

By: Senator(s) Carmichael

To: Public Health and
Welfare; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2209

1 AN ACT TO AMEND SECTION 43-26-1 AND CODIFY SECTION 43-26-3,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI DEPARTMENT OF
3 CHILD PROTECTION SERVICES TO SEND MONTHLY INFORMATION ON REVENUES
4 AND DISBURSEMENTS TO THE LEGISLATIVE BUDGET OFFICE AND THE PEER
5 COMMITTEE; TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES
6 TO MAINTAIN CURRENT RECORDS OF LICENSED CASEWORKERS AND
7 SUPERVISORS; TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION
8 SERVICES TO REQUEST THE OFFICE OF THE STATE AUDITOR TO CONDUCT A
9 FORENSIC AUDIT OF THE DEPARTMENT'S FISCAL YEAR 2018 AND FISCAL
10 YEAR 2019 REVENUES AND EXPENDITURES; TO REQUIRE THE DEPARTMENT OF
11 CHILD PROTECTION SERVICES AND THE DEPARTMENT OF HUMAN SERVICES TO
12 WORK WITH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
13 ESTABLISH PROCESSES AND POLICIES TO ENSURE COMPLETE AND ACCURATE
14 ACCOUNTING FOR THE DEPARTMENT OF CHILD PROTECTION SERVICES'
15 REVENUES AND EXPENDITURES; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 43-26-1, Mississippi Code of 1972, is
18 amended as follows:

19 43-26-1. (1) There is hereby created a Mississippi
20 Department of Child Protection Services.

21 (2) The Chief Administrative Officer of the Department of
22 Child Protection Services shall be the Commissioner of Child
23 Protection Services who shall be appointed by the Governor with



the advice and consent of the Senate. The commissioner shall possess the following qualifications:

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

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

(3) The Department of Child Protection Services shall be a subagency independent of, though housed within, the Mississippi Department of Human Services. The Commissioner of the Department of Child Protection Services shall maintain complete and exclusive operational control of the Department of Child Protection Services' functions, except functions shared with the Department of Human Services as provided in subsection (5)(c) and (d) of this section.

(4) The Commissioner of Child Protection Services may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the programs transferred to the department under Chapter 494, Laws of 2016.

(5) The Commissioner of Child Protection Services and the Executive Director of the Department of Human Services shall develop and implement a plan for the orderly establishment of the Department of Child Protection Services and its transition from



the Office of Family and Children's Services of the Department of Human Services. The plan shall:

(a) Describe a mechanism for the transfer of any equipment, supplies, records, furnishings or other materials, resources or funds dedicated to the operation of the Office of Family and Children's Services of the Department of Human Services, which may be useful to the Department of Child Protection Services;

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

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

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

(e) Identify other areas deemed relevant by the commissioner and make recommendations thereon to achieve an orderly transition.

(6) The programs and services provided by the Office of Family and Children's Services of the Department of Human Services under the following statutes shall be provided by the Department



73 of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2,
74 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6,
75 43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23,
76 43-15-51, 43-15-103, 43-15-105, 43-15-115, 43-15-125, 43-15-201,
77 43-15-203, 43-15-207 and 43-18-3, Mississippi Code of 1972.

78 (7) The PEER Committee shall review the programs or program
79 of the Mississippi Department of Child Protection Services,
80 beginning with fiscal year 2017 and each year thereafter. PEER
81 shall submit this review to the Chair of the Senate Public Health
82 and Welfare Committee, the Chair of the Senate Appropriations
83 Committee, the Chair of the House Public Health and Human Services
84 Committee, the Chair of the House Appropriations Committee, the
85 Lieutenant Governor, the Speaker of the House of Representatives,
86 and the Governor by December 1 of each year. The review shall
87 consist of the following:

88 (a) A review of the effectiveness of any program of the
89 department for which appropriated outcome measures have been
90 established;

91 (b) Caseloads for * * * caseworkers for each county or
92 another appropriate geographic area;

93 (c) Turnover rates of * * * caseworker staff by county
94 or other geographic area;

95 (d) Sources and uses of department funding; and

96 (e) Any other matters that the PEER Committee considers
97 to be pertinent to the performance of agency programs.



(8) The department shall submit revenue and expenditure data on a monthly basis to the Joint Legislative Budget Office and the Joint Legislative PEER Committee to assist these offices in monitoring the department's financial position in order to inform the Legislature in a timely manner regarding potential agency deficits.

SECTION 2. The following shall be codified as Section 43-26-3, Mississippi Code of 1972:

43-26-3. The Mississippi Department of Child Protection Services shall maintain a current list of all licensed social workers or other licensed professionals who provide direct services to children and families or supervise caseworkers who render such services in the agency.

SECTION 3. (1) The Department of Child Protection Services shall request the Mississippi Office of the State Auditor to conduct a forensic audit of the Mississippi Department of Child Protection Services' revenues and expenditures for fiscal year 2018 and fiscal year 2019 to determine why revenue shortfalls occurred, how they can be prevented in the future, and how the accuracy of the Mississippi Department of Child Protection Services' revenue and expenditure data can be improved. Such audit shall be delivered by November 1, 2019.

(2) The Executive Directors of the Mississippi Department of Child Protection Services and the Department of Human Services shall consult with Department of Finance and Administration staff



123 to determine the best means to account accurately and completely
124 for Mississippi Department of Child Protection Services' revenues
125 and expenditures since the department is independent of, though
126 housed within, the Department of Human Services. Such solutions
127 should include, but not be limited to, the establishment of a
128 separate business area within the state's accounting system for
129 the Department of Child Protection Services. The Department of
130 Child Protection Services shall report any such consultations and
131 solutions to the PEER Committee no later than November 1, 2019.

132 **SECTION 4.** This act shall take effect and be in force from
133 and after July 1, 2019.

