

By: Senator(s) Chassaniol

To: Public Health and  
Welfare

SENATE BILL NO. 2158

1 AN ACT TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE PEER COMMITTEE TO CONDUCT BIENNIAL REVIEWS OF THE  
3 DEPARTMENT OF CHILD PROTECTION SERVICES; TO SET OUT CERTAIN  
4 SPECIFIC CRITERIA FOR SUCH REVIEWS; TO REQUIRE THE FINDINGS BE  
5 REPORTED TO THE CHAIRS OF THE HOUSE AND SENATE APPROPRIATIONS  
6 COMMITTEES, THE CHAIR OF THE SENATE PUBLIC HEALTH AND WELFARE  
7 COMMITTEE, THE CHAIR OF THE HOUSE PUBLIC HEALTH AND HUMAN SERVICES  
8 COMMITTEE, THE GOVERNOR, THE LIEUTENANT GOVERNOR AND THE SPEAKER  
9 OF THE HOUSE OF REPRESENTATIVE; AND FOR RELATED PURPOSES.

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

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

13 43-26-1. (1) There is hereby created a Mississippi  
14 Department of Child Protection Services.

15 (2) The Chief Administrative Officer of the Department of  
16 Child Protection Services shall be the Commissioner of Child  
17 Protection Services who shall be appointed by the Governor with  
18 the advice and consent of the Senate. The commissioner shall  
19 possess the following qualifications:



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

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

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

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

38 (5) The Commissioner of Child Protection Services and the  
39 Executive Director of the Department of Human Services shall  
40 develop and implement a plan for the orderly establishment of the  
41 Department of Child Protection Services and its transition from  
42 the Office of Family and Children's Services of the Department of  
43 Human Services. The plan shall:



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

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

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

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

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

64 (6) The programs and services provided by the Office of  
65 Family and Children's Services of the Department of Human Services  
66 under the following statutes shall be provided by the Department  
67 of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2,  
68 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6,



69 43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23,  
70 43-15-51, 43-15-103, 43-15-105, 43-15-115, 43-15-125, 43-15-201,  
71 43-15-203, 43-15-207 and 43-18-3, Mississippi Code of 1972.

72 (7) The Mississippi Department of Child Protection Services  
73 shall submit a copy of the federal Annual Progress and Services  
74 Report (APSR) to the Chair of the Senate Public Health and Welfare  
75 Committee, the Chair of the Senate Appropriations Committee, the  
76 Chair of the House Public Health and Human Services Committee, the  
77 Chair of the House Appropriations Committee, the Lieutenant  
78 Governor, the Speaker of the House of Representatives, and the  
79 Governor by December 1 of each year.

80 (8) (a) The Commissioner of Child Protection Services shall  
81 hire a Coordinator of Services for Victims of Human Trafficking  
82 and Commercial Sexual Exploitation within the Department of Child  
83 Protection Services whose duties shall include, but not be limited  
84 to, the following:

85 (i) To form specialized human trafficking and  
86 commercial sexual exploitation assessment teams to respond on an  
87 as-needed basis to act as an emergency, separate and specialized  
88 response and assessment team to rapidly respond to the needs of  
89 children who are victims of human trafficking and commercial  
90 sexual exploitation;

91 (ii) To identify victims of human trafficking and  
92 commercial sexual exploitation;



(iii) To monitor, record and distribute federal human trafficking funds received by the Department of Child Protection Services;

(iv) To employ staff to investigate allegations of human trafficking and commercial sexual exploitation; and

(v) To develop and coordinate services within the Department of Child Protection Services and with outside service providers for victims of human trafficking and commercial sexual exploitation.

(b) The Commissioner of Child Protection Services shall develop standard operating procedures for the investigation, custody and services provided to alleged victims of human trafficking and commercial sexual exploitation.

(c) The Commissioner shall require two (2) hours of training regarding the subject of identifying, assessing, and providing comprehensive services to a child who has experienced or is alleged to have experienced commercial sexual exploitation or human trafficking. The training must be incorporated into the pre-service training requirements of all Mississippi Department of Child Protection Services family specialists, adoption specialists, licensure specialists, direct supervisors of family protection specialists, direct supervisors of adoption specialists, and direct supervisors of licensure specialists.

(9) The PEER Committee shall review the Mississippi Department of Child Protection Services, and report its findings



118 to the Chair of the Senate Public Health and Welfare Committee,  
119 the Chair of the Senate Appropriations Committee, the Chair of the  
120 House Public Health and Human Services Committee, the Chair of the  
121 House Appropriations Committee, the Lieutenant Governor, the  
122 Speaker of the House of Representatives, and the Governor by  
123 December 1, 2021, and every two (2) years thereafter. The review  
124 shall consist of the following:

125 (a) A review of any measures of program performance  
126 reported to any state or federal agency, and the outcomes or  
127 outputs associated with these measures;

128 (b) Statistics associated with the department's direct  
129 service personnel involved in providing services to Mississippi's  
130 families and children. Such statistics shall include, but not be  
131 limited to, direct service personnel caseloads and turnover rates;

132 (c) Sources and uses of department funding; and

133 (d) Any other matters that the PEER Committee considers  
134 to be pertinent to the performance of agency programs.

135 **SECTION 2.** This act shall take effect and be in force from  
136 and after July 1, 2021.

