




July 1, 2021

Child Welfare Services Manual Transmittal No. 2021-03

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

From: Tom C. Rawlings, Division Director 
Georgia Division of Family and Children Services

Re: Child Welfare Policy Manual: 2021 State Legislative Changes - House Bills (HB) 154 and 114

Purpose

The purpose of this Child Welfare Services Manual Transmittal (CWSMT) is to announce policy updates resulting from the passage of HB 154 and HB 114 which becomes effective on July 1, 2021.

Discussion

The Georgia Division of Family and Children Services (DFCS) is responsible for 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. The 2021 Georgia legislative session resulted in the enactment of laws intended to improve permanency outcomes by streamlining the adoption process.

HB 154 includes but is not limited to the following updated provisions:

- Lowers the age at which an individual may petition the court to adopt a child;
- Amends the jurisdiction and venue of adoption proceedings when the child has been placed for adoption with an individual who is a resident of another state or country;
- Updates the time limit relating to revocation of surrender of parental rights if mailed by registered mail or overnight delivery;
- Updates several voluntary surrender forms;
- Updates that a legal mother who has surrendered her rights (voluntarily or involuntarily) shall have no right or authority to sign a voluntary acknowledgement of paternity regarding the same child;
- Adds timeframe for the results of a search of the putative father registry to be included with the petition for adoption;

- Adds a provision that DFCS may file a petition for the appointment of a guardian when the minor becomes an adult within six months prior to 18 years of age for a minor in DFCS custody.

The following summarizes the policy changes resulting from the enactment of HB 154:

Chapter 5: Investigations

5.15 Voluntary Surrender of Parental Rights

1. This new policy section addresses voluntary surrender of parental rights which was previously incorporated in policy 5.7 Investigations: Special Circumstances.
2. Incorporates provisions for assessing a request for a voluntary surrender of parental rights by a parent (biological or legal) when the child is in parental custody.
3. Requires the exploration of alternate plans and service provision with the parents to prevent the voluntary surrender.
4. Requires determining whether adoption is a viable plan for the child and ensuring the parent's ability to make an informed decision prior to accepting a voluntary surrender.
5. Establishes procedures for returning the child to the parent upon receipt of a valid notice to revoke the voluntary surrender.

Chapter 11: Adoption

11.0 Introduction to Adoption

1. Lowers the age at which an individual may petition the court to adopt a child from 25 to 21 years.
2. Adds to requirements to allow for individuals to petition the court to adopt a child when the child is a resident of Georgia at the time of placement for adoption and was placed in another state through ICPC.

11.2 Putative Father Registry and Birth Certificates

1. Updates the requirement to include the timeframe for the results of a search of the putative father registry to be included in the petition of the adoption.
2. Adds a procedure to verify that the putative father certificate includes the name, address, and social security number of any registrant acknowledging or indicating the possibility of paternity.

11.23 Independent Adoption Investigations - Appointed by the Court

1. Updates the exception when a petition for adoption may be filed outside the county of the petitioner's residence.
2. Lowers the age at which an individual may petition the court to adopt a child from 25 to 21 years.

11.24 Independent Adoption - Family Evaluation for the Purpose of Adoption by a Third Party

1. Adds note that if the individual seeking to adopt the child is married, the adoption petition shall be filed in the names of both spouses.

Chapter 13: Independent Living Program

13.4 Transition from Foster Care

1. Clarifies the timeframes for conducting transition meetings (TM) for youth beginning at age 16 through their exit from foster care at age 18 and/or their eventual exit from foster care if they participate in extended foster care (EFC).
2. Adds requirement and procedures to complete the Scattered Site Placement Readiness Assessment for Extended Foster Care during the TM held within 90 days prior to the youth's 18th birthday; and to develop the Scattered Site Placement Readiness Action Plan to support their future readiness if it is determined that youth is not ready.
3. Adds additional participants in the TM to support youth that may be unable to make decisions on their own behalf.
4. Adds requirements and procedures for engaging the Department of Human Services (DHS) Division of Aging Services (DAS) and Department of Behavioral Health and Developmental Disabilities (DBHDD) to participate in transition planning for youth with complex needs including developmental disabilities.
5. Adds requirements and procedures for determining by youth's 17th birthday whether they will need ongoing support and the least restrictive alternatives for decision-making to meet their needs; or, whether the youth may qualify under the law for appointment of a guardian in Probate Court if the least restrictive alternatives are not appropriate to meet their needs when they turn 18.

NOTE: This determination is made with the transition planning team, and through consultation with the Care Coordination Treatment Unit, Wellness Programming Assessment and Consultation Unit, and the SAAG.

6. Adds a requirement to request that the SAAG file a petition for adult guardianship in Probate Court within six months prior to the youth's 18th birthday if it is determined that the youth may qualify for guardianship when they become an adult, and it is the best option to support the youth in their transition to adulthood.
7. Adds a procedure for notifying the DAS/Public Guardianship Office of the intent to file for a guardian of last resort (public guardian).
8. Updates supervisor procedures to provide guidance for oversight of transition planning activities.
9. Adds the following Practice Guidance:
 - a. Transition Plan Matrix
 - b. Transition Planning Timeline Matrix
 - c. Scattered Site Placement Readiness Assessment for Participant in Extended Foster Care
 - d. Transition Planning for Youth Assessed Unable to Make Decisions on their Own Behalf
 - e. Collaboration with Division of Aging Services
 - f. Decision Making Support Options Matrix
 - g. Limits on Guardianship Authority
 - h. Guardianship – Rights Retained by the Ward
 - i. Guardianship – Rights Removed
 - j. Guardianship Proceeding
 - k. Probate Court Guardianship Process

- I. Guardianship of Last Resort (Public Guardianship)
- 10. Updates Forms and Tools as follows:
 - a. Replaces the Notice to Opt-Out or Terminate Extended Youth Support Services form with the Notice to Opt-Out or Terminate Extended Foster Care
 - b. Adds the following forms:
 - i. Voluntary Placement Agreement for Extended Foster Care (VPA-EFC)
 - ii. Foster Care Discharge Documents Checklist
 - iii. Decision-Making Support Needs Informal Assessment
 - iv. Scattered Site Placement Readiness Assessment

Chapter 17: Legal

17.11 Termination of Parental Rights (TPR)

1. Adds practice guidance that a mother whose parental rights have been terminated (voluntary or involuntary) no longer has the right or authority to sign an acknowledgement of paternity form or to consent to the granting of a petition of legitimation for the same child.

17.12 Voluntary Surrender of Parental Rights

1. Updates the requirement to accept a mailed revocation of the voluntary surrender of parental rights within four days after signing when it is submitted to the United States Postal Services or to the statutory overnight delivery carrier not later than 12:00 midnight on the fourth day.
2. Adds a requirement to inform the surrendering birth mother of the impact of the voluntary surrender of parental rights including relinquishing her rights to sign an acknowledgement of paternity form.
3. Adds a requirement and procedure to request the Special Assistant Attorney General (SAAG) to petition Juvenile Court to acknowledge the voluntary surrender of parental rights and place the child in the permanent custody of DFCS for the purpose of adoption.
4. Adds Social Services Supervisor (SSS) procedures for the revocation of the voluntary surrender of parental rights.
5. Adds Practice Guidance explaining the terms for recording before a court of competent jurisdiction where any parent or Indian custodian voluntarily surrenders parental rights.
6. Modifies Forms and Tools (including removing standalone instructions and incorporating instructions within the form):
 - a. Updates Acknowledgement by Grandparent and/or Guardian
 - b. Adds Acknowledgement by Grandparent and/or Guardian (Spanish)
 - c. Updates Acknowledgement of Surrender of Rights
 - d. Updates Adoptive Mother's Affidavit
 - e. Updates Affidavit of Department Representative,
 - f. Updates Affidavit Regarding Native American Heritage and Military Service
 - g. Updates Biological Mother's Affidavit Identifying Biological Father of Her Unborn Child
 - h. Updates Legal Mother's Affidavit
 - i. Updates Notice to Revoke Surrender of Rights Final Release for Adoption

- j. Updates Surrender of Rights Final Release for Adoption (Biological Not Legal Father)
- k. Updates Surrender of Rights Final Release for Adoption (Legal Parent)

17.14 Establishing Paternity via Paternity Acknowledgement

1. Adds practice guidance that a mother whose parental rights have been terminated (voluntary or involuntary) no longer has the right or authority to sign an acknowledgement of paternity form for the same child.

17.15 Legitimation

1. Adds practice guidance that a mother whose parental rights have been terminated (voluntary or involuntary) no longer has the right or authority to consent to the granting of a petition of legitimation for the same child.

Chapter 22 Kinship

22.7 Family Evaluation for Relative Adoptions

1. Adds a requirement that relatives must meet the eligibility criteria to petition the court to adopt a child as outlined in policy 11.0 Adoption: Introduction to Adoption.
2. Incorporates the position title of State Permanency Connection Section Director to align with organizational changes.

HB 114: Increased the adoption tax credit to \$6000 per year for the first five years and then \$2000 per year until the adopted child turns 18 years. The following have been revised as a result of the enactment of HB 114:

1. Post Adoption Services/Adoption Assistance Benefits Handout to increase the adoption tax credit from \$2000 to \$6000.

Policy Maintenance Update

5.7 Investigations: Special Circumstances

1. Removes the section of the policy on short term emergency care. This information is located in policy 5.13 Investigations: Short Term Emergency Care that was previously released with CWSMT 2019-08 2019 State Legislative Changes.
2. Removes the section of the policy on voluntary surrender of parental rights. This information is now located in the new policy section 5.15 Investigations: Voluntary Surrender of Parental Rights.

10.22 Foster Care: Permanency Planning

1. Adds practice guidance to explain the reason for only seeking non-reunification when selecting permanent guardianship as the permanency plan.

19.14 Case Management: Action Planning

1. Updates Practice Guidance:

- a. Modifies the Five Relapse Prevention Skills to clarify the components of the behavior cycle.
- b. Adds visual aid - Action Plan Behavior Cycle.

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/>. 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 PPPDUnit@dhs.ga.gov.