

By: Moody

To: Public Health and  
Welfare

## HOUSE BILL NO. 967

1 AN ACT TO AMEND SECTION 43-15-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE AN OPPORTUNITY FOR A FAIR HEARING TO ANY INDIVIDUAL WHOSE  
3 CLAIM FOR FOSTER CARE AND/OR ADOPTION ASSISTANCE FROM THE  
4 DEPARTMENT OF HUMAN SERVICES IS DENIED; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 43-15-3, Mississippi Code of 1972, is  
7 amended as follows:[RDD1]

8 43-15-3. The Department of Human Services shall cooperate  
9 fully with the United States Children's Bureau and Secretary of  
10 Labor in establishing, extending and strengthening "child welfare  
11 services" for the protection and care of homeless, dependent and  
12 neglected children and children in danger of becoming delinquent.

13 The Department of Human Services shall cooperate with the United  
14 States Children's Bureau and Secretary of Labor in developing  
15 plans for those "child welfare services" and extending any other  
16 cooperation necessary under Section 521 of Public Law No. 271-74th  
17 Congress of the United States.

18 In furtherance of the "child welfare services" referred to in  
19 the first paragraph hereof the State Treasurer shall receive on  
20 behalf of the state, and \* \* \* execute all instruments incidental  
21 thereto, federal or other funds to be used for "child welfare  
22 services," and to place such funds in a special account to the  
23 credit of the "child welfare services," which \* \* \* funds shall be  
24 expended by the Department of Human Services for the purposes and  
25 under the provisions of this chapter and Section 521 of Public Law  
26 No. 271-74th Congress of the United States. It shall be paid out  
27 by the State Treasurer as funds appropriated to carry out the

28 provisions of said laws.

29       The Department of Human Services shall issue all checks on  
30 the "child welfare services" fund to persons entitled to payment  
31 from the fund. All such sums shall be drawn upon the "child  
32 welfare services" fund upon requisition of the Director of the  
33 Department of Human Services \* \* \*.

34       The money in the "child welfare services" fund shall be  
35 expended in accordance with the rules and regulations of the  
36 United States Children's Bureau and Secretary of Labor and in  
37 accordance with the plan developed by the Department of Human  
38 Services and the United States Children's Bureau under Section 521  
39 of Public Law No. 271-74th Congress of the United States, and  
40 shall not be used for any other purpose.

41       If a claim for foster care and/or adoption assistance under  
42 Title IV-E of the Federal Social Security Act is not acted upon  
43 within a reasonable time after the filing of the claim, or is  
44 denied in whole or in part, the claimant may appeal to the  
45 Director of the Division of Family and Children's Services in the  
46 manner and form prescribed by the Department of Human Services.  
47 The Director of the Division of Family and Children's Services  
48 shall, upon receipt of such an appeal, give the claimant  
49 reasonable notice and opportunity for a fair hearing. The  
50 Director of the Division of Family and Children's Services may  
51 also, upon his or her own motion, review any decision regarding a  
52 claim, and may consider any claim upon which a decision has not  
53 been made within a reasonable time. All decisions of the Director  
54 of Family and Children's Services shall be final and binding.

55       SECTION 2. This act shall take effect and be in force from  
56 and after July 1, 2000.