

By: Huggins

To: Public Health and
Welfare

SENATE BILL NO. 2605
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 43-15-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE 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 is hereby
9 authorized, empowered and directed to cooperate fully with the
10 United States Children's Bureau and Secretary of Labor in
11 establishing, extending and strengthening "child welfare services"
12 for the protection and care of homeless, dependent and neglected
13 children and children in danger of becoming delinquent. Said
14 Department of Human Services is further authorized, empowered and
15 directed to cooperate with the United States Children's Bureau and
16 Secretary of Labor in developing plans for said "child welfare
17 services" and extending any other cooperation necessary under
18 Section 521 of Public Law No. 271-74th Congress of the United
19 States.

20 In furtherance of the "child welfare services" referred to in
21 the first paragraph hereof the State Treasurer is hereby
22 authorized and directed to receive on behalf of the state, and to
23 execute all instruments incidental thereto, federal or other funds
24 to be used for "child welfare services," and to place such funds
25 in a special account to the credit of the "child welfare
26 services," which said funds shall be expended by the Department of
27 Human Services for the purposes and under the provisions of this

28 chapter and Section 521 of Public Law No. 271-74th Congress of the
29 United States. It shall be paid out by the State Treasurer as
30 funds appropriated to carry out the provisions of said laws.

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

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

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

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