

Senate Bill 170

By: Senators Hill of the 6th, Shafer of the 48th, Hufstetler of the 52nd, Gooch of the 51st, Brass of the 28th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
2 programs and protection for children and youth, so as to provide for the establishment by the
3 Department of Human Services of a uniform volunteer certification system including varying
4 levels of certification; to provide for limited immunity; to provide for a short title; to provide
5 for legislative findings; to provide for definitions; to establish a uniform volunteer
6 certification system for the support of public and private agency foster caregivers; to provide
7 for a central data base of Georgia SERVES Volunteers that can be accessed by the
8 department and contracted child welfare agencies to verify the approval status of volunteers;
9 to provide for statutory construction; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and
14 protection for children and youth, is amended in Code Section 49-5-3, relating to definitions
15 relative to children and youth services, by revising paragraph (16) as follows:

16 "(16) 'Reasonable and prudent parent standard' means the standard characterized by
17 careful and sensible parental decisions that maintain the health, safety, and best interests
18 of a child while at the same time encouraging the emotional and developmental growth
19 of the child, that a caregiver shall use when determining whether to allow a child in foster
20 care under the responsibility of the department to participate in extracurricular,
21 enrichment, cultural, and social activities, including but not limited to allowing a Georgia
22 SERVES Volunteer to provide babysitting and mentoring of the child pursuant to Article
23 1A of this chapter."

SECTION 2.

Said chapter is further amended by revising Code Section 49-5-12.2, relating to immunity from liability, 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, including in activities with or approved by a Georgia SERVES Volunteer, so long as such caregiver or other entity under contract with the department acts in accordance with the reasonable and prudent parent standard. A caregiver or other entity under contract with the department shall also be immune from civil liability or from penalty by any division of the department, as a result of a caregiver's approval of interaction between a child and a Georgia SERVES Volunteer so long as such caregiver 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 3.

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 1A

49-5-30.

This article shall be known and may be cited as the 'Georgia SERVES Act of 2017.'

49-5-31.

It is the intent of the General Assembly to help the Department of Human Services support and thus retain more foster parents and encourage Georgia SERVES Volunteers to become fully approved foster parents if they have a positive volunteering experience. It is the intent of the General Assembly to establish a uniform volunteer process which is separate from the foster parent approval process to provide increased support for approved foster parents who provide care for children in state foster care. The intent of this article is to streamline the volunteer training and approval process, without reducing in any way the ability of the Department of Human Services and its partners to protect children in care. Properly implemented, this system will increase the number of volunteers helping with the foster care system and aid in retention of foster parents. Further, certified volunteers will be able to serve any public or private agency foster parent across county lines and

child-placing agencies seamlessly. The focus shall be on better serving foster parents with an engineered support system that assists them in providing normalcy and enabling opportunities for social development, recreation, academic growth, and positive life experiences, based on a foster caregiver's support needs and the child's developmental, emotional, physical, and other needs. By establishing a uniform volunteer process, this will also decrease the burden on the state and county departments of family and children services to solely provide for support of foster caregivers, manage volunteers, and establish a system whereby foster care volunteers are able to support the work of any public or private child welfare agencies without having to be re-vetted by each agency.

49-5-32.

As used in this article, the term:

(1) 'Babysitting' means informal, short-term child care.

(2) 'Caregiver' shall have the same meaning as in Code Section 49-5-3.

(3) 'Child-placing agency' shall have the same meaning as in Code Section 49-5-3.

(4) 'Georgia SERVES Volunteer' or 'volunteer' means an individual certified pursuant to this article to provide for varying degrees of support to foster families.

(5) 'Household support' means assistance provided to foster parents in accomplishing domestic tasks such as meal preparation, yard work, household repairs, maintenance, and other similar activities.

(6) 'Level I volunteer' means a volunteer certified pursuant to this article to provide household support, babysitting, and mentoring in the foster parents' home or in the community.

(7) 'Level II volunteer' means a volunteer certified pursuant to this article to provide household support in the foster parents' home and babysitting and mentoring in the foster parents' home and in their own home for up to 72 hours at a time.

(8) 'Mentoring' means supported services for foster children focused on improving their well-being through a positive adult relationship, role modeling, and support of their academic and social endeavors.

49-5-33.

(a) The department shall establish a uniform certification system and guidelines for individuals serving as volunteers for foster children and their families in this state. The department shall ensure that the system provides for coordination within the department between the Division of Family and Children Services, the Office of Residential Child Care, and any other appropriate divisions or offices to provide for a seamless process for volunteers to become certified pursuant to this article and to serve as a volunteer for any

child-placing agency or the department. The department shall establish two certification levels for volunteers, as follows:

(1) Level I volunteers shall be certified to provide household support, babysitting, and mentoring in the home of the foster child or in the community; and

(2) Level II volunteers shall be certified to include Level I support and to provide babysitting and mentoring in the volunteer's own home for up to 72 hours at a time.

(b) The department shall provide for issuance of a photo identification card with an expiration date, not to exceed one year from the date of issuance, and level of certification to each Georgia SERVES Volunteer certified pursuant to this chapter.

(c) Level I and II volunteers shall be subject to fingerprint and criminal background checks pursuant to Code Section 49-5-69.1, subject to checks of publicly available records of the Department of Corrections, Sexual Offender Registry, and State Board of Pardons and Paroles, and subject to self-checks of the child abuse registry pursuant to subsection (c) of Code Section 49-5-185.

(d) The department shall establish specific requirements for each level of volunteer, including, but not limited to, the following:

(1) Training requirements for each level of volunteers as appropriate, including, but not limited to, a minimum of two hours of online or in-person training, initially and annually thereafter. Such training may include, as determined appropriate by the department for each level, best standards for care, safety issues, mandatory reporting requirements, and caring for children with therapeutic needs;

(2) Modified home assessments for Level II volunteers, including, but not limited to:

(A) Identifying information on all household members, including name, sex, and age;

(B) A home environmental assessment, including sleeping arrangements for children and confirmation that the home is safe, clean, hazard-free, and has sufficient space, working smoke alarms, and fire extinguishers;

(C) Documentation of driver's license and insurance if the volunteer will be transporting children; and

(D) A brief psychosocial assessment of the volunteer to include his or her understanding of child development, understanding of the Division of Family and Children Services discipline policy and the reasonable and prudent parent standards, and identifying any limitations on which type of children for whom the volunteer will be providing babysitting or mentoring care; and

(3) Specialized requirements for volunteers serving foster children who are medically fragile or who have been diagnosed with an emotional or behavioral disorder.

(e) The department shall be authorized to impose a fee on applicants to cover all reasonable costs of certifying volunteers and establishing and maintaining a state-wide data base pursuant to this article.

(f) No later than July 1, 2018, the department shall establish a state-wide data base of certified volunteers which can be utilized by the department and accessed by contracted child-placing agencies to review volunteer information, including certification levels, safety check results, training, volunteer activities, matches, significant events, the approving entity, and other relevant participation and approval data.

(g) The department may contract with one or more outside entities to assist in establishing and administering the uniform certification system established pursuant to this Code section.

(h) At least every two years, the department shall review and update, as necessary, the certification system and guidelines established pursuant to this article for the certification of volunteers.

49-5-34.

(a) A child-placing agency may accept any volunteer certified at the appropriate level to provide services as needed, regardless of any other child-placing agency affiliation of the volunteer.

(b) Caregivers of foster children shall be given full autonomy to apply the reasonable and prudent parent standard, as defined in Code Section 49-5-3, in engaging the services of Georgia SERVES Volunteers.

(c)(1) Nothing in this article shall prevent a child-placing agency from requiring additional standards for its other volunteers.

(2) Nothing in this article shall be construed to require a foster parent to accept any volunteer certified pursuant to this article."

SECTION 4.

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