

By: Senator(s) King

To: Public Health and Welfare

SENATE BILL NO. 2327

1 AN ACT TO AMEND SECTION 43-16-21, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT THE DEPARTMENT OF HUMAN SERVICES MAY SEEK AN
3 INJUNCTION AGAINST A CHILD RESIDENTIAL HOME TO CEASE OPERATION IN
4 CASES OF SUSPECTED CHILD ABUSE OR NEGLECT; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 43-16-21, Mississippi Code of 1972, is
8 amended as follows:

9 43-16-21. Notwithstanding the existence of any other remedy,
10 the department may, in the manner provided by law, in termtime or
11 in vacation, upon the advice of the Attorney General who shall
12 represent the department in the proceedings, maintain an action in
13 the name of the state for an injunction or restraining order to
14 cease the operation of the home, and to provide for the
15 appropriate removal of the children from the home and placement in
16 the custody of the parents or legal guardians, the Department of
17 Human Services, or any other appropriate entity in the discretion
18 of the court. Such action shall be brought in the chancery court
19 or the youth court, as appropriate, of the county in which such
20 child residential home is located, and shall only be initiated for
21 the following violations:

22 (a) Providing supervision, care, lodging or maintenance
23 for any children in such home without filing notification in
24 accordance with this chapter.

25 (b) Failure to satisfactorily comply with local health
26 department or State Fire Marshal inspections made pursuant to
27 Section 43-16-15, regarding the health, nutrition, cleanliness,

28 safety, sanitation, written records and discipline policy of such
29 home.

30 (c) Suspected abuse and/or neglect of the children
31 served by such home, as defined in Section 43-21-105, Mississippi
32 Code of 1972, in which case the Department of Human Services may,
33 upon the advice of the Attorney General who shall represent the
34 Department of Human Services in the proceedings, maintain an
35 action in the name of the state for an injunction or restraining
36 order to cease the operation of the home, and to provide such
37 further relief with respect to the children residing at the home
38 as may be deemed appropriate in the discretion of the court.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2005.