



January 1, 2022

Child Welfare Services Manual Transmittal No. 2022-01

To: County Departments of Family and Children Services
DFCS District Directors
DFCS Regional Directors
State Office Staff

From: Candice Broce, Director *CB*
Georgia Division of Family and Children Services

Re: Child Welfare Policy Manual: State Legislative Changes (Senate Bill 28)

Purpose

The purpose of this Child Welfare Services Manual Transmittal (CWSMT) is to announce policy changes resulting from the enactment of Senate Bill 28, effective January 1, 2022.

Discussion

The Georgia Division of Family and Children Services (DFCS) is responsible for ensuring the safety, permanency, and wellbeing of children served. DFCS continually makes responsive changes to the Child Welfare Policy Manual to align with federal and state laws. During the 2021 legislative session Senate Bill 28 was passed to strengthen, clarify, and update provisions relating to the protection of children. Some highlights of the changes include:

1. Provisions to allow the juvenile court to consider hearsay evidence in certain juvenile court proceedings;
2. Updates to the categories and definitions of child abuse;
3. Updates provisions for temporary alternatives to foster care (TAFC);
4. Updates provisions that presumptions regarding current caregivers that a child has been living with for the past 12 months shall not apply to prevent the return of the child to his or her parent, guardian, or legal custodian.

The following policies have been updated to reflect the changes:

Chapter 3: Intake

3.1 Receiving Intake Reports

1. Removes child endangerment category of child abuse.
2. Updates the categories of child abuse to:
 - a. Physical injury or death

- b. Neglect
 - c. Emotional abuse
 - d. Sexual abuse or sexual exploitation
 - e. Prenatal abuse
 - f. An act, or failure to act that present an imminent risk of serious harm to the child's physical, mental, or emotional health
 - g. Trafficking a child for labor servitude (labor trafficking)
3. Adds labor trafficking to the categories of maltreatment allegations that does not require the alleged maltreater to be a caregiver.
 4. Revises Forms and Tools: Maltreatment Codes.

[3.7 Intakes Involving Human Trafficking](#)

1. Previously titled 3.7 Intake: Intakes Involving Sex Trafficking / Sexual Servitude.
2. Adds the category of labor trafficking to the intake report type captured in this policy section.
3. Updates the requirement for DFCS to receive intake reports of alleged child abuse involving suspected child victims of labor trafficking who legally reside in Georgia or are currently located in Georgia, regardless of the child's legal residence.
4. Adds a procedure for gathering information on labor trafficking from the reporter.
5. Adds practice guidance on human trafficking and labor trafficking.

Chapter 4: Initial Safety Assessment

[4.2 Conducting the Initial Safety Assessment](#)

1. Adds labor trafficking to the types of case circumstances that must be assigned to the Investigations track regardless of the existence of present or impending danger.

Chapter 5: Investigations

[5.3 Making an Investigation Determination](#)

1. Revises practice guidance regarding the Allegation Detail Page and the Justification of Findings.
2. Revises Forms and Tools:
 - a. A Guide to Gathering Information During an Investigation
 - b. Maltreatment Codes

Chapter 6: Special Investigations

[6.8 Making a Special Investigation Determination](#)

1. Revises practice guidance regarding the Allegation Detail Page and the Justification of Findings.
2. Revises Forms and Tools: Maltreatment Codes.

Chapter 8: Family Preservation Services

[8.1 Initiation of Family Preservation Services](#)

1. Removes the requirement to initiate Family Preservation Services (FPS) within seven business days of the court ordering a TAFC.

2. Adds a requirement to initiate FPS within seven business days of the court ordering a TAFC authorizing or continuing any voluntary agreement between the parent, guardian, or legal custodian and DFCS in which the child is cared by a kinship caregiver outside his/her home.

8.2 Purposeful Contacts with Families Receiving Family Preservation Services

1. Removes references to TAFC as an out of home safety plan option.
2. Removes the reference to TAFC caregivers.

8.4 Case Evaluation

1. Replaces the requirement to conduct a comprehensive case evaluation to determine whether out-of-home care is warranted, with conducting a case evaluation to determine whether legal intervention is needed.
2. Adds a note that DFCS may seek a TAFC order when necessary to expedite legal intervention to ensure the safety of the child.

Chapter 9: Eligibility

9.5 Reasonable Efforts

1. Updates practice guidance that the presumption regarding current caregivers that a child has been living with for the past 12 months shall not apply to prevent the return of the child to his or her parent, guardian, or legal custodian.

Chapter 10: Foster Care

10.3 Changes in Placement

1. Updates practice guidance that the presumption regarding current caregivers that a child has been living with for the past 12 months shall not apply to prevent the return of the child to his or her parent, guardian, or legal custodian.
2. Adds practice guidance that at the placement change hearing the court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a dependent child and the most appropriate case plan and permanency plan.

10.22 Permanency Planning

1. Updates to practice guidance that the presumption regarding current caregivers that a child has been living with for the past 12 months shall not apply to prevent the return of the child to his or her parent, guardian, or legal custodian.

Chapter 17: Legal

17.1 The Juvenile Court Process

1. Adds to Codes/References:
 - a. O.C.G.A. §15-11-133.1 Temporary Alternatives to Foster Care
 - b. 45 Code of Federal Regulations (CFR) §1356.67
 - c. Indian Child Welfare Act of 1978 Final Rule (25 CFR Part 23)
2. Adds a requirement to seek court intervention when a TAFC order is needed. Notes that a TAFC order may be made ex parte.

3. Adds a requirement for when to file a dependency petition when a T AFC order is issued by juvenile court.
4. Adds the timeframe for the adjudication hearing when a child is not in foster care.
5. Adds the subsequent review hearings consistent with federal law held no less frequently than once every six months.
6. Updates the procedure for when to file a dependency complaint and/or petition either for custody of the child or a T AFC.
7. Adds procedures outlining the process for seeking a T AFC.
8. Updates supervisor procedures for oversight of case management activities.
9. Updates practice guidance regarding T AFC.
10. Updates practice guidance that at the preliminary protective hearing the court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of an alleged dependent child or to make determinations or findings.

17.2 Case Review/Permanency Plan Hearings

1. Adds to Codes/References:
 - a. 45 CFR §1356.67
 - b. Indian Child Welfare Act of 1978 Final Rule (25 CFR Part 23)
2. Updates practice guidance that:
 - a. At the initial and periodic reviews, the court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a dependent child and the most appropriate case plan and permanency plan.
 - b. At the permanency plan hearings, the court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a dependent child and the most appropriate permanency plan.
 - c. At the court review of a child on adoptive status, the court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child and the permanency and custody of a child whose parents have had their parental rights terminated or who have surrendered their parental rights.

17.3 Court Orders and Placement Authority

1. Adds to Codes/References O.C.G.A. §15-11-133.1 Temporary Alternatives to Foster Care.
2. Adds a requirement for when to seek a T AFC order.
3. Adds practice guidance regarding T AFC orders.

17.11 Termination of Parental Rights (TPR)

1. Updates the grounds for filing a petition for TPR to include when the parent has voluntarily surrendered his or her child to DFCS for adoption.
2. Updates practice guidance that the court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child and the permanency and custody of a child whose

parents have had their parental rights terminated or who have surrendered their parental rights.

Chapter 19: Case Management

19.12 Safety Plan & Management

1. Removes requirements and practice guidance for TAFC as an out of home safety plan option.

Chapter 22: Kinship

22.1 Use of Voluntary Kinship Caregivers in Child Protective Services

1. Redefines the use of TAFC as an option to expedite legal intervention to ensure the safety of the child.
2. Adds a note that DFCS may seek a TAFC order to expedite legal intervention to ensure the safety of the child.

22.10 Temporary Alternatives to Foster Care

1. This policy has been discontinued due to changes in state law. Updated provisions regarding TAFC are now incorporated into policies 17.1 Legal: The Juvenile Court Process and 17.3 Legal: Court Orders and Placement Authority.

Implementation

This policy update is effective upon the release of this manual transmittal and is available on the Online Directives Information System (ODIS) at <http://odis.dhs.ga.gov/>.

This policy update is effective upon the release of this manual transmittal and is available on the Online Directives Information System (ODIS) at <http://odis.dhs.ga.gov/>. Regional and County Leadership shall provide opportunities for staff to review and discuss the updated policy to ensure implementation. Please refer to policy [1.3 Administration: Access, Distribution and Review of Child Welfare Policies](#) for the applicable requirements and procedures for policy review.

Please direct questions regarding this policy release to the Field Program Specialist in your region. Regional staff shall submit questions to the Policy and Regulations Unit at PPDUnit@dhs.ga.gov.