HOUSE BILL NO. 996

AN ACT TO AMEND SECTION 43-15-103, MISSISSIPPI CODE OF 1972, TO INCREASE THE AGE OF CHILDREN IN THE DEFINITION OF THAT TERM FOR THE PURPOSES OF THE LICENSING LAW FOR FAMILY FOSTER HOMES, CHILD-CARING AGENCIES AND CHILD-PLACING AGENCIES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 43-15-103, Mississippi Code of 1972, is amended as follows:

43-15-103. As used in this article:

(a) "Agency" means a residential child-caring agency or a child-placing agency.

(b) "Child" or "children" mean(s) any unmarried person or persons under the age of twenty-one (21) years.

(c) "Child placing" means receiving, accepting or providing custody or care for any child under twenty-one (21) years of age, temporarily or permanently, for the purpose of:

(i) Finding a person to adopt the child;

(ii) Placing the child temporarily or permanently in a home for adoption; or

(iii) Placing a child in a foster home or residential child-caring agency.

(d) "Child-placing agency" means any entity or person which places children in foster boarding homes or foster homes for temporary care or for adoption or any other entity or person or group of persons who are engaged in providing adoption studies or foster care studies or placement services as defined by the rules of the department.
(e) "Department" means the Mississippi Department of Human Services.

(f) "Director" means the Director of the Division of Family and Children's Services.

(g) "Division" means the Division of Family and Children's Services within the Mississippi Department of Human Services.

(h) "Family boarding home" or "foster home" means a home (occupied residence) operated by any entity or person which provides residential child care to at least one (1) child but not more than six (6) children who are not related to the primary caregivers.

(i) "Group care home" means any place or facility operated by any entity or person which provides residential child care for at least seven (7) children but not more than twelve (12) children who are not related to the primary caregivers.

(j) "Licensee" means any person, agency or entity licensed under this article.

(k) "Maternity home" means any place or facility operated by any entity or person which receives, treats or cares for more than one (1) child or adult who is pregnant out of wedlock, either before, during or within two (2) weeks after childbirth; provided, that the licensed child-placing agencies and licensed maternity homes may use a family boarding home approved and supervised by the agency or home, as a part of their work, for as many as three (3) children or adults who are pregnant out of wedlock, and provided further, that the provisions of this definition shall not include children or women who receive maternity care in the home of a person to whom they are kin within the sixth degree of kindred computed according to civil law, nor does it apply to any maternity care provided by general or special hospitals licensed according to law and in which maternity
treatment and care are part of the medical services performed and
the care of children is brief and incidental.

(1) "Office" means the Office of Licensing within the
Division of Family and Children's Services of the Mississippi
Department of Human Services.

(m) "Person associated with a licensee" means an owner,
director, member of the governing body, employee, provider of care
and volunteer of a human services licensee.

(n) "Related" means children, step-children,
grandchildren, step-grandchildren, siblings of the whole or
half-blood, step-siblings, nieces or nephews of the primary care
provider.

(o) "Residential child care" means the provision of
supervision, and/or protection, and meeting the basic needs of a
child for twenty-four (24) hours per day, which may include
services to children in a residential setting where care, lodging,
maintenance and counseling or therapy for alcohol or controlled
substance abuse or for any other emotional disorder or mental
illness is provided for children, whether for compensation or not.

(p) "Residential child-caring agency" means any place
or facility operated by any entity or person, public or private,
providing residential child care, regardless of whether operated
for profit or whether a fee is charged. Such residential
child-caring agencies include, but are not limited to, maternity
homes, runaway shelters, group homes that are administered by an
agency, and emergency shelters that are not in private residence.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2007.