

By: Representatives Kinkade, Ford (73rd),
Hale, Morgan, Pigott, Powell

To: Judiciary A

HOUSE BILL NO. 943

1 AN ACT TO AMEND SECTION 93-19-13, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE PERSONS 18 YEARS OF AGE OR OLDER TO ENTER LEGALLY
3 BINDING CONTRACTS FOR THE LEASE OF REAL PROPERTY; TO BRING FORWARD
4 SECTION 43-27-103, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
5 AUTHORITY FOR A SYSTEM OF SERVICES BY THE DEPARTMENT OF HUMAN
6 SERVICES, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION
7 15-1-59, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR DISABILITY
8 OF INFANCY, FOR THE PURPOSES OF AMENDMENT; TO AMEND SECTION
9 1-3-27, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DEFINITION OF
10 A "MINOR"; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 93-19-13, Mississippi Code of 1972, is
13 amended as follows:

14 93-19-13. (1) All persons eighteen (18) years of age or
15 older, if not otherwise disqualified, or prohibited by law, shall
16 have the capacity to enter into binding contractual relationships
17 affecting personal property. In addition, all persons eighteen
18 (18) years of age or older shall have the capacity to enter into
19 binding contractual relationships for the purpose of investing in
20 mutual funds, stocks, bonds and any other publicly traded
21 equities. Nothing in this section shall be construed to affect
22 any contracts entered into prior to July 1, 1976.



23 (2) Any person eighteen (18) years of age or older including
24 those who are under the jurisdiction of the Department of Human
25 Services or Child Protection Services, if not otherwise
26 disqualified, or prohibited by law, shall have the capacity to
27 enter into binding agreements to lease real property to be
28 occupied by the person as the actual place of residence.

29 (3) In any legal action founded on a contract entered into
30 by a person eighteen (18) years of age or older, the said person
31 may sue in his own name as an adult and be sued in his own name as
32 an adult and be served with process as an adult.

33 **SECTION 2.** Section 43-27-103, Mississippi Code of 1972, is
34 brought forward as follows:

35 43-27-103. (1) Sections 43-27-101 and 43-27-103 shall
36 enable the development by the Department of Human Services of a
37 system of services for children or youth in the custody of or
38 under the supervision of the Department of Human Services, if
39 funds are appropriated to the department for that purpose. The
40 system of services may consist of emergency response services, an
41 early intervention and treatment unit, respite care, crisis
42 nurseries, specialized outpatient or inpatient treatment services,
43 special needs foster care, therapeutic foster care, emergency
44 foster homes, and Medicaid targeted case management for abused and
45 neglected children and youth as well as children adjudicated
46 delinquent or in need of supervision. Any of these services that
47 are provided shall be arranged by and coordinated through the



48 Department of Human Services, and the department may contract with
49 public or private agencies or entities to provide any of the
50 services or may provide any of the services itself. All of the
51 services shall be provided in facilities that meet the standards
52 set by the Department of Human Services for the particular type of
53 facility involved. None of the services provided shall duplicate
54 existing services except where there is a documented need for
55 expansion of the services.

56 (2) A description of the services that may be provided under
57 Sections 43-27-101 and 43-27-103 are as follows:

58 (a) "Emergency response services" means services to
59 respond to children or youth in severe crisis and include:

60 (i) Emergency single point phone lines;

61 (ii) Crisis care coordinators staffing shifts that
62 enable twenty-four-hour per day response as "front line"
63 professionals when crisis calls are received, assist with
64 decision-making, family support, initiate plan of action and
65 remain "on call" for the first seventy-two (72) hours for other
66 service professionals to get in place and insure development of a
67 plan of care;

68 (iii) Acute care/emergency medical response
69 through contracted services with up to five (5) regional hospitals
70 providing emergency room services and hospitalization for up to
71 seventy-two (72) hours with a maximum of One Hundred Dollars
72 (\$100.00) per day;



73 (iv) Case managers;
74 (v) Respite services; and
75 (vi) Assessment services contracted with social
76 workers, psychologists, psychiatrists and other health
77 professionals.

78 (b) "Early intervention and treatment unit" means a
79 unique, nonhospital crisis service in a residential context that
80 is able to provide the level of support and intervention needed to
81 resolve the crisis and as an alternative to hospitalization. This
82 unit shall provide specialized assessment, including a variety of
83 treatment options and services to best intervene in a child or
84 youth's crisis, and provide an appropriate plan for further
85 services upon returning to the home and community. Staff-to-child
86 or youth ratio shall be high, with multidisciplinary, specialized
87 services for up to six (6) children or youths at one (1) time, and
88 with the maximum assessment and treatment planning and services
89 being ninety (90) days for most children or youths.

90 (c) "Respite care" means planned temporary care for a
91 period of time ranging from a few hours within a twenty-four-hour
92 period to an overnight or weekend stay to a maximum of ten (10)
93 days. Care may be provided in-home or out-of-home with trained
94 respite parents or counselors and is designed to provide a planned
95 break for the parents from the caretaking role with the child.

96 (d) "Crisis nurseries" means a program providing
97 therapeutic nursery treatment services to preschool aged children



98 who as preschoolers demonstrate significant behavioral or
99 emotional disorders. These services shall be to therapeutically
100 address developmental and emotional behavioral difficulties
101 through direct intervention with the child in a nursery school
102 environment and to intervene with parents to provide education,
103 support and therapeutic services.

104 (e) "Specialized outpatient or inpatient treatment
105 services," such as sex offender treatment, means specialized
106 treatment for perpetrators of sexual offenses with children.

107 (f) "Special needs foster care" means foster care for
108 those children with a variety of handicapping conditions or
109 disabilities, including serious emotional disturbance.

110 (g) "Therapeutic foster care" means residential mental
111 health services provided to children and adolescents in a family
112 setting, utilizing specially trained foster parents. Therapeutic
113 foster care essentially involves the following features:

114 (i) Placement with foster parents who have been
115 carefully selected by knowledgeable, well-trained mental health
116 and social service professionals to work with children with an
117 emotional disturbance;

118 (ii) Provision of special training to the foster
119 parents to assist them in working with children with an emotional
120 disturbance;



121 (iii) Low staff-to-child ratio, allowing the
122 therapeutic staff to work very closely with each child, the foster
123 parents and the biological parents, if available;

124 (iv) Creation of a support system among these
125 specially trained foster parents; and

126 (v) Payment of a special foster care payment to
127 the foster parents.

128 (h) "Emergency foster homes" means those homes used on
129 a short-term basis for (i) children who are temporarily removed
130 from the home in response to a crisis situation, or (ii) youth who
131 exhibit special behavioral or emotional problems for whom removal
132 from the existing home situation is necessary. In some cases they
133 may provide an emergency placement for infants and toddlers for
134 whom no regular foster home is available, rather than placement
135 into an emergency shelter where older and larger groups of
136 children are placed. Foster parents are trained to deal with the
137 special needs of children placed in these emergency homes.

138 (i) "Medicaid targeted case management" means
139 activities that are related to assuring the completion of proper
140 client evaluations; arranging and supporting treatment plans,
141 monitoring services, coordinating service delivery and other
142 related actions.

143 **SECTION 3.** Section 15-1-59, Mississippi Code of 1972, is
144 brought forward as follows:



145 15-1-59. If any person entitled to bring any of the personal
146 actions mentioned shall, at the time at which the cause of action
147 accrued, be under the disability of infancy or unsoundness of
148 mind, he may bring the actions within the times in this chapter
149 respectively limited, after his disability shall be removed as
150 provided by law. However, the saving in favor of persons under
151 disability of unsoundness of mind shall never extend longer than
152 twenty-one (21) years.

153 **SECTION 4.** Section 1-3-27, Mississippi Code of 1972, is
154 amended as follows:

155 1-3-27. The term "minor," when used in any statute, shall
156 include any person, male or female, under twenty-one (21) years of
157 age.

158 **SECTION 5.** This act shall take effect and be in force from
159 and after July 1, 2022.

