



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

Synopsis of Proposed Rule Changes
Chapter 290-9-2
Rules and Regulations for Child-Placing Agencies

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

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

Synopsis of Proposed Rule Changes
Chapter 290-9-2
Rules and Regulations for Child-Placing Agencies

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.

Synopsis of Proposed Rule Changes
Chapter 290-9-2
Rules and Regulations for Child-Placing Agencies

- **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

Synopsis of Proposed Rule Changes
Chapter 290-9-2
Rules and Regulations for Child-Placing Agencies

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

Synopsis of Proposed Rule Changes
Chapter 290-9-2
Rules and Regulations for Child-Placing Agencies

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.