

By: Representative Gipson

To: Public Health and Human Services

HOUSE BILL NO. 985

1 AN ACT TO AMEND SECTION 43-1-55, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO TRAIN ALL FAMILY
3 PROTECTION SPECIALISTS AND FAMILY PROTECTION WORKERS IN THEIR
4 LEGAL DUTIES TO PROTECT THE CONSTITUTIONAL AND STATUTORY RIGHTS OF
5 CHILDREN AND FAMILIES FROM THE INITIAL TIME OF CONTACT, DURING
6 INVESTIGATION AND THROUGH INTERVENTION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 43-1-55, Mississippi Code of 1972, is
9 amended as follows:

10 43-1-55. (1) The Office of Family and Children's Services
11 and the Division of Aging and Adult Services shall devise formal
12 standards for employment as a family protection worker and as a
13 family protection specialist within their respective offices and
14 for service delivery designed to measure the quality of services
15 delivered to clients, as well as the timeliness of services. Each
16 family protection worker and family protection specialist shall be
17 assessed annually by a supervisor who is a licensed social worker
18 who is knowledgeable in the standards promulgated. The standards
19 devised by each office shall be applicable to all family
20 protection workers and family protection specialists working under
21 that office.

22 (2) The Office of Family and Children's Services shall
23 devise formal standards for family protection workers of the
24 Department of Human Services who are not licensed social workers.
25 Those standards shall require that:

26 (a) In order to be employed as a family protection
27 worker, a person must have a bachelor's degree in either
28 psychology, sociology, nursing, family studies, or a related



29 field, or a graduate degree in either psychology, sociology,
30 nursing, criminal justice, counseling, marriage and family therapy
31 or a related field. The determination of what is a related field
32 shall be made by certification of the State Personnel Board; and

33 (b) Before a person may provide services as a family
34 protection worker, the person shall complete four (4) weeks of
35 intensive training provided by the training unit of the Office of
36 Family and Children's Services, and shall take and receive a
37 passing score on the certification test administered by the
38 training unit upon completion of the four-week training. Upon
39 receiving a passing score on the certification test, the person
40 shall be certified as a family protection worker by the Department
41 of Human Services. Any person who does not receive a passing
42 score on the certification test shall not be employed or maintain
43 employment as a family protection worker for the department.
44 Further, a person, qualified as a family protection worker through
45 the procedures set forth above, shall not conduct forensic
46 interviews of children until the worker receives additional
47 specialized training in child forensic interview protocols and
48 techniques by a course or curriculum approved by the Department of
49 Human Services to be not less than forty (40) hours.

50 (3) For the purpose of providing services in child abuse or
51 neglect cases, youth court proceedings, vulnerable adults cases,
52 and such other cases as designated by the Executive Director of
53 Human Services, the caseworker or service provider shall be a
54 family protection specialist or a family protection worker whose
55 work is overseen by a family protection specialist who is a
56 licensed social worker.

57 (4) The Department of Human Services and the Office of
58 Family and Children's Services shall seek to employ and use family
59 protection specialists to provide the services of the office, and
60 may employ and use family protection workers to provide those
61 services only in counties in which there is not a sufficient



62 number of family protection specialists to adequately provide
63 those services in the county.

64 (5) The Department of Human Services shall train all family
65 protection specialists and family protection workers in their
66 legal duties to protect the constitutional and statutory rights of
67 children and families from the initial time of contact, during
68 investigation and through intervention. The training curriculum
69 shall include oral and written instruction in the limitations that
70 the Fourth Amendment to the United States Constitution places on
71 caseworkers and their investigations, and in parents' rights.

72 (6) (a) There is created a Training and Testing Advisory
73 Council to review the department's program of training and testing
74 of family protection workers and to make recommendations
75 pertaining to the program to the department. The advisory council
76 shall be composed of the following ten (10) members: two (2)
77 employees of the department appointed by the Executive Director of
78 Human Services, including one (1) representative of the Office of
79 Family and Children's Services and one (1) representative of the
80 Division of Aging and Adult Services; the Chairman of the
81 Consortium of Accredited Schools of Social Work in Mississippi;
82 and the executive director or a board member of a professional
83 association or licensing board for each field of study named in
84 subsection (2) (a) of this section, as follows: the Mississippi
85 Chapter of the National Association of Social Workers; a marriage
86 and family therapist who is a member of the Board of Examiners for
87 Social Workers and Marriage and Family Therapists, to be selected
88 by the four (4) members of the board of examiners who are marriage
89 and family therapists; the Mississippi Nurses' Association; the
90 Mississippi Prosecutors Association; the Mississippi Counseling
91 Association; the Mississippi Psychological Association; and an
92 officer of the Alabama-Mississippi Sociological Association who is
93 a Mississippi resident elected by the executive committee of the
94 association. The executive director of each association



95 (excluding the Alabama-Mississippi Sociological Association) and
96 chairman of the consortium may designate an alternate member to
97 serve in his stead on the advisory council. Members of the
98 advisory council shall serve without salary or per diem.

99 (b) A majority of the advisory council members shall
100 select from their membership a chairperson to preside over
101 meetings and a vice chairperson to preside in the absence of the
102 chairperson or when the chairperson is excused. The advisory
103 council shall adopt procedures governing the manner of conducting
104 its business. A majority of the members shall constitute a quorum
105 to do business.

106 (7) This section and Section 43-27-107, Mississippi Code of
107 1972, shall stand repealed on July 1, 2012.

108 **SECTION 2.** This act shall take effect and be in force from
109 and after July 1, 2011.

