

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 858**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

21 SECTION 1. Section 43-15-13, Mississippi Code of 1972, is  
22 amended as follows:

23 43-15-13. (1) For purposes of this section, "children"  
24 means persons found within the state who are under the age of  
25 twenty-one (21) years, and who were placed in the custody of the  
26 Department of Human Services by the youth court of the appropriate  
27 county.

28 (2) The Department of Human Services shall establish a  
29 foster care placement program for children whose custody lies with  
30 the department, with the following objectives:

31 (a) Protecting and promoting the health, safety and  
32 welfare of children;

33 (b) Preventing the unnecessary separation of children  
34 from their families by identifying family problems, assisting  
35 families in resolving their problems and preventing the breakup of  
36 the family where the prevention of child removal is desirable and  
37 possible when the child can be cared for at home without  
38 endangering the child's health and safety;

39 (c) Remediating or assisting in the solution of problems  
40 which may result in the neglect, abuse, exploitation or  
41 delinquency of children;

42 (d) Restoring to their families children who have been  
43 removed, by the provision of services to the child and the  
44 families when the child can be cared for at home without  
45 endangering the child's health and safety;

46 (e) Placing children in suitable adoptive homes  
47 approved by a licensed adoption agency or licensed social worker,  
48 in cases where restoration to the biological family is not safe,  
49 possible or appropriate;

50 (f) Assuring safe and adequate care of children away  
51 from their homes, in cases where the child cannot be returned home  
52 or cannot be placed for adoption. At the time of placement, the  
53 department shall implement concurrent planning, as described in  
54 subsection (7) of this section, so that permanency may occur at  
55 the earliest opportunity. Consideration of possible failure or  
56 delay of reunification should be given, to the end that the  
57 placement made is the best available placement to provide  
58 permanency for the child; and

59 (g) Providing a social worker or social work team for a  
60 family and child throughout the implementation of their permanent  
61 living arrangement plan. Wherever feasible, the same social  
62 worker or social work team shall remain on the case until the  
63 child is no longer under the jurisdiction of the youth court.

64 (3) The State Department of Human Services shall administer  
65 a system of individualized plans and reviews once every six (6)  
66 months for each child under its custody within the State of  
67 Mississippi, each child who has been adjudged a neglected,  
68 abandoned or abused child and whose custody was changed by court  
69 order as a result of such adjudication, and each public or private  
70 facility licensed by the department. The State Department of  
71 Human Services administrative review shall be completed on each  
72 child within the first three (3) months and a Foster Care Review  
73 once every six (6) months after the child's initial forty-eight  
74 (48) hours shelter hearing. Such system shall be for the purpose

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75 of enhancing potential family life for the child by the  
76 development of individual plans to return the child to its natural  
77 parent or parents, or to refer the child to the appropriate court  
78 for termination of parental rights and placement in a permanent  
79 relative's home, adoptive home or foster/adoptive home. The goal  
80 of the State Department of Human Services shall be to return the  
81 child to its natural parent(s) or refer the child to the  
82 appropriate court for termination of parental rights and placement  
83 in a permanent relative's home, adoptive home or foster/adoptive  
84 home when the child has been in foster care for fifteen (15) of  
85 the last twenty-two (22) months regardless of whether the foster  
86 care was continuous for all of those twenty-two (22) months. The  
87 time period starts to run from the date the court makes a finding  
88 of abuse and/or neglect or sixty (60) days from when the child was  
89 removed from his or her home, whichever is earlier. The  
90 department can choose not to file a termination of parental rights  
91 petition if the following apply:

92 (a) The child is being cared for by a relative; and/or

93 (b) The department has documented compelling and  
94 extraordinary reasons why termination of parental rights would not  
95 be in the best interests of the child. In furthering this goal,

96 the department shall establish policy and procedures designed to  
97 appropriately place children in permanent homes, such policy to  
98 include a system of reviews for all children in foster care, as  
99 follows: Foster care counselors in the department shall make all  
100 possible contact with the child's natural parent(s) and any  
101 interested relative for the first two (2) months following the  
102 child's entry into the foster care system. Except in cases of  
103 aggravated circumstances prescribed in Section 43-21-603(7)(c) or  
104 (d), the child's natural parent(s) will have a reasonable time to  
105 be determined by the court. This time shall not exceed a  
106 six-month period of time in which to meet the service agreement  
107 with the department for the benefit of the child unless the

108 department has documented extraordinary and compelling reasons for  
109 extending the time period in the best interest of the child. If  
110 this agreement has not been satisfactorily met, simultaneously the  
111 child will be referred to the appropriate court for termination of  
112 parental rights and placement in a permanent relative's home,  
113 adoptive home or a foster/adoptive home \* \* \*. For children under  
114 the age of three (3) years, termination of parental rights shall  
115 be initiated within six (6) months, unless the department has  
116 documented compelling and extraordinary circumstances, and  
117 placement in a permanent relative's home, adoptive home or  
118 foster/adoptive home within two (2) months. For children who have  
119 been abandoned pursuant to the provisions of Section 97-5-1,  
120 termination of parental rights shall be initiated within thirty  
121 (30) days and placement in an adoptive home shall be initiated  
122 without necessity for placement in a foster home. The department  
123 need not initiate termination of parental rights proceedings where  
124 the child has been placed in durable legal custody or long-term or  
125 formalized foster care by a court of competent jurisdiction.

126 (4) The Foster Care Review once every six (6) months shall  
127 be conducted by personnel within the State Department of Human  
128 Services or by a designee or designees of the department and may  
129 include others appointed by the department, and the review shall  
130 include at a minimum an evaluation of the child based on the  
131 following:

132 (a) The extent of the care and support provided by the  
133 parents or parent, while the child is in temporary custody;

134 (b) The extent of communication with the child by  
135 parents, parent or guardian;

136 (c) The degree of compliance by the agency and the  
137 parents with the social service plan established;

138 (d) The methods of achieving the goal and the plan  
139 establishing a permanent home for the child;

140 (e) Social services offered and/or utilized to

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141 facilitate plans for establishing a permanent home for the child;  
142 and

143 (f) Relevant testimony and recommendations from the  
144 foster parent of the child, the grandparents of the child, the  
145 guardian ad litem of the child, representatives of any private  
146 care agency which has cared for the child, the social worker  
147 assigned to the case, and any other relevant testimony pertaining  
148 to the case.

149 Each child's review plan once every six (6) months shall be  
150 filed with the court which awarded custody and shall be made  
151 available to natural parents or foster parents upon approval of  
152 the court. The court shall make a finding as to the degree of  
153 compliance by the agency and the parent(s) with the child's social  
154 service plan. The court also shall find that the child's health  
155 and safety are the paramount concern. In the interest of the  
156 child, the court shall, where appropriate, initiate proceedings on  
157 its own motion. The State Department of Human Services shall  
158 report to the Legislature as to the number of such children, the  
159 findings of the foster care review board and relevant statistical  
160 information in foster care in a semi-annual report to the  
161 Legislature to be submitted to the Joint Oversight Committee of  
162 the Department of Human Services. Said report shall not refer to  
163 the specific name of any child in foster care.

164 (5) The State Department of Human Services, with the  
165 cooperation and assistance of the State Department of Health,  
166 shall develop and implement a training program for foster care  
167 parents to indoctrinate them as to their proper responsibilities  
168 upon a child's entry into their foster care. The program shall  
169 provide a minimum of twelve (12) clock hours of training. The  
170 foster care training program shall be satisfactorily completed by  
171 such foster care parents prior to, or within ninety (90) days  
172 after child placement with such parent. Record of such foster  
173 care parent's training program participation shall be filed with

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174 the court as part of a foster care child's review plan once every  
175 six (6) months.

176 (6) When the Department of Human Services is considering  
177 placement of a child in a foster home and when the department  
178 deems it to be in the best interest of the child, the department  
179 shall give first priority to placing the child in the home of one  
180 (1) of the child's relatives within the third degree, as computed  
181 by the civil law rule. In placing the child in a relative's home,  
182 the department may waive any rule, regulation or policy applicable  
183 to placement in foster care that would otherwise require the child  
184 to have a separate bed or bedroom or have a bedroom of a certain  
185 size, if placing the child in a relative's home would be in the  
186 best interest of the child and such requirements cannot be met in  
187 the relative's home.

188 (7) The Legislature recognizes that the best interests of  
189 the child require that the child be placed in the most permanent  
190 living arrangement as soon as is practicably possible. To achieve  
191 this goal, the Department of Human Services is directed to conduct  
192 concurrent planning so that a permanent living arrangement may  
193 occur at the earliest opportunity. Permanent living arrangements  
194 may include prevention of placement of a child outside the home of  
195 the family when the child can be cared for at home without  
196 endangering the child's health or safety; reunification with the  
197 family, when safe and appropriate, if temporary placement is  
198 necessary; or movement of the child toward the most permanent  
199 living arrangement and permanent legal status. When a child is  
200 placed in foster care or relative care, the department shall first  
201 ensure and document that reasonable efforts were made to prevent  
202 or eliminate the need to remove the child from the child's home.  
203 The department's first priority shall be to make reasonable  
204 efforts to reunify the family when temporary placement of the  
205 child occurs or shall request a finding from the court that  
206 reasonable efforts are not appropriate or have been unsuccessful.

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207 A decision to place a child in foster care or relative care shall  
208 be made with consideration of the child's health, safety and best  
209 interests. At the time of placement, consideration should also be  
210 given so that if reunification fails or is delayed, the placement  
211 made is the best available placement to provide a permanent living  
212 arrangement for the child. The department shall adopt rules  
213 addressing concurrent planning for reunification and a permanent  
214 living arrangement. The department shall consider the following  
215 factors when determining appropriateness of concurrent planning:

216 (a) The likelihood of prompt reunification;

217 (b) The past history of the family;

218 (c) The barriers to reunification being addressed by  
219 the family;

220 (d) The level of cooperation of the family;

221 (e) The foster parents' willingness to work with the  
222 family to reunite;

223 (f) The willingness and ability of the foster family or  
224 relative placement to provide an adoptive home or long-term  
225 placement;

226 (g) The age of the child; and

227 (h) Placement of siblings.

228 (8) If the department has placed a child in foster care or  
229 relative care pursuant to a court order, the department may not  
230 change the child's placement unless the department specifically  
231 documents to the court that the current placement is unsafe or  
232 unsuitable or that another placement is in the child's best  
233 interests \* \* \* unless the new placement is in an adoptive home or  
234 other permanent placement. \* \* \* Except in emergency  
235 circumstances as determined by the department or where the court  
236 orders placement of the child pursuant to Section 43-21-303, the  
237 foster parents, grandparents or other relatives of the child shall  
238 be given an opportunity to contest the specific reasons documented  
239 by the department at least seventy-two (72) hours prior to any

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240 such departure, and the court may conduct a review of such  
241 placement unless the new placement is in an adoptive home or other  
242 permanent placement. When a child is returned to foster care or  
243 relative care, the former foster parents or relative placement  
244 shall be given the prior right of return placement in order to  
245 eliminate additional trauma to the child.

246 (9) The Department of Human Services shall provide the  
247 foster parents, grandparents or other relatives with at least a  
248 seventy-two-hour notice of departure for any child placed in their  
249 foster care or relative care, except in emergency circumstances as  
250 determined by the department or where the court orders placement  
251 of the child pursuant to Section 43-21-303. The parent/legal  
252 guardian, grandparents of the child, guardian ad litem and the  
253 court exercising jurisdiction shall be notified in writing when  
254 the child leaves foster care or relative care placement,  
255 regardless of whether the child's departure was planned or  
256 unplanned. The only exceptions to giving a written notice to the  
257 parent(s) are when a parent has voluntarily released the child for  
258 adoption or the parent's legal rights to the child have been  
259 terminated through the appropriate court with jurisdiction.

260 (10) The Department of Human Services shall extend the  
261 following rights to foster care parents:

262 (a) A clear understanding of their role as foster  
263 parents and the roles of the birth parent(s) and the placement  
264 agency in respect to the child in care;

265 (b) Respect, consideration, trust and value as a family  
266 who is making an important contribution to the agency's  
267 objectives;

268 (c) Involvement in all the agency's crucial decisions  
269 regarding the foster child as team members who have pertinent  
270 information based on their day-to-day knowledge of the child in  
271 care;

272 (d) Support from the social worker in efforts to do a

273 better day-to-day job in caring for the child and in working to  
274 achieve the agency's objectives for the child and the birth family  
275 through provision of:

276 (i) Pertinent information about the child and the  
277 birth family.

278 (ii) Help in using appropriate resources to meet  
279 the child's needs.

280 (iii) Direct interviews between the social worker  
281 and the child, previously discussed and understood by the foster  
282 parents.

283 (e) The opportunity to develop confidence in making  
284 day-to-day decisions in regard to the child;

285 (f) The opportunity to learn and grow in their vocation  
286 through planned foster parent education;

287 (g) The opportunity to be heard regarding agency  
288 practices that they may question; and

289 (h) Reimbursement for costs of the foster child's care  
290 in the form of a board payment based on the age of the foster  
291 child as prescribed in Section 43-15-17.

292 The Department of Human Services shall require the following  
293 responsibilities from participating foster parents:

294 (a) Understanding the department's function in regard  
295 to the foster care program and related social service programs;

296 (b) Sharing with the department any information which  
297 may contribute to the care of foster children;

298 (c) Functioning within the established goals and  
299 objectives to improve the general welfare of the foster child;

300 (d) Recognizing the problems in foster home placement  
301 that will require professional advice and assistance and that such  
302 help should be utilized to its full potential;

303 (e) Recognizing that the foster family will be one of  
304 the primary resources for preparing a child for any future plans  
305 that are made, including return to birth parent(s), termination of

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306 parental rights or reinstitutionalization;

307 (f) Expressing their view of agency practices which  
308 relate to the foster child with the appropriate staff member;

309 (g) Understanding that all information shared with the  
310 foster parents about the child and his/her birth parent(s) must be  
311 held in the strictest of confidence;

312 (h) Cooperating with any plan to reunite the foster  
313 child with his birth family and work with the birth family to  
314 achieve this goal; and

315 (i) Attending dispositional review hearings and  
316 termination of parental rights hearings conducted by a court of  
317 competent jurisdiction, or providing their recommendations to the  
318 court in writing.

319 SECTION 2. Section 43-21-603, Mississippi Code of 1972, is  
320 amended as follows:

321 43-21-603. (1) At the beginning of each disposition  
322 hearing, the judge shall inform the parties of the purpose of the  
323 hearing.

324 (2) All testimony shall be under oath unless waived by all  
325 parties and may be in narrative form. The court may consider any  
326 evidence which is material and relevant to the disposition of the  
327 cause, including hearsay and opinion evidence. At the conclusion  
328 of the evidence, the youth court shall give the parties an  
329 opportunity to present oral argument.

330 (3) If the child has been adjudicated a delinquent child,  
331 prior to entering a disposition order, the youth court should  
332 consider, among others, the following relevant factors:

333 (a) The nature of the offense;

334 (b) The manner in which the offense was committed;

335 (c) The nature and number of a child's prior  
336 adjudicated offenses; and

337 (d) The child's need for care and assistance.

338 (4) If the child has been adjudicated a child in need of

339 supervision, prior to entering a disposition order, the youth  
340 court should consider, among others, the following relevant  
341 factors:

- 342 (a) The nature and history of the child's conduct;
- 343 (b) The family and home situation; and
- 344 (c) The child's need of care and assistance.

345 (5) If the child has been adjudicated a neglected child or  
346 an abused child, prior to entering a disposition order, the youth  
347 court shall consider, among others, the following relevant  
348 factors:

- 349 (a) The child's physical and mental conditions;
- 350 (b) The child's need of assistance;
- 351 (c) The manner in which the parent, guardian or  
352 custodian participated in, tolerated or condoned the abuse,  
353 neglect or abandonment of the child;
- 354 (d) The ability of a child's parent, guardian or  
355 custodian to provide proper supervision and care of a child; and
- 356 (e) Relevant testimony and recommendations, where  
357 available, from the foster parent of the child, the grandparents  
358 of the child, the guardian ad litem of the child, representatives  
359 of any private care agency which has cared for the child, the  
360 social worker assigned to the case, and any other relevant  
361 testimony pertaining to the case.

362 (6) After consideration of all the evidence and the relevant  
363 factors, the youth court shall enter a disposition order which  
364 shall not recite any of the facts or circumstances upon which such  
365 disposition is based, nor shall it recite that a child has been  
366 found guilty; but it shall recite that a child is found to be a  
367 delinquent child, a child in need of supervision, a neglected  
368 child or an abused child.

369 (7) In the event that the youth court orders that the  
370 custody or supervision of a child who has been adjudicated abused  
371 or neglected be placed with the Department of Human Services or

372 any other person or public or private agency, other than the  
373 child's parent, guardian or custodian, the youth court shall find  
374 and the disposition order shall recite that:

375 (a) (i) Reasonable efforts have been made to maintain  
376 the child within his own home, but that the circumstances warrant  
377 his removal and there is no reasonable alternative to custody; or

378 (ii) The circumstances are of such an emergency  
379 nature that no reasonable efforts have been made to maintain the  
380 child within his own home, and that there is no reasonable  
381 alternative to custody; and

382 (b) That the effect of the continuation of the child's  
383 residence within his own home would be contrary to the welfare of  
384 the child and that the placement of the child in foster care is in  
385 the best interests of the child; or

386 (c) Reasonable efforts to maintain the child within his  
387 home shall not be required if the court determines that:

388 (i) The parent has subjected the child to  
389 aggravated circumstances including, but not limited to,  
390 abandonment, torture, chronic abuse and sexual abuse; or

391 (ii) The parent has been convicted of murder of  
392 another child of such parent, voluntary manslaughter of another  
393 child of such parent, aided or abetted, attempted, conspired or  
394 solicited to commit such murder or voluntary manslaughter, or a  
395 felony assault that results in the serious bodily injury to the  
396 surviving child or another child of such parent; or

397 (iii) The parental rights of the parent to a  
398 sibling have been terminated involuntarily; and

399 (iv) That the effect of the continuation of the  
400 child's residence within his own home would be contrary to the  
401 welfare of the child and that placement of the child in foster  
402 care is in the best interests of the child. \* \* \*

403 Once the reasonable efforts requirement is bypassed, the  
404 court shall have a permanency hearing pursuant to Section

405 43-21-613 within thirty (30) days of such finding.

406 (8) Upon a written motion by a party, the youth court shall  
407 make written findings of fact and conclusions of law upon which it  
408 relies for the disposition order.

409 SECTION 3. Section 43-21-609, Mississippi Code of 1972, is  
410 amended as follows:

411 43-21-609. In neglect and abuse cases, the disposition order  
412 may include any of the following alternatives, giving precedence  
413 in the following sequence:

414 (a) Release the child without further action;

415 (b) Place the child in the custody of his parents, a  
416 relative or other person subject to any conditions and limitations  
417 as the court may prescribe. If the court finds that temporary  
418 relative placement, adoption or foster care placement is  
419 inappropriate, unavailable or otherwise not in the best interest  
420 of the child, durable legal custody may be granted by the court to  
421 any person subject to any limitations and conditions the court may  
422 prescribe; such durable legal custody will not take effect unless  
423 the child or children have been in the physical custody of the  
424 proposed durable custodians for at least one (1) year under the  
425 supervision of the Department of Human Services. The requirements  
426 of Section 43-21-613 as to disposition review hearings does not  
427 apply to those matters in which the court has granted durable  
428 legal custody. In such cases, the Department of Human Services  
429 shall be released from any oversight or monitoring  
430 responsibilities;

431 (c) Order terms of treatment calculated to assist the  
432 child and the child's parent, guardian or custodian which are  
433 within the ability of the parent, guardian or custodian to  
434 perform;

435 (d) Order youth court personnel, the Department of  
436 Human Services or child care agencies to assist the child and the  
437 child's parent, guardian or custodian to secure social or medical

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438 services to provide proper supervision and care of the child;

439 (e) Give legal custody of the child to any of the  
440 following but in no event to any state training school:

441 (i) The Department of Human Services for  
442 appropriate placement; or

443 (ii) Any private or public organization,  
444 preferably community-based, able to assume the education, care and  
445 maintenance of the child, which has been found suitable by the  
446 court. Prior to assigning the custody of any child to any private  
447 institution or agency, the youth court through its designee shall  
448 first inspect the physical facilities to determine that they  
449 provide a reasonable standard of health and safety for the child.

450 SECTION 4. Section 43-21-613, Mississippi Code of 1972, is  
451 amended as follows:

452 43-21-613. (1) If the youth court finds, after a hearing  
453 which complies with the sections governing adjudicatory hearings,  
454 that the terms of a delinquency or child in need of supervision  
455 disposition order, probation or parole have been violated, the  
456 youth court may, in its discretion, revoke the original  
457 disposition and make any disposition which it could have  
458 originally ordered. The hearing shall be initiated by the filing  
459 of a petition which complies with the sections governing petitions  
460 in this chapter and which includes a statement of the youth  
461 court's original disposition order, probation or parole, the  
462 alleged violation of that order, probation or parole, and the  
463 facts which show the violation of that order, probation or parole.

464 Summons shall be served in the same manner as summons for an  
465 adjudicatory hearing.

466 (2) On motion of a child or a child's parent, guardian or  
467 custodian, the youth court may, in its discretion, conduct an  
468 informal hearing to review the disposition order. If the youth  
469 court finds a material change of circumstances relating to the  
470 disposition of the child, the youth court may modify the

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471 disposition order to any appropriate disposition of equal or  
472 greater precedence which the youth court could have originally  
473 ordered.

474 (3) (a) Unless the youth court's jurisdiction has been  
475 terminated, all disposition orders for supervision, probation or  
476 placement of a child with an individual or an agency shall be  
477 reviewed by the youth court judge or referee at least annually to  
478 determine if continued placement, probation or supervision is in  
479 the best interest of the child or the public. For children who  
480 have been adjudicated abused or neglected, the youth court shall  
481 conduct a permanency hearing within twelve (12) months after the  
482 earlier of:

483 (i) An adjudication that the child has been abused  
484 or neglected; or

485 (ii) Sixty (60) days from the child's removal from  
486 the allegedly abusive or neglectful custodian/parent. Notice of  
487 such hearing shall be given in accordance with the provisions of  
488 Section 43-21-505(5). In conducting the hearing, the judge or  
489 referee may require a written report, information or statements  
490 from the child's youth court counselor, parent, guardian or  
491 custodian which includes, but is not limited to, an evaluation of  
492 the child's progress and recommendations for further supervision  
493 or treatment. The judge or referee shall, at the permanency  
494 hearing determine the future status of the child, including, but  
495 not limited to, whether the child should be returned to the  
496 parent(s) or placed with suitable relatives, \* \* \* placed for  
497 adoption, placed for the purpose of establishing durable legal  
498 custody or should, because of the child's special needs or  
499 circumstances, be continued in foster care on a permanent or  
500 long-term basis. If the child is in an out-of-state placement,  
501 the hearing shall determine whether the out-of-state placement  
502 continues to be appropriate and in the best interest of the child.  
503 The judge or referee may find that reasonable efforts to maintain

504 the child within his home shall not be required in accordance with  
505 Section 43-21-603(7)(c).

506 (b) The court may find that the filing of a termination  
507 of parental rights petition is not in the child's best interest  
508 if:

509 (i) The child is being cared for by a relative;  
510 and/or

511 (ii) The State Department of Human Services has  
512 documented compelling and extraordinary reasons why termination of  
513 parental rights would not be in the best interests of the child.

514 (c) (i) In the event that the youth court either  
515 orders or continues the custody or supervision of a child to be  
516 placed with the Department of Human Services or any other person  
517 or public or private agency, other than the child's parent,  
518 guardian or custodian, \* \* \* unless the reasonable efforts  
519 requirement is bypassed under Section 43-21-603(7)(c), the youth  
520 court shall find and the \* \* \* order shall recite that the effect  
521 of the continuation of the child's residence within his own home  
522 would be contrary to the welfare of the child and that placement  
523 or continued placement of the child in foster care is in the best  
524 interest of the child, and that:

525 1. Reasonable efforts have been made to  
526 maintain the child within his own home, but that the circumstances  
527 warrant his removal and there is no reasonable alternative to  
528 custody; or

529 2. The circumstances are of such an emergency  
530 nature that no reasonable efforts have been made to maintain the  
531 child within his own home, and that there is no reasonable  
532 alternative to custody.

533 (ii) The youth court also shall find and the order  
534 shall recite that:

535 1. Reasonable efforts were made to reunify  
536 the child safely with his family if the removal could not be

537 prevented; or

538 2. If reasonable efforts were not made to  
539 prevent the child's removal from home or to reunify the child with  
540 his family, that reasonable efforts are or were not required; or

541 3. If the permanent plan for the child is  
542 adoption, guardianship, or some other permanent living arrangement  
543 other than reunification, that reasonable efforts were made to  
544 make and finalize that alternate permanent placement.

545 (d) The provisions of this subsection shall also apply  
546 to review of cases involving a dependent child; provided, however,  
547 such reviews shall take place not less frequently than once each  
548 one hundred eighty (180) days. A dependent child shall be ordered  
549 by the youth court judge or referee to be returned to the custody  
550 and home of the child's parent, guardian or custodian unless the  
551 judge or referee, upon such review, makes a written finding that  
552 the return of the child to the home would be contrary to the  
553 child's best interests.

554 (e) Reviews are not to be conducted unless explicitly  
555 ordered by the youth court concerning those cases in which the  
556 court has granted durable legal custody. In such cases, the  
557 Department of Human Services shall be released from any oversight  
558 or monitoring responsibilities.

559 SECTION 5. This act shall take effect and be in force from  
560 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 43-15-13, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF HUMAN  
3 SERVICES FOR 15 OF THE LAST 22 MONTHS SHALL BE REFERRED FOR  
4 TERMINATION OF PARENTAL RIGHTS PROCEEDINGS, WITH CERTAIN  
5 EXCEPTIONS, TO PROVIDE AN EXCEPTION TO THE 72 HOUR CHANGE OF  
6 PLACEMENT NOTICE REQUIREMENT FOR FOSTER CHILDREN WHEN THE  
7 PLACEMENT CHANGE IS TO AN ADOPTIVE OR OTHER PERMANENT PLACEMENT,  
8 AND TO CLARIFY THAT THE THREE MONTH FOSTER CARE REVIEW SHALL BE AN  
9 ADMINISTRATIVE REVIEW AND THE SIX MONTH REVIEW SHALL BE CONDUCTED  
10 BY THE FOSTER CARE REVIEW BOARD; TO AMEND SECTION 43-21-603,  
11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ONCE THE REASONABLE  
12 EFFORTS REQUIREMENT FOR MAINTAINING A CHILD IN HIS NATURAL HOME  
13 ARE BYPASSED, THE COURT SHALL HAVE A PERMANENCY HEARING WITHIN 30

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14 DAYS; TO AMEND SECTION 43-21-609, MISSISSIPPI CODE OF 1972, TO  
15 CLARIFY THAT RELATIVE PLACEMENT NEED NOT BE FOUND INAPPROPRIATE  
16 PRIOR TO A RECOMMENDATION FOR DURABLE LEGAL CUSTODY; TO AMEND  
17 SECTION 43-21-613, MISSISSIPPI CODE OF 1972, TO CHANGE THE TITLE  
18 OF DISPOSITIONAL HEARINGS TO PERMANENCY HEARINGS AND IN CONFORMITY  
19 THERETO; AND FOR RELATED PURPOSES.