

AN ACT

To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so as to provide for various reforms regarding the state's child welfare system pursuant to a comprehensive review by the Governor's Child Welfare Reform Council; to provide that the director of the Division of Family and Children Services of the Department of Human Services is appointed by the Governor; to establish the DFCS State Advisory Board; to provide requirements for members appointed to county boards of family and children services; to clarify the primary purpose of county departments of family and children services; to establish DFCS Regional Advisory Boards; to revise definitions; to provide for casework services; to revise provisions regarding foster children; to provide for the sharing of data relating to the care and protection of children between agencies; to provide for legislative findings; to provide for the establishment of an interagency data protocol; to provide for interagency agreements; to provide a manner to address legal impediments that are identified; to provide for statutory construction; to provide for contact with a school regarding reports of suspected child abuse; to provide for access to a child's medical and educational records by a foster parent; to repeal certain provisions deemed unconstitutional regarding a central child abuse registry; to enact new provisions to provide for the establishment of a central child abuse registry; to provide for definitions; to provide for the reporting of convictions and substantiated cases of child abuse to the Division of Family and Children Services; to provide for entry of reported convictions and substantiated cases into the registry; to provide for a hearing to contest inclusion of a name in the registry; to limit access to information in the registry; to provide for confidentiality; to provide for immunity; to amend Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to dependency proceedings, so as to revise provisions relating to DFCS case plans; to provide that a temporary absence shall not be considered a placement change; to revise provisions relating to permanency planning reports and hearings; to amend Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to purchases without competitive bidding, so as to provide for certain contracts regarding children in state care or custody; to repeal a provision relating to the Council for Welfare Administration; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended in Chapter 2, relating to the Department of Human Services, by adding new Code sections to read as follows:

"49-2-18.

(a) The Governor shall appoint the director of the Division of Family and Children Services of the department who shall serve at the pleasure of the Governor. The director shall be an employee of the department but shall report directly to the Governor.

(b) The director shall have a college degree and at least one of the following qualifications:

- (1) Educational background or managerial experience involving work with vulnerable populations;
- (2) Work experience in a setting dealing with the safety or well-being of children or other vulnerable populations; or
- (3) Experience working in or managing a complex, multidisciplinary business or government agency.

49-2-19.

(a) There is established the DFCS State Advisory Board which shall consist of 20 members appointed by the Governor as follows:

- (1) One representative from each of the 15 DFCS regions; and
- (2) Five members who are either state legislators or representatives from the fields of:
 - (A) Child welfare;
 - (B) Former youth in foster care;
 - (C) Public health or behavioral health and developmental disabilities;
 - (D) Private child welfare care provider; or
 - (E) Juvenile justice.

(b) The advisory board shall review and make recommendations to the director of the Division of Family and Children Services of the department regarding issues relating to the protection of children and the welfare and public assistance functions of the division. Such review and recommendations shall include, but not be limited to, the following:

- (1) Examination of current law, rules and regulations, and policy and recommendations to improve the ability of the division to increase the safety of children, respond to child maltreatment, and ensure the well-being of and timely permanency for children who are referred to and involved in the child welfare system;
- (2) Propose legislative or administrative changes to policies and programs that are integral to the protection of children and the welfare and public assistance functions of the division;

- (3) Examination of caseload assignments and ratios of child protective services workers and recommendations for reasonable expectations for such workers and supervision and support needed to perform their jobs; and
- (4) Recommendations on improved collaboration among state, local, community, and public and private stakeholders in child welfare programs and services that are administered by the division.
- (c) The advisory board shall elect a chairperson from among its membership. The advisory board may elect such other officers and establish committees as it considers appropriate.
- (d) The advisory board shall meet at least quarterly and at such additional times as it shall determine necessary to perform its duties. The advisory board shall also meet on the call of the chairperson, the director of the Division of Family and Children Services of the department, or the Governor. The director of the Division of Family and Children Services of the department shall participate in such meetings and provide a quarterly report to the advisory board in advance of each quarterly meeting.
- (e) Members shall serve without compensation, although each member of the advisory board shall be reimbursed for actual expenses incurred in the performance of his or her duties from funds available to the advisory board; provided, however, that any legislative member shall receive the allowances authorized by law for legislative members of interim legislative committees and any members who are state employees shall be reimbursed for expenses incurred by them in the same manner as they are reimbursed for expenses in their capacities as state employees."

SECTION 2.

Said title is further amended by revising Code Section 49-3-2, relating to the appointment of members to the county department of family and children services, as follows:

"49-3-2.

- (a) Each county board shall consist of between five and seven members who shall be appointed by the governing authority of the county. No person serving as a member of a county board on July 1, 2015, shall have such person's term of office shortened by this subsection. On and after that date, however, vacancies in such office which occur for any reason, including but not limited to expiration of the term of office, shall be filled by appointment of the county governing authority except as provided in subsection (c) of this Code section. No elected officer of the state or any subdivision thereof shall be eligible for appointment to the county board. In making appointments to the county board of family and children services, the governing authority shall ensure that appointments are reflective of gender, race, ethnic, and age characteristics of the county population. Further, the

governing authority shall ensure that all appointments made on or after July 1, 2015, are made from the following categories:

- (1) Pediatric health care providers;
- (2) Appropriate school personnel;
- (3) Emergency responders;
- (4) Law enforcement personnel;
- (5) Private child welfare service providers;
- (6) Alumni of the child welfare system;
- (7) Mental health care providers;
- (8) Former foster parents; and
- (9) Leaders within the faith-based community.

(b) The term of office of members of the county board shall be for five years and until the appointment and qualification of their respective successors.

(c) Appointments to fill vacancies on the county board caused by death, resignation, or removal before the expiration of a term shall be made for the remainder of such term in the same manner as provided in this Code section for original appointments. In the event that the governing authority of the county shall fail to fill any such vacancy or any vacancy caused by expiration of term on the county board within 90 days after such vacancy occurs, the commissioner may appoint members to the county board to fill such vacancies.

(d) Members of the county board shall serve without compensation, except that they shall be paid a per diem of not less than \$15.00 per month and shall be reimbursed for traveling and other expenses actually incurred in the performance of their official duties; provided, however, that the gross expenses assessed against a county shall not exceed the amount of the budget of the county previously set aside and levied by the county authorities for such expenses.

(e) The role of the county board shall be to protect the well-being of this state's children while preserving family integrity. County boards may review the administration of all welfare and public assistance functions for the county, including such programs as temporary assistance for needy families (TANF), supplemental nutrition assistance program (SNAP), employment services, child protective services, foster care, and adoptions, and shall report no less than annually and not later than December 15 of each year to the director of the Division of Family and Children Services of the department the effectiveness of the county department's provision of services, the needs of the community, and its recommendations for improved operations of the county department. County boards shall serve as an active liaison and a link between the county department and the local community. County boards shall support the overall mission of the Division of Family and Children Services of the department."

SECTION 3.

Said title is further amended by revising Code Section 49-3-6, relating to the functions of county or district departments of family and children services, as follows:

"49-3-6.

(a) The primary purpose of county departments shall be to protect children. To achieve this primary purpose, the county departments shall, in accordance with rules and regulations of the Division of Family and Children Services of the department:

- (1) Investigate reports of abuse and neglect;
- (2) Assess, promote, and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect;
- (3) Work cooperatively with law enforcement regarding reports that include criminal conduct allegations; and
- (4) Without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family, and provide prevention, intervention, and treatment services pursuant to this title.

(b) In addition to the purpose in subsection (a) of this Code section, and subject to the rules and regulations of the Board of Human Services, the county department shall be charged with the administration of all forms of public assistance in the county, including home relief; indoor and outdoor care for those in need; temporary assistance for needy families; old-age assistance; aid to the blind and otherwise disabled; the care and treatment of dependent and neglected children; and such other welfare activities as shall be delegated to it by the Division of Family and Children Services of the department or by the county commissioners. "

SECTION 4.

Said title is further amended in Chapter 3, relating to family and children services, by adding a new Code section to read as follows:

"49-3-9.

There is established in each region a DFCS Regional Advisory Board. Each regional advisory board shall be composed of at least five members and shall include the director and at least one board member of each county department of family and children services within the region as selected by the DFCS regional director. The DFCS regional director may appoint additional members who are representatives from the categories included in paragraphs (1) through (9) of subsection (a) of Code Section 49-3-2. The purpose of the regional advisory boards shall be to improve communication and coordination between the county departments of family and children services of the counties within the region, to improve and streamline service delivery by the county departments, and to provide for the

consistent application of state policy of the Division of Family and Children Services of the department within the county departments within each DFCS region. Each regional advisory board shall meet at least quarterly."

SECTION 5.

Said title is further amended by revising Code Section 49-5-3, relating to definitions relative to children and youth services, as follows:

"49-5-3.

As used in this article, the term:

(1) 'Age or developmentally appropriate' means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group. In the case of a specific child, such term also includes activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

(2) 'Caregiver' means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

(3) 'Child-caring institution' means any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the board.

(4) 'Child-placing agency' means any institution, society, agency, or facility, whether incorporated or not, which places children in foster homes for temporary care or for adoption.

(5) 'Child welfare and youth services' means duties and functions authorized or required by this article to be provided by the department with respect to:

(A) Establishment and enforcement of standards for social services and facilities for children and youths which supplement or substitute for parental care and supervision for the purpose of preventing or remedying or assisting in the solution of problems which may result in neglect, abuse, exploitation, or delinquency of children and youths;

(B) Protecting and caring for dependent children and youths;

(C) Protecting and promoting the welfare of children of working mothers;

(D) Providing social services to children and youths and their parents and care for children and youths born out of wedlock and their mothers;

- (E) Promotion of coordination and cooperation among organizations, agencies, and citizen groups in community planning, organization, development, and implementation of such services; and
- (F) Otherwise protecting and promoting the welfare of children and youths, including the strengthening of their homes where possible or, where needed, the provision of adequate care of children and youths away from their homes in foster family homes or day-care or other child care facilities.
- (6) 'Children's transition care center' means a transition center which provides a temporary, home-like environment for medically fragile children, technology dependent children, and children with special health care needs, up to 21 years of age, who are deemed clinically stable by a physician but dependent on life-sustaining medications, treatments, and equipment and who require assistance with activities of daily living to facilitate transitions from a hospital or other facility to a home or other appropriate setting. Such centers are designated sites that provide child placing services and nursing care, clinical support services, and therapies for short-term stays of one to 14 days and for longer stays of up to 90 days to facilitate transitions of children to homes or other appropriate settings. Extended stays of up to 12 months may be approved by the department by waiver.
- (7) 'Dependent child or youth' means any person so adjudged under Chapter 11 of Title 15.
- (8) 'Group-care facility' means a place providing care for groups of children and youths, other than a foster family home.
- (9) 'Homemaker service' means a service provided by a woman selected for her skills in the care of children and home management and placed in a home to help maintain and preserve the family life during the absence or incapacity of the mother.
- (10) 'In loco parentis' means a quasi-parental relationship inferred from and implied by the fact that a child or youth has been taken into a family and treated like any other member thereof, unless an express contract exists to the contrary.
- (11) 'Legal custody' means a legal status created by court order embodying the following rights and responsibilities:
- (A) The right to have the physical possession of the child;
 - (B) The right and the duty to protect, train, and discipline the child;
 - (C) The responsibility to provide the child with food, clothing, shelter, education, and ordinary medical care; and
 - (D) The right to determine where and with whom the child shall live,
- provided that these rights and responsibilities shall be exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child and subject

to any residual parental rights and responsibilities. These rights shall be subject to judicial oversight and review pursuant to Code Section 15-11-212.

(12) 'Maintenance' means all general expenses for care such as board; shelter; clothing; medical, dental, and hospital care; transportation; and other necessary or incidental expenses.

(13) 'Maternity home' means any place in which any person, society, agency, corporation, or facility receives, treats, or cares for, within any six-month period, more than one pregnant woman whose child is to be born out of wedlock, either before, during, or within two weeks after childbirth. This definition shall not include women who receive maternity care in the home of a relative or in general or special hospitals, licensed according to law, in which maternity treatment and care is part of the medical services performed and the care of children is only brief and incidental.

(14) 'Probation' means a legal status created by court order following adjudication in a delinquency case, whereby a child or youth is permitted to remain in the community, subject to supervision by the court or an agency designated by the court and subject to being returned to court at any time during the period of probation.

(15) 'Protective supervision' means a legal status created by court order following adjudication in a dependency case, whereby a child's place of abode is not changed but assistance directed at correcting the dependency is provided through the court or an agency designated by the court.

(16) 'Reasonable and prudent parent standard' 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 department to participate in extracurricular, enrichment, cultural, and social activities.

(17) 'Shelter' or 'shelter care' means temporary care in a nonsecurity or open type of facility."

SECTION 6.

Said title is further amended by revising subsection (a) of Code Section 49-5-8, relating to the powers and duties of the Department of Human Services, as follows:

"(a) The Department of Human Services is authorized and empowered, through its own programs and the programs of county or district departments of family and children services, to establish, maintain, extend, and improve throughout the state, within the limits of funds appropriated therefor, programs that will provide:

(1) Preventive services as follows:

- (A) Collecting and disseminating information about the problems of children and youths and providing consultative assistance to groups, public and private, interested in developing programs and services for the prevention, control, and treatment of dependency and delinquency among the children of this state; and
 - (B) Research and demonstration projects designed to add to the store of information about the social and emotional problems of children and youths and improve the methods for dealing with these problems;
- (2) Child welfare services as follows:
- (A) Casework services for children and youths and for mothers bearing children out of wedlock, whether living in their own homes or elsewhere, to help overcome problems that result in dependency or delinquency;
 - (B) Protective services that will investigate complaints of abuse or abandonment of children and youths by parents, guardians, custodians, or persons serving in loco parentis and, on the basis of the findings of such investigation, offer social services to such parents, guardians, custodians, or persons serving in loco parentis in relation to the problem or bring the situation to the attention of a law enforcement agency, an appropriate court, or another community agency;
 - (C) Supervising and providing required services and care involved in the interstate placement of children;
 - (D) Homemaker service, or payment of the cost of such service, when needed due to the absence or incapacity of the mother;
 - (E) Boarding care, or payment of maintenance costs, in foster family homes or in group-care facilities for children and youths who cannot be adequately cared for in their own homes;
 - (F) Boarding care or payment of maintenance costs for mothers bearing children out of wedlock prior to, during, and for a reasonable period after childbirth;
 - (G) Day-care services for the care and protection of children whose parents are absent from the home or unable for other reasons to provide parental supervision; and
 - (H) Casework services and care to all children and youths where the parent, custodian, or guardian has placed such children in the custody of the department by voluntary agreement, until such agreement is revoked by the parent, custodian, or guardian upon request that such children be returned to the parent, custodian, or guardian or to another relative or the voluntary agreement expires; provided, however, that nothing in this subparagraph shall prohibit the department from obtaining an order placing such children in its custody in accordance with Article 3 of Chapter 11 of Title 15;
- (3) Services to courts, upon their request, as follows:

- (A) Accepting for casework services and care all children and youths whose legal custody is vested in the department by the court;
 - (B) Providing shelter or custodial care for children prior to examination and study or pending court hearing;
 - (C) Making social studies and reports to the court with respect to children and youths as to whom petitions have been filed; and
 - (D) Providing casework services and care or payment of maintenance costs for children and youths who have run away from their home communities within this state, or from their home communities in this state to another state, or from their home communities in another state to this state; paying the costs of returning such runaway children and youths to their home communities; and providing such services, care, or costs for runaway children and youths as may be required under Chapter 4B of Title 49;
- (4) Regional group-care facilities for the purpose of:
- (A) Providing local authorities an alternative to placing any child in a common jail;
 - (B) Shelter care prior to examination and study or pending a hearing before juvenile court;
 - (C) Detention prior to examination and study or pending a hearing before juvenile court; and
 - (D) Study and diagnosis pending determination of treatment or a hearing before juvenile court;
- (5) Facilities designed to afford specialized and diversified programs, such as forestry camps, ranches, and group residences, for the care, treatment, and training of children and youths of different ages and different emotional, mental, and physical conditions;
- (6) Regulation of child-placing agencies, child-caring institutions, and maternity homes by:
- (A) Establishing rules and regulations for and providing consultation on such rules and regulations for all such agencies, institutions, and homes; and
 - (B) Licensing and inspecting periodically all such agencies, institutions, and homes to ensure their adherence to established standards as prescribed by the department;
- (7) Adoption services, as follows:
- (A) Supervising the work of all child-placing agencies when funds are made available;
 - (B) Providing services to parents desiring to surrender children for adoption as provided for in adoption statutes;
 - (C) Providing care or payment of maintenance costs for mothers bearing children out of wedlock and children being considered for adoption;
 - (D) Inquiring into the character and reputation of persons making application for the adoption of children;

- (E) Placing children for adoption;
- (F) Providing financial assistance to families adopting children once the child has been placed for adoption, determined eligible for assistance, and the adoption assistance agreement has been signed prior to the finalization of the adoption by all parties. Financial assistance may only be granted for hard-to-place children with physical, mental, or emotional disabilities or with other problems for whom it is difficult to find a permanent home. Financial assistance may not exceed 100 percent of the amount that would have been paid for boarding such child in a family foster home and for special services such as medical care not available through insurance or public facilities. Such supplements shall only be available to families who could not provide for the child adequately without continued financial assistance. The department may review the supplements paid at any time but shall review them at least annually to determine the need for continued assistance;
- (G) Providing payment to a licensed child-placing agency which places a child with special needs who is under the jurisdiction of the department for adoption. Payment may not exceed \$5,000.00 for each such adoption arranged by an agency. The board shall define the special needs child. One-half of such payment shall be made at the time of placement and the remaining amount shall be paid when the adoption is finalized. If the adoption disrupts prior to finalization, the state shall be reimbursed by the child-placing agency in an amount calculated on a prorated basis based on length of time the child was in the home and the services provided; and
- (H) Providing payment to an agency which recruits, educates, or trains potential adoptive or foster parents for preparation in anticipation of adopting or fostering a special needs child. The board shall define the special needs child and set the payment amount by rule and regulation. Upon appropriate documentation of these preplacement services in a timely manner, payments as set by the board shall be made upon enrollment of each potential adoptive or foster parent for such services;
- (8) Staff development and recruitment programs through in-service training and educational scholarships for personnel as may be necessary to assure efficient and effective administration of the services and care for children and youths authorized in this article. The department is authorized to disburse state funds to match federal funds in order to provide qualified employees with graduate or postgraduate educational scholarships in accordance with rules and regulations adopted by the board pursuant to Article VIII, Section VII, Paragraph I of the Constitution of Georgia;
- (9) Miscellaneous services, such as providing all medical, hospital, psychiatric, surgical, or dental services or payment of the costs of such services as may be considered appropriate and necessary by competent medical authority to those children subject to the

supervision and control of the department without securing prior consent of parents or legal guardians;

(10) Preparation, education, and training for foster parents which will provide them with the appropriate knowledge and skills to provide for the needs of foster children, including knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, and continue such preparation, as necessary, after the placement of the children; and

(11) Each youth who is leaving foster care by reason of having attained 18 years of age, unless the child has been in foster care for less than six months, with, if the child is eligible to receive such document, an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by a state in accordance with the requirements of Section 202 of the REAL ID Act of 2005. Provision of records in accordance with this paragraph shall not be considered a violation of subsection (b) of Code Section 49-5-40."

SECTION 7.

Said title is further amended in Chapter 5, relating to programs and protection for children and youth, by adding a new Code section to read as follows:

"49-5-12.2.

Any caregiver or other entity under contract with the department shall be immune from civil liability as a result of a caregiver's approval of the participation of a child, who is in the custody of the department, in an age or developmentally appropriate activity, so long as such caregiver or other entity under contract with the department acts in accordance with the reasonable and prudent parent standard. No provision in any agreement between the department and a caregiver or an entity under contract with the department shall diminish the standard of care provided in this Code section."

SECTION 8.

Said title is further amended by revising Code Section 49-5-19, relating to an annual report on children and youth services, as follows:

"49-5-19.

The commissioner shall prepare and publish in print or electronically an annual report on the operations of the department and of county departments of family and children services under this article and submit it to the Governor, the board, and all interested persons, officials, agencies, and groups, public or private. The report shall contain, in addition to

information, statistics, and data required by other provisions of this article, a comprehensive analysis of performance of child welfare and youth services throughout the state; an analysis of goals to ensure that no more than 25 percent of children remain in the foster care system under Title IV-E of the Social Security Act for a period of 24 months or longer, as provided by Public Law 96-272; and such other information and recommendations of the commissioner as may be suitable."

SECTION 9.

Said title is further amended in Chapter 5, relating to programs and protection for children and youth, by adding a new Code section to read as follows:

"49-5-24.

(a)(1) In an effort to improve the availability and quality of programs and services for the protection of children and youth, the General Assembly supports interagency efforts to gather comprehensive data and to actively share and disseminate data among those agencies responsible for making informed decisions regarding the treatment, care, security, and protection of children within this state.

(2) The General Assembly finds that the sharing and integration of appropriate data and information may have numerous benefits for children and families in this state, as well as for the state and local agencies attempting to provide services for them.

(3) The General Assembly finds that such data sharing and integration can serve the best interests of the child and the family, contribute to higher levels of effectiveness in service delivery, provide greater efficiency and productivity, and assist in the protection of children. Specifically, such data sharing and integration can reduce redundant data entry, expedite data sharing between agencies, provide for more timely service delivery, ensure more accurate and up-to-date information, assist in the development of a seamless system of services, and contribute to better performance and greater accountability by all involved parties.

(4) The General Assembly finds that the goals and purposes of this chapter, including the goal to develop a seamless system of services for children and their families, would be furthered by the development of a central repository of data for planning and evaluation purposes and urges the agencies to work toward the development of such a central repository.

(b) The department, working with the following agencies, shall develop and implement a workable state-wide system for sharing data relating to the care and protection of children between such agencies, utilizing existing state-wide data bases and data delivery systems to the greatest extent possible, to streamline access to such data:

(1) Division of Family and Children Services of the department;

- (2) Department of Early Care and Learning;
- (3) Department of Community Health;
- (4) Department of Public Health;
- (5) Department of Behavioral Health and Developmental Disabilities;
- (6) Department of Juvenile Justice;
- (7) Department of Education; and
- (8) Georgia Crime Information Center.

(c) The department, working with such agencies, shall establish an interagency data protocol to enable each agency to accurately and efficiently collect and share data with the other agencies in the most effective and expeditious manner. The interagency data protocol shall:

- (1) Include protocols and procedures to be used by agencies in data processing, including but not limited to collecting, storing, manipulating, sharing, retrieving, and releasing data;
- (2) Delineate the specific data to be shared among all or specified agencies, the person or persons authorized by each agency to have access to another agency's data, and the security arrangements between agencies to ensure the protection of the data from unauthorized access that may threaten the privacy of persons and the confidentiality of the data;
- (3) Establish the circumstances under which and the reasons for which an agency may share information with another agency, with a local political subdivision, with a nongovernmental entity, or with an individual; and
- (4) Ensure compliance with all state and federal laws and regulations concerning the privacy of information, including but not limited to the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g, and the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Section 1320d to 1320d-9.

(d) To further delineate the parameters for the sharing of data with one or more agencies, specific interagency agreements may be executed between or among agencies.

(e) If a federal law or regulation impedes necessary data sharing between agencies, the appropriate agency or agencies shall make all reasonable attempts to be granted a waiver or exemption from the applicable law or regulation.

(f) The Department of Human Services and any of the agencies in subsection (b) of this Code section may apprise chairpersons of the appropriate committees of the General Assembly of the need for any legislative action necessary to facilitate or improve data sharing between agencies for the purposes of this Code section.

(g)(1) Notwithstanding any provision to the contrary, nothing in this Code section shall be construed to nullify any memoranda of understanding existing as of June 30, 2015, or

prohibit the creation of memoranda of understanding on and after July 1, 2015, between or among agencies concerning data sharing or any other data sharing practices.

(2) Notwithstanding any provision to the contrary, nothing in this Code section shall prohibit the release to or sharing of data with nongovernmental entities or individuals if the release or sharing is otherwise required, permitted, or allowed pursuant to state or federal law."

SECTION 10.

Said title is further amended by revising subsections (c) and (d) of Code Section 49-5-41, relating to persons and agencies permitted access to records, as follows:

"(c) The department or a county or other state or local agency may permit access to records concerning reports of child abuse and may release information from such records to the following persons or agencies when deemed appropriate by such department:

- (1) A physician who has before him or her a child whom he or she reasonably suspects may be abused;
- (2) A licensed child-placing agency, a licensed child-caring institution of this state which is assisting the department by locating or providing foster or adoptive homes for children in the custody of the department, or an investigator appointed by a court of competent jurisdiction of this state to investigate a pending petition for adoption;
- (3) A person legally authorized to place a child in protective custody when such person has before him or her a child he or she reasonably suspects may be abused and such person requires the information in the record or report in order to determine whether to place the child in protective custody;
- (4) An agency or person having the legal custody, responsibility, or authorization to care for, treat, or supervise the child who is the subject of a report or record;
- (5) An agency, facility, or person having responsibility or authorization to assist in making a judicial determination for the child who is the subject of the report or record of child abuse, including but not limited to members of officially recognized citizen review panels, court appointed guardians ad litem, certified Court Appointed Special Advocate (CASA) volunteers who are appointed by a judge of a juvenile court to act as advocates for the best interest of a child in a juvenile proceeding, and members of a protocol committee, as such term is defined in Code Section 19-15-1;
- (6) A legally mandated public child protective agency or law enforcement agency of another state bound by similar confidentiality provisions and requirements when, during or following the department's investigation of a report of child abuse, the alleged abuser has left this state;

(7) A child welfare agency, as defined in Code Section 49-5-12, or a school where the department has investigated allegations of child abuse made against any employee of such agency or school and any child remains at risk from exposure to that employee, except that such access or release shall protect the identity of:

(A) Any person reporting the child abuse; and

(B) Any other person whose life or safety has been determined by the department or agency likely to be endangered if the identity were not so protected;

(8) An employee of a school or employee of a child welfare agency, as defined in Code Section 49-5-12, against whom allegations of child abuse have been made, when the department has been unable to determine the extent of the employee's involvement in alleged child abuse against any child in the care of that school or agency. In those instances, upon receiving a request and signed release from the employee, the department may report its findings to the employer, except that such access or release shall protect the identity of:

(A) Any person reporting the child abuse; and

(B) Any other person whose life or safety has been determined by the department or agency likely to be endangered if the identity were not so protected;

(9) Any person who has an ongoing relationship with the child named in the record or report of child abuse any part of which is to be disclosed to such person but only if that person is required to report suspected abuse of that child pursuant to subsection (b) of Code Section 19-7-5, as that subsection existed on January 1, 1990;

(10) Any school principal or any school guidance counselor, school social worker, or school psychologist who is certified under Chapter 2 of Title 20 and who is counseling a student as a part of such counseling person's school employment duties, but those records shall remain confidential and information obtained therefrom by that counseling person may not be disclosed to any person, except that student, not authorized under this Code section to obtain those records, and such unauthorized disclosure shall be punishable as a misdemeanor;

(10.1) Any school official of a school that a child who was the subject of a report of suspected child abuse made pursuant to Code Section 19-7-5 attends in which there is an ongoing investigation of the reported abuse. Any such ongoing investigation shall include contact with such school to obtain any relevant information from school personnel regarding the report of suspected child abuse;

(11) The Department of Early Care and Learning or the Department of Education; or

(12) An individual, at the time such individual is leaving foster care by reason of having attained the age of majority, but such access shall be limited to providing such individual

with a free copy of his or her health and education records, including the most recent information available.

(d) Notwithstanding any other provision of law, any child-caring agency, child-placing agency, or identified foster parent shall have reasonable access to nonidentifying information from the placement or child protective services record compiled by any state department or agency having custody of a child with respect to any child who has been placed in the care or custody of such agency or foster parent or for whom foster care is being sought, excluding all documents obtained from outside sources which cannot be redisclosed under state or federal law. A department or agency shall respond to a request for access to a child's record within 14 days of receipt of such written request. Any child-caring agency, child-placing agency, or identified foster parent who is granted access to a child's record shall be subject to the penalties imposed by Code Section 49-5-44 for unauthorized access to or use of such records. Such record shall include reports of abuse of such child and the social history of the child and the child's family, the medical history of such child, including psychological or psychiatric evaluations, or educational records as allowed by state or federal law and any plan of care or placement plan developed by the department, provided that no identifying information is disclosed regarding such child. Notwithstanding the provisions of this subsection, a foster parent, as an agent of the department, shall have access to a child's medical and educational records in the same manner and to the same extent as the department itself and to the fullest extent allowable by law to ensure the proper care and education of a child entrusted to the foster parent's care."

SECTION 11.

Said title is further amended in Chapter 5 by repealing Article 8, relating to the central child abuse registry, and enacting a new article to read as follows:

"ARTICLE 8

49-5-180.

As used in this article, the term:

- (1) 'Abuse investigator' means the division, any county or district department of family and children services, or any designee thereof.
- (2) 'Alleged child abuser' means a person named in an abuse investigator's report as having committed a substantiated case.
- (3) 'Child' means any person under 18 years of age.

- (4) 'Child abuse' has the same meaning as in paragraph (4) of subsection (b) of Code Section 19-7-5.
- (5) 'Child abuse crime' means:
- (A) A violation of Article 1 or Article 2 of Chapter 5 of Title 16 or subsections (b) or (c) of Code Section 16-5-70, in which physical injury or death is inflicted on a minor child by a parent or caretaker thereof by other than accidental means;
 - (B) A violation of Code Section 16-12-1 regarding a minor child by a parent or caretaker thereof;
 - (C) A violation of Chapter 6 of Title 16 in which the victim is a minor;
 - (D) A violation of Part 2 of Article 3 of Chapter 12 of Title 16; or
 - (E) Any other crime that, in the discretion of the prosecuting attorney, constitutes child abuse.
- (6) 'Child abuse registry' means the Child Protective Services Information System.
- (7) 'Convicted' means a finding or verdict of guilty or a plea of guilty regardless of whether an appeal of the conviction has been sought. Such term also includes having been arrested, charged, and sentenced for the commission of a child abuse crime for which:
- (A) A plea of nolo contendere was entered to the charge; or
 - (B) First offender treatment without adjudication of guilt pursuant to the charge was granted. The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime.
- (8) 'Convicted child abuser' means a person who is convicted.
- (9) 'Division' means the Division of Family and Children Services of the department.
- (10) 'Out-of-state abuse investigator' means a public child protective agency or law enforcement agency of any other state bound by confidentiality requirements as to information obtained under this article which are similar to those provided in this article.
- (11) 'Sexual abuse' has the same meaning as in paragraph (10) of subsection (b) of Code Section 19-7-5.
- (12) 'Sexual exploitation' has the same meaning as in paragraph (11) of subsection (b) of Code Section 19-7-5.
- (13) 'Substantiated case' means an investigation of a child abuse report by an abuse investigator which has been confirmed based upon a preponderance of the evidence that child abuse has occurred.

49-5-181.

(a) The division shall establish and maintain a central child abuse registry which shall be known as the 'Child Protective Services Information System.' The child abuse registry shall receive notice regarding:

- (1) Substantiated cases occurring on and after July 1, 2016, reported to the division pursuant to subsection (a) of Code Section 49-5-182; and
- (2) Convicted child abusers on and after July 1, 2016, reported to the division pursuant to subsection (b) of Code Section 49-5-182.

(b) The child abuse registry shall be operated in such a manner as to enable abuse investigators to:

- (1) Immediately identify and locate substantiated cases and convicted child abusers; and
- (2) Maintain and produce aggregate statistical data of substantiated cases and cases of child abuse in which a person was convicted.

49-5-182.

(a) An abuse investigator who completes the investigation of a child abuse report made pursuant to Code Section 19-7-5 or otherwise and determines that it is a substantiated case if the alleged child abuser was at least 13 years of age at the time of the commission of the act shall notify the division within 30 business days following such determination. Such notice may be submitted electronically and shall include the following:

- (1) Name, age, sex, race, social security number, if known, and birthdate of the child alleged to have been abused;
- (2) Name, age, sex, race, social security number, and birthdate of the parents, custodian, or caretaker of the child alleged to have been abused, if known;
- (3) Name, age, sex, race, social security number, and birthdate of the person who committed the substantiated case; and
- (4) A summary of the known details of the child abuse which at a minimum shall contain the classification of the abuse as provided in paragraph (4) of subsection (b) of Code Section 19-7-5 as either sexual abuse, physical abuse, child neglect, or a combination thereof.

(b) Upon receipt of a sentence for a convicted child abuser, the prosecuting attorney shall notify the division within 30 business days following such receipt. Such notice may be submitted electronically and shall include the following:

- (1) A certified copy of the sentence;
- (2) A complete history of the conviction, including a certified copy of the indictment, accusation, or both and such other information as the division may require;

(3) Name, age, sex, race, social security number, and birthdate of the victim of child abuse by the convicted child abuser, if known; and

(4) Name, age, sex, race, social security number, and birthdate of the parents, custodian, or caretaker of the victim of child abuse by the convicted child abuser, if known.

49-5-183.

(a) Upon receipt of an investigator's report of a substantiated case pursuant to subsection (a) of Code Section 49-5-182 naming an alleged child abuser, the division:

(1) Shall include in the child abuse registry the name of the alleged child abuser, the classification of the abuse as provided in paragraph (4) of subsection (a) of Code Section 49-5-182, and a copy of the investigator's report; and

(2) Shall mail to such alleged child abuser in such report a notice regarding the substantiated case via certified mail, return receipt requested. It shall be a rebuttable presumption that any such notice has been received if the return receipt has been received by the division. The notice shall further inform such alleged child abuser of such person's right to a hearing to appeal such determination. The notice shall further inform such alleged child abuser of the procedures for obtaining the hearing and that an opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved.

(b) Any alleged child abuser who has not attained the age of majority set forth by Code Section 39-1-1 at the time of the hearing requested pursuant to subsection (d) of this Code section shall be entitled to representation at the hearing either by the alleged child abuser's parent or other legal guardian or by an attorney employed by such parent or guardian. In the event the administrative law judge conducting the hearing determines that any such alleged minor child abuser will not be so represented at the hearing, or that the interests of any such alleged minor child abuser may conflict with the interests of the alleged minor child abuser's parent or other legal guardian, the administrative law judge shall order the division to apply to the superior court of the county in which the alleged act of child abuse was committed to have counsel appointed for the alleged minor child abuser. Payment for any such court appointed representation shall be made by such county.

(c) In order to exercise such right to a hearing, the alleged child abuser must file a written request for a hearing with the division within ten days after receipt of such notice. The written request shall contain the alleged child abuser's current residence address and, if the person has a telephone, a telephone number at which such person may be notified of the hearing.

(d) If the division receives a timely written request for a hearing under subsection (c) of this Code section, it shall transmit that request to the Office of State Administrative

Hearings within ten days after such receipt. Notwithstanding any other provision of law, the Office of State Administrative Hearings shall conduct a hearing upon that request in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules of the Office of State Administrative Hearings adopted pursuant thereto, except as otherwise provided in this article. The hearing shall be for the purpose of an administrative determination regarding whether, based on a preponderance of evidence, there was child abuse committed by the alleged child abuser to justify the investigator's determination of a substantiated case. The Office of State Administrative Hearings shall give notice of the time and place of the hearing to the alleged child abuser by first-class mail to the address specified in the written request for a hearing and to the division by first-class mail at least ten days prior to the date of the hearing. It shall be a rebuttable presumption that any such notice is received five days after deposit in the United States mail with the correct address of the alleged child abuser and the division, respectively, and proper postage affixed. Unless postponed by mutual consent of the parties and the administrative law judge or for good cause shown, that hearing shall be held within 30 business days following receipt by the Office of State Administrative Hearings of the request for a hearing, and a decision shall be rendered within five business days following such hearing. A motion for an expedited hearing may be filed in accordance with rules and regulations promulgated by the Office of State Administrative Hearings. The hearing may be continued as necessary to allow the appointment of counsel. A telephone hearing may be conducted concerning this matter in accordance with standards prescribed in paragraph (5) of Code Section 50-13-15. Upon the request of any party to the proceeding or the assigned administrative law judge, venue may be transferred to any location within the state if all parties and the administrative law judge consent to such a change of venue. Otherwise, the hearing shall be conducted in the county in which the alleged act of child abuse was committed. The doctrines of collateral estoppel and res judicata as applied in judicial proceedings are applicable to the administrative hearings held pursuant to this article.

(e) At the conclusion of the hearing under subsection (d) of this Code section, upon a finding that there is not a preponderance of evidence to conclude that the alleged child abuser committed an act of child abuse, the administrative law judge shall order that the alleged child abuser's name be removed from the child abuse registry. The general public shall be excluded from hearings of the Office of State Administrative Hearings held pursuant to this article and the files and records relating thereto shall be confidential and not subject to public inspection.

(f) Notwithstanding any other provision of law, the decision of the administrative law judge under subsection (e) of this Code section shall constitute the final administrative

decision. Any party shall have the right of judicial review of such decision in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the petition for review shall be filed within ten days after such decision and may only be filed with and the decision appealed to the superior court of the county where the hearing took place or, if the hearing was conducted by telephone, the Superior Court of Fulton County. The procedures for such appeal shall be substantially the same as those for judicial review of contested cases under Code Section 50-13-19 except that the filing of a petition for judicial review stays the listing of the petitioner's name upon the child abuse registry and the superior court shall conduct the review and render its decision thereon within 30 days following the filing of the petition. The review and records thereof shall be closed to the public and not subject to public inspection.

(g) The administrative law judge shall transmit to the division his or her decision regarding the alleged child abuser and the investigator's report regarding such individual within ten days following that decision unless a petition for judicial review of that decision is filed within the permitted time period. If a timely petition for judicial review is filed within the permitted time period, the superior court shall transmit to the division its decision regarding the alleged child abuser and the investigator's report regarding such individual within ten days following that decision.

49-5-184.

(a) Upon receipt of a notice from a prosecuting attorney pursuant to subsection (b) of Code Section 49-5-182, the division shall include in the child abuse registry the name of the convicted child abuser, the offense for which he or she was convicted, and whether the offense is considered physical abuse, neglect or exploitation, sexual abuse, or sexual exploitation.

(b) Any person whose name appears in the child abuse registry as a convicted child abuser shall be entitled to a hearing for an administrative determination of whether or not expungement of such person's name should be ordered. In order to exercise such right, the person must file a written request for a hearing with the division. The provisions of this subsection shall not apply to persons who have waived their hearing after receipt of notice.

(c) Upon receipt by the division of a written request for a hearing pursuant to subsection (b) of this Code section, the division shall transmit such request to the Office of State Administrative Hearings within ten days of receipt. The Office of State Administrative Hearings shall conduct a hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except as otherwise provided in this Code section. A hearing shall be conducted within 60 days following receipt of the request by the Office of State Administrative Hearings. Upon a finding that there is no credible

evidence that the person who requested the hearing is a convicted child abuser, the Office of State Administrative Hearings shall order the division to expunge that name from the registry. The general public shall be excluded from such hearings and the files and records relating thereto shall be confidential and not subject to public inspection.

(d) Notwithstanding any other provision of law, the decision of the Office of State Administrative Hearings pursuant to subsection (c) of this Code section shall constitute the final agency decision. Any party shall have the right of judicial review of that decision in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the petition for review shall be filed within 30 days after such decision and may only be filed with and the decision appealed to the superior court of the county where the hearing took place or, if the hearing was conducted by telephone, the Superior Court of Fulton County. The procedures for such appeal shall be the same as those for judicial review of contested cases under Code Section 50-13-19. The review and records thereof shall be closed to the public and not subject to public inspection.

49-5-185.

(a) Except as otherwise authorized in subsection (c) of this Code section and subsection (b) of Code Section 49-5-186, the only persons or entities who may access or be provided any information from the child abuse registry are:

(1) An abuse investigator who has investigated or is investigating a case of possible child abuse who shall only be provided information relating to that case for purposes of using that information in such investigation;

(2) State or other government agencies of this state or any other state which license entities that have interactions with children or are responsible for providing care for children or licensed entities in this state which interact with children or are responsible for providing care for children which shall only be provided information for purposes of licensing or employment of a specific individual;

(3) A licensing entity may disclose information from the child abuse registry in a written notice to an applicant or licensed entity whose license is denied or revoked as a result of information found in the registry, to the extent that such information is required in such notice by a federal or state law, regulation or policy, or in a proceeding arising from an adverse action taken against a licensed entity or individual as a result of information found in the registry; and

(4) The Department of Early Care and Learning is authorized to disclose all or a portion of the information from the child abuse registry used to determine that a records check is unsatisfactory or to rescind a determination that a records check is satisfactory to an individual who has submitted a records check application or whose satisfactory records

check determination has been rescinded in accordance with Article 2 of Chapter 1A of Title 20.

(b) The division shall provide the Governor's office, the General Assembly, district attorneys, and law enforcement agencies with a statistical analysis of substantiated cases of child abuse and convicted child abusers entered into the child abuse registry at the end of each calendar year. This analysis shall not include the names of any children, parents, or persons associated with the child abuse. This analysis shall not be protected by any laws prohibiting the dissemination of confidential information.

(c) A person may make a written request to the division to find out whether such person's name is included in the child abuse registry. Upon presentation of a passport, military identification card, driver's license, or identification card authorized under Code Sections 40-5-100 through 40-5-104, the office receiving such request shall disclose to such person whether his or her name is included in the child abuse registry and, if so, the date upon which his or her name was listed in the registry and the substantiated case or child abuse crime for which such person was convicted.

(d) The division shall provide persons and entities authorized in subsection (a) of this Code section with access to or information from the child abuse registry sufficient to meet the requirements prescribed by Congress as conditions to federal funding for programs administered by such entities or persons.

49-5-186.

(a) Information in the child abuse registry shall be confidential and shall not be subject to Article 4 of Chapter 18 of Title 50 and access thereto is prohibited except as provided in this article. Such information shall not be deemed to be a record of child abuse for purposes of Article 2 of this chapter.

(b)(1) Information obtained from the child abuse registry shall not be made a part of any record which is open to the public except as provided in paragraph (2) of this subsection; provided, however, that a district attorney may use such information in any court proceeding in the course of any criminal prosecution, if such information is otherwise admissible.

(2) Notwithstanding any other provisions of law, information in the child abuse registry applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent, which information relates to the child while in the custody of such state department or agency or foster parent, shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50.

(c) Any person who knowingly provides any information from the child abuse registry to a person not authorized to be provided such information under this article shall be guilty of a misdemeanor.

(d) Any person who knowingly and under false pretense obtains or attempts to obtain information which was obtained from the child abuse registry, except as authorized in this article, shall be guilty of a misdemeanor.

49-5-187.

The division and other authorized agencies, entities, and persons and the employees thereof providing information from the child abuse registry as authorized by this article and any person who uses such information shall have no civil liability or criminal responsibility therefor."

SECTION 12.

Said title is further amended by repealing and reserving Code Section 49-2-16, relating to the Council for Welfare Administration.

SECTION 13.

Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to dependency proceedings, is amended in Code Section 15-11-201, relating to DFCS case plans and contents, by revising paragraphs (14) and (15) of subsection (b) as follows:

"(14) A recommendation for a permanency plan for such child. If, after considering reunification, adoptive placement, permanent guardianship, or placement with a fit and willing relative, DFCS recommends placement in another planned permanent living arrangement for a child who has attained the age of 16, the case plan shall include:

(A) Documentation of a compelling reason or reasons why reunification, termination of parental rights and adoption, permanent guardianship, or placement with a fit and willing relative are not in the child's best interests;

(B) Documentation of the intensive, ongoing, and unsuccessful efforts made by the state agency to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent, including through efforts that utilize search technology, including social media, to find biological family members for the child; and

(C) Documentation of the steps the state agency is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parent standard, as defined in Code Section 49-5-3, and documentation that the child has regular, ongoing opportunities to engage in age or developmentally appropriate

activities, as defined in Code Section 49-5-3, including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities.

For purposes of this paragraph, a 'compelling reason' shall have the same meaning as in paragraph (2) of subsection (b) of Code Section 15-11-233;

(15)(A) A statement that the parent, guardian, or legal custodian of such child and the child have had an opportunity to participate in the development of the case plan, to review the case plan, to sign the case plan, and to receive a copy of the plan, or an explanation about why such persons were not able to participate or sign the case plan.

(B) The case plan for each child in foster care who has attained the age of 14 years old shall be developed and revised in consultation with the child and, at the option of the child, up to two members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. DFCS may reject an individual selected by a child to be a member of the case planning team at any time if DFCS has good cause to believe that the individual would not act in the best interests of the child. One such member may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

(C) The case plan for each child in foster care who has attained the age of 14 years old shall include:

(i) A document describing the rights of the child with respect to education, health, visitation, and court participation, the right to be provided with a consumer report pursuant to 42 U.S.C. Section 675(5)(I), and the right to stay safe and avoid exploitation; and

(ii) A signed acknowledgment by the child that the child has been provided with a copy of the document described in division (i) of this subparagraph and that the rights contained in the document have been explained to the child in an age-appropriate way;"

SECTION 14.

Said article is further amended in Code Section 15-11-211, relating to relative search by DFCS, by revising subsection (c) as follows:

"(c) All adult relatives of the alleged dependent child identified in a diligent search required by this Code section and all parents of a sibling of such child, when such parent has legal custody of such sibling, subject to exceptions due to family or domestic violence, shall be provided with notice:

- (1) Specifying that an alleged dependent child has been or is being removed from his or her parental custody;
- (2) Explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice;
- (3) Describing the process for becoming an approved foster family home and the additional services and supports available for children placed in approved foster homes; and
- (4) Describing any financial assistance for which a relative may be eligible."

SECTION 15.

Said article is further amended in Code Section 15-11-215, relating to notice of change in placement hearings, by adding a new subsection to read as follows:

"(g) A placement change shall not include a temporary absence from the child's identified and ongoing foster care placement, including, but not limited to, visitation with a friend, sibling, relative, or other caretaker, including a pre-placement visit to a possible foster or adoptive placement; hospitalization for medical, acute psychiatric episodes or diagnosis; respite care when the child is expected to return to his or her foster care placement; day or overnight camp; temporary travel with the foster family or child care institution personnel, church, school, or other persons or groups approved by DFCS; trial home visits with the court's permission, if required by subsection (b) of Code Section 15-11-212; and runaway episodes."

SECTION 16.

Said article is further amended in Code Section 15-11-231 of the Official Code of Georgia Annotated, relating to permanency planning report, by revising subparagraph (D) of paragraph (8) and adding a new paragraph to read as follows:

"(D) In the case in which DFCS has documented a compelling reason that none of the foregoing options would be in the best interests of the child who has attained the age of 16 years old, whether, and if applicable, when such child shall be placed in another planned permanent living arrangement;"

"(8.1) The documentation listed in paragraph (14) of subsection (b) of Code Section 15-11-201;"

SECTION 17.

Said article is further amended in Code Section 15-11-232, relating to permanency planning hearings and findings, by revising subsections (a) and (c) as follows:

"(a) At the permanency plan hearing, the court shall make written findings of fact that include the following:

- (1) Whether DFCS has made reasonable efforts to finalize the permanency plan which is in effect at the time of the hearing;
- (2) The continuing necessity for and the safety and appropriateness of the placement;
- (3) Compliance with the permanency plan by DFCS, parties, and any other service providers;
- (4) Efforts to involve appropriate service providers in addition to DFCS staff in planning to meet the special needs of a child adjudicated as a dependent child and his or her parent, guardian, or legal custodian;
- (5) Efforts to eliminate the causes for the placement of a child adjudicated as a dependent child outside of his or her home and toward returning such child safely to his or her home or obtaining a permanent placement for such child;
- (6) The date by which it is likely that a child adjudicated as a dependent child will be returned to his or her home, placed for adoption, or placed with a permanent guardian or in some other alternative permanent placement;
- (7) Whether, in the case of a child adjudicated as a dependent child placed out of state, the out-of-state placement continues to be appropriate and in the best interests of such child;
- (8) In the case of a child adjudicated as a dependent child who is 14 years of age or older, the services needed to assist such child to make a transition from foster care to independent living;
- (9) In the case of a child for whom another planned permanent living arrangement is the permanency plan:
 - (A) Whether DFCS has documented intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts to return the child to the home or to secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent, including through efforts that utilize search technology, including social media, to find biological family members for the children;
 - (B) Whether DFCS has documented the steps it is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parent standard and the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities; and
 - (C) After asking the child, what his or her desired permanency outcome is; and

(10) If a child has attained the age of 14 years old, whether the permanency plan developed for the child, and any revision or addition to the plan, was developed in consultation with the child and, at the option of the child, with not more than two members of the permanency planning team who were selected by the child and who are not a foster parent of or caseworker for the child in accordance with subparagraph (A) of paragraph (15) of Code Section 15-11-201."

"(c) If the court finds, as of the date of the hearing, that another planned permanent living arrangement is in the best interests of a child who has attained the age of 16 years old, the court shall make findings of fact explaining such determination and, in its order, provide compelling reasons why it is not or continues to not be in a child's best interests to be returned to his or her parent, referred for termination of parental rights and adoption, placed with a permanent guardian, or placed with a fit and willing relative."

SECTION 18.

Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to purchases without competitive bidding, is amended by adding a new subsection to read as follows:

"(f) The Division of Family and Children Services of the Department of Human Services may enter into contracts for the purchase of or may purchase placements for children in the care or custody of the Division of Family and Children Services of the Department of Human Services without competitive bidding pursuant to the oversight and authority of the director of the Division of Family and Children Services of the Department of Human Services."

SECTION 19.

All laws and parts of laws in conflict with this Act are repealed.