

By: Representative Stribling

To: Public Health and
Welfare;
Appropriations

HOUSE BILL NO. 1321

1 AN ACT TO CREATE THE STATE DEPARTMENT OF CHILDREN AND FAMILY
2 SERVICES TO ADMINISTER THE CERTAIN PROGRAMS RELATING TO CHILDREN
3 AND FAMILIES CURRENTLY ADMINISTERED BY THE STATE DEPARTMENT OF
4 HUMAN SERVICES AND THE STATE DEPARTMENT OF HEALTH; TO CREATE THE
5 STATE BOARD OF CHILDREN AND FAMILY SERVICES AND PROVIDE FOR THE
6 APPOINTMENT OF THE BOARD; TO PROVIDE FOR THE APPOINTMENT OF AN
7 EXECUTIVE DIRECTOR OF THE DEPARTMENT; TO PROVIDE FOR THE TRANSFER
8 OF EMPLOYEES, PROPERTY AND RECORDS TO THE DEPARTMENT; AND FOR
9 RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 SECTION 1. There is created the State Department of Children
12 and Family Services, which shall administer the following programs
13 relating to children and families:

14 (a) The functions of the Office of Youth Services of
15 the Department of Human Services;

16 (b) The functions of the Child Support Unit of the
17 Department of Human Services;

18 (c) The functions of all child service programs
19 presently administered by the Department of Human Services,
20 including the foster care or foster home placement program, child
21 adoption and child placement, protective services for children and
22 adults, and investigation of child abuse and neglect;

23 (d) Any program for children with severe emotional
24 disturbances that is not provided by the State Department of
25 Mental Health; and

26 (e) The child care facility licensure programs
27 presently administered by the State Department of Health.

28 SECTION 2. (1) There is established a State Board of
29 Children and Family Services, which shall be composed of seven (7)
30 members who are qualified electors appointed by the Governor. The

31 members shall be one (1) person who is an active, experienced
32 educator; one (1) person who is an active licensed psychiatrist or
33 psychologist; one (1) person who is an active member of the
34 National Association of Social Workers; one (1) person who is
35 experienced in business; one (1) person who is a practicing
36 attorney; and two (2) persons who are concerned citizens
37 interested in the youth of the state. At least one (1) member of
38 the board shall be appointed from each of the congressional
39 districts of the State of Mississippi as existing on January 1,
40 1999, and two (2) appointed from the state at large, with all
41 appointments to be confirmed by the Senate. Terms of office of
42 the board members shall be as follows:

43 (a) The term of the member serving from the First
44 Congressional District shall expire on June 30, 2000.

45 (b) The term of the member serving from the Second
46 Congressional District shall expire on June 30, 2001.

47 (c) The term of the member serving from the Third
48 Congressional District shall expire on June 30, 2002.

49 (d) The term of the member serving from the Fourth
50 Congressional District shall expire on June 30, 2003.

51 (e) The term of the member serving from the Fifth
52 Congressional District shall expire on June 30, 2004.

53 (f) The terms of the two (2) members serving from the
54 state at large shall expire on June 30, 2001, and June 30, 2003,
55 respectively.

56 All subsequent appointments shall be for a term of six (6)
57 years from the expiration date of the previous term. The Governor
58 shall have the power to fill any vacancy that occurs on the board,
59 provided that the vacancy shall be filled in the same manner in
60 which a member is selected for a full term, and that the
61 appointment to fill the vacancy shall be for the unexpired term
62 only.

63 (2) The board shall meet and organize by electing one (1) of
64 their number as chairman, whose term of office shall be one (1)
65 year or until his successor shall be elected by the board; and it
66 shall transact such other business as may come before the board.
67 The board shall have authority to elect any other officer from
68 their number as they deem necessary to perform their duties, the

69 term of such officer to be for one (1) year or until a successor
70 is elected by the board.

71 (3) The board shall meet once each month, and that monthly
72 meeting shall be known as a regular meeting. At any such regular
73 meeting any business allowed or provided for by law may be
74 transacted. The board shall meet at any other time at the call of
75 the chairman, in his discretion, or at the request of three (3)
76 members of the board. In the case of a called meeting, the call
77 shall be in writing and shall be mailed by certified mail with
78 return receipt requested to each member at least five (5) days
79 before the date of the called meeting; at any such called meeting
80 only such business as may be specifically stated in the notice of
81 the meeting may be transacted. At any regular or called meeting,
82 three (3) members of the board shall constitute a quorum for the
83 transaction of business. When any member of the board fails to
84 attend three (3) consecutive meetings, he shall be deemed to have
85 automatically vacated his office, unless the Governor elects to
86 retain the member, or the Governor may appoint another person in
87 his place for the remainder of the unexpired term.

88 (4) The board members shall receive the per diem allowed
89 public employees under Section 25-3-69 for meetings of the board,
90 together with actual travel expenses authorized by law. The
91 expenses and per diem of the members of the board shall be paid on
92 an itemized statement, approved by the chairman of the board, from
93 funds appropriated to the department.

94

95 SECTION 3. (1) The board shall appoint an executive
96 director of the department, who shall be the chief executive,
97 administrative and fiscal officer of the department.

98 (2) The executive director shall receive an annual salary
99 fixed by the board, not to exceed the maximum authorized by law,
100 in addition to all actual, necessary expenses incurred in the
101 discharge of official duties, including mileage as authorized by
102 law.

103 (3) The executive director shall possess the following
104 minimum qualifications:

105 (a) A master's degree in corrections, criminal justice,
106 guidance, social work, or some related field, and at least six (6)
107 years' full-time experience in youth corrections, including at
108 least three (3) years of youth correctional management experience;
109 or

110 (b) A bachelor's degree in a field described in
111 paragraph (a) of this subsection and at least ten (10) years'
112 full-time work in youth corrections, five (5) years of which shall
113 have been in youth correctional management; or

114 (c) At least a bachelor's degree and relevant
115 experience in fiscal management in the private or public sector;
116 or

117 (d) A law degree and at least five (5) years' full-time
118 experience in youth corrections; or

119 (e) Have served as a youth court judge.

120 (4) The executive director shall be required, upon assuming
121 the duties of his office, to execute a good and sufficient bond
122 payable to the State of Mississippi in the sum of Two Hundred
123 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate
124 accounting for all monies and property coming into his hands. The
125 bond shall be approved by the Governor and filed with the
126 Secretary of State, and shall be executed by a surety company
127 authorized to do business under the laws of this state. The
128 premium on any such bond shall be paid by the state out of the
129 support and maintenance fund of the department.

130 (5) The executive director, with the approval of the board,
131 may assign to appropriate offices and divisions such powers and
132 duties as deemed appropriate to carry out the functions of the
133 department, including, but not limited to:

134 (a) Office of Youth Services;

135 (b) Office of Child Support;

136 (c) Office of Foster Care; and

137 (d) Office of Licensure.

138 SECTION 4. (1) Effective July 1, 1999, all employees of the
139 agencies, divisions, offices and programs whose functions are
140 described in Section 1 of this act shall be transferred to the
141 State Department of Children and Family Services. All those
142 transfers shall be in accordance with the rules and regulations of
143 the State Personnel Board.

144 (2) It is the intent of the Legislature that no employee
145 shall be dismissed as the result of the agency reorganization
146 required by this act, and that any reduction in the number of
147 persons employed by the state shall result from attrition of
148 employees and not dismissal.

149 (4) All records, real and personal property and unexpended
150 balances of appropriations, allocations or other funds of the
151 agencies, divisions, offices and programs whose functions are
152 described in Section 1 of this act shall be transferred to the
153 State Department of Children and Family Services.

154 SECTION 5. This act shall take effect and be in force from
155 and after July 1, 1999.