at <https://dhs.georgia.gov/>.

Comment Period and Additional Information:

The Department will be accepting written comments regarding the proposed amendments from **November 30, 2023, through December 30, 2023**. Please submit written comments to:

Regina M. Quick
General Counsel
Georgia Department of Human Services
47 Trinity Avenue SW
Atlanta, Georgia 30334
Telephone Number: (470) 453-5866

Interested persons may call or submit a written request to obtain a copy of the synopsis and the markup of the proposed amendments. A copy of the synopsis and the markup proposed amendments may also be downloaded from the Department’s web page at <https://dhs.georgia.gov/>.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.



Georgia Department of Human Services
Aging Services | Child Support Services | Family & Children Services

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

**CHAPTER 290-9-2
RULES AND REGULATIONS FOR CHILD-PLACING AGENCIES**

SYNOPSIS OF PROPOSED ACTION

The Georgia Department of Human Services, Office of Inspector General, Residential Child Care Licensing Unit (“Department”), proposes the adoption of rule amendments to Chapter 290-9-2, entitled “Rules and Regulations for Child-Placing Agencies,” of the Rules of the Georgia Department of Human Services. Proposed amendments affect rules 290-9-2-.01 through 290-9-2-.15 of the current child-placing agency rules, set forth in Chapter 290-9-2. The proposed revisions were drafted by the Department with the goal of eliminating or revising rules in an effort to streamline regulations, update terms and provisions, reorganize rule provisions for clarity, and make certain regulatory requirements less burdensome for providers where safe to do so.

Because the anticipated effect of the adoption of these rule amendments is to reduce regulatory burdens where safe to do so and to add more clarity to rule provisions, 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 AMENDMENTS TO THE RULES: The amendments to the Rules and Regulations for Child-Placing Agencies, Chapter 290-9-2, include the following:

- **Rule 290-9-2-.01 (Definitions).** The rule will be amended to add the definitions ‘adult,’ ‘employee or personnel,’ ‘legal father,’ ‘legal mother,’ ‘reasonable and prudent parenting,’ ‘serious occurrence,’ ‘supervision,’ ‘variance,’ and ‘waiver,’ delete the term ‘birth parent,’ and update the term ‘biological parent.’ The term ‘adult’ will be defined as a person 18 years or older who is not a foster child living

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in the foster home. The term 'child placement' will be amended to clarify that the definition does not include a licensed professional exclusively engaged in preparing a home study report as an evaluator. The current definition of 'room, board and watchful oversight' will be amended to clarify that the term includes the provision of safe lodging and continuous care to ensure a child's basic needs are met. Throughout this rule chapter, the term 'birth parent' will be replaced with the term 'biological parent.' Similarly, the modifiers 'executive' or 'assistant' will be removed from the term 'director.' In addition, outdated terms will be updated, and rules reordered to correspond with any revisions.

- **Rule 290-9-2-.02 (Applicability of These Rules).** This rule will be amended to remove a redundant provision that requires Child-Placing Agencies to assess placements regarding the appropriateness of the room, board, and watchful oversight. This requirement is more appropriately included in rule section .03 (Agency Organization and Administration) with general provisions that require such assessments by the Agency as part of its program description. The rule related to the list of persons or entities that cannot engage in child placement activities without a license will be amended to include consultants. Additionally, the rule will be reorganized to add clarity to the general rule that persons or entities shall not engage in child placement activities in Georgia without a license by merging with this general rule the current provision that Child-Placing Agencies licensed in other states and wishing to engage in placement activities in Georgia must also be licensed in Georgia or have a written agreement with a Child-Placing Agency licensed in the state to cooperate in and to supervise the placement.
- **Rule 290-9-2-.03 (Agency Organization and Administration).** This rule will be amended to delete the provision that requires persons or entities to consult with Residential Child Care Licensing concerning plans to establish a Child-Placing Agency before developing a program. Additionally, the rule requiring that a Child-Placing Agency must be incorporated in Georgia as a non-profit will be replaced with the requirement that a Child-Placing Agency must comply with state law and regulations. The rule will be amended to replace 'Department' with 'Residential Child Care Licensing' to clarify that an Agency must notify Residential Child Care Licensing specifically of certain changes or occurrences that may impact the Agency. The current rule entitled 'Board of Directors' will be renamed as 'Governing Entity.' This rule will be further amended to clarify that state law will dictate the type of governing entity that will be responsible for the authority of an Agency. The rule will be amended to relocate requirements related specifically to Agencies governed by board of directors to the appropriate section. A new enumerated responsibility given to a governing entity is to ensure that the members of a Child-Placing Agency governing body refrain from being approved as an adoptive or foster family with the Agency while serving as a member of the

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governing entity. For an Agency retaining a board of directors as its governing entity, the Agency must meet certain requirements that have been reorganized, updated, or added for clarity. The amended rule will reduce the board of director composition requirement from five members to at least three members. The revised rule will remove all enumerated items currently required to be included in Agency by-laws. Additionally, the current rule that requires an Agency's written policy to define the conditions under which adoption-related service fees are refundable will be updated to require that the policy also defines such conditions under which fees are non-refundable.

- **Rule 290-9-2-.04 (Criminal History Background Checks, Agency Personnel).** The rule will be amended to reference the applicable Georgia Code sections related to covered crimes and criminal record check provisions for Agency owners, employees, and directors instead of detailing such crimes and provisions. The revised rule will also clarify that prior to serving as a director of an Agency, persons newly hired, rehired, or transferred to the position of director must meet applicable criminal record check requirements. A new rule will provide that a director, employee, or foster parent may be subject to a subsequent fingerprint records check to confirm identification for records search purposes, when the Department has reason to believe that he/she has a criminal record that renders them ineligible to have contact with children, or during the course of a child abuse investigation involving the director, employee, or foster parent. The rule will be revised to remove the provision that a director of an Agency operating multi-state programs can reside outside of Georgia if she/he is responsible for the administration of the Georgia program. Further, the rule will be amended to ease the qualifications for the director of a Georgia program by providing that persons with two years of supervisory experience in a human services delivery field may also qualify for the position. The rule regarding annual training requirements for supervisory and social service staff employed or contracted by an Agency will be updated to provide that training hours will no longer be calculated from the date of employment. The rule will be further amended to include a new provision that requires an employee's personnel file to contain a record of the employee's valid driver's license for the class of vehicle operated if the Agency employee transports children in care. The statutory authority for this rule section will also be updated.
- **Rule 290-9-2-.05 (Agency Policies and Procedures for Services).** This rule will be amended to require that Agency policies and procedures related to foster care services address reasonable and prudent parenting. In addition, the rule will be amended to require that Agency policies and procedures address disaster preparedness. The rule addressing the removal of a child from his/her home will be updated to clarify that an Agency facilitating such separation complete an assessment of the child's current situation prior to separating the child from their

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biological parent(s) or guardians. The rule that requires an Agency's practices to conform to its written policies will be updated to clarify that staff, contractors, volunteers, foster parents, and prospective adoptive parents must follow written policies and procedures of an Agency. The rule will be updated to clarify that reports of abuse of a child in care must be reported to the Department's Child Protective Services. Throughout the rule chapter, the 'Department of Human Resources' will be replaced with the 'Department of Human Services.' Similarly, the 'Office of Regulatory Services' will be replaced with 'Residential Child Care Licensing' throughout the rule chapter. Additionally, the statutory authority for this rule section will be updated.

- **Rule 290-9-2-.06 (Adoption Services).** This rule will be amended to exchange the term 'applicants' for the term 'prospective adoptive parents' when referencing orientation provisions. The rule relating to additional orientation information to be provided to prospective adoptive parents will be clarified to specifically include onboarding and matching processes. This rule will also be updated to replace language used to describe the process used by birth parents or children to locate each other with the terms 'Georgia Adoption Reunion Registry.' The rule requiring home studies to include certain information about prospective adoptive families will be amended to update or replace outdated requirements, language, and terms. The rule will also be amended to clarify that at least one of three home study visits must be conducted in person in the home. The rule that requires inclusion of a prospective adoptive family's motivation to adopt will be updated to remove "attitude towards childlessness" as a possible motivating factor and replace it with "issues with infertility or loss of a child." Under home study provisions, the term "domestic partnerships" will be added to update the evaluation of family life section. For clarity, 'MRO' will be replaced with 'Georgia Medicaid Rehabilitation Option Provider' as a source that may provide physical and mental health needs. The rule will also be amended to clarify and add nurse practitioners to the list of medical professionals who may complete physical examinations for prospective adoptive parents and provide statements on the general health status of members of the prospective adoptive family. The rule regarding surrenders will be updated to clarify that surrenders shall not be accepted from the biological mother and legal father prior to the birth of a child. The rule will be updated to clarify that adoption records may be maintained digitally as well as electronically and that Agencies must now include a data recovery plan for backing up digital and electronic data and storing back up media both on-site and off-site. The rule will be amended to require that any injury, as opposed to only injuries requiring medical treatment beyond first aid, to a child connected to any behavior management or emergency safety intervention must be reported to Residential Child Care Licensing. In addition, the rule will be updated to require an Agency to require prospective adoptive parents to report all such injuries to the Agency within the specified timeframe.

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- **Rule 290-9-2-.07 (Foster Care Services).** This rule will be amended to clarify and update minimum qualification requirements in relation to training for prospective foster parents. The amended rule will require a foster parent to receive at least fifteen hours of training relevant to the type of child placed in the foster home. This rule will no longer require a lesser amount of training hours contingent upon the age of the child. The rule requiring home studies to include information about prospective foster families will be amended to update or replace outdated requirements and terms. The rule regarding home study reports will be amended to clarify that a foster home must act in accordance with the information documented in the home study report and any home study report updates. The home study rule will be updated to clarify that the home study report must document a valid driver's license number along with expiration date and current automobile insurance as applicable. Also, the rule that requires inclusion of a foster parent's motivation for foster parenting will be updated to remove "attitude towards childlessness" as a possible motivating factor and replace it with "issues with infertility and the loss of a child." Under home study provisions, the term "domestic partnerships" will be added to update the evaluation of family life section. The rule regarding space and sleeping arrangements under the home and community section will be amended to add the clarifying term 'foster' before 'child/children.' The rule will also be updated to provide that no foster child shall sleep in a bed with another child unless both are of the same sex, under 5 years of age and sleeping in at least a double bed. The rule that prohibits children over 1 year of age from sleeping in a room with an adult will be amended to provide that no foster child shall co-sleep or bedshare with an adult and no foster child over 24 months shall sleep in a room with an adult. Additionally, the rule that prohibits children of different sexes and over 3 years of age from sharing a bedroom will be updated to provide that no foster child over 5 years of age shall share a bedroom with a child of a different sex. The rule addressing dental and health programs for children will be amended to include policies and procedures for medication use, documentation, and management. In addition, foster parents will be required to receive training on the policies and procedures. The rule that requires Agencies to ensure that foster parents supervise foster children placed in their homes will be relocated to this section from the behavior management and emergency safety intervention section.
- **Rule 290-9-2-.08 (Agency Records and Reports).** This rule will be amended to clarify that Agencies have a duty to not only submit reports, but other information required by the Department. The rule regarding the confidentiality of records and the protection of records from unauthorized use, fire, damage, or theft will be updated to include provisions for electronic records. Agencies that intend to use electronic records for electronic files subject to regulatory review must submit written policies and procedures for review and approval by the Department and

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ensure that electronic records are reasonably secure with a data recovery system. The rule will be updated to include an illness of foster children or other persons in the home attributable to a pandemic or an infectious disease as a “serious occurrence” that must be reported to Residential Child Care Licensing. The statutory authority for this rule section will be updated.

- **Rule 290-9-2-.09 (How to Apply For/Renew a License).** This rule will be amended to notify applicants that they must attend training conducted by Residential Child Care Licensing prior to submitting an application for an initial license. The rule will be revised to clarify that certain information (e.g., articles of incorporation, agency by-laws, contact information for board members, letters of acceptance) is not expected to be included with the application, if inapplicable. The rule will be amended to clarify that the Agency must notify Residential Child Care Licensing in writing of a change in ownership.
- **Rule 290-9-2-.10 (Variance and Waivers).** This rule will be amended to clarify instances where waivers or variances may be granted and for consistency with state law requirements. A new rule provision will identify specific information that must be submitted with an application for a waiver or variance. In addition, the rule will clarify that the Agency must implement and comply with terms and conditions of the waiver or variance. A new rule will be added to clarify that waivers or variances shall not be sought or authorized if harmful to public health, safety, or welfare or contrary to state law. In addition, the statutory authority for this rule section will be updated.
- **Rule 290-9-2-.11 (Inspections by the Department and Access by Department Staff).** This rule will be amended to replace the term ‘entry’ with ‘access’ to clarify that applicants, licensees, and owners of the premise consent to access by the Department to an Agency’s director, employees, foster homes (including household members), children present, and required records once a Department representative confirms his/her identity with any Agency director, employee, foster parent, or prospective adoptive parent. Additionally, the rule that prohibits licensees from making false or misleading statements will be updated to clarify that a director, employees, foster parents, prospective adoptive parents, and contractors of the licensee are also prohibited from making false or misleading statements. The rule will be updated to clarify that the reference to false or misleading statements includes verbal or written statements and also applies to documents submitted to the Department or maintained by the Agency.
- **Rule 290-9-2-.12 (Disaster Preparedness).** The rule will be amended to clarify provisions related to developing and complying with disaster preparedness plans. The rule will be amended to include additional provisions for disaster preparedness plans in order to limit and contain health hazards due to

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pandemics or infectious disease outbreaks. Additional plan provisions will require inclusion of the following: contact information for sources of public health information and guidance such as the CDC, state and local public health authorities; contact information for an Agency representative responsible for providing the Department with updates about the status of the illness/disease outbreak; process for providing notice and updates to parents/guardians; plan for immediate isolation of affected children and household members; plan for minimizing the spread of the illness/disease to unexposed children or members of the household; and plan for addressing business continuity and programmatic issues relevant to a pandemic or infectious disease outbreak. The requirement that the Agency provide a copy of the disaster preparedness plan to the local EMA and include the local EMA in development of the plan will be removed. In addition, the statutory authority for this rule section will be updated.

- **Rule 290-9-2-.13 (Emergency Orders).** The rule will be amended to include appropriate pronouns. The statutory authority for this rule section will also be updated.
- **Rule 290-9-2-.14 (Enforcement and Penalties).** The rule will be amended to replace “working days” with “business days” as related to the number of days an Agency has to submit a written plan of correction. The statutory authority for this rule section will also be updated.
- **Rule 290-9-2-.15 (Severability of These Rules).** This rule contains no substantive updates.

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CHAPTER 290-9-2

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Rule 290-9-2-.01. Definitions

Unless the context otherwise requires, these words and phrases shall mean the following in these rules:

- (a) "Adoption" means a social and legal process designed to establish a new legal parent/child relationship giving a child the same rights and benefits of a child who is born to the prospective adoptive parent(s).
- ~~(b)~~ "Adult" means a person 18 years of age or older. An adult does not include a foster child living in a foster home.
- ~~(b)~~(c) "Applicant" means the following:
1. When the aAgency is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;
 2. When the aAgency is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;
 3. When the aAgency is owned by an association, the governing body of the association shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee; and
 4. When the aAgency is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee.
- ~~(e)~~(d) "Behavior management" means those principles and techniques used by an aAgency to assist a child in facilitating self-control, addressing inappropriate behavior, and achieving positive outcomes in a constructive and safe manner. Behavior management principles and techniques shall be used in accordance with the individual service plan, written policies and procedures governing service expectations, service plan goals, safety, and security, and these rules and regulations.
- ~~(d)~~(e) "Biological Father" means a male who impregnated the biological mother resulting in the birth of a child.
- ~~(e)~~(f) "Biological Parent" means a ~~birth parent of a child~~ biological mother or biological father.
- ~~(f)~~ "Birth Parent" means a biological parent of a child.
- (g) "Board" means the persons or legal entity in whom the ultimate legal responsibility, authority and accountability for the conduct of the Child-Placing Agency is vested.
- (h) "Caseworker" means a person employed by the Agency who provides direct placement services and supervision following placements.

- (i) "Casework supervisor" means a person employed by the Agency who is responsible for the supervision of the placement services offered by the Agency and for the designation of approval for the prospective adoptive and foster families to receive children for care.
- (j) "Chemical restraint" means ~~drugs~~ medications that are administered to manage a child's behavior in a way that reduces the safety risk to the child or others; that have the temporary effect of restricting the child's freedom of movement; and that are not being used as part of a standard regimen, as specified in the child's service plan, to treat current symptoms of a medical or psychiatric condition.
- (k) "Child" means a person under 18 years of age for adoption purposes and under the age of 19 for foster care purposes.
- (l) "Child-Placing Agency" or "Agency" means ~~a child welfare agency that is~~ any institution, society, agency, or facility, whether incorporated or not, ~~that which~~ places children in foster homes for temporary care or in prospective adoptive homes for adoption. For purposes of this definition, agencies that engage in placement activities are required to be licensed as Child-Placing Agencies. This term does not apply to a licensed professional providing only home study preparation services as an evaluator.
- (m) "Child placement," or "placement activity" means the selection, by a person or ~~a~~ Agency other than the child's parent or guardian, of a foster family or prospective adoptive family, or effecting the movement of the child into the foster family or prospective adoptive family. This definition includes any preparation of a home study of a foster home or of a prospective adoptive home. Counseling with respect to options available, legal services, or services as an agent for the purpose of notice of revocation of consent by the ~~birth~~ biological parent does not constitute child placement under this definition. For purposes of this rule, this definition does not include the Department or a licensed professional providing only home study preparation services as an evaluator.
- (n) "Criminal history background check" means a search as required by law of the criminal records maintained by law enforcement authorities to determine whether the applicant has a criminal record as defined in these rules.
- (o) "Criminal record" means:
1. Conviction of a crime; or
 2. Arrest, charge, and sentencing for a crime where:
 - (i) A plea of nolo contendere was entered to the charge; or
 - (ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; or
 - (iii) Adjudication or sentence was otherwise withheld or not entered on the charge; or
- ~~(iv)~~3. Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. ~~Section-~~ Section- 17-3-1 et seq.

- (p) "Department" means the Georgia Department of Human Services.
- (q) "Emergency safety interventions" mean those behavioral intervention techniques that are authorized under an approved emergency safety intervention plan and are utilized by properly trained staff or ~~therapeutic~~ foster parent(s) in an urgent situation to prevent a child from doing immediate physical harm to self or others or those behavior intervention techniques used by prospective adoptive or foster parents in an urgent situation to prevent a child from doing immediate physical harm to self or others.
- (r) "Emergency safety intervention plan" means the plan developed by the ~~facility~~ Agency utilizing a nationally recognized, evidence-based, training program for emergency safety intervention, approved by the Department. The plan shall clearly identify the emergency safety interventions that staff and ~~therapeutic~~ foster parents are authorized to utilize with a child and those interventions that are prohibited.
- (s) "Employee" or "Personnel" means any person, other than the director, employed by an Agency, with or without compensation, who performs any duties, which involve personal contact between that person and any child being cared for in a foster home or in a prospective adoptive home or who has access to confidential information of a foster child, foster family, adoptive family or staff.
- ~~(s)~~(t) "Evaluator" means a person or ~~a~~Agency authorized by law to conduct a home study. An evaluator shall be a ~~e~~Child-~~p~~Placing ~~a~~Agency, the Department, or a licensed professional with at least two years of adoption related professional experience, including a licensed clinical social worker, licensed master social worker, licensed marriage and family therapist, or licensed professional counselor.
- ~~(t)~~(u) "~~Executive~~ Director" means the person responsible for overall administration of an Agency.
- ~~(u)~~(v) "Facilitator" means an individual or ~~a~~Agency who is engaged in the matching of ~~birth~~ biological parents with adoptive parents. This term does not apply to a person or ~~a~~Agency who refers ~~prospective birth~~ biological parents, prospective adoptive parents and children to licensed ~~e~~Child-~~p~~Placing ~~a~~Agencies for adoption services.
- ~~(v)~~(w) "Fingerprint records check determination" means a satisfactory or unsatisfactory determination by the ~~d~~Department based upon a records check comparison of Georgia Crime Information Center (GCIC) information with fingerprints and other information in a records check application.
- ~~(w)~~(x) "Foster care" means supervised care for a child in a home other than the child's own home on a 24-hour full-time basis for a temporary period of time.
- ~~(x)~~(y) "Foster family" or "foster home" means a private home where the foster parent(s) live which has been approved by the ~~institution/a~~Agency to provide 24-hour care, lodging, supervision and maintenance for no more than six foster children under the age of 19, unless limited exceptions apply in accordance with these rules and regulations.
- ~~(y)~~(z) "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 and who has a satisfactory criminal history background check determination.

~~(z)~~(aa) "Home study" means assessment of the home environment of an applicant to determine suitability of that environment as a foster home or a prospective adoptive home.

~~(aa)~~(bb) "Inducements" mean any financial assistance, either direct or indirect, from whatever source. The term "inducements" shall not include:

1. Payment or reimbursement of medical expenses directly related to the biological mother's pregnancy and hospitalization for the birth of the child and medical care for such child if paid by a licensed Child-Placing Agency or an attorney⁷⁴;
2. Payment or reimbursement of expenses for counseling services or legal services for a biological parent directly related to the placement by such parent of her or his child for adoption if paid by a licensed Child-Placing Agency or an attorney⁷⁴;
3. Payment or reimbursement of reasonable living expenses for the biological mother if paid by a licensed Child-Placing Agency⁷⁴ or
4. Payment or reimbursement of reasonable expenses for rent, utilities, food, maternity garments and maternity accessories for the biological mother if paid from the trust account of an attorney, who is a member of the State Bar of Georgia in good standing.

~~(cc)~~ "Legal Father" means a male who has not surrendered or had terminated his rights to a child and who:

1. Has legally adopted such child;
2. Was married to the biological mother of such child at the time such child was born or within the usual period of gestation, unless paternity was disproved by a final order of a court of competent jurisdiction;
3. Married a legal mother of such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order of a court of competent jurisdiction; or
4. Has legitimated such child by a final order pursuant to Code Section 19-7-22.

~~(dd)~~ "Legal Mother" means the female who is the biological or adoptive mother of the child and who has not surrendered or had terminated her rights to the child.

~~(bb)~~(ee) "License" means a document issued by the Department that grants permission for the holder to provide placement services.

~~(cc)~~(ff) "Manual hold" means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a child's body and is considered a form of restraint. A manual hold does not include briefly holding a child without undue force to calm or comfort the child, holding a child by the hand or by the shoulders or back to walk the child safely from one area to another where the child is not forcefully resisting the assistance, or assisting the child in voluntarily participating in activities of daily living.

~~(dd)~~(gg) "Mechanical restraint" means a device attached or adjacent to the resident's body that is not a prescribed and approved medical protection device and that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. A mechanical restraint does not include devices used to assist patients with appropriate positioning or posture secondary to physical impairments or disabilities.

~~(ee)~~(hh) "Medicaid Rehabilitation Option Provider (MRO)" means that category of behavioral health services designed for the maximum reduction of impairments related to mental illness or addiction and restoration of a Medicaid recipient to his/her best possible functional level.

~~(ff)~~(ii) "Out-of-state licensed agency" means an agency or entity that is licensed in another state or country to place children for adoption.

~~(gg)~~(jj) "Owner" means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in the business or agency licensed as a ~~e~~Child-~~p~~Placing ~~a~~Agency and who:

1. Purports to or exercises authority of the owner in a ~~e~~Child-~~p~~Placing ~~a~~Agency;
2. Applies to operate or operates a ~~e~~Child-~~p~~Placing ~~a~~Agency;
3. Enters into a contract to acquire ownership of a ~~e~~Child-~~p~~Placing ~~a~~Agency.

~~(hh)~~(kk) "Preliminary records check application" means an application for a preliminary records check determination ~~on forms provided by the department.~~

~~(ii)~~(ll) "Preliminary records check determination" means a satisfactory or unsatisfactory determination by the ~~d~~Department based only upon a comparison of Georgia Crime Information Center (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed.

~~(jj)~~(mm) "Prospective adoptive family" or "prospective adoptive home" means a family unit (which may include a single parent family unit) and their place of residence approved by an Agency to receive a child for adoption.

~~(kk)~~(nn) "Prospective adoptive parent(s)" means the adult member(s) of a prospective adoptive family who expect to assume all legal and social obligations and privileges of parent(s) through the legal adoption of a child.

~~(oo)~~ "Reasonable and prudent parenting" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

~~(pp)~~(pp) "Record(s)" means the individual files in any format established and maintained by a Child-Placing Agency which include data concerning an employee, director, child, an applicant, a prospective adoptive family, and/or foster family.

- ~~(mm)~~(qq) "Records check application" means two sets of classifiable fingerprints, a records search fee to be established by the Department by rule and regulation, payable in such form as the Department may direct to cover the cost of a fingerprint records check, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law; except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the ~~d~~Department may require.
- ~~(nn)~~(rr) "Room, Board and Watchful Oversight" means providing a safe, ~~comfortable room~~ lodging, adequately nutritious meals, and continuous care and oversight to ensure a child's basic ~~safety~~ needs are met.
- ~~(oo)~~(ss) "Satisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed was found to have no criminal record.
- ~~(pp)~~(tt) "Seclusion" means the involuntary confinement of a child away from other children, due to imminent risk of harm to self or others, in a room or an area from which the child is physically prevented from leaving.
- (uu) "Serious occurrence" means an occurrence that has or may have dangerous or significant consequences relating to the care, supervision, or treatment of a child.
- ~~(qq)~~(vv) "Sponsoring agency" means a Georgia Child-Placing Agency that serves as the primary coordinating agency with the foreign authorities, prospective adoptive parent(s), and children being placed through inter-country adoptions.
- (ww) "Supervision" means the continued responsibility of the Agency to take reasonable action to provide for the health, safety, and well-being of a child in care while under the supervision of a director, employees, contractors, volunteers, foster parents and prospective adoptive parents of the Agency, including protection from physical, emotional, social, moral, financial harm and personal exploitation while in care. The Agency is responsible for providing the degree of supervision indicated by a child's age, developmental level, physical, emotional, and social needs.
- ~~(rr)~~(xx) "Time-out" means a behavior management technique that involves the brief separation of a child from the group or setting where the child is experiencing some behavioral or emotional distress, not to exceed twenty (20) minutes, designed to deescalate the emotionally charged condition of the child. During "time-out" a child's freedom of movement is not physically restricted.
- ~~(ss)~~(yy) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.
- (zz) "Variance" means a decision by the Department to grant a modification to all or part of the literal requirements of a rule.
- (aaa) "Waiver" means a written decision by the Department not to apply all or part of a rule.

~~(#)~~(bbb) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of these Rules.

Statutory Authority: O.C.G.A. Sections 49-5-3, 49-5-8, 49-5-12, 49-5-60, 19-8-1 et seq.

Rule 290-9-2-.02. Applicability of These Rules

- (1) No person, facilitator, consultant, institution, society, agency, corporation or facility shall engage in child placement activities, including the advertising of such child placement activities, in Georgia unless a license has first been obtained from the Department. For purposes of this rule, Child-Placing Agencies licensed in other states and wishing to engage in placement activities, including the advertising of such placement activities, in Georgia shall also be licensed in Georgia or shall have a written agreement with a Child-Placing Agency licensed within the state to cooperate in and to supervise the placement. This agreement shall be approved by the Department prior to the placement.
- ~~(2)~~ ~~Child-Placing Agencies that arrange for children to receive care in foster homes or in prospective adoptive homes must assess the placement regarding the appropriateness of the room, board and watchful oversight that the prospective foster or adoptive person or family will provide.~~
- ~~(3)~~ ~~Child-Placing Agencies licensed in other states and wishing to engage in placement activities, including the advertising of such placement activities, in Georgia shall also be licensed in Georgia or shall have a written agreement approved by the Department with a Child-Placing Agency licensed within the state to cooperate in and to supervise the placement.~~
- ~~(4)~~(2) No person, organization, corporation, hospital, facilitator, or association that is not a Child-Placing Agency, a prospective adoptive parent with a valid, approved preplacement home study report, or an attorney who is a member of the State Bar of Georgia representing a prospective adoptive parent with a valid approved preplacement home study report shall advertise that the person, organization, corporation, hospital, facilitator, or association will adopt, arrange for or cause children to be adopted or placed for adoption as provided in O.C.G.A. Section- 19-8-24.
- ~~(5)~~(3) No person, organization, corporation, hospital, facilitator, or association shall directly or indirectly provide inducements to any biological parent to part with his or her child as provided in O.C.G.A. Section- 19-8-24.
- ~~(6)~~(4) Any Child-Placing Agency that places an advertisement concerning adoption or prospective adoption shall include in such advertisement its license number issued by the Department.
- ~~(7)~~(5) Georgia Child-Placing Agencies licensed in other states and engaging in placement activities in Georgia shall disclose to the Department on a continuing basis any federal, state or private lawsuit or administrative action instigated against the Agency or any person affiliated with the Agency.
- ~~(8)~~(6) These rules and regulations shall not apply to parties to a power of attorney for the care of a child executed in accordance with O.C.G.A. Sections- 19-9-120 et seq.

Statutory Authority: O.C.G.A. Sections 49-5-8, 49-5-12, 19-8-24, 19-9-120 et seq.

Rule 290-9-2-.03. Agency Organization and Administration

- ~~(1) Individuals, associations, institutions or corporations considering the establishment of a Child-Placing Agency shall consult the Residential Child Care Section of the Office of Regulatory Services about such plans before a specific program is developed.~~
- ~~(2)~~(1) Program purpose. In accordance with these rules and regulations, a licensed Child-Placing Agency shall develop, implement and comply with written policies and procedures that specify its philosophy, purpose, and program orientation. Such policies and procedures shall identify the characteristics of children to be served in terms of age, race, religion, residence limitations and include the referral sources.
- ~~(3)~~(2) Program Description and Implementation. A program description which includes the purpose or function of the proposed Agency shall be clearly defined. The program description shall include:
- (a) Written policies and procedures that describe the scope of services to be provided, including room, board and watchful oversight, and the manner in which such services will be provided and supervised through the Agency.
 - (b) A program description must show what services are provided directly by the Agency and how services will be coordinated with the Medicaid Rehabilitation Option Provider and other available community or contract resources.
 - (c) Eligibility requirements for client service and for providers of care.
 - (d) A statement that the Agency shall only place children whose known needs can be met by the Agency based on preplacement assessment, planning and room, board and watchful oversight capacity. No Agency shall provide placement services for children whose needs for room, board and watchful oversight cannot be met based upon the child's physical, educational or emotional needs.
- ~~(4)~~(3) A Child-Placing Agency shall be incorporated in Georgia as non-profit under state law and shall comply with is any institution, society, agency, or facility, whether incorporated or not, which places children in foster care homes for temporary care or for adoption. Child-Placing Agencies shall comply with state law and the regulations established by the Sstate for non-profit corporations of Georgia.
- ~~(5)~~(4) Board of Directors-Governing Entity. Each Child-Placing Agency shall have a Board of Directors, governing entity as required by state law which operates as the governing board of that is responsible for and has authority over the Agency.
- ~~(6)~~(5) Functions and Responsibilities of the Board of Directors Governing Entity. The Board Governing Entity shall:
- (a) Employ and dismiss an Executive Director;
 - (b) Delegate to the Executive Director the authority and responsibility for the employment of other staff members and the management of the affairs of the Agency according to the Agency's established policies;

- (c) Refrain from direct administration or operation of the Agency either through individual members or committees, except in emergencies;
 - (d) Approve written policies for accepting children for placement;
 - (e) Be responsible for the Agency's compliance with all applicable state laws and regulations;
 - (f) Be responsible for adequate financing and budgeting for the Agency;
 - ~~(g) Meet at least quarterly;~~
 - ~~(h) Keep complete minutes of each meeting reflecting official actions of the Board pertaining to and affecting any aspect of the child-placing program. Minutes of each meeting shall be kept permanently on file;~~
 - (ig) Notify the Department's Residential Child Care ~~Section of ORS~~ Licensing Unit in writing within 5 calendar days when there is a change in the ~~Executive~~ Director or in the corporate structure, organization, or administration of the Agency;
 - (jh) Inform the Department's Residential Child Care Licensing Unit within 24 hours by phone and in writing within 10 days of notice to the Agency of any legal or administrative action brought against the Agency or any person affiliated with the Agency which affects any child in care, ~~director,~~ or ~~personnel employee~~ or relates in any manner to the conduct of the Agency;
 - (ki) Keep the Department's Residential Child Care Licensing Unit informed on a quarterly basis, or more often if requested by ~~the Department~~ Residential Child Care Licensing, concerning the status of current or previous judicial or administrative action against the Agency; ~~and~~
 - (lj) Be responsible for the disposition or storage of records of the Agency according to these rules, should the Agency cease operations; ~~and~~
 - ~~(k) Ensure that members of the Governing Body refrain from being approved as an adoptive or foster family with the Agency while serving as a member of the Governing Entity.~~
- ~~(7)~~(6) If an Agency is governed by a Board of Directors, the Agency shall:
- ~~(a) Board members shall have no direct or indirect financial interest in the assets, leases, business transactions, or in current professional services of the agency. Ensure A~~any potential conflict of interest shall be declared by a Board member and the minutes shall record declaration and abstention from the vote when a conflict exists.
 - ~~(8)~~~~(b) The Agency shall p~~Provide the Department's Residential Child Care Licensing Unit with a list (name, address and office held, if applicable) of all Board members and shall have on file a notarized copy of each member's letter of acceptance.

- ~~(9)~~ ~~(c)~~ Composition of ~~Ensure~~ the Board of Directors:
- ~~(a)~~ ~~The Board shall be~~ composed of at least ~~five (5)~~ three (3) members-
with
- ~~(b)~~ ~~At~~ least one of the Board members ~~shall be~~ing a bona fide resident of Georgia;
and
- ~~(i)~~ Does not serve as a director, employee, or paid consultant of the Agency and their spouses shall not serve as members of the Board.
- ~~(c)~~ ~~Provision shall be made for systematic rotation of board members through a plan of overlapping terms of office.~~
- ~~(d)~~ ~~Provision shall be made for removal of inactive Board members.~~
- ~~(e)~~ ~~Employees and paid consultants of the Agency and their spouses shall not serve as members of the Board.~~
- ~~(f)~~ ~~Adoptive and foster care applicants with the Agency shall not serve as members of the Board as long as their cases are open.~~
- ~~(d)~~ Ensure the Board meets at least quarterly;
- ~~(e)~~ Keep complete minutes of each Board meeting reflecting official actions of the Board pertaining to and affecting any aspect of the child-placing program. Minutes of each meeting shall be kept permanently on file; and
- ~~(10)~~~~(f)~~ Agency By-Laws. The Agency shall ~~h~~ave written by-laws, ~~which shall include:~~
- ~~(a)~~ ~~General purpose and functions of the organization;~~
- ~~(b)~~ ~~Frequency, time and place of Board meetings;~~
- ~~(c)~~ ~~Requirements regarding Board members' attendance at meetings;~~
- ~~(d)~~ ~~Number necessary for a quorum;~~
- ~~(e)~~ ~~Size, selection, functions, authority and organization of the Board of Directors;~~
- ~~(f)~~ ~~Appointment and duties of committees;~~
- ~~(g)~~ ~~Provision for amendments to the by-laws;~~
- ~~(h)~~ ~~Provisions for dealing with potential conflicts of interest.~~
- ~~(11)~~~~(7)~~ Financing. The Agency shall:
- (a) Have a sound plan of financing which assures ensures sufficient funds to support adequately the services offered, to provide for children accepted for care

including care up to the time permanent plans for child care are completed, and to carry out the stated purposes of the Agency. A full and complete accounting of the financial affairs of the ~~a~~Agency shall be provided to the ~~Board~~ Governing Body on an annual basis;

- (b) Provide evidence that it will have sufficient funds available to pay operating costs including compensation for a sufficient number of administrative and service staff through the current year of operation for which the license is to be issued;
- (c) Maintain financial records of all receipts, disbursements, assets and liabilities and shall establish an accounting system capable of tracking all movements of funds and the actual expenditures for each case;
- (d) Provide bond for Board members and staff responsible for handling substantial amounts of funds;
- (e) Not require gratuities such as money or other things of value or services from applicants or their representatives beyond the established fee;
- (f) Comply with all local and state and federal laws relating to the solicitation of funds;
- (g) Establish a fee for placement services based on the cost of recruitment, placement, postplacement, legal, medical and other services rendered to the ~~birth~~ biological parent, adoptive family, foster parents, and child as documented and justified in the total Agency budget. The determination of such fee schedule shall be reviewed by the ~~Board~~ Governing Body at least annually and the ~~Board's~~ Governing Body's determination shall be adequately documented in writing;
- (h) Collect fees only as services are provided;
- (i) Establish a written policy which defines the conditions under which fees related to adoption services are refundable or non-refundable, including a definite time frame when applicants can expect a refund if requested services or placement of a child is not completed. Each applicant shall be provided with a copy of this policy.
 - 1. This policy shall be disclosed to the applicant in clear and easily understood language.
 - 2. The applicant shall sign that the policy has been discussed and a copy of the policy was received. This signed acknowledgment shall be kept in the applicant's file.
- (j) Establish a written policy which defines the conditions under which it enters into purchase of service agreements, including all terms and conditions required to define the individuals to be served, services to be provided, procedures for payment and the payment plan;

~~(+2)~~(8) The Agency shall comply with other applicable requirements of state and federal laws affecting children and/or the operation of such agencies.

~~(13)~~(9) The Agency shall be easily accessible and responsive to the applicant, staff and community and shall provide privacy for interviews and for pre-placement visits. The Agency shall have at least one staff member available at all times to handle client emergencies.

~~(14)~~(10) Agencies ceasing operation for any reason shall notify the Department's Residential Child Care Section of ORS Licensing Unit in writing prior to closing and shall provide the following:

- (a) Legal transfer of surrender and release of any child in its custody to another licensed Child-Placing Agency or to the Department;
- (b) Appropriate transfer of responsibility for children in temporary placement to another licensed Child-Placing Agency or to the Department;
- (c) Appropriate transfer or termination of services to all other applicants;
- (d) Arrangements satisfactory to the Department concerning the storage of all relevant records.

Statutory Authority: O.C.G.A. ~~Sections~~ 49-5-12.

Rule 290-9-2-.04. Criminal History Background Checks, Agency Personnel

- (1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new ~~e~~Child- ~~p~~lacing ~~a~~Agency and periodically as established by the ~~d~~Department by rule and regulation, the ~~d~~Department shall require an owner to submit a records check application so as to permit the ~~d~~Department to obtain criminal history background information on the owner.
- (a) An owner may not be required to submit a records check application if it is determined that the owner does not do at least one of the following:
1. Maintains an office at the location where services are provided to children;
 2. Resides at a location where services are provided to children;
 3. Has direct access to residents receiving care; or
 4. Provides direct personal supervision of personnel by being immediately available to provide assistance and direction during the time services are being provided to children.
- (b) In lieu of a records check application, an owner may submit evidence, satisfactory to the ~~d~~Department, that within the immediately preceding 12 months the owner has received a satisfactory criminal history background check determination.
- ~~(2)~~ ~~(c)~~ A ~~e~~Child ~~p~~lacing ~~a~~Agency license shall not be issued, and any license issued shall be revoked where it has been determined that the owner has a criminal record involving any of the ~~following~~ covered crimes, as outlined in O.C.G.A. Section 49-2-14.1, and the Department's decision to deny or revoke a license has not been reversed in accordance with the provisions of O.C.G.A. Section- 49-2-14.1.~~et seq.:~~
- ~~(a)~~ — A violation of Code Section 16-5-1, relating to murder and felony murder;
- ~~(b)~~ — A violation of Code Section 16-5-21, relating to aggravated assault;
- ~~(c)~~ — A violation of Code Section 16-5-24, relating to aggravated battery;
- ~~(d)~~ — A violation of Code Section 16-5-70, relating to cruelty to children;
- ~~(e)~~ — A violation of Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;
- ~~(f)~~ — A violation of Code Section 16-6-1, relating to rape;
- ~~(g)~~ — A violation of Code Section 16-6-2, relating to aggravated sodomy;
- ~~(h)~~ — A violation of Code Section 16-6-4, relating to child molestation;

- ~~(i)~~ A violation of Code Section 16-6-5, relating to enticing a child for indecent purposes;
 - ~~(j)~~ A violation of Code Section 16-6-5.1, relating to sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions;
 - ~~(k)~~ A violation of Code Section 16-6-22.2, relating to aggravated sexual battery;
 - ~~(l)~~ A violation of Code Section 16-8-41, relating to armed robbery;
 - ~~(m)~~ A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or
 - ~~(n)~~ Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.
- ~~(3)~~ An owner with a valid child placing agency license issued on or before June 30, 2007 shall be required to obtain a criminal records check determination no later than December 31, 2008.
- ~~(a)~~ An owner with a valid child placing agency license issued on or before June 30, 2007 who is determined to have a criminal record for any of the crimes listed in Rule .04(2)(a)-(n) above, shall not have the license revoked prior to a hearing being held before a hearing officer pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."
 - ~~(b)~~(d) An owner with a valid license who acquires a criminal record ~~as defined in Rule .04(2)(a)-(n) above~~ involving any of the covered crimes identified in O.C.G.A. Section 49-2-14.1 subsequent to the effective date of these rules shall disclose the criminal record to the dDepartment.
 - ~~(c)~~(e) If at any time the dDepartment has reason to believe an owner holding a valid license has a criminal record ~~for any of the crimes listed in Rule .04(2)(a)-(n) above~~ involving any of the covered crimes identified in O.C.G.A. Section 49-2-14.1, the dDepartment shall require the owner to submit a records check application immediately for determination of whether a revocation action is necessary. Prior to the revocation of the license becoming final, the owner is entitled to an administrative hearing unless the owner has not begun providing services under the license. Where services are not currently being provided under the license, the decision of the administrative hearing officer must precede the initiation of services.
- ~~(4)~~(2) Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed aAgency, a person newly hired, rehired, or transferred to the director position shall submit a records check application and receive a satisfactory determination or be determined to be eligible to serve as a director as a result of an administrative hearing.
- (a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed eChild placing aAgency if it is

determined that such person has a criminal record ~~involving any of the following covered crimes: as identified in O.C.G.A. Section 49-5-60 and has not had an unsatisfactory determination reversed in accordance with O.C.G.A. Sections 49-5-60 et seq., and 49-5-73.~~

- ~~1. Any felony under Georgia law;~~
- ~~2. A violation of Code Section O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph;~~
- ~~3. A violation of Code Section O.C.G.A. Sec. 16-5-23, relating to simple battery; where the victim is a minor;~~
- ~~4. A violation of Code Section O.C.G.A. Sec. 16-6-1 et seq., relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist;~~
- ~~5. A violation of Code Section O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor;~~
- ~~6. Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.~~

- (b) Prior to serving as an employee other than a director of a licensed ~~a~~Agency, a person must submit a preliminary record check application and receive a satisfactory determination. Provided however, should there be an unsatisfactory determination, the person must submit to a fingerprint record check and ~~get~~receive a satisfactory determination or be determined eligible to be employed as a result of an administrative hearing.
- (c) A person with an unsatisfactory background check determination may not serve as an employee of a licensed ~~e~~Child ~~p~~Placing ~~a~~Agency if it is determined that such person has a criminal record ~~involving any of the covered crimes outlined in O.C.G.A. Secs. 16-4-1, 16-5-23, 16-6-1 and 16-21-1 and in Rule .04(2)(a)1.-6. above as identified in O.C.G.A. Section 49-5-60 and has not had an unsatisfactory determination reversed in accordance with O.C.G.A. Sections 49-5-60 et seq., and 49-5-73.~~
- (d) In lieu of a records check application, a director or employee may submit evidence, satisfactory to the ~~e~~Department, that within the immediately preceding 12 months the above ~~personnel~~ director or employee ~~has~~ received a satisfactory records check determination or a satisfactory preliminary records check determination, whichever is applicable.

~~(5)~~(3) Criminal History Background Checks for Foster Parents Required. No ~~facility~~ Agency that provides care in foster homes shall place a child in a foster home unless the foster parent or parents of the home and other adult persons that reside in the home or provide care to children placed in the home have obtained a criminal records check as required by law.

- ~~(6)~~(4) No child shall continue to be placed in such foster home care unless the foster parent or parents also subsequently receive a satisfactory fingerprint records check determination or be determined eligible to serve as foster parents as a result of an administrative hearing. The Department may require a fingerprint records check on any director, employee, or foster parent to confirm identification for records search purposes, when the Department has reason to believe a director, employee, or foster parent has a criminal record that renders them ineligible to have contact with children, or during the course of a child abuse investigation involving the director, employee, or foster parent.
- ~~(7)~~(5) Personnel-Employees. In accordance with these rules and regulations, ~~the~~ an Agency shall have the administrative and professional service staff necessary to provide the services it is authorized to provide.
- (a) Agencies operating multi-state programs ~~under the supervision of an Executive Director who resides outside of Georgia~~ shall employ ~~an assistant d~~Director to whom the responsibility for administration of the Georgia program shall be delegated;
- (b) Executive Director. The Executive Director ~~or assistant director~~ with responsibility for the administration of the Georgia program shall have as a minimum a Bachelor's degree and two years administrative or supervisory experience in ~~the field of a~~ human services delivery field. If the Executive Director ~~or assistant director~~ is responsible for supervision of casework services or provides direct placement services, he/she shall also meet the educational and experience requirements for a casework supervisor.
- ~~(8)~~(6) The Executive Director ~~or the assistant director~~ with responsibility for the administration of the Georgia program shall be:
- (a) A full-time resident of the State of Georgia;
- (b) Responsible for administration of policies and procedures established by the Board Governing Body for operation of the Agency;
- (c) Responsible for preparation, or assisting in the preparation of the annual budget, and control of expenditures according to budget allowance;
- (d) Responsible for personnel matters including hiring, assigning duties, in-service training, supervision, evaluation of staff and terminations; and
- (e) Responsible for professional leadership and technical consultation to the Board Governing Body, determination of policy, and for periodic evaluations of the Agency's performance in terms of the conditions of licensure.
- ~~(9)~~(7) Casework Supervisor. There shall be at least one casework supervisor employed by the Agency.
- (a) The casework supervisor shall have the minimum qualifications of a master's degree from an accredited college or university in the area of social work, psychology, childhood education, special education, guidance counseling,

behavioral or social science, or related field, with a minimum of one year of experience in a human services delivery field as it relates to child welfare or a bachelor's degree from an accredited college or university in one of the aforementioned areas of study with two years of paid work experience in a human services delivery field as it relates to child welfare.

- (b) The ~~Executive~~ Director ~~or assistant director~~ may perform this function if qualified.
- (c) The casework supervisor shall be responsible for the supervision of the placement services provided by the ~~a~~Agency, and for the designation of approval for prospective adoptive and foster families and for assessing the appropriateness of the placement's room, board and watchful oversight capacity.

~~(10)~~(8) Caseworker(s). There shall be at least one caseworker employed by the Agency.

- (a) The caseworker shall have the minimum qualification of a bachelor's degree from an accredited college or university.
- (b) The caseworker shall provide direct placement services and supervision following placements.
- (c) A casework supervisor may perform this function.

~~(11)~~(9) Annual Training. All supervisory and social service staff members, whether a director, employees~~s~~, or contracted staff, must complete job-related training annually.

- (a) Each supervisory and social service staff member employed or contracted by the agency to work more than twenty (20) hours per week shall be required to complete 15 hours of job-related training annually, ~~as calculated from the employment date~~.
- (b) Each supervisory or social service staff member employed or contracted for twenty (20) hours or less per week shall be required to complete 7 hours of job-related training annually, ~~as calculated from the employment date~~.

~~(12)~~(10) Clerical Staff. There shall be clerical staff employed by the Agency as necessary to keep correspondence, records, bookkeeping and files current and organized.

~~(13)~~(11) Personnel Policies. The Agency shall have written personnel policies which shall include:

- (a) Hiring and termination procedures;
- (b) Job descriptions;
- (c) Provisions for work performance evaluations conducted at least annually;
- (d) Provisions for staff training, including the use of behavior management techniques and emergency safety interventions; and

- (e) Provisions for addressing concerns, disagreements and grievances of staff relating to the care of children.

~~(14)~~(12) Personnel Files. There shall be a personnel file on a director and each employee which shall include:

- (a) Application for employment;
- (b) A satisfactory criminal history background check completed in accordance with O.C.G.A. Sections- 49-5-60, et seq., and a ten-year employment history;
- (c) Prior to hire, Ddocumentation of at least two professional, educational, or personal reference contacts that attest to the person's capabilities of performing the duties for which they are employed and to the person's suitability of working with or around children, with at least one of the reference contacts being a previous employer;
- (d) Satisfactory documentation of education and other qualifications prior to employment;
- (e) Date of employment or contract with the Agency;
- ~~(f)~~ A valid driver's license, as required for the class of vehicle operated, if the Agency director or employee operates a vehicle for the transport of children in care;
- ~~(f)~~~~(g)~~ Current job description;
- ~~(g)~~~~(h)~~ Annual performance evaluation reports and any records of discipline involving the inappropriate use of behavior management techniques or emergency safety interventions signed and dated by both the employee or contracted individual and the supervisor;
- ~~(h)~~~~(i)~~ Documentation of participation in job-related training, including the dates, hours earned, and the title of all such training, as required annually;
- ~~(i)~~~~(j)~~ Letter of resignation or reason for termination;

~~(15)~~(13) Contracted Social Service Staff. All contracted social service staff must meet the same qualifications as employees and have a contract file with all of the same items required for the personnel files of other Agency staff.

~~(16)~~(14) Personnel practices shall conform to the written policies and to these rules and regulations.

Statutory Authority: O.C.G.A. Sections- 49-2-14.1 et seq., 49-5-12, 49-5-60, 49-5-69, 49-5-69.1, 49-5-73.

Rule 290-9-2-.05. Agency Policies and Procedures for Services

- (1) Policy and Procedure Manual. The Agency shall have and comply with a written manual of operating policies and procedures in accordance with these rules and regulations regarding its services. The policies and procedures shall include, but need not be limited to:
- (a) Adoption services.
1. Services to ~~birth~~ biological parent(s) exploring surrender of a child for adoption;
 2. Procedures for termination of parental rights;
 3. Procedures for accepting applications for adoption, for conducting home studies and for approval or disapproval of prospective adoptive homes and families;
 4. Procedures for placements, supervising placements, completing required court reports and assistance in finalizing the adoption;
 5. Collection and refunding of fees; and
 6. Process for obtaining a criminal records check of each petitioner prior to the finalization of the adoption according to current Georgia law.
- (b) Foster Care Services.
1. Procedures for obtaining temporary custody or parental consent to provide foster care services;
 2. Procedures for accepting applications from prospective foster parent(s), conducting home studies, approval or disapproval of foster homes;
 3. Procedures for supervising foster home placements to ensure that room, board and watchful oversight is provided;
 4. Payment procedures for cost of care and other expenses to the foster parent(s);
 5. Provision of medical and dental care, allowance, clothing and other incidentals for children in foster care;
 6. Parental visiting;
 7. Behavior management of children in care; ~~and~~
 8. Process for obtaining a satisfactory criminal records check clearance of all foster parent(s) and other adults residing in the foster home prior to placing a child in the home, or of foster parent(s) to continue a child in foster care, as required by current Georgia law-; and

9. Reasonable and prudent parenting.

- (c) Financial policies and procedures including fees, payment schedules, and refunds;
- (d) Establishing, maintaining and storing of records and files;
- (e) Interstate and inter-country placement of children;
- (f) The specific emergency safety intervention plan, including the emergency safety interventions that may be used; ~~and~~
- (g) The prohibition and reporting of child abuse-; and

(h) Disaster preparedness.

- (2) ~~Prior to separation~~ An Agency facilitating the removal of a child from ~~his the~~ home of the biological parent(s) or family, the Agency guardians, shall ~~require complete~~ an assessment of the child's current situation prior to the separation of a child from the home.
- (3) If it is determined that it is not in the child's best interest to remain with the ~~birth biological~~ parent(s) ~~or~~ guardians, they shall be required to be involved in the service planning so that the most appropriate form of placement for the child (foster family care, residential group care or adoption) can be determined.
- (4) Prior to accepting a child from another state or prior to placing a child outside Georgia for temporary care or for adoption, the Agency's procedures shall comply with the applicable state laws and with the provisions of the Interstate Compact on the Placement of Children (ICPC), O.C.G.A. Chapter 39-4.
- (5) Agencies providing adoptive services shall have policies and procedures in compliance with the provisions of the State Adoption statutes, O.C.G.A. Chapter 19-8.
- (6) The Agency shall have written procedures for addressing concerns, disagreements, complaints and grievances of applicants.
- (7) Agency staff, contractors, volunteers, foster parents and prospective adoptive parents shall ensure that practices ~~shall~~ conform to ~~the Agency~~ written policies and procedures.
- (8) Whenever the Agency has reason to believe that a child in care has been subjected to child abuse it shall cause a report of such abuse to be made to ~~the child welfare agency providing protective services as designated by~~ the Department of Human Resources Services (Division of Family and Children Services, Child Protective Services) or in the absence of such ~~an agency~~ to an appropriate police authority or district attorney in accordance with the requirements of O.C.G.A. ~~Section-~~ 19-7-5. A copy of such report shall also be filed with ~~the Office of Regulatory Services~~ Residential Child Care Licensing.

Statutory Authority: O.C.G.A. Sections- 19-7-5, ~~19-8~~, ~~19-8-1 et seq.~~, ~~39-4~~, ~~39-4-1 et seq.~~, 49-5-12.

Rule 290-9-2-.06. Adoption Services

- (1) Orientation Information For Prospective Applicants Adoptive Parent(s). Prior to the acceptance of an application or fees of any kind, the Agency shall provide information to prospective adoptive parent(s) to assist them in making an informed decision about applying to adopt. The information may be in the form of a written handout. The information shall include at least:
 - (a) The Agency's adoption services;
 - (b) The Agency's eligibility requirements for adoption;
 - (c) A description of the procedures involved with adoption;
 - (d) The Agency's fee schedule and refund policies;
 - (e) The approximate time the assessment and adoption process will take; and
 - (f) The types of children available for adoption.
- (2) Additional Orientation for Applicants Prospective Adoptive Parent(s). ~~Prior to or Once~~ Once an application has been submitted by prospective adoptive parent(s), and prior to approval of the application, additional orientation information shall be supplied for the applicant(s), including but not limited to:
 - (a) The legal procedures involved in adoption;
 - (b) The minimum requirements for a prospective adoptive home and the procedures for the home study;
 - (c) The selection onboarding of biological parent(s) and prospective adoptive parent(s), including the matching and placement process;
 - (d) The Georgia Adoption Reunion Registry; the process children use to locate birth biological parent(s), and the process birth biological parent(s) use to locate children;
 - (e) The Agency's grievance procedures; and
 - (f) The Agency's policies and procedures including those on behavior management techniques and emergency safety interventions.
- (3) Home Study of the Prospective Adoptive Family. The Agency shall make a written evaluation, or study, of each prospective adoptive family prior to the placement of a child in the home. If the applicant family is approved, the required information shall be kept current, with modifications made as necessary if changes occur, until a placement is made.
 - (a) This home study of the applicant for adoption services shall include at least three visits on separate days. At least one visit shall be in person in the home and the applicant and all other family members shall be seen and interviewed.

- (b) Prospective adoptive parent(s) shall be interviewed together as well as separately.
- (c) Dates of these visits and the name of the caseworker making the visits shall be documented in the home study.
- (d) The study shall include at least the following information concerning the prospective adoptive family:
 - 1. The names, home address, and ~~home~~ phone number of the prospective adoptive family, as well as the work phone number of the prospective adoptive parent(s);
 - 2. Motivation to adopt ~~and the family members' attitude(s) toward childlessness; including issues with infertility or loss of a child, if applicable;~~
 - 3. Description of each family member, to include:
 - (i) Date and place of birth;
 - (ii) Physical description;
 - (iii) Family background and history;
 - (iv) Current relationships with immediate and extended family members;
 - (v) Education;
 - (vi) Social involvements; and
 - (vii) Personal characteristics, such as personality, and interests and hobbies;
 - 4. Evaluation of ~~marriages and~~ family life:
 - (i) Date and place of marriages, if applicable;
 - (ii) History and assessment of marital relationship (s) or domestic partnerships; and
 - (iii) Family patterns; ~~and~~
 - ~~(iv) Previous marriages (verification of divorces, if applicable);~~
 - 5. Evaluation of parenting practices:
 - (i) Description of parenting knowledge, attitudes, and skills;

- (ii) Behavior management practices;
 - (iii) Child rearing practices; and
 - (iv) Experience with children;
6. Evaluation of physical and mental health needs and/or supports that may be required from external sources, such as a Georgia Medicaid Rehabilitation Option Provider:
- (i) Summary of health history and condition of each family member;
 - (ii) Documentation of a physical examination of the prospective adoptive parent applicant(s) completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician/practitioner, or the public health department, within 12 months prior to the completion of the home study;
 - (iii) A statement from a licensed physician, physician's assistant, nurse practitioner, or public health department regarding the general health status of other members of the prospective adoptive family, obtained within the 12 months prior to the completion of the home study; and
 - (iv) An informal assessment of the emotional and mental health of each member of the prospective adoptive family;
7. Evaluation of the understanding of and adjustment to adoptive parenting:
- (i) The understanding of adoption and how adoption will be handled with the child;
 - (ii) Attitude toward ~~birth~~ biological parent(s);
 - (iii) Understanding of how adoptive parenting is different from biological parenting; and how transracial parenting is different, if applicable;
 - (iv) Attitude toward rearing a child biologically not their own;
 - (v) Understanding of the possibility of inherited traits and the influence of genetics vs. environment;
 - (vi) Expectations of the adopted child, including intellectual and physical achievement; development and inclusion of child's culture;
 - (vii) Understanding of loss in adoption;

- (viii) Attitudes of other children residing in the home and extended family members toward adoption; and
 - (ix) The support network in place for the prospective adoptive family, including support systems for single parent families, if applicable;
8. Evaluation of the prospective adoptive parent(s)' finances and occupation:
- (i) Employment history of family members;
 - (ii) Combined annual income;
 - (iii) Ability to provide financially for the family; and
 - (iv) Projected financial impact of the addition of an adopted child to the home;
9. A description of the home and community:
- (i) Description of the neighborhood;
 - (ii) Physical standards of the home, including space, and water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities;
 - (iii) A statement to verify that any domestic pets owned or residing with the family have been inoculated against rabies as required by law;
 - (iv) A statement verifying that all firearms owned and in the home are locked away from children;
 - (v) A statement verifying that if a swimming pool or body of water is present at the home, it is ~~fenced with a locked gate~~ safeguarded to prevent unsupervised access and that it meets all applicable community ordinances;
 - (vi) A statement that each level of the home is equipped with a functional smoke alarms ~~are present and functioning on each level in the home; and carbon monoxide detector;~~
 - (vii) ~~Verification that gas heaters are vented to avoid fire and health hazards, with any unvented fuel-fired heaters equipped with oxygen-depletion safety shut-off systems; The home is equipped with first aid supplies and at least one operable fire extinguisher that is readily accessible;~~
 - (viii) Assessment of community resources, including accessibility of schools, religious institutions, recreation, and medical facilities;
10. A statement regarding the results of a criminal records check, as required by law, for each prospective adoptive parent(s). Where the individuals in

the home have not resided in this state for the five years preceding their application to adopt, the Agency shall require additional documentation available through the state child welfare agency in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.

11. A minimum of three character references:
 - (i) At least one reference must be from an extended family member not residing with the prospective adoptive family, and
 - (ii) If a prospective adoptive parent(s) has worked with children in the past five (5) years, a reference must be obtained from the former employer(s) for that work experience;
 12. Description of the child the applicant will consider, including age, sex, ethnicity, and any physical, medical, or emotional parameters;
 13. Recommendation regarding approval as prospective adoptive parent(s), including description of any identified training or resource needs; and that the prospective adoptive parents possess the capacity to provide room, board and watchful oversight.
 14. Date the home study is completed and the name and signature of the person completing the study.
- (e) Home Study Updates. For certain circumstances as described below, a home study may be updated in lieu of completion of an entirely new home study. At a minimum, a home study update must include at least one home visit, the applicant's current employment status, updated medical reports, changes in family composition, and any changes in types of children requested. Additional information may be required as follows:
1. When a family is approved for an adoption placement by a Georgia agency, and a child has not been placed with the family within one year of the date of the approval by that agency, there shall be documentation annually of the reason(s) a placement has not been made, and a home study update shall be completed prior to a placement being made;
 2. When a family is applying to adopt again after an initial adoption placement has resulted in a disruption, an update shall be completed and include information about the cause(s) of the previous disruption; and
 3. An update of a home study from another state or from another Georgia agency shall require at least one home visit with all family members present and shall include additionally an evaluation of the physical standards of the home.
- (f) Subsequent Home Studies. When a family is applying to adopt again after an initial placement has been made with that family, a subsequent home study shall

be completed, which may contain the original home study for information which has not changed since that study, but must at a minimum include additionally:

1. At least one additional home visit since the time of the previous placement;
 2. The applicant's current employment status;
 3. Updated medical reports;
 4. Changes in family composition;
 5. Any changes in types of children requested;
 6. An evaluation of the prospective adoptive parent(s)' adjustment to parenthood; and
 7. A re-evaluation of parenting skills, knowledge, and techniques.
- (g) Decision on Approval. A decision on approval of a prospective adoptive family shall be made within 60 days of the last contact with the applicant or there shall be documentation in the record to explain any delay.
1. Applicants shall be notified in writing within ten (10) working business days following the Agency's decision of their approval or disapproval as a prospective adoptive family.
 2. A narrative that clearly indicates the reason(s) a family was not accepted or did not have a child placed shall be included in the record of an unapproved applicant.
- (4) Services to the Birth Biological Family and Child.
- (a) The Agency shall offer and document services to both birth biological parent(s), including counseling and referral to other agencies when needed, to assist in determining the best plan of care for their child.
 - (b) The Agency and the birth biological parent(s) shall enter into a written agreement as early in the working relationship as possible specifying the services to be provided and the responsibilities and expectations of each party.
 - (c) Once an agreement has been established with the birth biological parent(s), the Agency's commitment to an appropriate placement of that child shall be irrevocable unless the birth biological parent(s) fail to abide by the terms of the agreement or it is determined by the Agency in good faith that the child cannot be legally freed for adoption.
 - (d) An Agency shall not provide inducements to the birth biological parent(s) to surrender the child by any financial assistance, either direct or indirect, from whatever source or use coercion to influence their decision to either make an adoption plan or parent the child. The birth biological parent(s) shall sign an

affidavit that includes an itemized accounting of all expenses paid or reimbursed pursuant to O.C.G.A. Section- 19-8-24. The ~~birth~~ biological parent(s) and the Agency shall sign affidavits that include an itemized accounting of the payment or reimbursement of all expenses to the ~~birth~~ biological parent(s) such as:

1. Medical expenses directly related to a biological mother's pregnancy and hospitalization for the birth of the child and medical care for the child;
 2. Counseling services or legal services for a biological parent directly related to the placement by the parent of his or her child for adoption;
 3. Reasonable living expenses for the biological mother; and
 4. Any other financial assistance paid or reimbursed to the ~~birth~~ biological parent(s).
- (e) The Agency shall obtain medical and social background information for each ~~birth~~ biological parent such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the ~~birth~~ biological parent(s) and their families, that might affect the child's normal development, shall be included in the background information.
- (f) When a ~~birth~~ biological mother refuses to disclose the name of the biological father, the record shall reflect the fact that she was advised of the legal consequence of non-disclosure of the name of the biological father.
- (g) When a ~~birth~~ biological mother indicates that the identity of the biological father is unknown to her, the record shall reflect the fact that she was advised of the consequences of such a response and shall also reflect the reason why his identity is unknown to her.
- (h) Whenever rights to a child are surrendered to the Department, a Child-Placing Agency, or an out-of-state licensed agency, a copy of the executed surrender documents shall be provided to the parent(s) at the time of the signing.
- (i) The ~~birth~~ biological parent(s) shall have the right to revoke the surrender of a child within four days after signing such surrender in accordance with O.C.G.A. Section-19-8-9.
- (j) Requirements and procedures for any reimbursement of funds to the ~~a~~Agency from the ~~birth~~ biological parent(s) in the event of a withdrawal or revocation of consent shall be made available in writing to the ~~birth~~ biological parent(s) and shall be discussed during initial interviews.
1. Requiring reimbursement for Agency operational expenses is prohibited.
 2. If there is no required reimbursement of funds, a statement signed by the ~~birth~~ biological parent(s) and the Agency representative to that effect shall be in the file.

- (k) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:
1. That the birth biological parent(s) signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent;
 2. That all facts relative to the biological or legal father are a part of the record;
 3. That adoption is in the child's best interest; and
 4. That the written consent of a child who is 14 years of age or older to his or her adoption is given and acknowledged in the presence of the court and is made a part of the record.
- (l) A surrender shall not be accepted from the biological mother and legal father prior to the birth of the child, ~~nor within 24 hours after the birth of the child.~~
- (m) The surrender of parental rights of the birth biological parents shall be executed under oath and in the presence of a notary public and an adult witness.
- (n) A surrender of parental rights of the birth biological parents shall not be accepted without the benefit of legal representation or action when:
1. In the Agency's opinion the birth biological parent(s) appear incapable of exercising informed judgment; or
 2. The birth biological parent(s) refuses to sign a surrender or assume responsibility for the child.
- (o) The Agency shall ensure that a surrender of parental rights of the birth biological parents is executed in accordance with the provisions of the O.C.G.A. Chapter 19-8.
- (p) The Agency shall be responsible for any legal services necessary for the termination of the parental rights of the biological or legal father, if applicable.
- (q) When an Agency accepts surrender of a child from a birth biological parent, the Agency shall assume primary responsibility for the child, including care and support, until the final decree of adoption.
- (r) Birth Biological parent(s) shall be informed of Georgia's Adoption Reunion Registry and their legal rights to enter either a consent to contact or affidavit of nondisclosure should their child placed for adoption ever request contact with them upon reaching age eighteen (18) or older.
- (s) Records for the birth biological parent(s) and child shall contain:

1. Name, address, social security number, telephone number and marital status of the birth biological parent(s);
 2. Social history of the family;
 3. A report of the circumstances precipitating the Agency's involvement with the birth biological parent(s);
 4. ~~Agreement for~~ Description of services to birth biological parent(s) and child;
 - ~~5. Plan of care for the child;~~
 - ~~6.5.~~ Health history of the birth biological parent(s) and child including a health examination of the child within one year prior to date of placement. Such examination shall be done by a medical doctor, physician's assistant, ~~or a registered nurse with advanced training working under the direction of a physician-practitioner,~~ or public health department;
 - ~~76.~~ Name, sex, race, birth date and birthplace of the child;
 - ~~87.~~ Legal documents including verified birth certificate, court order, agreements, surrenders, consents, etc.;
 - ~~98.~~ Documentation of the surrender or termination of parental rights of the birth biological parents;
 - ~~109.~~ Documentation that birth biological parent(s) were informed of Georgia's Adoption Reunion Registry and of how they could register their wishes on the Registry; and
 - ~~140.~~ Documentation of contacts with or made on behalf of the birth biological parent(s) and child.
- (5) Services to the Biological Father Who Is Not a Legal Father of the Child.
- (a) The Agency shall offer and document services to the biological father who is not a legal father of the child, if applicable.
 - (b) The Agency shall obtain medical and social background information for the biological father who is not a legal father such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the biological father who is not a legal father and his families, which might affect the child's normal development, shall be included in the background information.
 - (c) Whenever rights are surrendered to the Department, a Child-Placing Agency, or an out-of-state licensed agency, a copy of the executed surrender documents shall be provided at the signing to the biological father who is not a legal father.

- (d) The biological father who is not a legal father shall have the right to revoke the surrender of the child within four days after signing such surrender in accordance with O.C.G.A. ~~Section-~~ 19-8-9.
- (e) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:
 - 1. That the biological father who is not the legal father signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent; and
 - 2. That all available information relative to the biological father who is not a legal father is a part of the record.
- (f) A biological father who is not a legal father of a child may execute a surrender of his rights to the child prior to the birth of the child for the purpose of an adoption pursuant to Chapter 8 of Title 19 of the Official Code of Georgia Annotated.
- (g) The surrender of rights by the biological father who is not a legal father shall be executed under oath and in the presence of a notary public and an adult witness.
- (h) A surrender of rights shall not be accepted from the biological father who is not a legal father without the benefit of legal representation or action when:
 - 1. In the Agency's opinion the biological father who is not a legal father appears to be incapable of exercising informed judgment; or
 - 2. The biological father who is not a legal father refuses to sign a surrender.
- (i) The Agency shall ~~assure~~ ensure that a surrender of rights by the biological father who is not a legal father is executed in accordance with the provisions of O.C.G.A. Chapter 19-8.
- (j) The biological father who is not a legal father shall be informed of Georgia's Adoption Reunion Registry and his legal rights to enter either a consent to contact or affidavit of nondisclosure should his child placed for adoption ever request contact with him upon reaching age eighteen (18) or older.
- (k) Records for the biological father who is not a legal father shall contain, if available:
 - 1. His name, address, social security number, telephone number and marital status;
 - 2. A report of the circumstances precipitating the Agency's involvement with him;
 - 3. His health history;
 - 4. Documentation of the surrender or termination of his rights to the child;

5. Documentation that he was informed of Georgia's Adoption Reunion Registry and of how he could register his wishes on the Registry; and
 6. Documentation of contacts made with or made on behalf of him.
- (6) Services Prior to An Adoption Placement. These services are provided after an applicant has been approved, and prior to the placement of a child for adoption.
- (a) The Agency shall consider a child's racial, cultural, ethnic, and religious heritage and preserve them to the extent possible without jeopardizing the child's right for placement and care.
 - (b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable. If not in the best interest of the children involved, the reasons shall be documented in the records.
 - (c) The Agency shall discuss children for potential adoption with the approved prospective adoptive family and shall prepare the prospective adoptive family for the placement of a particular child or children, by anticipating the adjustments and problems that may arise during and after placement.
 1. All available information about the child's development and background shall be shared in writing with the prospective adoptive parent(s).
 2. A copy of the written health history shall be given to the prospective adoptive parent(s) for their use with the child's physician.
 3. Documentation of these disclosures shall be included in the case record.
 - (d) The child shall be seen by the prospective adoptive parent(s) prior to the signing of the placement agreement, and this event shall be documented in the case record. For intercountry adoptions, this rule shall not apply if the Agency does not have custody of the child.
- (7) Services Following An Adoption Placement.
- (a) The Agency caseworker shall make at least two home visits after the placement of the child and prior to the filing of the petition for adoption.
 1. The first home visit may be made at any time within 30 days after the placement of the child.
 2. There shall be a minimum of two weeks between the required home visits for a child age twelve (12) months or younger.
 3. There shall be a minimum of 30 days between the required home visits for a child over the age of twelve (12) months.

- (b) Home visits shall be made with the prospective adoptive family at least once a month prior to the filing of a petition for adoption to verify that the prospective parent(s) are delivering care in a safe and healthy environment to the children in accordance with these rules and regulations and relevant Agency policies and procedures. Such visits shall include observation of the child and at least one prospective adoptive parent in the home.
 - (c) When foster parent(s) are adopting their foster child, the foster parents may proceed with the filing of the petition prior to any home visits.
 - (d) If a petition for adoption is not granted within 90 days after filing, the Agency shall make additional home visits at least quarterly until a final order has been entered on the petition.
 - (e) Documentation of home visits will be maintained in both the prospective adoptive family's and the child's file. Documentation of home visits should include but not be limited to a summary of the entire family's adjustment to the prospective adoptive placement, any problem or issue that has arisen, and the resolution of the problem or issue.
 - (f) The Agency shall explain to the prospective adoptive family the requirement that the prospective adoptive family engage an attorney of its choice for finalization of the adoption.
 - (g) The Agency, when appointed as the agent by the court, shall help complete the adoption as required by the Superior Court through preparation and presentation of the written court report. A copy of the court report shall be filed with the state Office of Adoptions. Copies of the state birth verification and the court report shall be retained by the Agency in the adoption record. Any requests, consents or objections for the name of a biological parent to be released to an adopted individual shall be filed with the State Adoption Unit.
 - (h) In an interstate adoption placement where Georgia is the state of origin, the requirements for services following an adoption placement may be met by fulfilling the requirements of the receiving state.
- (8) Inter-country Adoptions. When an Agency is participating in inter-country adoptions, the following requirements must be met in addition to other requirements contained in these rules:
- (a) An Agency participating in prospective inter-country adoptions, whether as a sponsoring agency or by the provision of home studies, shall abide by all applicable federal and state laws and regulations, including immigration laws and those relating to inter-country agreements concerning adoptions.
 - (b) Where written agreements exist, an Agency shall retain copies of all agreements with foreign countries and English translations of those agreements.
 - (c) A sponsoring agency for a prospective inter-country adoption shall retain documentation that:

1. The child is legally freed for adoption in the country of origin; and
 2. All information about supervision after placement required by the country of origin has been provided prior to the finalization of the adoption.
- (d) An Agency participating in prospective inter-country adoption placements where the United States is the country of origin shall document that the following processes have occurred before the child leaves Georgia:
1. There has been termination of parental rights as required by the receiving country;
 2. There has been termination of rights by the biological father who is not the legal father, if applicable;
 3. There has been a determination of legal responsibility for the child in the new country; and
 4. There has been validation that all the requirements for the adoption to occur in the foreign country can be satisfied.
- (e) A sponsoring agency shall provide and document orientation for prospective adoptive parent(s) in issues related to inter-country adoptions, including but not limited to:
1. Adoption requirements of the country of origin;
 2. Health issues of the country of origin;
 3. Institutional disorders; and
 4. Developmental delay.
- (f) A sponsoring agency shall document the provision of the following information to prospective adoptive parent(s):
1. Which countries finalize adoptions abroad, and which require that the adoption be finalized in the United States;
 2. Information about the physical and mental health of the child;
 3. Information regarding domestication of the foreign adoption decree; and
 4. Information regarding obtaining U.S. citizenship for the child.
- (g) The Agency shall apply the same standards for home study for prospective inter-country placements as for other placements in Georgia and shall meet any federal requirements for the home study.
- (h) Agencies providing inter-country adoption services, whether as a sponsoring agency, through the provision of home studies, or in any other capacity, shall

disclose promptly to prospective adoptive parent(s) any information that is or becomes available which may affect their adoption placement, including but not limited to any suspension of the adoption program by the foreign country.

- (i) Agencies providing inter-country adoption services shall provide all applicants with policies governing refunds when adoption services that have been promised have not been rendered or when there is a disruption of services that may nullify an adoption.
- (9) Maintenance of Adoption Records.
- (a) The Agency shall maintain a record for each applicant for adoption services, to contain the application and other information collected by the Agency pertaining to the applicant including but not limited to:
 - 1. The home study and all documents required by the home study, such as criminal records checks;
 - 2. Upon placement of a child in the home, a signed agreement as to the terms of the placement;
 - 3. A copy of the information given to the parent(s) concerning the child;
 - 4. All legal documents pertaining to the adoption; and
 - 5. A summary narrative on the pre-placement and post-placement contacts with the prospective adoptive family and the adopted child. Entries shall be dated and shall identify the caseworker making the contacts.
 - (b) Adoption records shall be maintained permanently following finalization of the adoption. Immediately upon receipt of the final order or certificate of adoption, each individual record shall be sealed and secured from unauthorized scrutiny in accordance with the provisions of O.C.G.A. Section- 19-8-23.
 - (c) ~~For adoptions finalized after the effective date of these rules, the a~~Adoption records shall be converted to non-paper digital or electronic format, ~~such as microfilm or computer format,~~ within six months from the date of finalization of the adoption. The format type and date must be clearly labeled on the exterior of the record container.
 - (d) Records of evaluation of applicants for adoption services which do not result in the finalization of an adoption shall be maintained for at least one year following date of written notification to applicants of their unapproved status.
 - (e) All adoption records shall be stored in fireproof file cabinets or maintained digitally or electronically in accordance with policies that protect against fire and theft, ensure access to authorized users, ~~and~~ provide safeguards against access by unauthorized users, and include a data recovery plan for backing up digital and electronic data and for storing back up media at both an on-site and off-site location.

- (f) All records relating to adoption shall be kept confidential.
- (10) Behavior Management and Emergency Safety Interventions.
- (a) Child training, behavior management, and emergency safety interventions may be administered by the prospective adoptive parent(s) when appropriate and shall be appropriate for the child's age, intelligence, emotional makeup, and past experience.
 - (b) The use of positive techniques for child training and behavior management shall be encouraged and supported by the Agency.
 - (c) Behavior Management.
 - 1. The ~~a~~Agency shall make available to prospective adoptive parent(s) information on the kinds of behavioral problems of the children that might arise and appropriate techniques of behavior management for dealing with such behaviors.
 - 2. The following forms of behavior management shall not be used by prospective adoptive parent(s) receiving services through the licensed ~~a~~Agency;
 - (i) Assignment of excessive or unreasonable work tasks;
 - (ii) Denial of meals and hydration;
 - (iii) Denial of sleep;
 - (iv) Denial of shelter, clothing, or essential personal needs;
 - (v) Denial of essential services;
 - (vi) Verbal abuse, ridicule, or humiliation;
 - (vii) Restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;
 - (viii) Corporal punishment;
 - (ix) Seclusion or confinement of a child in a room or area which may reasonably be expected to cause physical or emotional damage to the child; or
 - (x) Seclusion or confinement of a child to a room or area for periods longer than those appropriate to the child's age, intelligence, emotional makeup and previous experience, or confinement to a room or area without the supervision or monitoring necessary to ensure the child's safety and well-being.

3. Children shall not be permitted to participate in the behavior management of other children.
4. Agencies shall submit to the Department's Residential Child Care Licensing Unit electronically ~~or by facsimile~~ a report within 24 hours, whenever the Agency becomes aware of an incident, which results in any injury to a child ~~requiring medical treatment beyond first aid that is received by a child~~ as a result of or in connection with any behavior management or emergency safety intervention.
5. The Agency shall take appropriate corrective action when it becomes aware of or observes the use of prohibited forms of behavior management, as specified in sections .06(10)(c)2-~~(i)~~ through (xi) or inappropriate emergency safety interventions. Documentation of the incident and the corrective action taken by the Agency shall be maintained in the case records of the child and family.
6. Prospective adoptive parent(s) shall be made aware of each child's known or apparent medical and psychological conditions and family history, as evidenced by written acknowledgement of such awareness, to ensure that the prospective adoptive parent(s) have adequate knowledge to deliver safe and healthy care to the child.
7. The Agency shall require the prospective adoptive parent(s) to report to the ~~a~~Agency within 24 hours ~~whenever any injury to~~ a child receiving services through the Agency ~~requires medical attention~~ as a result of or in connection with the use of ~~any~~ behavior management techniques or emergency safety interventions.

Statutory Authority: O.C.G.A. Sections 19-8-1 et. seq, 49-5-3, 49-5-8, 49-5-12, 49-5-60.

Rule 290-9-2-.07. Foster Care Services

- (1) Foster care shall be considered only after it has been established that it is necessary for the physical and/or emotional well-being of the child.
- (2) No more than 6 foster children under the age of 19 may reside in a foster home.
 - (a) More than 6 foster children may reside in a foster home under the following limited circumstances:
 1. To allow a parenting youth in foster care to remain with the child of the parenting youth or
 2. To allow siblings to remain together.
 - (b) The Agency must consider and remain in compliance with sleeping arrangement requirements outlined in Rule .07(5)(a)(9)(ii)(I-VI) when placing children in the foster home.
- (3) Orientation Prior to Foster Care Application. The Agency shall provide orientation information in person or in written form to prospective foster parent(s) to assist them in making an informed decision about applying to become a foster parent. The format of the orientation must be documented in the applicant's file. The orientation information must include at least the following:
 - (a) The Agency's purpose and a listing of services provided;
 - (b) A description of the approval process for foster parenting;
 - (c) The minimum requirements for foster parenting including the limits to the number of children in the home;
 - (d) The roles and responsibilities of foster parent(s), including the provision of room, board and watchful oversight;
 - (e) A description of children served by the Agency;
 - (f) Support services available for foster parent(s);
 - (g) General information regarding financial reimbursement for expenses in foster care; and
 - (h) Policies and procedures regarding appropriate behavior management and emergency safety interventions.
- (4) Training for Prospective Foster Parent(s). Once an application to become a foster parent has been submitted, and prior to the approval of an applicant for placement of a child in foster care, the Agency shall provide and document training for the applicant in at least the following topics:
 - (a) The Agency's grievance policies and procedures;

- (b) The annual training requirements for foster parent(s), including the requirement of at least fifteen (15) hours of training relevant to the type of child placed or to be placed in the foster home ~~if the child is more than 12 months old. For parent(s) providing foster care for children under 12 months of age, the foster parent shall have at least eight (8) hours of training.~~
 - (c) The Agency's policies and procedures for behavior management techniques and emergency safety interventions for children in foster care;
 - (d) Child abuse recognition, reporting, and investigation procedures;
 - (e) Characteristics of children served and their developmental needs, including special needs when applicable; and
 - (f) The Agency's policies and procedures for handling medical emergencies (conditions or situations which threaten life, limb, or continued functioning), and managing and documenting use of medications ~~by~~ children in care.
- (5) Minimum Requirements for Prospective Foster Families.
- (a) Home Study. The Agency shall make a thorough evaluation of each prospective foster family and document this evaluation in an initial foster home study report which shall be updated as changes in the required home study report information occur. ~~If approved, the foster home shall operate in accordance with the information documented in the home study report and any home study report updates. The home study report shall~~ and include at ~~least a minimum~~ the following:
 - 1. The names of family members, the family address and telephone number, valid driver's license numbers ~~and expiration date~~, and proof of current automobile insurance as applicable;
 - 2. The motivation for foster parenting, including ~~but not limited to attitude toward childlessness issues with infertility or loss of a child, if applicable;~~
 - 3. A description of family members, including:
 - (i) Date and place of birth;
 - (ii) Physical description;
 - (iii) Family background and history;
 - (iv) Current relationships with immediate and extended family members;
 - (v) Education;
 - (vi) Social involvements;

- (vii) Personal characteristics;
 - (I) Personality; and
 - (II) Interests and hobbies; ~~and.~~
 - ~~(III) — Emotional stability.~~
- 4. Evaluation of ~~marriages and~~ family life:
 - (i) Verified date and place of marriage, if applicable;
 - (ii) Assessment of marital relationship (s) or domestic partnerships;
 - (iii) Family interaction patterns; and
 - (iv) Previous marriages.
- 5. Evaluation of parenting practices:
 - (i) Description of parenting knowledge, attitudes and skills;
 - (ii) Current behavior management practices; and
 - (iii) Current child-rearing practices.
- 6. Evaluation of physical and mental health needs and/or supports that maybe required from external sources, such as an MRO:
 - (i) Summary of Hhealth history and condition of each family members;
 - (ii) Documentation of a physical examination of the foster parent(s) ~~applicants~~ completed by a licensed physician, physician's assistant, or a ~~registered-nurse with advanced training working under the direction of a physician~~ practitioner, or the public health department, within 12 months prior to the completion of the home study;
 - (iii) A statement from a licensed physician, physician's assistant, nurse practitioner, or public health department regarding the general health status of other members of the ~~prospective adoptive family~~ foster home, obtained within the 12 months prior to the completion of the home study;
 - (iv) ~~Evaluation~~ A statement of the emotional and mental health ~~status~~ history, including any history of drug or alcohol abuse and treatment of each member of the prospective foster family; and

- (v) Screening for tuberculosis ~~and venereal disease~~ for prospective foster parent(s) and ~~children 16 years of age and older~~ other adults living in the prospective foster home.
7. Understanding of and adjustment to foster parenting:
- (i) Understanding of the role of a foster parent and the issues in caring for foster children;
 - (ii) Foster family's attitude toward the parent(s) of the foster children including parental visits in their home;
 - (iii) Expectations of the foster child, including intellectual and physical achievement;
 - (iv) Anticipated adjustment of each foster family member to a foster child;
 - (v) Willingness to cooperate with the placement agency; and
 - (vi) Support network in place for the foster family, including support systems for single parent families, if applicable;
8. Finances and occupations of family members:
- (i) Employment history, including whether the home is a registered family day care home or operating any other business or service out of the home that might have an impact on health and safety of the children in care;
 - (ii) Financial stability of the family;
 - (iii) Possible financial impact of the addition of a foster child to the home;
9. Home and community:
- (i) Description of neighborhood;
 - (ii) Physical standards of the home, including space and sleeping arrangements, such that:
 - ~~(I) — Space and sleeping arrangements, such that:~~
 - (I) Only bedrooms are used as sleeping space for children,
 - (II) ~~A maximum of two (2) children~~ No foster child shall sleep in a ~~double or larger~~ bed, and only if they with another child unless both children are of the same sex and under 5 years of age and in a double or larger bed,

- (~~IV~~) No foster child shall co-sleep or bedshare with any adult, and no foster child over one (1) year 24 months of age shall sleeps in a room with an adult,
 - (~~V~~) Children No foster child over three (3) five (5) years of age of different sexes do not share a bedroom shall share a bedroom with a child of a different sex,
 - (~~V~~) Foster Cchildren shall sleep in a bedroom with that allows for privacy and has adequate space for clothing and personal possessions,
 - (~~VI~~) The home is maintained in a condition to ensure the health and safety of children The home and surrounding property is kept reasonably clean and free of hazards to health and safety, debris, and uncontrolled rodents and insects,
 - (~~VII~~) Hazardous items are not accessible to children,
 - (~~IX~~) A statement as to whether or not there are firearms kept in the home and if so, all firearms ~~owned and~~ in the home are locked away from children,
 - (~~X~~) A statement as to whether or not there is a swimming pool or body of water on the premises, and if ~~a swimming pool is~~ present at the home, it is fenced with a locked gate safeguarded to prevent unsupervised access and it meets all applicable community ordinances,
 - (~~XI~~) Each level of the home is equipped with a functional smoke alarm and carbon monoxide detector,
 - (~~XII~~) Water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities,
 - (~~XIII~~) Domestic pets owned or residing with the family have been inoculated against rabies as required by law, and
 - (~~XIV~~) Gas heaters are vented to avoid fire and health hazards, with any un-vented, fuel-fired heaters equipped with oxygen depletion safety shut-off systems. The home is equipped with first aid supplies and at least one operable fire extinguisher that is readily accessible.
- (iii) Assessment of community resources, including access to reliable and safe transportation, accessibility of schools, churches religious institutions, recreation, medical facilities and mental health facilities;

10. Religion;

11. A statement regarding the results of a criminal records check, as required by law, for each prospective foster parent(s) and any adult residing in the home. Where the individuals in the home have not resided in this state for the five years preceding their application to foster, the Agency shall require additional documentation available through the state child welfare agency in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.
 12. Pre-service training the prospective foster parent and/or family may have received;
 13. A list of a minimum of three (3) character references that reflect the following relationship(s):
 - (i) At least one reference shall be from an extended family member not residing with the prospective foster family; and
 - (ii) At least one reference must be from a former Agency or employer. ~~if~~ the prospective foster parent has either served previously as a foster parent for another ~~a~~Agency, and/or been employed within the past five (5) years in a job involving the care of children, ~~at least one reference must be from the former agency or employer.~~
 14. A description of the type of child desired by the prospective foster family;
 15. The date the study is completed and the name and signature of the person completing the study; and
 16. Recommendation regarding approval as prospective foster parent(s), including description of any identified training or resource needs; and that the prospective foster parents possess the capacity to provide room, board and watchful oversight.
- (b) Notification of Approval. Potential foster parent(s) shall be notified in writing as to whether or not their application has been approved.
 - (c) Location of Foster Homes. Foster homes used by the Agency shall be located within a reasonable travel distance from the Agency so as to be accessible for regular and emergency visits by family and Agency staff.
- (6) Services Prior to Foster Care Placement.
- (a) The selection of a foster home for a particular child shall be based on a documented assessment of the child's total needs and how well a particular home can meet the child's needs.
 - (b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable.

- (c) Placement considerations shall include the potential for children's participation in religious and cultural activities in accordance with their cultural ethnic heritage.
 - (d) The Agency shall discuss the prospective foster placement with the foster family and shall prepare the foster family for the placement of a particular child by anticipating the adjustments and problems that may arise during placement and any specialized services to be provided. This discussion shall be documented in the case record.
 - (e) Any Pre-placement activities between child and foster family shall be documented in the case record of the child and family.
 - (f) Complete written placement agreement(s) shall be developed with the involvement of ~~the child~~, the foster parent(s), the parent(s) or guardian(s), and the placing agency representative and signed by all adult parties; such agreement(s) shall include the following:
 - 1. Written authorization to care for the child;
 - 2. Written authorization to obtain medical care for the child;
 - (g) The Agency shall have a written agreement with the foster parent regarding its policies as to payment of board, arrangements for medical care, clothing, incidental expenses, visits by parent(s), discipline, advance notices for removal when placements are terminated by foster parent and emergency procedures.
- (7) Services During the Foster Care Placement.
- (a) ~~An plan of care, or case~~ individual service plan, for the foster child and the foster family shall be developed within 30 days from the date of placement.
 - 1. The ~~case~~ individual service plan shall be reevaluated for appropriateness ~~in a case review conference and updated~~ at least every 6 months.
 - 2. The involvement of the child, foster parent, Agency representative, legal guardian and, when appropriate the ~~legal custody holder~~legal parent(s), shall be documented in the ~~case~~ individual service plan.
 - (b) The ~~case~~ individual service plan shall include, but not be limited to:
 - 1. Reason for present foster care placement;
 - 2. Statement of preliminary plans for discharge;
 - 3. Statements of any special care and services that will be arranged for or provided directly;
 - 4. Statements of time-limited goals and objectives for the child and family and methods of achieving them and evaluating them, and:

- (i) Designation of responsibility for carrying out objectives with child, ~~birth parent(s)~~, foster parent(s), ~~and~~ Agency representative, and when appropriate legal parent(s);
 - (ii) A method for evaluating and changing goals as needed.
5. A visitation plan, with any changes to the plan documented:
- (i) Provisions for visits between parent(s) and children shall be made, except where the parental rights have been terminated or where it is documented that visits are detrimental to the child;
 - (ii) The foster parent(s) and the child shall be informed of the visitation plan.
- (c) When the ~~a~~Agency has a written contract with a state human services agency to provide home finding services only, and the state agency has prepared an an case individual service plan for the child and family, then the contracting Child-Placing Agency shall not be required to complete an additional case individual service plan. The Child-Placing Agency must document that an an case individual service plan is in place at the time of placement of the child.
- (d) The Agency shall provide for a complete health and dental program for each child including:
- 1. A physical examination of the child shall be provided within ~~72 hours (excluding weekends and holidays)~~30 days of placement. If the child is being moved from a previous placement by a licensed agency or state agency, results from an examination completed within one year prior to the new placement shall be accepted for this requirement as long as there appears to be no obvious change in health status;
 - 2. A general dental examination of a child over the age of ~~three (3) years~~ 12 months old shall be provided within 30 days of placement, ~~for~~ unless such an examination has been completed within 6 months prior to placement. Such examinations shall be done by either a dentist or a licensed dental hygienist;
 - 3. Correction/improvement of health and dental defects (including an annual physical examination and a semiannual dental examination);
 - 4. Immunizations appropriate for the age of the child-; and
 - 5. Developing and implementing policies and procedures for the use, documentation and management of all types of medication. All foster parents shall receive training on the policy and procedures. Policies and procedures shall include the following:
 - (i) Non-prescription medications. No child shall be given a non-prescription medication by a foster parent unless the child exhibits symptoms that the medication is designed to relieve.

6. Documentation that the foster parent(s) have received the required clock hours of training annually following the initial foster placement, with the training being relevant to the type(s) of children placed in the foster home.
- (h) The Agency shall ensure that foster parents supervise the foster children placed in their homes to protect the health, safety and well-being of the children.
- (i) The Agency shall provide an annual evaluation of the strengths and needs of the foster family and assessment of the best way to maximize the foster care experience for the foster family and the children placed with them. This evaluation shall be shared with the foster family as evidenced by the signature of the foster parent(s) on the evaluation.
- ~~(i)~~ Termination of Agency care shall be determined by casework study and planning with the child and his family and/or the court or local public Agency responsible for the child.
- (8) Behavior Management and Emergency Safety Interventions in Foster Care.
- (a) Child training and behavior management may be administered by the Agency and foster parent(s) when appropriate and shall be appropriate for the child's age, intelligence, emotional makeup, and past experience.
- (b) The Agency shall ensure that F~~foster parents shall supervise the foster children placed in their homes and~~ utilize appropriate behavior management techniques to assist the foster children in meeting service plan goals and to protect the health, safety and well-being of the children.
- (c) Behavior Management.
1. The ~~a~~Agency shall develop and implement policies and procedures on behavior management. Such policies and procedures shall ~~set forth the types of children served in accordance with its program purpose, the anticipated behavioral problems of the children, and acceptable methods of managing such problems.~~ identify information on the kinds of behavioral problems of the children that might arise and appropriate techniques of behavior management for dealing with such behaviors.
 2. Such behavior management policies and procedures shall incorporate the following minimum requirements:
 - (i) Behavior management principles and techniques shall be used in accordance with written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.
 - (ii) Behavior management shall be limited to the least restrictive appropriate method in accordance with the prohibitions as specified in these rules and regulations.

3. The following forms of behavior management are prohibited and shall not be used:
 - (i) Assignment of excessive or unreasonable work tasks;
 - (ii) Denial of meals and hydration;
 - (iii) Denial of sleep;
 - (iv) Denial of shelter, clothing, or essential personal needs;
 - (v) Denial of essential services;
 - (vi) Verbal abuse, ridicule, or humiliation;
 - (vii) Restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;
 - (viii) Denial of communication and visits with family unless restricted by ~~case~~ individual service plan or court order;
 - (ix) Corporal punishment;
 - (x) Seclusion of a child or children in a room or area which may reasonably be expected to cause physical or emotional damage to the child (e.g., small closet, crawl space, cabinet, etc.); or
 - (xi) Seclusion of a child or children to a room or area for periods longer than those appropriate to the child's age, intelligence, emotional makeup and previous experience, or confinement to a room or area without the supervision or monitoring necessary to ensure the child's safety and well-being.
4. Children shall not be permitted to participate in the behavior management of other children.
5. Agencies shall submit to the Department's Residential Child Care Licensing Unit electronically ~~or by facsimile~~ a report within 24 hours whenever the Agency becomes aware of an incident which results in any injury of a child ~~requiring medical treatment beyond first aid that is received by a child~~ as a result of or in connection with any behavior management or emergency safety intervention.
6. The Agency shall take appropriate corrective action when it becomes aware of or observes the use of prohibited forms of behavior management, as specified in sections .07(8)(c)~~3~~(i) through (xi). Documentation of the incident and the corrective action taken by the Agency shall be maintained in the case records of the child and family.
7. The Agency shall require any foster parent(s) to report to the ~~a~~Agency within 24 hours whenever a child receiving services through the Agency

~~requires medical attention beyond first aid~~ is injured as a result of or in connection with the use of behavior management techniques or emergency safety interventions.

(d) Emergency Safety Interventions.

1. When it can be reasonably anticipated from a child's behavioral history, that a child may likely require the use of emergency safety interventions to keep either the child or others safe from immediate physical harm, the staff and ~~therapeutic~~ foster parent(s) working with such child shall be trained in emergency safety interventions utilizing a nationally recognized training program in emergency safety interventions which has been approved by the Department.
2. Emergency safety interventions shall only be used when less restrictive means of dealing with the injurious behavior have not proven successful or may subject the child or others to greater risk of injury. Emergency safety interventions shall not include the use of any restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or psychological condition.
3. The aAgency shall have and enforce written policies and procedures for the appropriate use of emergency safety interventions that shall apply to ~~both foster and therapeutic~~ foster parent(s), a copy of which shall be provided to and discussed with each child (as appropriate taking into account the child's age and intellectual development) and the child's foster parent(s) prior to or at the time of placement. Emergency safety intervention policies and procedures shall include:
 - (i) Provisions for the documentation of an assessment at placement and at each annual exam by the child's physician, a physician's assistant, or a ~~registered~~ nurse ~~with advanced training working under the direction of a physician practitioner~~, or a public health department that reflects that there are no medical issues that would be incompatible with the appropriate use of emergency safety interventions on that child. Such assessment and documentation must be re-evaluated following any significant change in the child's medical condition; and
 - (ii) Provisions for the documentation and reporting of each use of an emergency safety intervention by a ~~therapeutic~~ foster parent including:
 - (I) Date and description of the precipitating incident;
 - (II) Description of the de-escalation techniques used prior to the emergency safety intervention, if applicable;
 - (III) Environmental considerations;

- (IV) ~~Therapeutic~~ Foster parent(s) or staff members participating in the emergency safety intervention;
 - (V) Any witnesses to the precipitating incident and subsequent intervention;
 - (VI) Exact emergency safety intervention used;
 - (VII) Documentation of the 15 minute interval visual monitoring of a child in seclusion;
 - (VIII) Beginning and ending time of the intervention;
 - (IX) Outcome of the intervention;
 - (X) Detailed description of any injury arising from the incident or intervention; and
 - (XI) Summary of any medical care provided.
- (iii) Provisions for prohibiting manual hold use by any staff or ~~therapeutic~~ foster parent(s) not trained in prevention and use of emergency safety interventions.
4. Emergency safety interventions may be used to prevent runaway only when the child presents an imminent threat of physical harm to self or others.
 5. Agency staff and foster parent(s) shall be aware of each child's known or apparent medical and psychological conditions (e.g., obvious health issues, list of medications, history of physical abuse, etc.), as evidenced by written acknowledgement of such awareness, to ensure that an emergency safety intervention that is utilized does not pose a danger to the physical or mental health of the child.
 6. Children shall not be allowed to participate in the emergency safety intervention of other children.
 7. Immediately following the conclusion of the emergency safety intervention and hourly thereafter for a period of at least four hours where the child is with a staff member or foster parent, the child's behavior will be assessed, monitored, and documented to ensure that the child does not appear to be exhibiting symptoms that would be associated with an injury. **Authority** ~~O.C.G.A. §§ 49-5-8 and 49-5-12.~~
 8. At a minimum, the emergency safety intervention program that is utilized by staff and foster parent(s) shall include the following:
 - (i) Techniques for de-escalating problem behavior including child, staff and foster parent debriefings;

- (ii) Appropriate use of emergency safety interventions;
 - (iii) Recognizing aggressive behavior that may be related to a medical condition;
 - (iv) Awareness of physiological impact of a restraint on the child;
 - (v) Recognizing signs and symptoms of positional and compression asphyxia and restraint associated cardiac arrest;
 - (vi) Instructions as to how to monitor the breathing, verbal responsiveness, and motor control of a child who is the subject of an emergency safety intervention;
 - (vii) Appropriate self-protection techniques;
 - (viii) Policies and procedures relating to using manual holds, including the prohibition of any technique that would potentially impair a child's ability to breathe;
 - (ix) Agency policies and reporting requirements;
 - (x) Alternatives to restraint;
 - (xi) Avoiding power struggles;
 - (xii) Escape and evasion techniques;
 - (xiii) Time limits for the use of restraint and seclusion;
 - (xiv) Process for obtaining approval for continual restraints and seclusion;
 - (xv) Procedures to address problematic restraints;
 - (xvi) Documentation;
 - (xvii) Investigation of injuries and complaints;
 - (xviii) Monitoring physical signs of distress and obtaining medical assistance; and
 - (xix) Legal issues.
9. The emergency safety intervention training for foster parent(s) who are approved to care for children who are likely to require the use of emergency safety interventions shall be recorded in the child's record showing the cause for the emergency safety intervention, the emergency safety intervention used, and, if needed, approval by the **executive** director, the casework supervisor, and the physician who has responsibility for the diagnosis and treatment of the child's behavior.

10. Agencies shall submit to the Department's Residential Child Care Licensing Unit electronically ~~or by facsimile~~ a report within 24 hours whenever the Agency becomes aware of an incident which results in injury to a child ~~requiring medical treatment beyond first aid that is received by a child~~ as a result of or in connection with any emergency safety intervention.
 - (i) For any ~~a~~Agency with 20 or more foster placement homes, serving children who are likely to require the use of emergency safety interventions, any 30-day period in which three or more instances of emergency safety interventions of a specific child occurred and/or whenever the ~~a~~Agency has had a total of 10 emergency safety interventions for all children in care within the 30-day period; and
 - (ii) For any ~~a~~Agency with less than 20 foster placement homes, serving children who are likely to require the use of emergency safety interventions, of a specific child occurred and/or whenever the ~~a~~Agency has had a total of five instances for all children in care within the 30-day period.
11. Agency staff and foster parents shall submit a written report to the ~~executive~~ director on the use of any emergency safety intervention immediately after the conclusion of the intervention. A copy of such report shall be maintained in the child's file.
12. At least once per quarter, the ~~a~~Agency, utilizing a master ~~a~~Agency emergency safety intervention log and the child's case record, shall review the use of all emergency safety interventions for each child and foster ~~therapeutic~~ placement, including the type of intervention used and the length of time of each use, to determine whether there was a clinically therapeutic basis for the intervention, whether the use of the emergency safety intervention was warranted, whether any alternatives were considered or employed, the effectiveness of the intervention or alternative, and the need for additional training. Written documentation of all such reviews shall be maintained. Where the ~~a~~Agency identifies opportunities for improvement as a result of such reviews or otherwise, the ~~a~~Agency shall implement these changes through an effective quality improvement plan.
13. ~~No later than January 1, 2007 and ongoing thereafter, a~~All foster parent(s) who likely may require the use of emergency safety interventions, because of the identified needs of the children being served, shall have evidence of having satisfactorily completed a nationally recognized training program for emergency safety interventions to protect children and others from injury, which has been approved by the Department and taught by an appropriately certified trainer in such program.
14. Manual Holds.

- (i) Emergency safety interventions utilizing manual holds require at least one trained staff member or foster parent(s) to carry out the hold. Emergency safety interventions utilizing prone restraints require at least two trained staff members or foster parent(s) to carry out the hold.
- (ii) Emergency safety interventions utilized by any staff or foster parent shall not include the use of any restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or psychological condition.
- (iii) When a manual hold is used upon any child whose primary mode of communication is sign language, the child shall be permitted to have his or her hands free from restraint for brief periods during the intervention, except when such freedom may result in physical harm to the child or others.
- (iv) If the use of a manual hold exceeds 15 consecutive minutes, the ~~executive~~ director or his or her designee, who possesses at least the qualifications of the ~~executive~~ director and has been fully trained in the ~~a~~Agency's emergency safety intervention plan, shall be contacted by a two-way communications device or in person and determine that the continuation of the manual hold is appropriate under the circumstances. Documentation of any consultations and outcomes shall be maintained for each application of a manual hold that exceeds 15 minutes. Manual holds shall not be permitted to continue if the restraint is determined to pose an undue risk to the child's health given the child's physical or mental condition.
- (v) A manual hold may not continue for more than ~~thirty (30)~~ minutes at any one time without the consultation as specified in subparagraph (2) of this subparagraph, and under no circumstances may a manual hold be used for more than one hour total within a 24-hour period.
- (vi) If the use of a manual hold on a child reaches a total of one hour within a 24-hour period, the staff shall reconsider alternative treatment strategies, document same, and consider notifying the authorities or transporting the child to a hospital or mental health facility for evaluation.
- (vii) The child's breathing, verbal responsiveness, and motor control shall be continuously monitored during any manual hold. Written summaries of the monitoring by a trained staff member or foster parent not currently directly involved in the manual hold shall be recorded every 15 minutes during the duration of the restraint. If only one trained staff member or trained foster parent is involved in the restraint and no other trained staff member or parent is

available, written summaries of the monitoring of the manual hold shall be recorded as soon as is practicable, but no later than one hour after the conclusion of the restraint.

15. Seclusion.

- (i) If used, seclusion procedures in excess of thirty (30) minutes must be approved by the ~~executive~~ director or designee. No child shall be placed in a seclusion room or area in excess of one (1) hour within any twenty-four (24) hour period without obtaining authorization for continuing such seclusion from the child's physician, psychiatrist, or licensed psychologist and documenting such authorization in the child's record.
- (ii) A seclusion room or area shall only be used if a child is in danger of harming himself or herself or others.
- (iii) A child placed in a seclusion room or area shall be visually monitored at least every 15 minutes.
- (iv) A room or area used for the purposes of seclusion must meet the following criteria:
 - (I) The room or area shall be constructed and used in such ways that the risk of harm to the child is minimized;
 - (II) The room or area shall be constructed so that a staff member or foster parent can visually monitor the child;
 - (III) The room shall be lighted and well-ventilated;
 - (IV) The room shall be a minimum fifty (50) square feet in area; and
 - (V) The room must be free of any item that may be used by the child to cause physical harm to himself/herself or others.
 - (VI) No more than one child shall be placed in the seclusion room or area at a time.
- (v) A seclusion room monitoring log shall be maintained and used to record the following information:
 - (I) Name of the secluded child;
 - (II) Reason for child's seclusion;
 - (III) Time of child's placement in the seclusion room or area;

- (IV) Name and signature of the ~~therapeutic~~ foster parent or staff that conducted visual monitoring;
 - (V) Signed observation notes; and
 - (VI) Time of the child's removal from the seclusion room or area.
- (9) Maintenance of Foster Care Records.
- (a) The Agency shall maintain separate records for each foster home. The record shall be started at the time of application and shall be kept current.
 - (b) The foster home record shall contain:
 - 1. The application;
 - 2. Home study;
 - 3. Medical reports for each member of the foster family;
 - 4. Summary narrative containing the dates as well as the content material from the caseworker's contacts;
 - 5. References;
 - 6. The annual evaluations of the foster home, family, and placements;
 - 7. Placement history of the foster home, children placed, date(s) admitted, date(s) discharged and reason for discharge;
 - 8. Documentation of satisfactory criminal records checks in accordance with Georgia law.
 - 9. Phone numbers of foster parent(s) including day, cell & evening phone numbers and the days of the week and times of day the foster parent is likely to be accessible at the foster home.
 - 10. Foster children currently in the foster home including the child's name & county of custody.
 - (c) Foster home records shall be maintained for at least 3 years following the Agency's last placement in said foster home.
 - (d) The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include:
 - 1. Name, sex, race, birth date and birthplace of child;
 - 2. Name, address, telephone number and marital status of parent or guardian of the child;

3. Name, address, telephone number of the foster parent with whom the child is currently placed;
 4. Legal documents including verified birth record, court status, agreements, consents, etc.;
 5. Social history of the family and parent background;
 6. Medical history and cumulative health record, psychological and psychiatric reports;
 7. Education records and reports;
 8. ~~Plan of care~~Individual service plan pursuant to these rules;
 9. Summary of each 6 month case review conference which reflects the contacts with and the status of all family members in relation to the placement plan as well as the achievements or changes in the goals or services;
 10. Summary of child's contacts with the family, the quality of the relationships and the child's progress in coping;
- (e) Upon termination of placement of the child, the following shall be placed in the record of the child and the foster home:
1. Date of termination, reason for termination, the name, telephone number, address, and relationship of the person or Agency assuming responsibility for the child.
 2. A termination summary describing the services provided during care, growth and accomplishments, and assessed needs which remain to be met with the service possibilities, which might meet those needs.
 3. Aftercare and room, board and watchful oversight plans that determine the responsibility for follow through.
- (f) ~~Family/c~~Child records shall be maintained for at least 3 years following ~~completion of service~~discharge of the child from the Agency.

Statutory Authority: O.C.G.A. Sections- 49-5-12, 49-5-60.

Rule 290-9-2-.08. Agency Records and Reports

- (1) Each Agency shall maintain records and submit on a timely basis reports and other information required by the Department.
- (2) Each Agency shall maintain a permanent listing with identifying information of all children accepted for service or placement.
- (3) Records shall be confidential and protected from unauthorized use, fire, damage or theft. Agencies that plan to utilize electronic records for any electronic files that are subject to regulatory review shall submit written policies and procedures for review and approval by the Department. If approved by the Department, electronic records should be reasonably secure with a data recovery system to prevent data loss and maintain data integrity and accessibility.
- (4) Records and files shall be kept current and be available for review by the Department.
- (5) The Agency shall submit on a timely basis such financial, statistical reports, and Board minutes and other information as may be required by the Department.
- (6) Reporting. Detailed written summary reports shall be made to the Department of Human Resources, ~~Office of Regulatory Services~~, Residential Child Care ~~Unit~~ Licensing via email or fax on the required incident intake information form (IIF) as required by the Department within 24 hours. This report shall be made regarding serious occurrences involving children in care, including but not limited to:
 - (a) Accidents or injuries requiring medical treatment and/or hospitalization;
 - (b) Death;
 - (c) Suicide attempts;
 - (d) Closure of the living unit due to disaster or emergency situations such as fires or severe weather;
 - (e) Emergency safety interventions resulting in any injury; ~~or~~
 - (f) Any incident which results in any federal, state or private legal action by or against the ~~institution~~Agency which affects any child or the conduct of the ~~institution~~Agency. However, legal action involving the juvenile justice system is not required to be reported; ~~;~~ or
 - (g) ~~A detailed investigative report which includes steps taken by the facility to prevent further incidents of a similar nature from occurring shall follow in five work days if not provided initially.~~ Any illness of children or illness of any person living in a foster home having personal contact with children in care known to have resulted from an identified pandemic or infectious disease outbreak.
- (7) Child Abuse Reports. Whenever the ~~e~~Cchild-~~p~~Placing ~~a~~Agency has reason to believe that a child in care has been subjected to child abuse it shall cause a report of such abuse to be made to ~~the child welfare agency of the county of occurrence providing protective~~

~~services as designated by~~ the Department of Human ~~Resources Services~~ (Division of Family and Children Services, Child Protective Services) or in the absence of such ~~an agency~~ to an appropriate police authority or district attorney in accordance with the requirements of O.C.G.A. ~~Section-~~19-7-5. A copy of such report shall also be filed with ~~the Office of Regulatory Services Residential Child Care Licensing~~.

Statutory Authority: O.C.G.A. ~~Sections-~~ 19-7-5, 49-5-12, ~~49-5-60~~.

Rule 290-9-2-.09. How to Apply For/Renew a License

- (1) Applicant Responsibilities. All Agencies applying for a license must attend training conducted by the Department's Residential Child Care Licensing Unit prior to submitting an application for an initial license.

* Indicates those items that must be submitted for application for renewal of either a temporary or continuing license. Non-asterisked items need not be submitted with an application for renewal. All items must be submitted with application for initial license.

- (a) * All applications for license or renewal of license shall be submitted on forms provided by the Department. Both the ~~Executive~~ Director and the ~~Chairman of the Board~~ board chairperson, if applicable, must verify the application for the Agency.
- (b) The following information shall be submitted with the completed application forms:
1. Certified copy of the Agency's current Articles of Incorporation, if applicable;
 2. Certified copy of the current Agency by-laws, if applicable;
 3. * A list of the names and addresses of the current members of the Board of Directors and a letter of acceptance from each, if applicable;
 4. * A list of the professional staff including their education and experience;
 5. * The Agency plan for financing including an itemized budget, base for and schedule of fees;
 6. Copy of the Agency's personnel policies.
 7. Outline of the Agency's proposed program including but not limited to specific geographic area and clients to be served.
 8. Documentation of need:
 - (i) Written communications from community leaders in the field of child welfare indicating a need for the services proposed by the applicant, or
 - (ii) Recent research data establishing a need for the service proposed, and
 - (iii) Evidence that the services will be used by referral sources.
 9. The Agency's manual of operating procedures;* and
 10. * Full written disclosure of the following as applies to the applicant Agency, its ~~Executive~~ Director, and any affiliates of the Agency and their child placement activities in this and other jurisdictions:

- (i) The status of all child-placing license applications submitted or licenses issued whether denied, pending, active, revoked, suspended or voluntarily surrendered; and
 - (ii) Any current or previous judicial or administrative action against the above listed persons or entities, along with the disposition of the case.
 - (c) * An application for renewal of license shall be submitted by the Agency as requested by the Department prior to the periodic review of the Agency. A listing of identifying information for all children accepted for service or placement shall be available for review on-site at the time of renewal.
 - (d) When there is a change in ownership or substantial change in the Agency Board membership (50% or greater), other than changes required for systematic rotation, the Agency must notify the Department's Residential Child Care Licensing Unit in writing. The Department may, at its discretion, require that a new application be submitted by the Agency under these circumstances.
 - (e) Posting of License. The issued license shall be posted near the entrance to the Agency office or in a part of the Agency office that is open to view by the public.
- (2) Department Review of Applications.
- (a) An application for license or renewal of license shall be considered by the Department only when all sections are completed and all required information is present with the application.
 - (b) Initial Application - Temporary License. The initial application submitted by an Agency shall be considered an application for a temporary license.
 - 1. Consideration for approval of the initial temporary license shall be based on a determination that the Agency has made adequate provision to meet these Rules.
 - 2. The Department may, at its discretion, following review of the initial application, issue or deny the temporary license.
 - 3. Upon approval, the temporary license shall be valid for a period not to exceed one year.
 - (c) Renewal of the Temporary License. Prior to the expiration of the temporary license, the Department shall consider an application to renew the license. If the Department finds that any eChild-pPlacing aAgency applicant does not meet rules and regulations prescribed by the dDepartment-but is attempting to meet such rules and regulations, the dDepartment may, in its discretion, issue a temporary license or commission to such eChild-pPlacing aAgency, but such temporary license or commission shall not be issued for more than a one-year period.

1. Upon presentation of satisfactory evidence that such ~~institution~~Agency is making progress toward meeting prescribed rules and regulations of the ~~eD~~Department, the ~~eD~~Department may, in its discretion, reissue such temporary license or commission for one additional period not to exceed one year.
 2. As an alternative to a temporary license or commission, the ~~eD~~Department, in its discretion, may issue a restricted license or commission which states the restrictions on its face.
 3. Consideration for the renewal of the one year temporary license shall be based on the Agency's performance during the temporary license period.
 4. The Department may, at its discretion, after review of the Agency's performance, either approve the Agency for an additional six-month temporary license, approve the Agency for a one-year license, or deny the license renewal.
- (d) Review of the Continuing License. An annual review packet must be completed and submitted ~~within~~ to the Department within ten (10) ~~working business~~ days from the annual review of the Agency.
1. Consideration for the renewal of the one-year license shall be based on the results of the Department review of the renewal application and the review of the performance of the Agency.
 2. The Department may, at its discretion and after review of the Agency's performance, either approve the renewal of the one-year license, approve the Agency for a temporary license, or deny the license renewal.
- (3). False or Misleading Information. The application for a license including the application for a criminal history background check must be truthfully and fully completed. In the event that the Department has reason to believe that any required application has not been completed truthfully, the ~~eD~~Department may require additional verification of the facts alleged. The Department may refuse to issue a license where false statements have been made in connection with the application or any other documents required by the Department.

Statutory Authority: O.C.G.A. Section- 49-5-12.

Rule 290-9-2-.10. Variances and Waivers

- (1) The ~~d~~Department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by an ~~a~~Agency. ~~The department may establish conditions which must be met by the agency in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:~~
- ~~(a) — Variance. A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.~~
 - ~~(b) — Waiver. The department may dispense entirely with the enforcement of a rule or regulation upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.~~
 - ~~(c) — Experimental Variance or Waiver. The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.~~
- (2) The Department may grant a variance or waiver to a rule when an Agency demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means and that strict application of the rule would create a substantial hardship. For purposes of this rule, a substantial hardship means a significant, unique, and demonstrable economic, technological, legal or other type hardship which impairs the ability to continue to function as a Child-Placing Agency.
- (3) Variance and waiver applications submitted to the Department's Residential Child Care Licensing Unit shall include, but are not limited to the following:
- (a) The rule from which a variance or waiver is requested;
 - (b) The type of action requested (i.e. granting a waiver or variance);
 - (c) Specific facts detailing substantial hardship which would justify the variance or waiver;
 - (d) Alternative standards which the requestor agrees to meet with a showing that alternative standards will provide adequate protection for health, safety, and welfare, and
 - (e) The reason why a variance or waiver would serve the purpose of any underlying law.

- (4) The Agency must implement and comply with any terms and conditions established by the Department in order to operate under any waiver or variance granted.
- (5) Variances or waivers shall not be sought or authorized when the granting of a waiver or variance would be harmful to public health, safety, or welfare or contrary to state law provisions.

Statutory Authority: O.C.G.A. Sections- 49-5-12, 50-13-9.1.

Rule 290-9-2-.11. Inspections by the Department and Access by Department Staff

- (1) The ~~d~~Department is authorized and empowered to conduct investigations and on-site inspections of any ~~a~~Agency required by these rules to be licensed. The proposed and current licensee and staff shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry.
- (a) Initial Inspection. Following receipt and review of a complete application package, the ~~d~~Department may conduct an on-site inspection of the ~~a~~Agency to assess compliance with these rules.
- (b) Consent to Entry Access. An application for a license or commission to operate an ~~a~~Agency or the issuance of a license by the ~~d~~Department constitutes consent by the applicant, the proposed holder of the license and the owner of the premises for the ~~d~~Department's representative, ~~after displaying picture identification to any agency staff,~~ to enter the premises at any time during operating hours- after confirming his/her identity to any Agency employee, director, foster parent or prospective adoptive parent for the purpose of inspecting the ~~facility~~ Agency. This includes both scheduled and unscheduled inspections and includes consent for meaningful access to a director, all staff employees, foster homes, including household members, parts of the premises, all children present, and all records required by these rules. To the degree possible, inspections of records normally maintained in the ~~a~~Agency's business office, such as financial records, will be conducted during normal business hours, e.g. 8:00 a.m. to 6:00 p.m. on Mondays through Fridays. The ~~d~~Department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued licensing of any ~~a~~Agency.
- (c) Other Inspections. The ~~d~~Department may conduct scheduled and unscheduled on-site inspections of an ~~a~~Agency in the following instances:
1. Annually or at other regular intervals as the ~~d~~Department may determine or at the expiration of the current license; or
 2. Upon receiving a report, including a report submitted by the ~~a~~Agency, alleging child abuse, neglect, sexual exploitation, or deprivation which occurred while the child was in the care of the ~~a~~Agency director or employees; or
 3. Upon receiving information of alleged violations of these rules, including information provided by the ~~a~~Agency, which, if true, could endanger the health, safety or welfare of the children in care; or
 4. Upon receipt and review of a request for an amended license, where the ~~d~~Department determines that an on-site inspection is advisable; or
 5. Upon the ~~d~~Department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the ~~d~~Department's inspection or at any other time. The ~~d~~Department shall immediately investigate such matters and may make

an on-site inspection so as to take such actions as conditions may require; or

6. Subsequent to the receipt of a plan of correction, as determined necessary by the ~~e~~D~~e~~partment, to monitor whether the plan of correction is being complied with by the ~~a~~A~~e~~gency's director or personnel.
- (d) Failure to Allow Access. Failure to allow timely access of the ~~e~~D~~e~~partment's representative to the ~~a~~A~~e~~gency, its staff, or the children receiving care at the ~~a~~A~~e~~gency or the books, records, papers, or other information related to initial or continued licensing, or failure to cooperate with a departmental inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a license, or other penalty as provided by law.
 - (e) False or Misleading Statements. No licensee, director, employee, foster parent, prospective adoptive parent, or contractor of a licensee shall knowingly make ~~or condone any employee making any verbal or written~~ false or misleading statements to the ~~e~~D~~e~~partment in connection with any authorized investigation or inspection being conducted by the ~~e~~D~~e~~partment or on documents submitted to the Department or maintained by the Agency.

Statutory Authority: O.C.G.A. Section- 49-5-12.

Rule 290-9-2-.12. Disaster Preparedness

The Agency shall prepare for potential emergency situations that may affect the care of children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, as appropriate, including any related written agreements.

- (a) The disaster preparedness plan shall include at a minimum plans for the following emergency situations:
1. Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods;
 2. Manmade disasters such as acts of terrorism and hazardous materials spills;
 3. Unanticipated interruption of service of utilities, including water, gas, or electricity, involving any placement homes within a local or widespread area;
 4. Loss of heat or air conditioning in the placement home;
 5. Fire, explosion, or other physical damage in the placement home; and
 6. Pandemics, identified infectious disease outbreaks and illnesses, or other situations where the community's need for services may exceeds the availability of placement foster and prospective adoptive homes and services regularly offered by the Agency.
 7. The Agency's disaster preparedness plan shall also include the following additional items in efforts to limit and contain health hazards to children, the director, employees, and the general public due to pandemic or infectious disease outbreaks:
 - (i) Contact information for sources of public health information and guidance (e.g. Centers for Disease Control (CDC), state/local public health authorities);
 - (ii) Name and contact information of Agency director or employee designated to provide updates to the Department, upon request, regarding the status of the outbreak or illness;
 - (iii) Process in place for providing notice of the outbreak or illness and any other necessary updates to parents/guardians;
 - (iv) Plan for immediate isolation of affected children and household members from unexposed children and household members;
 - (v) Plan for minimizing the risk of exposure to unexposed children or household members; and

- (vi) Plan for addressing business continuity and programmatic issues relevant to pandemic or infectious disease outbreaks.
- (b) There shall be plans to ensure sufficient staffing and supplies to provide room, board and watchful oversight during the emergency situation.
- (c) There shall be plans for the emergency transport or relocation of all children in placement homes, should it be necessary, in vehicles appropriate to the children's needs. Additionally, there shall be written agreements with any agencies which have agreed to receive the agencies' children in these situations.
- (d) The Agency shall document participation of each placement foster and prospective adoptive home's quarterly fire drills.
- (e) The plan shall include a requirement for the placement foster and prospective adoptive home to have a written emergency evacuation plan and a list of emergency telephone numbers. The emergency evacuation plan and emergency telephone numbers shall be posted in a prominent place in the home. The home shall be required to notify the Child-Placing Agency, who will in turn notify the Department's Residential Child Care Licensing Unit of the emergency situation as required by these rules and notify the lawful custodians of the children's whereabouts and condition.
- ~~(f) The Agency shall provide a copy of the internal disaster preparedness plan to the local Emergency Management Agency (EMA) and shall include the local EMA in development of the facility's plan for the management of external disasters.~~
- ~~(g)~~(f) The Agency's disaster preparedness plan shall be made available to the Department for inspection upon request.
- ~~(f)~~(g) The Department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

Statutory Authority: O.C.G.A. Sections ~~31-2-6~~, 49-5-12.

Rule 290-9-2-13. Emergency Orders

- (1) In accordance with O.C.G.A. 49-5-90 et seq., notwithstanding other remedies available to the ~~e~~D~~e~~partment which may be pursued at the same time, the commissioner or ~~her~~his designee may issue emergency orders. Such orders may include emergency placement of a monitor or monitors in an ~~a~~A~~g~~ency upon a finding that the ~~e~~D~~e~~partment's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:
 - ~~(i)~~(a) The ~~a~~A~~g~~ency is operating without a license; or
 - ~~(ii)~~(b) The ~~e~~D~~e~~partment has denied the application for the license or has initiated action to revoke the existing license; or
 - ~~(iii)~~(c) Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.
- (2) Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner, the director, or any other agent, employee, or person in charge of the ~~a~~A~~g~~ency at the time of the service of the order.
- (3) Prior to issuing an emergency order, the commissioner or designee may consult with persons knowledgeable in the field of child care and a representative of the ~~a~~A~~g~~ency to determine if there is a potential for greater adverse effects on children in care as a result of the emergency order.

Statutory Authority: O.C.G.A. Sections ~~31-2-4, 31-2-6,~~ 49-5-8, 49-5-12, 49-5-12.1, 49-5-90 et seq.

Rule 290-9-2-.14. Enforcement and Penalties

- (1) Plans of Correction. If the Department determines that either a ~~e~~C~~h~~i~~l~~d-~~p~~P~~l~~a~~c~~i~~n~~g ~~a~~A~~g~~e~~n~~c~~y~~ or a facility applying to become licensed as a ~~e~~C~~h~~i~~l~~d-~~p~~P~~l~~a~~c~~i~~n~~g ~~a~~A~~g~~e~~n~~c~~y~~ does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the ~~a~~A~~g~~e~~n~~c~~y~~ not to exceed ten (10) ~~workingbusiness~~ days within which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the ~~e~~C~~h~~i~~l~~d-~~p~~P~~l~~a~~c~~i~~n~~g ~~a~~A~~g~~e~~n~~c~~y~~ or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the ~~a~~A~~g~~e~~n~~c~~y~~ to submit a revised plan of correction.
 - (a) The ~~a~~A~~g~~e~~n~~c~~y~~ shall comply with an accepted plan of correction.
 - (b) Where the Department determines that either the ~~e~~C~~h~~i~~l~~d-~~p~~P~~l~~a~~c~~i~~n~~g ~~a~~A~~g~~e~~n~~c~~y~~ or the facility applying to become licensed as a ~~e~~C~~h~~i~~l~~d-~~p~~P~~l~~a~~c~~i~~n~~g ~~a~~A~~g~~e~~n~~c~~y~~ has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.
- (2) All adverse actions to enforce the Rules and Regulations for Child-Placing Agencies shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. ~~Sections: 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and Sections: 49-5-60 et seq.~~ and the requirements set forth herein.
- (3) Required Notifications for Revocations and Suspensions. The ~~a~~A~~g~~e~~n~~c~~y~~ shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the ~~a~~A~~g~~e~~n~~c~~y~~'s license to operate.
 - (a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the ~~a~~A~~g~~e~~n~~c~~y~~ to each current and prospective child's parents and/or legal guardians.
 - (b) The ~~a~~A~~g~~e~~n~~c~~y~~ shall ensure the posting of the official notice at the ~~a~~A~~g~~e~~n~~c~~y~~ in an area that is visible to each child's parents and/or legal guardians.
 - (c) The ~~a~~A~~g~~e~~n~~c~~y~~ shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.
 - (d) The ~~a~~A~~g~~e~~n~~c~~y~~ shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.
 - (e) It shall be a violation of these rules for the ~~a~~A~~g~~e~~n~~c~~y~~ to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

- (f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care of the ~~a~~Agency.
- (g) The Department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

Statutory Authority: O.C.G.A. Section ~~31-2-6~~, 49-5-8, 49-5-12, 49-5-12.1.

Rule 290-9-2-.15. Severability of These Rules

In the event that any rule, sentence, clause, or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, the remaining rules or portions of the rules shall not be affected and shall remain in full force and effect.

Statutory Authority: O.C.G.A. [Sections](#)- 49-5-8, 49-5-12.