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"Child Welfare" Happenings Under the Gold Dome

By: Tom C. Rawlings, Director

Here at the Capitol, it's crunch time for everyone with a bill that hasn't passed at least one chamber of the General Assembly. This Thursday, March 12 will be Legislative Day 30. After that day, any bill that hasn't been adopted by at least one chamber will be dead. And with the entire session scheduled to end April 3, advocates will be pushing hard over the next few weeks to get their legislation passed by both the House and the Senate.

For those interested in child welfare and juvenile justice, this legislative session has been an active one despite the fact that the anticipated new juvenile code proposal has not yet been introduced. Efforts to make substantive changes in the law, the budget crisis, and the proposed reorganization of the Department of Human Resources have kept advocates for children and families scurrying around the Capitol. Here's a quick rundown of major proposals and their status:

- HB 228 and SB 222 are bills that seek to reorganize completely the agencies providing social services, health, and medical assistance to the state's families. HB 228 will likely be voted on by the House early this coming week. While there are differences in the bills, it appears DHR will be divided into separate, more autonomous agencies based on the consumers of the services each agency provides and the funding streams supporting each agency. The reorganization has the potential to make these functions more efficient by dividing DHR into more "manageable" units. At the same time, there remain serious philosophical divisions among policymakers as to exactly how the final structure should look.
- SB 79 is a joint effort by the Office of the Child Advocate and the Department of Human Resources to ensure appropriate transparency and accountability in the child welfare system. The bill passed the Senate unanimously and is being considered in the House. Under federal law, the states are required to allow the public access to DFCS records when a child suffers a very serious injury from abuse. The requirement ensures that taxpayers, policymakers, and the public can determine whether the child protective services agencies are working properly to protect these children. This bill will bring Georgia into line with this federal "transparency" requirement.
- HB 254 represents the joint effort of OCA and legislators to make our foster care and adoption system more efficient and to streamline the process for the children and families involved. The bill ensures that when a child comes into foster care that the court and agency can make a timely determination whether there are suitable relatives who could care for the child. It also ensures that the juvenile court consider the child's best interests when determining the appropriate plan for a child's permanent family and living arrangement. It will be voted on by the House this week.
- SB 172 may be one of the most innovative pieces of legislation to come out in this difficult budget year. The Crime Victims' Emergency Fund (CVEF) is funded by criminal fines and fees and can be used only to assist victims of crime. Currently, the CVEF can pay for therapy and counseling to a victim of crime only when the victim has suffered a physical injury. But many victims of horrific crimes, including children who suffer severe emotional abuse, never have a physical injury. This bill will expand access to therapy and services for those crime victims who have suffered a severe mental injury even if they have no physical injury, and in so doing, will increase our ability to serve these victims in a time of tight budgets.
- SB 69, SB 74, and SB 91 are all proposals that emerged from the work of a study committee that, during this past year, sought ways to protect victims of child prostitution or commercial sexual exploitation. SB 69 has thus far been the most successful of those efforts and has already passed the Senate. It would give professionals, such as school counselors and doctors, protection from liability when they report to authorities cases involving children who are being sexually exploited by anyone. Under current law, professionals are protected from liability only when they report sexual exploitation by a child's parent or caretaker. SB 74 would raise the age to 21 for a person to work in an adult entertainment establishment. SB 91, which has been voted successfully out of the Senate Finance Committee, would establish a surcharge on adult entertainment patrons to fund services for victims of commercial sexual exploitation.
- HB 245 and HB 246 are this year's chief juvenile justice bills. HB 245 would reduce the incarceration period for certain juveniles from 60 days to 30 days. The bill, which is considered a necessary move in light of the state's revenue woes, would allow the Department of Juvenile Justice to save money by closing some facilities currently used to incarcerate juveniles. It is currently up for consideration in the House. HB 246 would require all courts to assess the need for a child's detention by applying an objective, approved risk-assessment instrument.

While these are perhaps the most high-profile bills, other bills and issues affecting child welfare and juvenile justice are being talked about at the Capitol. Both SB 207 and HB 616 would open up juvenile court hearings to the public in many cases. There are also been efforts to give greater rights to victims of juvenile crime (SB 246), to expand prosecutors' ability to punish child predators (HB 123), and to protect children who are sexually exploited by a pimp from being prosecuted for prostitution (HB 582). And, of course, the budget will continue to be a subject of great debate as programs for families and children succumb to the state's economic downturn.

Should you have questions about these or other issues before the legislature, feel free to contact us through our website, www.gachildadvocate.org. You can also read each of these bills for yourself at www.legis.ga.gov.