




Social Services County Letter No. 2011- 06

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

From: Rachele Carnesale, Division Director 
Division of Family and Children Services

Re: Changes to Child Safety Restraints Legislation

Date: July 6, 2011

PURPOSE

The purpose of this county letter is to highlight key legislative changes regarding child safety belts and restraints. This county letter establishes this change in policy pending the updates in the Online Directives Information System (ODIS) of the Social Services Policy Manual.

DISCUSSION

Effective July 1, 2011, Section 40-8-76 of the Georgia Code has been amended relating to safety belts and child restraint systems, as follows:

1. Children **under 8 years old** must be properly secured in an approved car seat or booster seat while riding in passenger automobiles, vans, and pickup trucks.
2. The car seat and/or booster seat must:
 - a. Meet all federal standards
 - b. Be installed and used according to the manufacturer's instructions
 - c. Be appropriate for the child's weight & height
 - d. Be in the rear seat, except when:
 1. The vehicle has no rear seating position appropriate for correctly restraining a child (i.e. vehicle is not equipped with rear lap and shoulder belts)
 2. All rear seating positions with lap and shoulder belts are occupied by other children. **NOTE:** In such cases, prior to placement of a child in the front passenger seat, evaluate the placement of car seats/boosters seats to determine if they can be repositioned to provide the best protection for all children being transported.

The **only exemptions** to this law are as follows:

1. Children under age 8 whose height is over 4'9" or 57"
2. The parent or guardian obtains a written statement from a Physician that the child has a physical or medical condition that prevents placing or restraining them as required by law

The Governor's Office of Highway Safety, reports that Booster Seats are a necessity because:

- Seat belts are made for adults and do not fit young children correctly.
- Booster seats raise children up so the adult seat belt fits them.
- Booster seats position the shoulder belt across the shoulder and chest, not the neck.
- Booster seats also keep the lap belt low over the hip and thigh bones, not cross the belly.
- Children using booster seats are 59 percent less likely to be injured in a crash than those using a seat belt alone

Booster Seat Tips

- Booster seats must never be used with only the lap belt. Do not allow a child to place the shoulder belt behind his back or under his arm
- Children should ride in the rear seat until at least 13 years of age.

For additional information regarding this law and tips for motor vehicle safety, visit the following link www.gahighwaysafety.org. You may also visit www.nhtsa.gov/Safety/CPS, the National Highway and Traffic Safety Administration NHTSA Child Safety page for best practice recommendations for choosing the right child seat.

IMPLEMENTATION

This new law is effective July 1, 2011. The following Sections and Forms in the Foster Care Services Manual have been updated to reflect the changes:

1. 1011.13: SAFETY NEED: CHILD RESTRAINT DEVICES
2. 1015.19: SPECIAL SAFETY ISSUES IN FOSTER HOMES: MOTOR VEHICLE SAFETY
3. 1016.51: SAFETY HELMETS/CHILD SAFETY SEATS
4. Appendix B (3) Foster Parent Manual: Section Nine: SAFETY: MOTOR VEHICLE SAFETY
5. Appendix B (3) (1) DFCS Child Safety Agreement Form.

Regional/County leadership are responsible for ensuring the following:

1. Disseminate information regarding the revised law to DFCS staff, foster parents and other caregivers, and providers who are utilized for the transportation of children.
2. Refer to the updated DFCS Child Safety Agreement (Form 29) for use with caregivers effective July 1, 2011.

Questions should be directed to the Field Program Specialist in your region. Regional staff may direct questions to the Practice and Policy Unit at PPPD Unit@dhr.state.ga.us

SAFETY NEEDS: CHILD RESTRAINT DEVICES

1011.13

Requirement

Every child age 8 or younger in care is required by law to be transported in a child restraint device.

Exception: The county director/designee for the county of legal responsibility may grant a waiver to this requirement upon receiving verification from the child's primary health provider (doctor) that the child has a medical condition that prevents the use of a child safety seat or that the child is greater than 4'9" (57 inches) in height.

1011.13 PROCEDURES

1. Provide foster parents with instructions for the purchase and reimbursement of a safety-approved car seat for any child placed in their home who falls within the age range. Instruct the foster parent to install the child restraint device in accordance with the manufacturer's directions.
2. Explain to the foster parent that the restraint device belongs to the child and "moves" with the child.
3. **When the child outgrows or is no longer using the restraint device, inventory the device and, if needed, make it available to another child in care. Provide the foster parent with instructions for the purchase and reimbursement of a car seat or restraint system appropriate for the child's size if the existing device has been outgrown and the child is either too young or too small to be safely secured with a passenger seat belt.)**
4. The county director/designee for the county of legal responsibility may grant a waiver upon receiving verification from the child's primary health provider (doctor) that the child has a medical condition that prevents the use of a child safety seat or that the child is greater than 4'9" (57 inches) in height.

1011.13 PRACTICE ISSUES

1. State law requiring child restraint devices applies to DFCS staff, foster parents and volunteers.
2. When being transported, all children must be protected by either a seat belt or restraint system.