



**Georgia Department of Human Services**

Aging Services | Child Support Services | Family & Children Services

**RULES  
OF  
DEPARTMENT OF HUMAN SERVICES**

**ADMINISTRATION**

**CHAPTER 290-1-10  
RULES FOR POWER OF ATTORNEY FOR THE CARE OF A CHILD**

**SYNOPSIS OF PROPOSED RULE CHANGES**

The Department of Human Services, Office of Inspector General, Residential Child Care Licensing Unit (“Department”) proposes the adoption of Chapter 290-1-10, entitled “Rules for Power of Attorney for the Care of a Child,” to the Rules of the Georgia Department of Human Services.

This chapter is being proposed pursuant to the authority granted to the Department in O.C.G.A. § 19-9-123 to establish annual reporting guidelines for nonprofit entities and faith-based organizations providing services under O.C.G.A. §§ 19-9-120 et seq., and to provide guidelines for the referral of individuals seeking to execute a power of attorney to such entities and organizations. In addition, the purpose of this chapter is to promote compliance with the new power of attorney provisions by providing general guidelines and highlighting specific provisions pertaining to rule applicability, maintenance of records and child abuse and neglect for child-placing agencies, nonprofit entities and faith-based organizations providing services under O.C.G.A. §§ 19-9-120 et seq.

It is not anticipated that the adoption of this chapter will impose excessive regulatory costs on persons or entities providing services under O.C.G.A. §§ 19-9-120 et seq. It is not foreseeable that any cost to comply with the proposed rules can be reduced by a less expensive alternative that fully accomplishes the duties required of the Department.

**MAIN FEATURES OF THE RULE AMENDMENTS:** The proposed Chapter 290-1-10, Rules for Power of Attorney for the Care of a Child, includes the following:

- Rule 290-1-10-.02 states that the purpose of the rules is to establish guidelines relating to reporting requirements and referrals for entities and organizations providing services and to provide general guidelines to assist child-placing agencies, nonprofit entities and faith-based organizations to comply with certain statutory provisions.
- Rule 290-1-10-.03 includes a definition section that defines such terms as ‘agent’ and ‘non-profit entity or faith-based organization.’
- Rule 290-1-10-.04 restates state law by identifying persons to whom a parent of a child may delegate caregiving authority of such child.
- Rule 290-1-10-.04 restates state law by providing that the Department shall not license or regulate delegations for powers of attorney for the care of a child executed in accordance with applicable state law.
- Rule 290-1-10-.04 provides that parties shall make available to the Department documentation required to confirm that services being provided are not subject to child welfare agency licensure requirements.
- Rule 290-1-10-.04 restates state law by requiring that the execution of a power of attorney shall not delegate caregiving authority for more than one child unless the delegation involves siblings or stepsiblings.

- Rule 290-1-10-.04 provides notice that agents discontinuing services under powers of attorney provisions and electing to serve as an alternative placement resource must be approved as a placement resource by a child-placing agency or the Department.
- Rule 290-1-10-.05 provides general guidelines for nonprofit entities or faith-based organizations to make annual reports to the Department regarding services provided. In addition, this rule provides for the inclusion of such entities or organizations meeting reporting requirements on a list to be made available on the Department's website.
- Rule 290-1-10-.06 provides general guidelines for the referral of persons seeking assistance identifying nonprofit entities or faith-based organizations to delegate a power of attorney. In addition, this rule provides notice regarding liability issues related to referrals made by the Department to nonprofit entities or faith-based organizations.
- Rule 290-1-10-.07 provides general guidelines for child-placing agencies, nonprofit entities, and faith-based organizations pertaining to the maintenance of powers of attorney records.
- Rule 290-1-10-.08 identifies general provisions regarding child abuse and neglect investigations.
- Rule 290-1-10-.09 adds the standard severability clause regarding validity of the remaining rule provisions in the event that some provisions are declared invalid, unconstitutional or unenforceable.