

By: Senator(s) Kirby

To: Public Health and
Welfare; Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2179

1 AN ACT TO CREATE A NEW MISSISSIPPI DEPARTMENT OF CHILD
2 PROTECTION SERVICES; TO PROVIDE FOR AN EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF CHILD PROTECTION SERVICES TO BE APPOINTED BY THE
4 GOVERNOR; TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL DEVELOP A
5 TRANSITION PLAN FOR IMPLEMENTATION OF THE NEW DEPARTMENT; TO
6 PROVIDE FOR THE TRANSFER OF THE FUNCTIONS OF THE DIVISION OF
7 FAMILY AND CHILDREN'S SERVICES IN THE DEPARTMENT OF HUMAN SERVICES
8 TO THE NEW MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES
9 EFFECTIVE JULY 1, 2017; TO AMEND SECTIONS 43-1-2, 41-87-5,
10 41-111-1, 43-1-55, 43-1-57, 43-1-63, 43-15-201, 43-15-203,
11 43-15-207, 43-15-301 AND 43-18-3, MISSISSIPPI CODE OF 1972, IN
12 CONFORMITY; TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972,
13 TO EXEMPT PERSONNEL ACTIONS OF THE MISSISSIPPI DEPARTMENT OF HUMAN
14 SERVICES AND THE DEPARTMENT OF CHILD PROTECTION SERVICES FROM
15 STATE PERSONNEL BOARD REGULATIONS FOR A PERIOD OF THREE YEARS; TO
16 AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO EXEMPT THE
17 SALARY OF THE EXECUTIVE DIRECTOR OF CHILD PROTECTION SERVICES FROM
18 STATUTORY SALARY LIMITATIONS; TO REPEAL SECTIONS 43-1-51, 43-15-3
19 THROUGH 43-15-51, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBE THE
20 DUTIES AND RESPONSIBILITIES OF THE DIVISION OF FAMILY AND
21 CHILDREN'S SERVICES OF THE DEPARTMENT OF HUMAN SERVICES EFFECTIVE
22 JULY 1, 2017; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** (1) There is hereby created a Mississippi
25 Department of Child Protection Services.

26 (2) The Chief Administrative Officer of the Department of
27 Child Protection Services shall be the Executive Director of the
28 Department of Child Protection Services who shall be appointed by



29 the Governor with the advice and consent of the Senate, for a term
30 to expire on July 1, 2021, with subsequent executive directors to
31 be appointed for a term of five (5) years. The executive director
32 may only be removed for good cause. The executive director shall
33 possess the following qualifications:

34 (a) A bachelor's degree from an accredited institution
35 of higher learning and ten (10) years' experience in management,
36 public administration, finance or accounting; or

37 (b) A master's or doctoral degree from an accredited
38 institution of higher learning and five (5) years' experience in
39 management, public administration, finance, law or accounting.

40 (3) The Executive Director of the Department of Child
41 Protection Services may assign to the appropriate offices such
42 powers and duties deemed appropriate to carry out the lawful
43 functions of the programs transferred to the department under this
44 act. The executive director is authorized to employ three (3)
45 administrators who shall serve at his will and pleasure to direct
46 the bureaus and offices necessary to carry out the lawful
47 functions of the programs transferred to the department.

48 (4) The Executive Director of the Department of Child
49 Protection Services shall develop a plan for the orderly
50 implementation of the Department of Child Protection Services and
51 its transition from the Office of Family and Children's Services
52 of the Department of Human Services. The plan shall:



53 (a) Describe a mechanism for the transfer of all
54 equipment, supplies, records, furnishings or other materials,
55 resources or funds dedicated to the operation of the Division of
56 Family and Children's Services of the Department of Human
57 Services;

58 (b) Determine the allocation of resources between the
59 newly created Department of Child Protection Services and the
60 Department of Human Services, as practicable;

61 (c) Determine the allocation of functions where the
62 performance of services may be shared between the Department of
63 Child Protection Services and other employees of the Department of
64 Human Services, as practicable;

65 (d) Determine whether any administrative support
66 services, such as Information Technology Services, bookkeeping and
67 payroll can continue to be provided by the Department of Human
68 Services; and

69 (e) Identify other areas deemed relevant by the
70 executive director and make recommendations thereon to achieve an
71 orderly transition.

72 The executive director shall submit the plan with
73 recommendations for necessary legislation to the Governor and the
74 Legislature at the 2017 Regular Session.

75 (5) The new Mississippi Department of Child Protection
76 Services is authorized to carry out the duties and
77 responsibilities of the Office of Family and Children's Services



78 of the Department of Human Services during the transition period
79 from and after passage of this act through July 1, 2017. The
80 Division of Family and Children's Services of the Department of
81 Human Services is directed to cooperate with the new department in
82 transferring resources and employees in furtherance of this act.

83 **SECTION 2.** Effective July 1, 2017, the Department of Child
84 Protection Services shall be responsible for the development,
85 execution and provision of services in the following areas: (a)
86 protective services for children; (b) foster care; (c) adoption
87 services; (d) special services; (e) interstate compact; (f)
88 licensure; and (g) such services as may be designated by the
89 board. Employees working within the division shall be limited to
90 work within the areas of service enumerated herein. Services
91 enumerated under Section 43-15-13 et seq. for the foster care
92 program shall be provided by qualified staff with appropriate case
93 loads.

94 **SECTION 3.** Effective July 1, 2017, the Department of Child
95 Protection Services is hereby authorized, empowered and directed
96 to cooperate fully with the United States Children's Bureau and
97 Secretary of Labor in establishing, extending and strengthening
98 "child welfare services" for the protection and care of homeless,
99 dependent and neglected children and children in danger of
100 becoming delinquent. Said Department of Human Services is further
101 authorized, empowered and directed to cooperate with the United
102 States Children's Bureau and Secretary of Labor in developing



103 plans for said "child welfare services" and extending any other
104 cooperation necessary under Section 521 of Public Law No. 271-74th
105 Congress of the United States.

106 In furtherance of the "child welfare services" referred to in
107 the first paragraph hereof the State Treasurer is hereby
108 authorized and directed to receive on behalf of the state, and to
109 execute all instruments incidental thereto, federal or other funds
110 to be used for "child welfare services," and to place such funds
111 in a special account to the credit of the "child welfare
112 services," which said funds shall be expended by the Department of
113 Human Services for the purposes and under the provisions of this
114 article and Section 521 of Public Law No. 271-74th Congress of the
115 United States. It shall be paid out by the State Treasurer as
116 funds appropriated to carry out the provisions of said laws.

117 The Department of Child Protection Services shall issue all
118 checks on said "child welfare services" fund to persons entitled
119 to payment from said fund. All such sums shall be drawn upon the
120 "child welfare services" fund upon requisition of the Executive
121 Director of the Department of Child Protection Services.

122 The money in the "child welfare services" fund shall be
123 expended in accordance with the rules and regulations of the
124 United States Children's Bureau and Secretary of Labor and in
125 accordance with the plan developed by the Department of Child
126 Protection Services and the United States Children's Bureau under



127 Section 521 of Public Law No. 271-74th Congress of the United
128 States, and shall not be used for any other purpose.

129 If a claim for foster care and/or adoption assistance under
130 Title IV-E of the federal Social Security Act is not acted upon
131 within a reasonable time after the filing of the claim, or is
132 denied in whole or in part, the claimant may appeal to the
133 Executive Director of the Department of Child Protection Services
134 in the manner and form prescribed by the Department of Child
135 Protection Services. The Executive Director of the Department of
136 Child Protection Services shall, upon receipt of such an appeal,
137 give the claimant reasonable notice and opportunity for a fair
138 hearing. The Executive Director of the Department of Child
139 Protection Services may also, upon his or her own motion, review
140 any decision regarding a claim, and may consider any claim upon
141 which a decision has not been made within a reasonable time. All
142 decisions of the Executive Director of Department of Child
143 Protection Services shall be final and binding.

144 **SECTION 4.** (1) Effective July 1, 2017, the Department of
145 Child Protection Services shall have authority and it shall be its
146 duty to administer or supervise all public child welfare services,
147 including those services, responsibilities, duties and powers with
148 which the county departments of human services are charged and
149 empowered in this article; administer and supervise the licensing
150 and inspection of all private child-placing agencies; provide for
151 the care of dependent and neglected children in foster family



152 homes or in institutions, supervise the care of such children and
153 those of illegitimate birth; supervise the importation of
154 children; and supervise the operation of all state institutions
155 for children. The Department of Child Protection Services shall
156 be authorized to purchase hospital and medical insurance coverage
157 for those children placed in foster care by the state or county
158 departments of human services who are not otherwise eligible for
159 medical assistance under the Mississippi Medicaid Law. The
160 Department of Child Protection Services shall be further
161 authorized to purchase burial or life insurance not exceeding One
162 Thousand Five Hundred Dollars (\$1,500.00) for those children
163 placed in foster care by the state or county departments of human
164 services. All insurance coverage authorized herein may be
165 purchased with any funds other than state funds available to the
166 Department of Child Protection Services, including those funds
167 available to the child which are administered by the department.

168 (2) Any person, partnership, group, corporation,
169 organization or association desiring to operate a child
170 residential home, as defined in Section 43-16-3, may make
171 application for a license for such a facility to the Department of
172 Child Protection Services on the application forms furnished for
173 this purpose by the department. If an applicant meets the
174 published rules and regulations of the department regarding
175 minimum standards for a child residential home, then the applicant
176 shall be granted a license by the department.



177 SECTION 5. (1) Any person, institution, facility, clinic,
178 organization or other entity that provides services to children in
179 a residential setting where care, lodging, maintenance, and
180 counseling or therapy for alcohol or controlled substance abuse or
181 for any other emotional disorder or mental illness is provided for
182 children, whether for compensation or not, that holds himself,
183 herself, or itself out to the public as providing such services,
184 and that is entrusted with the care of the children to whom he,
185 she, or it provides services, because of the nature of the
186 services and the setting in which the services are provided shall
187 be subject to the provisions of this section.

188 (2) Each entity to which this section applies shall
189 complete, through the appropriate governmental authority, a
190 national criminal history record information check and a child
191 abuse registry check for each owner, operator, employee,
192 prospective employee, volunteer or prospective volunteer of the
193 entity and/or any other that has or may have unsupervised access
194 to a child served by the entity. In order to determine the
195 applicant's suitability for employment, the entity shall ensure
196 that the applicant be fingerprinted by local law enforcement, and
197 the results forwarded to the Department of Public Safety. If no
198 disqualifying record is identified at the state level, the
199 fingerprints shall be forwarded by the Department of Public Safety
200 to the FBI for a national criminal history record check.



201 (3) An owner, operator, employee, prospective employee,
202 volunteer or prospective volunteer of the entity and/or any other
203 that has or may have unsupervised access to a child who has a
204 criminal history of conviction or pending indictment of a crime,
205 whether a misdemeanor or a felony, that bears upon an individual's
206 fitness to have responsibility for the safety and well-being of
207 children as set forth in this chapter may not provide child care
208 or operate, or be licensed as, a residential child care program,
209 foster parent, or foster home.

210 (4) All fees incurred in compliance with this section shall
211 be borne by the individual or entity to which subsection (1)
212 applies.

213 (5) Effective July 1, 2017, the Department of Child
214 Protection Services shall have the authority to set fees, to
215 exclude a particular crime or crimes or a substantiated finding of
216 child abuse and/or neglect as disqualifying individuals or
217 entities from providing foster care or residential child care, and
218 adopt such other rules and regulations as may be required to carry
219 out the provisions of this section.

220 (6) Any entity that violates the provisions of this section
221 by failure to complete sex offense criminal history record
222 information and felony conviction record information checks, as
223 required under subsection (3) of this section, shall be subject to
224 a penalty of up to Ten Thousand Dollars (\$10,000.00) for each such
225 violation and may be enjoined from further operation until it



226 complies with this section in actions maintained by the Attorney
227 General.

228 (7) The Department of Child Protection Services and/or its
229 officers, employees, attorneys, agents and representatives shall
230 not be held civilly liable for any findings, recommendations or
231 actions taken pursuant to this section.

232 **SECTION 6.** Effective July 1, 2017, the county department of
233 human services is hereby authorized to provide protective services
234 for children as will conserve home life; assume responsibility for
235 the care and support of dependent children needing public care
236 away from their homes; place children found by the department to
237 be dependent or without proper care in suitable institutions or
238 private homes, and cooperate with public and private institutions
239 and agencies in placing such children in suitable institutions or
240 private homes; accept custody or guardianship, through one of its
241 designated employees, of any child, when appointed as custodian or
242 guardian in the manner provided by law.

243 The board of supervisors in each county is hereby empowered,
244 in its discretion, to set aside and appropriate out of the tax
245 levied and collected to support the poor of the county or out of
246 the county general fund necessary monies to be administered by the
247 county department of public welfare to carry out the provisions of
248 this section.

249 **SECTION 7.** (1) Effective July 1, 2017, the board of
250 supervisors of any county and/or the mayor and board of



251 commissioners of any city and/or the mayor and board of aldermen
252 of any municipality in this state are hereby authorized and
253 empowered, in their discretion, to expend out of any monies in
254 their respective treasuries, to be drawn by warrant thereon, a sum
255 or sums of money not exceeding a total of Twenty-five Dollars
256 (\$25.00) annually per One Million Dollars (\$1,000,000.00) of the
257 assessed valuation of the real and personal property thereof for
258 the purpose of providing for the care, support and maintenance of
259 homeless or destitute children of any county or municipality of
260 this state who are supported, cared for, maintained and placed for
261 adoption by any children's home society which operates over and
262 serves the entire State of Mississippi, and which is approved and
263 licensed by the Mississippi Department of Child Protection
264 Services.

265 (2) The authority granted in this section is supplemental of
266 and in addition to all existing authority for the expenditure of
267 funds by such boards of supervisors and municipal governing
268 authorities.

269 **SECTION 8.** (1) For purposes of this section, "children"
270 means persons found within the state who are under the age of
271 twenty-one (21) years, and who were placed in the custody of the
272 Department of Child Protection Services by the youth court of the
273 appropriate county.

274 (2) Effective July 1, 2017, the Department of Child
275 Protection Services shall establish a foster care placement



276 program for children whose custody lies with the department, with
277 the following objectives:

278 (a) Protecting and promoting the health, safety and
279 welfare of children;

280 (b) Preventing the unnecessary separation of children
281 from their families by identifying family problems, assisting
282 families in resolving their problems and preventing the breakup of
283 the family where the prevention of child removal is desirable and
284 possible when the child can be cared for at home without
285 endangering the child's health and safety;

286 (c) Remediating or assisting in the solution of problems
287 that may result in the neglect, abuse, exploitation or delinquency
288 of children;

289 (d) Restoring to their families children who have been
290 removed, by the provision of services to the child and the
291 families when the child can be cared for at home without
292 endangering the child's health and safety;

293 (e) Placing children in suitable adoptive homes
294 approved by a licensed adoption agency or family protection
295 specialist, in cases where restoration to the biological family is
296 not safe, possible or appropriate;

297 (f) Assuring safe and adequate care of children away
298 from their homes, in cases where the child cannot be returned home
299 or cannot be placed for adoption. At the time of placement, the
300 department shall implement concurrent planning, as described in



301 subsection (8) of this section, so that permanency may occur at
302 the earliest opportunity. Consideration of possible failure or
303 delay of reunification should be given, to the end that the
304 placement made is the best available placement to provide
305 permanency for the child; and

306 (g) Providing a family protection specialist or worker
307 or team of such specialists or workers for a family and child
308 throughout the implementation of their permanent living
309 arrangement plan. Wherever feasible, the same family protection
310 specialist or worker or team shall remain on the case until the
311 child is no longer under the jurisdiction of the youth court.

312 (3) Effective July 1, 2017, the Department of Child
313 Protection Services shall administer a system of individualized
314 plans and reviews once every six (6) months for each child under
315 its custody within the State of Mississippi, each child who has
316 been adjudged a neglected, abandoned or abused child and whose
317 custody was changed by court order as a result of that
318 adjudication, and each public or private facility licensed by the
319 department. The Department of Child Protection Services
320 administrative review shall be completed on each child within the
321 first three (3) months and a foster care review once every six (6)
322 months after the child's initial forty-eight-hour shelter hearing.
323 That system shall be for the purpose of enhancing potential family
324 life for the child by the development of individual plans to
325 return the child to its natural parent or parents, or to refer the



326 child to the appropriate court for termination of parental rights
327 and placement in a permanent relative's home, adoptive home or
328 foster/adoptive home. The goal of the Department of Child
329 Protection Services shall be to return the child to its natural
330 parent(s) or refer the child to the appropriate court for
331 termination of parental rights and placement in a permanent
332 relative's home, adoptive home or foster/adoptive home within the
333 time periods specified in this subsection or in subsection (4) of
334 this section. In furthering this goal, the department shall
335 establish policy and procedures designed to appropriately place
336 children in permanent homes, the policy to include a system of
337 reviews for all children in foster care, as follows: foster care
338 counselors in the department shall make all possible contact with
339 the child's natural parent(s), custodial parent(s) of all siblings
340 of the child, and any interested relative for the first two (2)
341 months following the child's entry into the foster care system.
342 For purposes of contacting custodial parent(s) of a sibling,
343 siblings include those who are considered a sibling under state
344 law, and those who would have been considered a sibling under
345 state law, except for termination or disruption of parental
346 rights. For any child who has been in foster care for fifteen
347 (15) of the last twenty-two (22) months regardless of whether the
348 foster care was continuous for all of those twenty-two (22)
349 months, the department shall file a petition to terminate the
350 parental rights of the child's parents. The time period starts to



351 run from the date the court makes a finding of abuse and/or
352 neglect or sixty (60) days from when the child was removed from
353 his or her home, whichever is earlier. The department can choose
354 not to file a termination of parental rights petition if the
355 following apply:

356 (a) The child is being cared for by a relative; and/or

357 (b) The department has documented compelling and
358 extraordinary reasons why termination of parental rights would not
359 be in the best interests of the child. Before granting or denying
360 a request by the department for an extension of time for filing a
361 termination of parental rights action, the court shall receive a
362 written report on the progress which a parent of the child has
363 made in treatment, to be made to the court in writing by a mental
364 health/substance abuse therapist or counselor.

365 (4) In the case of any child who is placed in foster care on
366 or after July 1, 1998, except in cases of aggravated circumstances
367 prescribed in Section 43-21-603(7)(c), the child's natural
368 parent(s) will have a reasonable time to be determined by the
369 court, which shall not exceed a six-month period of time, in which
370 to meet the service agreement with the Department of Child
371 Protection Services for the benefit of the child unless the
372 department has documented extraordinary and compelling reasons for
373 extending the time period in the best interest of the child. If
374 this agreement has not been satisfactorily met, simultaneously the
375 child will be referred to the appropriate court for termination of



376 parental rights and placement in a permanent relative's home,
377 adoptive home or a foster/adoptive home. For children under the
378 age of three (3) years, termination of parental rights shall be
379 initiated within six (6) months, unless the department has
380 documented compelling and extraordinary circumstances, and
381 placement in a permanent relative's home, adoptive home or
382 foster/adoptive home within two (2) months. For children who have
383 been abandoned under the provisions of Section 97-5-1, termination
384 of parental rights shall be initiated within thirty (30) days and
385 placement in an adoptive home shall be initiated without necessity
386 for placement in a foster home. The department need not initiate
387 termination of parental rights proceedings where the child has
388 been placed in durable legal custody or long-term or formalized
389 foster care by a court of competent jurisdiction.

390 (5) The foster care review once every six (6) months shall
391 be conducted by the youth court or its designee(s), and/or by
392 personnel within the Department of Child Protection Services or by
393 a designee or designees of the department and may include others
394 appointed by the department, and the review shall include at a
395 minimum an evaluation of the child based on the following:

396 (a) The extent of the care and support provided by the
397 parents or parent while the child is in temporary custody;

398 (b) The extent of communication with the child by
399 parents, parent or guardian;



400 (c) The degree of compliance by the agency and the
401 parents with the social service plan established;
402 (d) The methods of achieving the goal and the plan
403 establishing a permanent home for the child;
404 (e) Social services offered and/or utilized to
405 facilitate plans for establishing a permanent home for the child;
406 and
407 (f) Relevant testimony and recommendations from the
408 foster parent of the child, the grandparents of the child, the
409 guardian ad litem of the child, representatives of any private
410 care agency that has cared for the child, the family protection
411 worker or family protection specialist assigned to the case, and
412 any other relevant testimony pertaining to the case.

413 Each child's review plan once every six (6) months shall be
414 filed with the court which awarded custody and shall be made
415 available to natural parents or foster parents upon approval of
416 the court. The court shall make a finding as to the degree of
417 compliance by the agency and the parent(s) with the child's social
418 service plan. The court also shall find that the child's health
419 and safety are the paramount concern. In the interest of the
420 child, the court shall, where appropriate, initiate proceedings on
421 its own motion. The Department of Child Protection Services shall
422 report to the Legislature as to the number of those children, the
423 findings of the foster care review board and relevant statistical
424 information in foster care in a semiannual report to the



425 Legislature. The report shall not refer to the specific name of
426 any child in foster care.

427 (6) Effective July 1, 2017, the Department of Child
428 Protection Services, with the cooperation and assistance of the
429 State Department of Health, shall develop and implement a training
430 program for foster care parents to indoctrinate them as to their
431 proper responsibilities upon a child's entry into their foster
432 care. The program shall provide a minimum of twelve (12) clock
433 hours of training. The foster care training program shall be
434 satisfactorily completed by such foster care parents before or
435 within ninety (90) days after child placement with the parent.
436 Record of the foster care parent's training program participation
437 shall be filed with the court as part of a foster care child's
438 review plan once every six (6) months.

439 (7) When the Department of Child Protection Services is
440 considering placement of a child in a foster home and when the
441 department deems it to be in the best interest of the child, the
442 department shall give first priority to placing the child in the
443 home of one (1) of the child's relatives within the third degree,
444 as computed by the civil law rule. In placing the child in a
445 relative's home, the department may waive any rule, regulation or
446 policy applicable to placement in foster care that would otherwise
447 require the child to have a separate bed or bedroom or have a
448 bedroom of a certain size, if placing the child in a relative's



449 home would be in the best interest of the child and those
450 requirements cannot be met in the relative's home.

451 (8) The Legislature recognizes that the best interests of
452 the child require that the child be placed in the most permanent
453 living arrangement as soon as is practicably possible. To achieve
454 this goal, the Department of Child Protection Services is directed
455 to conduct concurrent planning so that a permanent living
456 arrangement may occur at the earliest opportunity. Permanent
457 living arrangements may include prevention of placement of a child
458 outside the home of the family when the child can be cared for at
459 home without endangering the child's health or safety;
460 reunification with the family, when safe and appropriate, if
461 temporary placement is necessary; or movement of the child toward
462 the most permanent living arrangement and permanent legal status.
463 When a child is placed in foster care or relative care, the
464 department shall first ensure and document that reasonable efforts
465 were made to prevent or eliminate the need to remove the child
466 from the child's home. The department's first priority shall be
467 to make reasonable efforts to reunify the family when temporary
468 placement of the child occurs or shall request a finding from the
469 court that reasonable efforts are not appropriate or have been
470 unsuccessful. A decision to place a child in foster care or
471 relative care shall be made with consideration of the child's
472 health, safety and best interests. At the time of placement,
473 consideration should also be given so that if reunification fails



474 or is delayed, the placement made is the best available placement
475 to provide a permanent living arrangement for the child. The
476 department shall adopt rules addressing concurrent planning for
477 reunification and a permanent living arrangement. The department
478 shall consider the following factors when determining
479 appropriateness of concurrent planning:

480 (a) The likelihood of prompt reunification;

481 (b) The past history of the family;

482 (c) The barriers to reunification being addressed by
483 the family;

484 (d) The level of cooperation of the family;

485 (e) The foster parents' willingness to work with the
486 family to reunite;

487 (f) The willingness and ability of the foster family or
488 relative placement to provide an adoptive home or long-term
489 placement;

490 (g) The age of the child; and

491 (h) Placement of siblings.

492 (9) If the Department of Child Protection Services has
493 placed a child in foster care or relative care under a court
494 order, the department may not change the child's placement unless
495 the department specifically documents to the court that the
496 current placement is unsafe or unsuitable or that another
497 placement is in the child's best interests unless the new
498 placement is in an adoptive home or other permanent placement.



499 Except in emergency circumstances as determined by the department
500 or where the court orders placement of the child under Section
501 43-21-303, the foster parents, grandparents or other relatives of
502 the child shall be given an opportunity to contest the specific
503 reasons documented by the department at least seventy-two (72)
504 hours before any such departure, and the court may conduct a
505 review of that placement unless the new placement is in an
506 adoptive home or other permanent placement. When a child is
507 returned to foster care or relative care, the former foster
508 parents or relative placement shall be given the prior right of
509 return placement in order to eliminate additional trauma to the
510 child.

511 (10) The Department of Child Protection Services shall
512 provide the foster parents, grandparents or other relatives with
513 at least a seventy-two-hour notice of departure for any child
514 placed in their foster care or relative care, except in emergency
515 circumstances as determined by the department or where the court
516 orders placement of the child under Section 43-21-303. The
517 parent/legal guardian, grandparents of the child, guardian ad
518 litem and the court exercising jurisdiction shall be notified in
519 writing when the child leaves foster care or relative care
520 placement, regardless of whether the child's departure was planned
521 or unplanned. The only exceptions to giving a written notice to
522 the parent(s) are when a parent has voluntarily released the child



523 for adoption or the parent's legal rights to the child have been
524 terminated through the appropriate court with jurisdiction.

525 (11) The Department of Child Protection Services shall
526 extend the following rights to persons who provide foster care and
527 relative care:

528 (a) A clear understanding of their role while providing
529 care and the roles of the birth parent(s) and the placement agency
530 in respect to the child in care;

531 (b) Respect, consideration, trust and value as a family
532 who is making an important contribution to the agency's
533 objectives;

534 (c) Involvement in all the agency's crucial decisions
535 regarding the child as team members who have pertinent information
536 based on their day-to-day knowledge of the child in care;

537 (d) Support from the family protection worker or the
538 family protection specialist in efforts to do a better day-to-day
539 job in caring for the child and in working to achieve the agency's
540 objectives for the child and the birth family through the
541 provision of:

542 (i) Pertinent information about the child and the
543 birth family;

544 (ii) Help in using appropriate resources to meet
545 the child's needs;



546 (iii) Direct interviews between the family
547 protection worker or specialist and the child, previously
548 discussed and understood by the foster parents;

549 (e) The opportunity to develop confidence in making
550 day-to-day decisions in regard to the child;

551 (f) The opportunity to learn and grow in their vocation
552 through planned education in caring for the child;

553 (g) The opportunity to be heard regarding agency
554 practices that they may question;

555 (h) Reimbursement for costs of the child's care in the
556 form of a board payment based on the age of the child as
557 prescribed in Section 43-15-17; and

558 (i) Reimbursement for property damages caused by
559 children in the custody of the Department of Child Protection
560 Services in an amount not to exceed Five Hundred Dollars
561 (\$500.00), as evidenced by written documentation. The Department
562 of Child Protection Services shall not incur liability for any
563 damages as a result of providing this reimbursement.

564 (12) Effective July 1, 2017, the Department of Child
565 Protection Services shall require the following responsibilities
566 from participating persons who provide foster care and relative
567 care:

568 (a) Understanding the department's function in regard
569 to the foster care and relative care program and related social
570 service programs;



571 (b) Sharing with the department any information which
572 may contribute to the care of children;

573 (c) Functioning within the established goals and
574 objectives to improve the general welfare of the child;

575 (d) Recognizing the problems in home placement that
576 will require professional advice and assistance and that such help
577 should be utilized to its full potential;

578 (e) Recognizing that the family who cares for the child
579 will be one of the primary resources for preparing a child for any
580 future plans that are made, including return to birth parent(s),
581 termination of parental rights or reinstitutionalization;

582 (f) Expressing their view of agency practices which
583 relate to the child with the appropriate staff member;

584 (g) Understanding that all information shared with the
585 persons who provide foster care or relative care about the child
586 and his/her birth parent(s) must be held in the strictest of
587 confidence;

588 (h) Cooperating with any plan to reunite the child with
589 his birth family and work with the birth family to achieve this
590 goal; and

591 (i) Attending dispositional review hearings and
592 termination of parental rights hearings conducted by a court of
593 competent jurisdiction, or providing their recommendations to the
594 court in writing.



595 **SECTION 9.** Effective July 1, 2017, the Department of Child
596 Protection Services shall maintain a registry of children whose
597 custody lies with them and private or public agencies licensed by
598 the department. Said registry shall contain classifications of
599 children as:

600 (a) Temporary custody for evaluation, not to exceed
601 three (3) months;

602 (b) Temporary custody not to exceed one (1) year with
603 the plan to return custody to the natural parents;

604 (c) Temporary custody, not to exceed two (2) years,
605 with a plan to free for adoption;

606 (d) Children freed for adoption;

607 (e) Children ages fourteen (14) and above who have
608 voluntarily chosen not to be adopted and cannot be returned to
609 their own homes; and

610 (f) Children who are institutionalized and for whom
611 placement in an adoptive home is not feasible.

612 **SECTION 10.** (1) Effective July 1, 2017, the Department of
613 Child Protection Services is authorized to make such payments as
614 may be appropriate for supportive services to facilitate either
615 the return of children to their natural parents or their adoption,
616 depending upon and contingent upon the availability of the
617 Department of Human Services securing or having sufficient funds
618 to render this supportive service. Upon court order, the
619 parent(s) shall be responsible for reimbursing the department for



620 any foster care or kinship care payments made on behalf of his or
621 her child, based upon financial ability to pay, until such time as
622 there is a termination of parental rights regarding the child, or
623 the child is adopted.

624 (2) For those children placed in foster care by the state or
625 county departments of human services, the Department of Child
626 Protection Services shall make monthly payments for the support of
627 these children's room and board, clothing, allowance and personal
628 needs. From and after July 1, 1998, and subject to the
629 availability of funds specifically appropriated therefor, the
630 Department of Child Protection Services' foster care and
631 therapeutic care monthly payment schedule in effect before that
632 date shall be increased by One Hundred Dollars (\$100.00) per
633 month, with that minimum payment not to preclude the department
634 from increasing payments in later years as funds become available.
635 From and after July 1, 1998, in order for foster parents to
636 receive the monthly payments authorized under this subsection (2),
637 the Department of Child Protection Services shall require foster
638 care placements to be licensed as foster care homes and shall
639 require prospective foster parents to satisfactorily complete an
640 appropriate training program that emphasizes the goal of the
641 foster care program to provide stable foster placement until a
642 permanency outcome is achieved.

643 (3) For a child placed in the care of the child's relative
644 within the third degree by the state or county departments of



645 human services, the Department of Child Protection Services shall
646 make monthly payments to defray the relative's expense of
647 furnishing room and board. The department's relative care payment
648 shall be in an amount up to one hundred percent (100%) of the
649 amount of the foster care board payment. The department may
650 continue to make those payments to the relative after the
651 department relinquishes legal custody of the child to the
652 relative. Any such payments for relative care shall be subject to
653 specific appropriation therefor by the Legislature.

654 **SECTION 11.** (1) Effective July 1, 2017, the Department of
655 Child Protection Services shall maintain a Mississippi Adoption
656 Resource Exchange Registry, which shall contain a total listing of
657 all children freed for adoption as well as a listing of all
658 persons who wish to adopt children and who are approved by a
659 licensed adoption agency in the State of Mississippi. Said
660 registry shall be distributed to all county welfare directors and
661 licensed adoption agencies within the state and shall be updated
662 at least quarterly. The Department of Child Protection Services
663 shall establish regulations for listing descriptive
664 characteristics while protecting the privacy of the children's
665 names. Listed names shall be removed when adoption placement
666 plans are made for a child or when a person withdraws an
667 application for adoption.

668 (2) Adoptive parents shall be given the option of having
669 their names placed in the registry. They shall be required to



670 give written authority to the county human services department to
671 place their names in the registry and said authorization shall be
672 forwarded to the Department of Child Protection Services for
673 approval.

674 **SECTION 12.** Anyone violating or releasing information of a
675 confidential nature without the approval of the court with
676 jurisdiction or the Department of Child Protection Services upon
677 being found guilty shall be guilty of a misdemeanor and subject to
678 a fine of no more than One Thousand Dollars (\$1,000.00) or
679 imprisonment of six (6) months, or both.

680 **SECTION 13.** (1) As used in this section the term "placing
681 out" means to arrange for the free care of a child in a family,
682 other than that of the child's parent, stepparent, grandparent,
683 brother, sister, uncle or aunt or legal guardian, for the purpose
684 of adoption or for the purpose of providing care.

685 (2) Effective July 1, 2017, no person, agency, association,
686 corporation, institution, society or other organization, except a
687 child placement agency licensed by the Department of Child
688 Protection Services under Section 43-15-5, shall request, receive
689 or accept any compensation or thing of value, directly or
690 indirectly, for placing out of a child.

691 (3) No person shall pay or give any compensation or thing of
692 value, directly or indirectly, for placing out of a child to any
693 person, agency, association, corporation, institution, society or



694 other organization except a child placement agency licensed by the
695 Department of Child Protection Services.

696 (4) The provisions of this section shall not be construed to
697 (a) prevent the payment of salaries or other compensation by a
698 child placement agency licensed by the Department of Child
699 Protection Services to the officers or employees thereof; (b)
700 prevent the payment of legal fees, which have been approved by the
701 chancery court, to an attorney for services performed in regard to
702 adoption proceedings; (c) prevent the payment of reasonable and
703 actual medical fees or hospital charges for services rendered in
704 connection with the birth or medical treatment of such child to
705 the physician or hospital which rendered the services; or (d)
706 prevent the receipt of such payments by such attorney, physician
707 or hospital.

708 (5) Any person, agency, association, corporation,
709 institution, society or other organization violating the
710 provisions of this section shall be guilty of illegal placement of
711 children and shall be punished by a fine not to exceed Five
712 Thousand Dollars (\$5,000.00) or by imprisonment not more than five
713 (5) years, or both such fine and imprisonment.

714 **SECTION 14.** (1) Effective July 1, 2017, the district
715 attorneys or the Department of Child Protection Services may
716 initiate formal cooperative agreements with the appropriate
717 agencies to create multidisciplinary child protection teams in
718 order to implement a coordinated multidisciplinary team approach



719 to intervention in reports involving alleged severe or potential
720 felony child physical or sexual abuse, exploitation, or
721 maltreatment. The multidisciplinary team also may be known as a
722 child abuse task force. The purpose of the team or task force
723 shall be to assist in the evaluation and investigation of reports
724 and to provide consultation and coordination for agencies involved
725 in child protection cases. The agencies to be included as members
726 of the multidisciplinary team are: the district attorney's
727 office, city and county law enforcement agencies, county
728 attorneys, youth court prosecutors, and other agencies as
729 appropriate.

730 (2) To implement the multidisciplinary child abuse team, the
731 team or task force must be authorized by court order from the
732 appropriate youth court. The court order will designate which
733 agencies will participate in the cooperative multidisciplinary
734 team.

735 (3) (a) Teams created under this section may invite other
736 persons to serve on the team who have knowledge of and experience
737 in child abuse and neglect matters. These persons may include
738 licensed mental and physical health practitioners and physicians,
739 dentists, representatives of the district attorney's office and
740 the Attorney General's office, experts in the assessment and
741 treatment of substance abuse or sexual abuse, the victim
742 assistance coordinator of the district attorney's office and staff
743 members of a child advocacy center.



744 (b) (i) A child advocacy center means an agency that
745 advocates on behalf of children alleged to have been abused and
746 assists in the coordination of the investigation of child abuse by
747 providing a location for forensic interviews and promoting the
748 coordination of services for children alleged to have been abused.
749 A child advocacy center provides services that include, but are
750 not limited to, forensic medical examinations, mental health and
751 related support services, court advocacy, consultation, training
752 for social workers, law enforcement training, and child abuse
753 multidisciplinary teams, and staffing of multidisciplinary teams.

754 (ii) Child advocacy centers may provide a
755 video-taped forensic interview of the child in a child friendly
756 environment or separate building. The purpose of the video-taped
757 forensic interview is to prevent further trauma to a child in the
758 investigation and prosecution of child physical and sexual abuse
759 cases. Child advocacy centers can also assist child victims by
760 providing therapeutic counseling subsequent to the interview by a
761 qualified therapist. Child advocacy centers can also assist law
762 enforcement and prosecutors by acquainting child victim witnesses
763 and their parents or guardians to the courtroom through child
764 court school programs.

765 (4) A team or task force created under this section shall
766 review records on cases referred to the team by the Department of
767 Child Protection Services or law enforcement or the district
768 attorney's office. The team shall meet at least monthly.



769 (5) No person shall disclose information obtained from a
770 meeting of the multidisciplinary team unless necessary to comply
771 with Department of Child Protection Services' regulations or
772 conduct and proceeding in youth court or criminal court
773 proceedings or as authorized by a court of competent jurisdiction.

774 **SECTION 15.** Section 43-1-2, Mississippi Code of 1972, is
775 amended as follows:

776 43-1-2. (1) There is created the Mississippi Department of
777 Human Services, whose offices shall be located in Jackson,
778 Mississippi, and which shall be under the policy direction of the
779 Governor.

780 (2) The chief administrative officer of the department shall
781 be the Executive Director of Human Services. The Governor shall
782 appoint the Executive Director of Human Services with the advice
783 and consent of the Senate, and he shall serve at the will and
784 pleasure of the Governor, and until his successor is appointed and
785 qualified. The Executive Director of Human Services shall possess
786 the following qualifications:

787 (a) A bachelor's degree from an accredited institution
788 of higher learning and ten (10) years' experience in management,
789 public administration, finance or accounting; or

790 (b) A master's or doctoral degree from an accredited
791 institution of higher learning and five (5) years' experience in
792 management, public administration, finance or accounting.

793 * * *



794 (3) There shall be a Joint Oversight Committee of the
795 Department of Human Services composed of the respective Chairmen
796 of the Senate Public Health and Welfare Committee, the Senate
797 Appropriations Committee, the House Public Health and Human
798 Services Committee and the House Appropriations Committee, three
799 (3) members of the Senate appointed by the Lieutenant Governor to
800 serve at the will and pleasure of the Lieutenant Governor, and
801 three (3) members of the House of Representatives appointed by the
802 Speaker of the House to serve at the will and pleasure of the
803 Speaker. The chairmanship of the committee shall alternate for
804 twelve-month periods between the Senate members and the House
805 members, on May 1 of each year, with the Chairman of the Senate
806 Public Health and Welfare Committee serving as chairman beginning
807 in even-numbered years, and the Chairman of the House Public
808 Health and Human Services Committee serving as chairman beginning
809 in odd-numbered years. The committee shall meet once each
810 quarter, or upon the call of the chairman at such times as he
811 deems necessary or advisable, and may make recommendations to the
812 Legislature pertaining to any matter within the jurisdiction of
813 the Mississippi Department of Human Services. The appointing
814 authorities may designate an alternate member from their
815 respective houses to serve when the regular designee is unable to
816 attend such meetings of the oversight committee. For attending
817 meetings of the oversight committee, such legislators shall
818 receive per diem and expenses which shall be paid from the



819 contingent expense funds of their respective houses in the same
820 amounts as provided for committee meetings when the Legislature is
821 not in session; however, no per diem and expenses for attending
822 meetings of the committee will be paid while the Legislature is in
823 session. No per diem and expenses will be paid except for
824 attending meetings of the oversight committee without prior
825 approval of the proper committee in their respective houses.

826 (4) The Department of Human Services shall provide the
827 services authorized by law to every individual determined to be
828 eligible therefor, and in carrying out the purposes of the
829 department, the executive director is authorized:

830 (a) To formulate the policy of the department regarding
831 human services within the jurisdiction of the department;

832 (b) To adopt, modify, repeal and promulgate, after due
833 notice and hearing, and where not otherwise prohibited by federal
834 or state law, to make exceptions to and grant exemptions and
835 variances from, and to enforce rules and regulations implementing
836 or effectuating the powers and duties of the department under any
837 and all statutes within the department's jurisdiction, all of
838 which shall be binding upon the county departments of human
839 services;

840 (c) To apply for, receive and expend any federal or
841 state funds or contributions, gifts, devises, bequests or funds
842 from any other source;



843 (d) Except as limited by Section 43-1-3, to enter into
844 and execute contracts, grants and cooperative agreements with any
845 federal or state agency or subdivision thereof, or any public or
846 private institution located inside or outside the State of
847 Mississippi, or any person, corporation or association in
848 connection with carrying out the programs of the department; and

849 (e) To discharge such other duties, responsibilities
850 and powers as are necessary to implement the programs of the
851 department.

852 (5) The executive director shall establish the
853 organizational structure of the Mississippi Department of Human
854 Services which shall include the creation of any units necessary
855 to implement the duties assigned to the department and consistent
856 with specific requirements of law, including, but not limited to:

857 * * *

858 (* * *a) Office of Youth Services;

859 (* * *b) Office of Economic Assistance;

860 (* * *c) Office of Child Support Enforcement; or

861 (* * *d) Office of Field Operations to administer any
862 state or county level programs under the purview of the
863 Mississippi Department of Human Services, with the exception of
864 programs which fall under paragraph * * * (b) above.

865 (6) The Executive Director of Human Services shall appoint
866 heads of offices, bureaus and divisions, as defined in Section
867 7-17-11, who shall serve at the pleasure of the executive



868 director. The salary and compensation of such office, bureau and
869 division heads shall be subject to the rules and regulations
870 adopted and promulgated by the State Personnel Board as created
871 under Section 25-9-101 et seq. The executive director shall have
872 the authority to organize offices as deemed appropriate to carry
873 out the responsibilities of the department. The organization
874 charts of the department shall be presented annually with the
875 budget request of the Governor for review by the Legislature.

876 (7) This section shall stand repealed on July 1, 2019.

877 **SECTION 16.** Section 41-87-5, Mississippi Code of 1972, is
878 amended as follows:

879 41-87-5. Unless the context requires otherwise, the
880 following definitions in this section apply throughout this
881 chapter:

882 (a) "Eligible infants and toddlers" or "eligible
883 children" means children from birth through thirty-six (36) months
884 of age who need early intervention services because they:

885 (i) Are experiencing developmental delays as
886 measured by appropriate diagnostic instruments and procedures in
887 one or more of the following areas:

888 (A) Cognitive development;

889 (B) Physical development, including vision or
890 hearing;

891 (C) Communication development;

892 (D) Social or emotional development;



893 (E) Adaptive development;

894 (ii) Have a diagnosed physical or mental
895 condition, as defined in state policy, that has a high probability
896 of resulting in developmental delay;

897 (iii) Are at risk of having substantial
898 developmental delays if early intervention services are not
899 provided due to conditions as defined in state policy. (This
900 category may be served at the discretion of the lead agency
901 contingent upon available resources.)

902 (b) "Early intervention services" are developmental
903 services that:

904 (i) Are provided under public supervision;

905 (ii) Are provided at no cost except where federal
906 or state law provides for a system of payments by families,
907 including a schedule of sliding fees;

908 (iii) Are designed to meet the developmental needs
909 of an infant or toddler with a disability in any one or more of
910 the following areas:

911 (A) Physical development;

912 (B) Cognitive development;

913 (C) Communication development;

914 (D) Social or emotional development; or

915 (E) Adaptive development;



916 (iv) Meet the requirements of Part C of the
917 Individuals with Disabilities Education Act (IDEA) and the early
918 intervention standards of the State of Mississippi;

919 (v) Include, but are not limited to, the following
920 services:

921 (A) Assistive technology devices and
922 assistive technology services;

923 (B) Audiology;

924 (C) Family training, counseling and home
925 visits;

926 (D) Health services necessary to enable a
927 child to benefit from other early intervention services;

928 (E) Medical services only for diagnostic or
929 evaluation purposes;

930 (F) Nutrition services;

931 (G) Occupational therapy;

932 (H) Physical therapy;

933 (I) Psychological services;

934 (J) Service coordination (case management);

935 (K) Social work services;

936 (L) Special instruction;

937 (M) Speech-language pathology;

938 (N) Transportation and related costs that are
939 necessary to enable an infant or toddler and her/his family to
940 receive early intervention services; and



941 (O) Vision services;

942 (vi) Are provided by qualified personnel as

943 determined by the state's personnel standards, including:

944 (A) Audiologists;

945 (B) Family therapists;

946 (C) Nurses;

947 (D) Nutritionists;

948 (E) Occupational therapists;

949 (F) Orientation and mobility specialists;

950 (G) Pediatricians and other physicians;

951 (H) Physical therapists;

952 (I) Psychologists;

953 (J) Social workers;

954 (K) Special educators;

955 (L) Speech and language pathologists;

956 (vii) Are provided, to the maximum extent

957 appropriate, in natural environments, including the home, and

958 community settings in which children without disabilities would

959 participate;

960 (viii) Are provided in conformity with an

961 individualized family service plan.

962 (c) "Council" means the State Interagency Coordinating

963 Council established under Section 41-87-7.

964 (d) "Lead agency" means the State Department of Health.



965 (e) "Participating agencies" includes, but is not
966 limited to, the State Department of Education, the Department of
967 Human Services, the Department of Child Protection Services, the
968 State Department of Health, the Division of Medicaid, the State
969 Department of Mental Health, the University Medical Center, the
970 Board of Trustees of State Institutions of Higher Learning and the
971 Mississippi Community College Board.

972 (f) "Local community" means a county either jointly,
973 severally, or a portion thereof, participating in the provision of
974 early intervention services.

975 (g) "Primary service agency" means the agency, whether
976 a state agency, local agency, local interagency council or service
977 provider which is designated by the lead agency to serve as the
978 fiscal and contracting agent for a local community.

979 (h) "Multidisciplinary team" means a group comprised of
980 the parent(s) or legal guardian and the service providers, as
981 appropriate, described in paragraph (b) of this section, who are
982 assembled for the purposes of:

983 (i) Assessing the developmental needs of an infant
984 or toddler;

985 (ii) Developing the individualized family service
986 plan; and

987 (iii) Providing the infant or toddler and his or
988 her family with the appropriate early intervention services as
989 detailed in the individualized family service plan.



990 (i) "Individualized family service plan" means a
991 written plan designed to address the needs of the infant or
992 toddler and his or her family as specified under Section 41-87-13.

993 (j) "Early intervention standards" means those
994 standards established by any agency or agencies statutorily
995 designated the responsibility to establish standards for infants
996 and toddlers with disabilities, in coordination with the council
997 and in accordance with Part C of IDEA.

998 (k) "Early intervention system" means the total
999 collaborative effort in the state that is directed at meeting the
1000 needs of eligible children and their families.

1001 (l) "Parent," for the purpose of early intervention
1002 services, means a parent, a guardian, a person acting as a parent
1003 of a child, foster parent, or an appointed surrogate parent. The
1004 term does not include the state if the child is a ward of the
1005 state where the child has not been placed with individuals to
1006 serve in a parenting capacity, such as foster parents, or when a
1007 surrogate parent has not been appointed. When a child is the ward
1008 of the state, a Department of Human Services representative will
1009 act as parent for purposes of service authorization.

1010 (m) "Policies" means the state statutes, regulations,
1011 Governor's orders, directives by the lead agency, or other written
1012 documents that represent the state's position concerning any
1013 matter covered under this chapter.



1014 (n) "Regulations" means the United States Department of
1015 Education's regulations concerning the governance and
1016 implementation of Part C of IDEA, the Early Intervention Program
1017 for Infants and Toddlers with Disabilities.

1018 **SECTION 17.** Section 41-111-1, Mississippi Code of 1972, is
1019 amended as follows:

1020 41-111-1. (1) There is created the Child Death Review
1021 Panel, whose primary purpose is to foster the reduction of infant
1022 and child mortality and morbidity in Mississippi and to improve
1023 the health status of infants and children.

1024 (2) The Child Death Review Panel shall be composed of
1025 seventeen (17) voting members: the State Medical Examiner or his
1026 representative, a pathologist on staff at the University of
1027 Mississippi Medical Center, an appointee of the Lieutenant
1028 Governor, an appointee of the Speaker of the House of
1029 Representatives, and one (1) representative from each of the
1030 following: the State Coroners Association, the Mississippi
1031 Chapter of the American Academy of Pediatrics, the Office of Vital
1032 Statistics in the State Department of Health, the Attorney
1033 General's office, the State Sheriff's Association, the Mississippi
1034 Police Chiefs Association, the Department of Human Services, the
1035 Department of Child Protection Services, the Children's Advocacy
1036 Center, the State Chapter of the March of Dimes, the State SIDS
1037 Alliance, the Mississippi Children's Safe Center, Safe Kids
1038 Mississippi, and the Mississippi State Fire Marshal's office.



1039 (3) The Chairman of the Child Death Review Panel shall be
1040 elected annually by the Review Panel membership. The Review Panel
1041 shall develop and implement such procedures and policies necessary
1042 for its operation, including obtaining and protecting confidential
1043 records from the agencies and officials specified in subsection
1044 (4) of this section. The Review Panel shall be assigned to the
1045 State Department of Health for administrative purposes only, and
1046 the department shall designate staff to assist the Review Panel.

1047 (4) The Child Death Review Panel shall submit a report
1048 annually to the Chairmen of the House Public Health and Human
1049 Services Committee and the Senate Public Health and Welfare
1050 Committee on or before December 1. The report shall include the
1051 numbers, causes and relevant demographic information on child and
1052 infant deaths in Mississippi, and appropriate recommendations to
1053 the Legislature on how to most effectively direct state resources
1054 to decrease infant and child deaths in Mississippi. Data for the
1055 Review Panel's review and reporting shall be provided to the
1056 Review Panel, upon the request of the Review Panel, by the State
1057 Medical Examiner's office, State Department of Health, Department
1058 of Human Services, medical examiners, coroners, health care
1059 providers, law enforcement agencies, any other agencies or
1060 officials having information that is necessary for the Review
1061 Panel to carry out its duties under this section. The State
1062 Department of Health shall also be responsible for printing and



1063 distributing the annual report(s) on child and infant deaths in
1064 Mississippi.

1065 (5) This section shall stand repealed on July 1, 2018.

1066 **SECTION 18.** Section 43-1-55, Mississippi Code of 1972, is
1067 amended as follows:

1068 43-1-55. (1) The Office of Family and Children's Services
1069 and effective July 1, 2017, the Department of Child Protection
1070 Services and the Division of Aging and Adult Services shall devise
1071 formal standards for employment as a family protection worker and
1072 as a family protection specialist within their respective offices
1073 and for service delivery designed to measure the quality of
1074 services delivered to clients, as well as the timeliness of
1075 services. Each family protection worker and family protection
1076 specialist shall be assessed annually by a supervisor who is a
1077 licensed social worker who is knowledgeable in the standards
1078 promulgated. The standards devised by each office shall be
1079 applicable to all family protection workers and family protection
1080 specialists working under that office.

1081 (2) The Office of Family and Children's Services, and
1082 effective July 1, 2017, the Department of Child Protection
1083 Services, shall devise formal standards for family protection
1084 workers of the Department of Human Services who are not licensed
1085 social workers. Those standards shall require that:

1086 (a) In order to be employed as a family protection
1087 worker, a person must have a bachelor's degree in either



1088 psychology, sociology, nursing, family studies, or a related
1089 field, or a graduate degree in either psychology, sociology,
1090 nursing, criminal justice, counseling, marriage and family therapy
1091 or a related field. The determination of what is a related field
1092 shall be made by certification of the State Personnel Board; and

1093 (b) Before a person may provide services as a family
1094 protection worker, the person shall complete four (4) weeks of
1095 intensive training provided by the training unit of the Office of
1096 Family and Children's Services, and shall take and receive a
1097 passing score on the certification test administered by the
1098 training unit upon completion of the four-week training. Upon
1099 receiving a passing score on the certification test, the person
1100 shall be certified as a family protection worker by the Department
1101 of Human Services. Any person who does not receive a passing
1102 score on the certification test shall not be employed or maintain
1103 employment as a family protection worker for the department.

1104 Further, a person, qualified as a family protection worker through
1105 the procedures set forth above, shall not conduct forensic
1106 interviews of children until the worker receives additional
1107 specialized training in child forensic interview protocols and
1108 techniques by a course or curriculum approved by the Department of
1109 Human Services to be not less than forty (40) hours.

1110 (3) For the purpose of providing services in child abuse or
1111 neglect cases, youth court proceedings, vulnerable adults cases,
1112 and such other cases as designated by the Executive Director of



1113 Human Services, the caseworker or service provider shall be a
1114 family protection specialist or a family protection worker whose
1115 work is overseen by a family protection specialist who is a
1116 licensed social worker.

1117 (4) The Department of Human Services and the Office of
1118 Family and Children's Services shall seek to employ and use family
1119 protection specialists to provide the services of the office, and
1120 may employ and use family protection workers to provide those
1121 services only in counties in which there is not a sufficient
1122 number of family protection specialists to adequately provide
1123 those services in the county.

1124 (5) (a) There is created a Training and Testing Advisory
1125 Council to review the department's program of training and testing
1126 of family protection workers and to make recommendations
1127 pertaining to the program to the department. The advisory council
1128 shall be composed of the following ten (10) members: two (2)
1129 employees of the department appointed by the Executive Director of
1130 Human Services, including one (1) representative of the Office of
1131 Family and Children's Services and one (1) representative of the
1132 Division of Aging and Adult Services; the Chairman of the
1133 Consortium of Accredited Schools of Social Work in Mississippi;
1134 and the executive director or a board member of a professional
1135 association or licensing board for each field of study named in
1136 subsection (2) (a) of this section, as follows: the Mississippi
1137 Chapter of the National Association of Social Workers; a marriage



1138 and family therapist who is a member of the Board of Examiners for
1139 Social Workers and Marriage and Family Therapists, to be selected
1140 by the four (4) members of the board of examiners who are marriage
1141 and family therapists; the Mississippi Nurses Association; the
1142 Mississippi Prosecutors Association; the Mississippi Counseling
1143 Association; the Mississippi Psychological Association; and an
1144 officer of the Alabama-Mississippi Sociological Association who is
1145 a Mississippi resident elected by the executive committee of the
1146 association. The executive director of each association
1147 (excluding the Alabama-Mississippi Sociological Association) and
1148 chairman of the consortium may designate an alternate member to
1149 serve in his stead on the advisory council. Members of the
1150 advisory council shall serve without salary or per diem.

1151 (b) A majority of the advisory council members shall
1152 select from their membership a chairperson to preside over
1153 meetings and a vice chairperson to preside in the absence of the
1154 chairperson or when the chairperson is excused. The advisory
1155 council shall adopt procedures governing the manner of conducting
1156 its business. A majority of the members shall constitute a quorum
1157 to do business.

1158 (6) This section and Section 43-27-107, Mississippi Code of
1159 1972, shall stand repealed on July 1, 2019.

1160 **SECTION 19.** Section 43-1-57, Mississippi Code of 1972, is
1161 amended as follows:



1162 43-1-57. (1) The Division of Family and Children's
1163 Services, and effective July 1, 2017, the Department of Child
1164 Protection Services shall establish a record-keeping procedure to
1165 insure that all referrals of neglect and/or abuse are accurately
1166 and adequately maintained for future or cross-reference.

1167 (2) In addition to the toll-free abuse reporting telephone
1168 system, the division shall establish a uniform intake procedure
1169 for the receipt and referral to the appropriate personnel for
1170 investigation. The uniform intake procedure shall be made
1171 available to all appropriate agencies and the public in order to
1172 facilitate the necessary protective services.

1173 **SECTION 20.** Section 43-1-63, Mississippi Code of 1972, is
1174 amended as follows:

1175 43-1-63. The Department of Human Services, and effective
1176 July 1, 2017, the Department of Child Protection Services shall
1177 have the authority to use the services and resources of the State
1178 Department of Education and the State Department of Health and of
1179 all other appropriate state departments, agencies, institutions or
1180 political subdivisions as will aid in carrying out the purposes of
1181 this chapter. It shall be the duty of all such state departments,
1182 agencies and institutions to make available such services and
1183 resources to the department, including, but not necessarily
1184 limited to, such services and resources as may be required to
1185 perform appropriate criminal history record checks on prospective



1186 foster and relative child placements for the purpose of preventing
1187 and detecting abuse and neglect.

1188 **SECTION 21.** Section 43-15-103, Mississippi Code of 1972, is
1189 amended as follows:

1190 43-15-103. As used in this article:

1191 (a) "Agency" means a residential child-caring agency or
1192 a child-placing agency.

1193 (b) "Child" or "children" mean(s) any unmarried person
1194 or persons under the age of eighteen (18) years.

1195 (c) "Child placing" means receiving, accepting or
1196 providing custody or care for any child under eighteen (18) years
1197 of age, temporarily or permanently, for the purpose of:

1198 (i) Finding a person to adopt the child;

1199 (ii) Placing the child temporarily or permanently
1200 in a home for adoption; or

1201 (iii) Placing a child in a foster home or
1202 residential child-caring agency.

1203 (d) "Child-placing agency" means any entity or person
1204 which places children in foster boarding homes or foster homes for
1205 temporary care or for adoption or any other entity or person or
1206 group of persons who are engaged in providing adoption studies or
1207 foster care studies or placement services as defined by the rules
1208 of the department.

1209 (e) "Department" means, effective July 1, 2017, the
1210 Mississippi Department of * * * Child Protection Services.



1211 (f) "Director" means the Director of the Division of
1212 Family and Children's Services.

1213 (g) "Division" means the Division of Family and
1214 Children's Services within the Mississippi Department of Human
1215 Services.

1216 (h) "Family boarding home" or "foster home" means a
1217 home (occupied residence) operated by any entity or person which
1218 provides residential child care to at least one (1) child but not
1219 more than six (6) children who are not related to the primary
1220 caregivers.

1221 (i) "Group care home" means any place or facility
1222 operated by any entity or person which provides residential child
1223 care for at least seven (7) children but not more than twelve (12)
1224 children who are not related to the primary caregivers.

1225 (j) "Licensee" means any person, agency or entity
1226 licensed under this article.

1227 (k) "Maternity home" means any place or facility
1228 operated by any entity or person which receives, treats or cares
1229 for more than one (1) child or adult who is pregnant out of
1230 wedlock, either before, during or within two (2) weeks after
1231 childbirth; provided, that the licensed child-placing agencies and
1232 licensed maternity homes may use a family boarding home approved
1233 and supervised by the agency or home, as a part of their work, for
1234 as many as three (3) children or adults who are pregnant out of
1235 wedlock, and provided further, that the provisions of this



1236 definition shall not include children or women who receive
1237 maternity care in the home of a person to whom they are kin within
1238 the sixth degree of kindred computed according to civil law, nor
1239 does it apply to any maternity care provided by general or special
1240 hospitals licensed according to law and in which maternity
1241 treatment and care are part of the medical services performed and
1242 the care of children is brief and incidental.

1243 (l) "Office" means the Office of Licensing within the
1244 Division of Family and Children's Services of the Mississippi
1245 Department of Human Services, and effective July 1, 2017, "office"
1246 means the Mississippi Department of Child Protection Services.

1247 (m) "Person associated with a licensee" means an owner,
1248 director, member of the governing body, employee, provider of care
1249 and volunteer of a human services licensee.

1250 (n) "Related" means children, step-children,
1251 grandchildren, step-grandchildren, siblings of the whole or
1252 half-blood, step-siblings, nieces or nephews of the primary care
1253 provider.

1254 (o) "Residential child care" means the provision of
1255 supervision, and/or protection, and meeting the basic needs of a
1256 child for twenty-four (24) hours per day, which may include
1257 services to children in a residential setting where care, lodging,
1258 maintenance and counseling or therapy for alcohol or controlled
1259 substance abuse or for any other emotional disorder or mental
1260 illness is provided for children, whether for compensation or not.



1261 (p) "Residential child-caring agency" means any place
1262 or facility operated by any entity or person, public or private,
1263 providing residential child care, regardless of whether operated
1264 for profit or whether a fee is charged. Such residential
1265 child-caring agencies include, but are not limited to, maternity
1266 homes, runaway shelters, group homes that are administered by an
1267 agency, and emergency shelters that are not in private residence.

1268 **SECTION 22.** Section 43-15-105, Mississippi Code of 1972, is
1269 amended as follows:

1270 43-15-105. (1) The Division of Family and Children's
1271 Services shall be the licensing authority for the department, and
1272 from and after July 1, 2017, the Department of Child Protection
1273 Services is vested with all the powers, duties and
1274 responsibilities described in this article. The division, and
1275 from and after July 1, 2017, the Department of Child Protection
1276 Services shall make and establish rules and regulations regarding:

1277 (a) Approving, extending, denying, suspending and
1278 revoking licenses for foster homes, residential child-caring
1279 agencies and child-placing agencies;

1280 (b) Conditional licenses, variances from department
1281 rules and exclusions;

1282 (c) Basic health and safety standards for licensees;
1283 and

1284 (d) Minimum administration and financial requirements
1285 for licensees.



1286 (2) The division shall:

1287 (a) Define information that shall be submitted to the

1288 division with an application for a license;

1289 (b) Establish guidelines for the administration and

1290 maintenance of client and service records, including staff

1291 qualifications, staff to client ratios;

1292 (c) Issue licenses in accordance with this article;

1293 (d) Conduct surveys and inspections of licensees and

1294 facilities;

1295 (e) Establish and collect licensure fees;

1296 (f) Investigate complaints regarding any licensee or

1297 facility;

1298 (g) Have access to all records, correspondence and

1299 financial data required to be maintained by a licensee or

1300 facility;

1301 (h) Have authority to interview any client, family

1302 member of a client, employee or officer of a licensee or facility;

1303 and

1304 (i) Have authority to revoke, suspend or extend any

1305 license issued by the division.

1306 **SECTION 23.** Section 43-15-115, Mississippi Code of 1972, is

1307 amended as follows:

1308 43-15-115. (1) The division, and from and after July 1,

1309 2017, the Department of Child Protection Services may, for the

1310 purpose of ascertaining compliance with the provisions of this



1311 article and its rules and regulations, enter and inspect on a
1312 routine basis the facility of a licensee.

1313 (2) Before conducting an inspection under subsection (1),
1314 the division shall, after identifying the person in charge:

1315 (a) Give proper identification;

1316 (b) Request to see the applicable license;

1317 (c) Describe the nature and purpose of the inspection;

1318 and

1319 (d) If necessary, explain the authority of the division
1320 to conduct the inspection and the penalty for refusing to permit
1321 the inspection.

1322 (3) In conducting an inspection under subsection (1), the
1323 division may, after meeting the requirements of subsection (2):

1324 (a) Inspect the physical facilities;

1325 (b) Inspect records and documents;

1326 (c) Interview directors, employees, clients, family
1327 members of clients and others; and

1328 (d) Observe the licensee in operation.

1329 (4) An inspection conducted under subsection (1) shall be
1330 during regular business hours and may be announced or unannounced.

1331 (5) The licensee shall make copies of inspection reports
1332 available to the public upon request.

1333 (6) The provisions of this section apply to on-site
1334 inspections and do not restrict the division from contacting
1335 family members, neighbors or other individuals, or from seeking



1336 information from other sources to determine compliance with the
1337 provisions of this article.

1338 **SECTION 24.** Section 43-15-125, Mississippi Code of 1972, is
1339 amended as follows:

1340 43-15-125. The Department of Human Services, the Department
1341 of Child Protection Services and/or its officers, employees,
1342 attorneys and representatives shall not be held civilly liable for
1343 any findings, recommendations or actions taken pursuant to this
1344 article.

1345 **SECTION 25.** Section 43-15-201, Mississippi Code of 1972, is
1346 amended as follows:

1347 43-15-201. (1) An emergency medical services provider,
1348 without a court order, shall take possession of a child who is
1349 seventy-two (72) hours old or younger if the child is voluntarily
1350 delivered to the provider by the child's parent and the parent did
1351 not express an intent to return for the child.

1352 (2) The parent who surrenders the baby shall not be required
1353 to provide any information pertaining to his or her identity, nor
1354 shall the emergency medical services provider inquire as to same.
1355 If the identity of the parent is known to the emergency medical
1356 services provider, the emergency medical services provider shall
1357 keep the identity confidential.

1358 (3) A female presenting herself to a hospital through the
1359 emergency room or otherwise, who is subsequently admitted for
1360 purposes of labor and delivery, does not give up the legal



1361 protections or anonymity guaranteed under this section. If the
1362 mother clearly expresses a desire to voluntarily surrender custody
1363 of the newborn after birth, the emergency medical services
1364 provider can take possession of the child, without further action
1365 by the mother, as if the child had been presented to the emergency
1366 medical services provider in the same manner outlined above in
1367 subsection (1) of this section.

1368 (a) If the mother expresses a desire to remain
1369 anonymous, identifying information may be obtained for purposes of
1370 securing payment of labor and delivery costs only. If the birth
1371 mother is a minor, the hospital may use the identifying
1372 information to secure payment through Medicaid, but shall not
1373 notify the minor's parent or guardian without the minor's consent.

1374 (b) The identity of the birth mother shall not be
1375 placed on the birth certificate or disclosed to the Department of
1376 Human Services or the Department of Child Protection Services.

1377 (4) There is a presumption that by relinquishing a child in
1378 accordance with this section, the parent consents to the
1379 termination of his or her parental rights with respect to the
1380 child. As such, the parent waives the right to notification
1381 required by subsequent court proceedings.

1382 (5) An emergency medical services provider who takes
1383 possession of a child under this section shall perform any act
1384 necessary to protect the physical health or safety of the child.



1385 **SECTION 26.** Section 43-15-203, Mississippi Code of 1972, is
1386 amended as follows:

1387 43-15-203. (1) No later than the close of the first
1388 business day after the date on which an emergency medical services
1389 provider takes possession of a child pursuant to Section
1390 43-15-201, the provider shall notify the Department of Human
1391 Services, and effective July 1, 2017, the Department of Child
1392 Protection Services that the provider has taken possession of the
1393 child.

1394 (2) The department shall assume the care, control and
1395 custody of the child immediately on receipt of notice pursuant to
1396 subsection (1). The department shall be responsible for all
1397 medical and other costs associated with the child and shall
1398 reimburse the hospital for any costs incurred prior to the child
1399 being placed in the care of the department.

1400 **SECTION 27.** Section 43-15-207, Mississippi Code of 1972, is
1401 amended as follows:

1402 43-15-207. For the purposes of this article, an emergency
1403 medical services provider shall mean a licensed hospital, as
1404 defined in Section 41-9-3, which operates an emergency department
1405 or an adoption agency duly licensed by the Department of Human
1406 Services, and effective July 1, 2017, the Department of Child
1407 Protection Services. An emergency medical services provider does
1408 not include the offices, clinics, surgeries or treatment
1409 facilities of private physicians or dentists. No individual



1410 licensed healthcare provider, including physicians, dentists,
1411 nurses, physician assistants or other health professionals shall
1412 be deemed to be an emergency medical services provider under this
1413 article unless such individual voluntarily assumes responsibility
1414 for the custody of the child.

1415 **SECTION 28.** Section 43-18-3, Mississippi Code of 1972, is
1416 amended as follows:

1417 43-18-3. The "appropriate public authorities" as used in
1418 Article III of the Interstate Compact on the Placement of Children
1419 shall, with reference to this state, mean the State Department
1420 of * * * Human Services, and effective July 1, 2017, the
1421 Department of Child Protection Services. Any county department of
1422 public welfare, likewise, when directed by the Commissioner of the
1423 State Department of * * * Human Services or the Executive Director
1424 of the Department of Child Protection Services shall be authorized
1425 to receive and act with reference to notices required by said
1426 Article III.

1427 **SECTION 29.** Section 25-9-127, Mississippi Code of 1972, is
1428 amended as follows:

1429 25-9-127. (1) No employee of any department, agency or
1430 institution who is included under this chapter or hereafter
1431 included under its authority, and who is subject to the rules and
1432 regulations prescribed by the state personnel system, may be
1433 dismissed or otherwise adversely affected as to compensation or
1434 employment status except for inefficiency or other good cause, and



1435 after written notice and hearing within the department, agency or
1436 institution as shall be specified in the rules and regulations of
1437 the State Personnel Board complying with due process of law; and
1438 any employee who has by written notice of dismissal or action
1439 adversely affecting his compensation or employment status shall,
1440 on hearing and on any appeal of any decision made in such action,
1441 be required to furnish evidence that the reasons stated in the
1442 notice of dismissal or action adversely affecting his compensation
1443 or employment status are not true or are not sufficient grounds
1444 for the action taken; provided, however, that this provision shall
1445 not apply (a) to persons separated from any department, agency or
1446 institution due to curtailment of funds or reduction in staff when
1447 such separation is in accordance with rules and regulations of the
1448 state personnel system; (b) during the probationary period of
1449 state service of twelve (12) months; and (c) to an executive
1450 officer of any state agency who serves at the will and pleasure of
1451 the Governor, board, commission or other appointing authority.

1452 (2) The operation of a state-owned motor vehicle without a
1453 valid Mississippi driver's license by an employee of any
1454 department, agency or institution that is included under this
1455 chapter and that is subject to the rules and regulations of the
1456 state personnel system shall constitute good cause for dismissal
1457 of such person from employment.

1458 (3) Beginning July 1, 1999, every male between the ages of
1459 eighteen (18) and twenty-six (26) who is required to register



1460 under the federal Military Selective Service Act, 50 USCS App.
1461 453, and who is an employee of the state shall not be promoted to
1462 any higher position of employment with the state until he submits
1463 to the person, commission, board or agency by which he is employed
1464 satisfactory documentation of his compliance with the draft
1465 registration requirements of the Military Selective Service Act.
1466 The documentation shall include a signed affirmation under penalty
1467 of perjury that the male employee has complied with the
1468 requirements of the Military Selective Service Act.

1469 (4) For a period of two (2) years beginning July 1, 2014,
1470 the provisions of subsection (1) shall not apply to the personnel
1471 actions of the State Department of Education that are subject to
1472 the rules and regulations of the State Personnel Board, and all
1473 employees of the department shall be classified as nonstate
1474 service during that period. However, any employee hired after
1475 July 1, 2014, by the department shall meet the criteria of the
1476 State Personnel Board as it presently exists for employment. The
1477 State Superintendent of Public Education and the State Board of
1478 Education shall consult with the Office of the Attorney General
1479 before taking personnel actions authorized by this section to
1480 review those actions for compliance with applicable state and
1481 federal law.

1482 It is not the intention or effect of this section to include
1483 any school attendance officer in any exemption from coverage under



1484 the State Personnel Board policy or regulations, including, but
1485 not limited to, termination and conditions of employment.

1486 (5) For a period of one (1) year beginning July 1, 2015, the
1487 provisions of subsection (1) shall not apply to the personnel
1488 actions of the Department of Corrections, and all employees of the
1489 department shall be classified as nonstate service during that
1490 period. However, any employee hired after July 1, 2015, by the
1491 department shall meet the criteria of the State Personnel Board as
1492 it presently exists for employment. The Commissioner of
1493 Corrections shall consult with the Office of the Attorney General
1494 before taking personnel actions authorized by this section to
1495 review those actions for compliance with applicable state and
1496 federal law.

1497 (6) For a period of three (3) years beginning July 1, 2016,
1498 the provisions of subsection (1) of this section shall not apply
1499 to the personnel actions of the Mississippi Department of Human
1500 Services relative to the Division of Family and Children's
1501 Services that are subject to the rules and regulations of the
1502 State Personnel Board, and all employees of the Division of Family
1503 and Children's Services shall be classified as nonstate service
1504 during that period. Any employee hired on or after July 1, 2019,
1505 by the department shall meet the criteria of the State Personnel
1506 Board as it presently exists for employment. The Executive
1507 Director of the Department of Human Services shall consult with
1508 the Office of the Attorney General before taking personnel actions



1509 authorized by this section to review those actions for compliance
1510 with applicable state and federal law.

1511 (7) For a period of three (3) years beginning July 1, 2016,
1512 the provisions of subsection (1) of this section shall not apply
1513 to the personnel actions of the Department of Child Protection
1514 Services that are subject to the rules and regulations of the
1515 State Personnel Board, and all employees of the department shall
1516 be classified as nonstate service during that period. Any
1517 employee hired on or after July 1, 2019, by the department shall
1518 meet the criteria of the State Personnel Board as it presently
1519 exists for employment. The Executive Director of the Department
1520 of Child Protection Services shall consult with the Office of the
1521 Attorney General before taking personnel actions authorized by
1522 this section to review those actions for compliance with
1523 applicable state and federal law.

1524 **SECTION 30.** Section 25-3-39, Mississippi Code of 1972, is
1525 amended as follows:

1526 25-3-39. (1) (a) Except as otherwise provided in this
1527 section, no public officer, public employee, administrator, or
1528 executive head of any arm or agency of the state, in the executive
1529 branch of government, shall be paid a salary or compensation,
1530 directly or indirectly, greater than one hundred fifty percent
1531 (150%) of the salary fixed in Section 25-3-31 for the Governor,
1532 nor shall the salary of any public officer, public employee,
1533 administrator, or executive head of any arm or agency of the



1534 state, in the executive branch of government, be supplemented with
1535 any funds from any source, including federal or private funds.
1536 Such salaries shall be completely paid by the state. All academic
1537 officials, members of the teaching staffs and employees of the
1538 state institutions of higher learning, the Mississippi Community
1539 College Board, and community and junior colleges, and licensed
1540 physicians who are public employees, shall be exempt from this
1541 subsection. All professional employees who hold a bachelor's
1542 degree or more advanced degree from an accredited four-year
1543 college or university or a certificate or license issued by a
1544 state licensing board, commission or agency and who are employed
1545 by the Department of Mental Health shall be exempt from this
1546 subsection if the State Personnel Board approves the exemption.

1547 (b) The Governor shall fix the annual salary of the
1548 Executive Director of the Mississippi Development Authority, the
1549 annual salary of the Executive Director of the Department of Child
1550 Protection Services, and the annual salary of the Chief of Staff
1551 of the Governor's Office. The salary of the Governor's Chief of
1552 Staff shall not be greater than one hundred fifty percent (150%)
1553 of the salary of the Governor and shall be completely paid by the
1554 state without supplementation from another source. The salary of
1555 the Executive Director of the Mississippi Development Authority
1556 and the Executive Director of the Department of Child Protection
1557 Services may be greater than one hundred fifty percent (150%) of
1558 the salary of the Governor and may be supplemented with funds from



1559 any source, including federal or private funds; however, any state
1560 funds used to pay the salary of the Executive Director of the
1561 Mississippi Development Authority or the Executive Director of the
1562 Department of Child Protection Services shall not exceed one
1563 hundred fifty percent (150%) of the salary of the Governor. If
1564 the executive director's salary is supplemented with private
1565 funds, the Mississippi Development Authority shall publish on its
1566 website the amount of the supplement and the name of the donor of
1567 the private funds.

1568 (2) No public officer, employee or administrator shall be
1569 paid a salary or compensation, directly or indirectly, in excess
1570 of the salary authorized to be paid the executive head of the
1571 state agency or department in which he is employed. The State
1572 Personnel Board, based upon its findings of fact, may exempt
1573 physicians and actuaries from this subsection when the acquisition
1574 of such professional services is precluded based on the prevailing
1575 wage in the relevant labor market.

1576 (3) The executive head of any state agency or department
1577 appointed by the Governor, in such executive head's discretion,
1578 may waive all or any portion of the salary or compensation
1579 lawfully established for the position.

1580 **SECTION 31.** Sections 43-1-51, 43-15-3, 43-15-5, 43-15-6,
1581 43-15-7, 43-15-11, 43-15-13, 43-15-15, 43-15-17, 43-15-19,
1582 43-15-21, 43-15-23 and 43-15-51, Mississippi Code of 1972, which
1583 prescribe the duties and responsibilities of the Division of



1584 Family and Children's Services of the Department of Human
1585 Services, shall stand repealed effective July 1, 2017.

1586 **SECTION 32.** Section 1 of this act shall take effect and be
1587 in force from and after its passage, Sections 2 through 31 of this
1588 act shall take effect and be in force from and after July 1, 2017.
1589 This act shall stand repealed the day before its passage.

