

By: Representatives Ladner, Scoggin

To: Appropriations

HOUSE BILL NO. 28

1 AN ACT TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE PEER COMMITTEE TO REVIEW THE OPERATIONS OF THE  
3 MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES AND REPORT ITS  
4 FINDINGS TO THE LEGISLATURE BY DECEMBER 1, 2022; AND FOR RELATED  
5 PURPOSES.

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

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

9 43-26-1. (1) There is hereby created a Mississippi  
10 Department of Child Protection Services.

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

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



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

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

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

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

40 (a) Describe a mechanism for the transfer of any  
41 equipment, supplies, records, furnishings or other materials,  
42 resources or funds dedicated to the operation of the Office of  
43 Family and Children's Services of the Department of Human



44 Services, which may be useful to the Department of Child  
45 Protection Services;

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

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

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

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

60 (6) The programs and services provided by the Office of  
61 Family and Children's Services of the Department of Human Services  
62 under the following statutes shall be provided by the Department  
63 of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2,  
64 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6,  
65 43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23,  
66 43-15-51, 43-15-103, 43-15-105, 43-15-115, 43-15-125, 43-15-201,  
67 43-15-203, 43-15-207 and 43-18-3, Mississippi Code of 1972.



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

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

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

87                       (ii) To identify victims of human trafficking and  
88 commercial sexual exploitation;

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



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

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

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

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

112 (9) The PEER Committee shall review the operations of the  
113 Mississippi Department of Child Protection Services, and report  
114 its findings to the Chair of the Senate Public Health and Welfare  
115 Committee, the Chair of the Senate Appropriations Committee, the  
116 Chair of the House Public Health and Human Services Committee, the



117 Chair of the House Appropriations Committee, the Lieutenant  
118 Governor, the Speaker of the House of Representatives, and the  
119 Governor by December 1, 2022, and every two (2) years thereafter.

120 The review shall consist of the following:

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

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

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

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

131 **SECTION 2.** This act shall take effect and be in force from  
132 and after July 1, 2022.

