



January 1, 2021

Child Welfare Services Manual Transmittal No. 2021-01

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

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

Re: Child Welfare Policy Manual: State Legislation (2020) Enhanced Notice and Improved Participation of Caregivers in Court

Purpose

The purpose of this Child Welfare Services Manual Transmittal (CWSMT) is to announce policy updates resulting from the passage of Senate Bill (SB) 439 (2020) that goes into effect January 1, 2021.

Discussion

The Division of Family and Children Services (DFCS) is responsible for the safety, permanency and wellbeing of children served. DFCS works with families to help create a safe home for their children and permanency in the children's lives, either in their own homes or through other permanency options. DFCS administers foster care for children removed from their homes for their protection when they have been subjected to child abuse. The 2020 legislative session resulted in the enactment of law intended to improve outcomes for children and families involved with the child welfare system and also support the agency's partnership with caregivers of children in foster care. Both DFCS and the juvenile courts rely heavily on the firsthand information provided by those who care for children and encourage their court attendance and participation to assist the court in making critical legal decisions about each child's life. SB 439 amends the Juvenile Code to:

1. Provide for the enhanced notice to and improved participation of foster, pre-adoptive, and relative caregivers in court hearings where they may raise issues relevant to the child's placement, care, well-being, and permanency.
2. Require courts to provide a means for caregivers to file an objection to a placement change without the aid of legal counsel and to participate in hearings where the court will consider evidence pertaining to such objections.

The following summarizes the policy revisions and practice changes resulting from the enactment of the legislation.

10.3 Foster Care: Changes in Placement

1. Updates requirements to permit the dissemination of the notice of placement change via email when agreed upon in advance by individuals entitled to notice by law.
2. Notes that when using e-mail transmission for notice of placement change, reasonable and appropriate security measures must be used to protect confidential information.
3. Updates practice guidance on Notice of Change in Placement Hearings to include:
 - a. How courts must allow individuals entitled to notice, including those not represented by counsel, (i.e. placement resources) to file objections to placement changes.
 - b. That courts will consider evidence presented by placement resources to support any objection raised to a placement change.

17.8 Caregiver's Right to be Notified and Heard

1. Updates the requirement for notice to caregivers of dependency proceedings to include methods of notification to the placement resource.
2. Updates practice guidance on Caregiver's Right to be Heard to include:
 - a. Caregiver's right to notice of dependency proceedings and the court's requirement to inquire into whether notice was provided.
 - b. The juvenile court soliciting information on child well-being, health, and safety from the caregiver in dependency proceedings.

17.11 Termination of Parental Rights (TPR)

1. Updates procedures related to notification of caregiver to encourage enhanced participation in TPR hearings.
2. Adds practice guidance on Caregiver Participation in Hearings to include:
 - a. Caregiver's right to notice of TPR proceedings and the court's requirement to inquire into whether notice was provided.
 - b. The juvenile court soliciting information on child well-being, health, and safety from the caregiver in dependency proceedings.
3. Adds practice guidance on Caregiver Testimony Dispositional Phase of TPR.

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 PPDUnit@dhs.ga.gov.