**§ 15-11-109. Required notice by DFCS in advance of each hearing or review**

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(a) In advance of each hearing or review, DFCS shall give written notice of the date, time, place, and purpose of the review or hearing, including the right to be heard, to the caregiver of a child, the foster parent of a child, any preadoptive parent, or any relative providing care for a child. The written notice shall be delivered to the recipient at least 72 hours before the review or hearing, except in the case of preliminary protective hearings or emergency hearings when such notice is not possible, by United States mail, e-mail, or hand delivery.

(b) Notice of a hearing or review shall not be construed to require a legal custodian, foster parent, preadoptive parent, or relative caring for a child to be made a party to the hearing or review solely on the basis of such notice and opportunity to be heard.

(c) Upon placement of a child, DFCS shall provide the caregiver, foster parent, preadoptive parent, or relative providing care for such child with the following information in writing:

(1) At the time of placement:

(A) An explanation of the process for enrolling the child in school and any information necessary to complete the process;

(B) A description of any financial assistance for which the caregiver, foster parent, preadoptive parent, or relative may be eligible, including any financial assistance available for child care;

(C) A description of the reasonable and prudent parenting standard defined in [Code Section 49-5-3](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000468&cite=GAST49-5-3&originatingDoc=N9DCDB7215C9411E8BEBFB1747FA1CA29&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)); and

(D) Contact information for a county or district department of family and children services; and

(2) At the time of placement, if available:

(A) A copy of or recommendations from the child's most recent physical and dental examinations and any available information on the child's known medical conditions and current medications;

(B) A copy of or recommendations from the child's most recent developmental assessment, trauma assessment, and psychological evaluation;

(C) A copy of any court scheduling order or the dates and times for any scheduled hearings relating to the child; and

(D) Health insurance information for the child, including the child's Medicaid number.

If the information listed in this paragraph is not available to DFCS at the time of placement, DFCS shall request such information no later than 15 days after the child enters foster care and provide such information to the caregiver, foster parent, preadoptive parent, or relative providing care for the child. Provision of records in accordance with this paragraph shall not be considered a violation of subsection (b) of [Code Section 49-5-40](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000468&cite=GAST49-5-40&originatingDoc=N9DCDB7215C9411E8BEBFB1747FA1CA29&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)).

**§ 15-11-211. Diligent search**

[Currentness](https://1.next.westlaw.com/Document/NFEB3B3B08C2111E993DCE73C558C2312/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad740360000017081ced89e5e656841%3FNav%3DSTATUTE%26fragmentIdentifier%3DNFEB3B3B08C2111E993DCE73C558C2312%26parentRank%3D0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=17d155fcbb5a9b9a939c0d668b19a5a2&list=STATUTE&rank=1&sessionScopeId=26604f0f72dcf96775b8546d838b3fe95487f8bde56b0213839439b9bcfd83f2&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_anchor_IB8F53AB04D4611EAB0B3C29F792CBCCD)

(a) A diligent search shall be initiated at the outset of a case under this article and shall be conducted throughout the duration of a case, when appropriate.

(b) A diligent search shall include at a minimum:

(1) Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care;

(2) Interviews with the child;

(3) Interviews with identified relatives throughout the case;

(4) Interviews with any other person who is likely to have information about the identity or location of the person being sought;

(5) Comprehensive searches of data bases available to DFCS including, but not limited to, searches of employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, and any other records likely to result in identifying and locating the person being sought;

(6) Appropriate inquiry during the course of hearings in the case; and

(7) Any other reasonable means that are likely to identify relatives or other persons who have demonstrated an ongoing commitment to the child.

(c) All adult relatives of the alleged dependent child identified in a diligent search required by this Code section and all parents of a sibling of such child, when such parent has legal custody of such sibling, subject to exceptions due to family or domestic violence, shall be provided with notice:

(1) Specifying that an alleged dependent child has been or is being removed from his or her parental custody;

(2) Explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice;

(3) Describing the process for becoming an approved foster family home and the additional services and supports available for children placed in approved foster homes; and

(4) Describing any financial assistance for which a relative may be eligible.

(d) The diligent search required by this Code section and the notification required by subsection (c) of this Code section shall be completed, documented in writing, and filed with the court within 30 days from the date on which the alleged dependent child was removed from his or her home and at each periodic review hearing required by [Code Section 15-11-216](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000468&cite=GAST15-11-216&originatingDoc=NFEB3B3B08C2111E993DCE73C558C2312&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)).

(e) After the completion of the diligent search required by this Code section, DFCS shall have a continuing duty to search for relatives or other persons who have an ongoing commitment to a child and with whom it may be appropriate to place the alleged dependent child until such relatives or persons are found or until such child is placed for adoption unless the court excuses DFCS from conducting a diligent search. If a relative entitled to notice under subsection (c) of this Code section fails, within six months from the date he or she receives the required notice, to demonstrate an interest in and willingness to provide a permanent home for a child, the court may excuse DFCS from considering such relative as a placement.

**§ 15-11-215. Placement change; hearing regarding placement**

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(a) Not less than five days in advance of any placement change, DFCS shall notify the court, a child who is 14 years of age or older, the child's parent, guardian, or legal custodian, the person or agency with physical custody of the child, the child's attorney, the child's guardian ad litem, if any, and any other attorney of record of such change in the location of the child's placement while the child is in DFCS custody.

(b) If a child's health or welfare may be endangered by any delay in changing his or her placement, the court and all attorneys of record shall be notified of such placement change within 24 hours of such change.

(c) A child adjudicated as a dependent child who is 14 years of age or older, his or her parent, guardian, or legal custodian, the person or agency with physical custody of the child, such child's attorney, such child's guardian ad litem, if any, and any attorney of record may request a hearing pertaining to such child's case plan or the permanency plan in order for the court to consider the change in the location of such child's placement and any changes to the case plan or permanency plan resulting from such child's change in placement location. The hearing shall be held within five days of receiving notice of a change in the location of such child's placement and prior to any such placement change, unless such child's health or welfare may be endangered by any delay in changing such child's placement.

(d) At the hearing to consider a child adjudicated as a dependent child's case plan and permanency plan, the court shall consider the case plan and permanency plan recommendations made by DFCS, including a recommendation as to the location of the placement of such child, and shall make findings of fact upon which the court relied in determining to reject or accept the case plan or permanency plan and the recommendations made by DFCS, including the location of such child's placement.

(e) If the court rejects DFCS recommendations, the court shall demonstrate that DFCS recommendations were considered and explain why it did not follow such recommendations. If the court rejects the DFCS case plan and permanency plan recommendations, including the change in the location of the placement of a child adjudicated as a dependent child, the court may order DFCS to devise a new case plan and permanency plan recommendation, including a new recommendation as to the location of such child within the resources of the department, or make any other order relative to placement or custody outside the department as the court finds to be in the best interests of such child and consistent with the policy that children in DFCS custody should have stable placements.

(f) If the court finds that the child has been living in a stable home environment with his or her current caregivers for the past 12 months and that removal of the child from such caregivers would be detrimental to the child's emotional well-being, the court may presume that continuation of the child's placement with his or her current caregivers is in the child's best interests and shall enter a finding that a change of placement is a failure by DFCS to make reasonable efforts to finalize the permanency plan which is in effect at the time of the hearing.



(g) Placement or a change of legal custody by the court outside DFCS shall relieve DFCS of further responsibility for a child adjudicated as a dependent child except for any provision of services ordered by the court to ensure the continuation of reunification services to such child's family when appropriate.

(h) A placement change shall not include a temporary absence from the child's identified and ongoing foster care placement, including, but not limited to, visitation with a friend, sibling, relative, or other caretaker, including a pre-placement visit to a possible foster or adoptive placement; hospitalization for medical, acute psychiatric episodes or diagnosis; respite care when the child is expected to return to his or her foster care placement; day or overnight camp; temporary travel with the foster family or child care institution personnel, church, school, or other persons or groups approved by DFCS; trial home visits with the court's permission, if required by subsection (b) of [Code Section 15-11-212](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000468&cite=GAST15-11-212&originatingDoc=N064DF5E08C2211E9ABCEEE51F3A834A5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Default)); and runaway episodes.