

By: Representative Gipson

To: Judiciary B

HOUSE BILL NO. 760
(As Passed the House)

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; TO DELETE THE REPEALER ON
7 THIS SECTION; AND FOR RELATED PURPOSES.

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

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

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

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

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



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

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

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

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



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

65 (5) Family protection workers, family protection
66 specialists, and all other persons conducting investigations into
67 reports of abuse or neglect of a child on behalf of or under
68 contract with the department shall be trained in their legal
69 duties to protect the constitutional and statutory rights of
70 parents and families from the initial time of contact, throughout
71 the investigation, and during intervention. The training
72 curriculum shall include oral and written instruction regarding
73 the limitations that the Fourth Amendment to the United States
74 Constitution places upon caseworkers and their investigations.

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



96 a Mississippi resident elected by the executive committee of the
97 association. The executive director of each association
98 (excluding the Alabama-Mississippi Sociological Association) and
99 chairman of the consortium may designate an alternate member to
100 serve in his stead on the advisory council. Members of the
101 advisory council shall serve without salary or per diem.

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

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110 **SECTION 2.** This act shall take effect and be in force from
111 and after its passage.

