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SOCIAL SERVICES Programs and Protection for Children and Youth: Provide for Fingerprint Records Check and Preliminary Records Check for Foster Parents; Provide for Powers of the Department of Human Resources Regarding Programs for Children

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SOCIAL SERVICES

*Programs and Protection for Children and Youth: Provide for
Fingerprint Records Check and Preliminary Records Check
for Foster Parents; Provide for Powers of the Department
of Human Resources Regarding Programs for Children*

CODE SECTIONS: O.C.G.A. §§ 49-5-8, -69.1 (amended)
BILL NUMBER: SB 442
ACT NUMBER: 855
SUMMARY: The Act provides for compensation to agencies which recruit, educate, or train potential adoptive or foster parents. The Act also provides that only a preliminary records check determination is required before a licensed child-placing agency may place a child in a foster care home, while a satisfactory fingerprint records check is required for the child to remain in the foster care home.
EFFECTIVE DATE: March 29, 1994

History

Foster children sometimes were not placed in foster homes until the proposed foster parents had been fingerprinted by the FBI, which took between 90 and 120 days.¹ Previous law required either a satisfactory fingerprint records check determination or a satisfactory preliminary records check determination before placing a foster child.²

SB 442

This bill was introduced in order to allow placement of foster children with a foster parent only after a Georgia criminal records check of the proposed foster parent and other adult caregivers or residents in the foster home, which is completed in a shorter period of time.³ However, a child is taken out of the foster home if the subsequent fingerprint records check of the foster parents is unsatisfactory.⁴

1. Telephone Interview with Sen. Mary Margaret Oliver, Senate District No. 42 (Apr. 7, 1994) [hereinafter Oliver Interview].

2. 1993 Ga. Laws 757, § 2.

3. Oliver Interview, *supra* note 1.

4. *Id.*

The Act amends Code section 49-5-69.1 by only requiring a preliminary records check determination before a licensed child-placing agency may place a child in a foster care home.⁵ However, foster parents must receive a satisfactory fingerprint records check after that child is placed in the foster home in order for the child to remain in the foster home.⁶ Moreover, the Act requires a child-placing agency or any applicant for a license for child placement to submit both the "preliminary records check application and records check application" to the Department of Human Resources for the foster parents as well as a preliminary records checks of other adults who reside in the home or provide care for children placed in the home.⁷ The remainder of Code section 49-5-69.1 remained unchanged.⁸

The House added a substitute to SB 442 which also amended Code section 49-5-8 by adding to the list of entities that may receive payments those that recruit, educate, or train "potential adoptive or foster parents for preparation in anticipation of adopting or fostering a special needs child."⁹ This was done because the aforementioned agencies were inadvertently not included in the previous Code section 49-5-8.¹⁰ This version of SB 442 passed both houses without further amendment.¹¹

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5. O.C.G.A. § 49-5-69.1(a) (1994).

6. *Id.*

7. *Id.*

8. Compare *id.* § 49-5-69.1 (1990) with *id.* § 49-5-69.1 (1994). The new provision requiring foster parents to have received a satisfactory fingerprint records check determination in order to continue the child's placement in their home may not apply to those persons seeking to become foster parents who have received a "satisfactory preliminary records check determination" within the "immediately preceding 12 months."—EDS. See O.C.G.A. § 49-5-69.1 (1994).

9. SB 442 (HFS), 1994 Ga. Gen. Assem. This provision was incorporated into the bill's final version. See O.C.G.A. § 49-5-8(a)(7)(H) (1994).

10. Telephone Interview with Rep. Georganna Sinkfield, House District No. 57 (Apr. 5, 1994); see O.C.G.A. § 49-5-8(a)(7)(H) (1994). Compare 1988 Ga. Laws 1945, § 1 with O.C.G.A. § 49-5-8(a)(7) (1994).

11. Final Composite Status Sheet, Mar. 16, 1994.