

By: Representative Ford (54th)

To: Public Health and Human Services

HOUSE BILL NO. 991

1 AN ACT TO AMEND SECTION 43-15-13, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO EDUCATE
3 AND TRAIN CHILDREN HOW TO REPORT COMMERCIAL SEXUAL EXPLOITATION
4 AND HUMAN TRAFFICKING BEFORE BEING PLACED IN FOSTER CARE; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-15-13, Mississippi Code of 1972, is
8 amended as follows:

9 43-15-13. (1) For purposes of this section, "children"
10 means persons found within the state who are under the age of
11 twenty-one (21) years, and who were placed in the custody of the
12 Department of Child Protection Services by the youth court of the
13 appropriate county. For purposes of this chapter, "commercial
14 sexual exploitation" means any sexual act or crime of a sexual
15 nature, which is committed against a child for financial or
16 economic gain, to obtain a thing of value, for quid pro quo
17 exchange of property or any other purpose.



18 (2) The Department of Child Protection Services shall
19 establish a foster care placement program for children whose
20 custody lies with the department, with the following objectives:

21 (a) Protecting and promoting the health, safety and
22 welfare of children;

23 (b) Preventing the unnecessary separation of children
24 from their families by identifying family problems, assisting
25 families in resolving their problems and preventing the breakup of
26 the family where the prevention of child removal is desirable and
27 possible when the child can be cared for at home without
28 endangering the child's health and safety;

29 (c) Remediating or assisting in the solution of problems
30 that may result in the neglect, abuse, exploitation, commercial
31 sexual exploitation, human trafficking or delinquency of children;

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

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

40 (f) Assuring safe and adequate care of children away
41 from their homes, in cases where the child cannot be returned home
42 or cannot be placed for adoption, including temporary or emergency



43 placement with a relative or fictive kin pending youth court
44 action on the case. At the time of placement, the department
45 shall implement concurrent planning, as described in subsection
46 (8) of this section, so that permanency may occur at the earliest
47 opportunity. Consideration of possible failure or delay of
48 reunification should be given, to the end that the placement made
49 is the best available placement to provide permanency for the
50 child; and

51 (g) Providing a family protection specialist or worker
52 or team of such specialists or workers for a family and child
53 throughout the implementation of their permanent living
54 arrangement plan. Wherever feasible, the same family protection
55 specialist or worker or team shall remain on the case until the
56 child is no longer under the jurisdiction of the youth court.

57 (3) The Department of Child Protection Services shall
58 administer a system of individualized plans, reviews and reports
59 once every six (6) months for each child under its custody within
60 the State of Mississippi, which document each child who has been
61 adjudged a neglected, abandoned or abused child, including a child
62 alleged to have experienced commercial sexual exploitation and/or
63 human trafficking and whose custody was changed by court order as
64 a result of that adjudication, and each public or private facility
65 licensed by the department. The Department of Child Protection
66 Services' administrative review shall be completed on each child
67 within the first three (3) months and a relative placement,



68 fictive kin placement, or foster care review once every six (6)
69 months after the child's initial forty-eight-hour shelter hearing.
70 That system shall be for the purpose of enhancing potential family
71 life for the child by the development of individual plans to
72 return the child to the child's natural parent or parents, or to
73 refer the child to the appropriate court for termination of
74 parental rights and placement in a permanent relative's home,
75 adoptive home or foster/adoptive home. The goal of the Department
76 of Child Protection Services shall be to return the child to the
77 child's natural parent(s) or refer the child to the appropriate
78 court for termination of parental rights and placement in a
79 permanent relative's home, adoptive home or foster/adoptive home
80 within the time periods specified in this subsection or in
81 subsection (4) of this section. In furthering this goal, the
82 department shall establish policy and procedures designed to
83 appropriately place children in permanent homes, and provide
84 counseling services and other appropriate services to children who
85 have been victims of commercial sexual exploitation or human
86 trafficking. The policy shall include a system of reviews for all
87 children in foster care, as follows: foster care counselors in
88 the department shall make all possible contact with the child's
89 natural parent(s), custodial parent(s) of all siblings of the
90 child, and any interested relative for the first two (2) months
91 following the child's entry into the foster care system, and
92 provide care for victims of commercial sexual exploitation or



93 human trafficking. For purposes of contacting custodial parent(s)
94 of a sibling, siblings include those who are considered a sibling
95 under state law, and those who would have been considered a
96 sibling under state law, except for termination or disruption of
97 parental rights. For any child who has been in foster care for
98 fifteen (15) of the last twenty-two (22) months regardless of
99 whether the foster care was continuous for all of those twenty-two
100 (22) months, the department shall file a petition to terminate the
101 parental rights of the child's parents. The time period starts to
102 run from the date the court makes a finding of abuse and/or
103 neglect, or commercial sexual exploitation or human trafficking,
104 or sixty (60) days from when the child was removed from his or her
105 home, whichever is earlier. The department can choose not to file
106 a termination of parental rights petition if the following apply:

107 (a) The child is being cared for by a relative; and/or
108 (b) The department has documented compelling and
109 extraordinary reasons why termination of parental rights would not
110 be in the best interests of the child. Before granting or denying
111 a request by the department for an extension of time for filing a
112 termination of parental rights action, the court shall receive a
113 written report on the progress which a parent of the child has
114 made in treatment, to be made to the court in writing by a mental
115 health/substance abuse therapist or counselor.

116 (4) In the case of any child who is placed in foster care on
117 or after July 1, 1998, except in cases of aggravated circumstances



118 prescribed in Section 43-21-603(7)(c), the child's natural
119 parent(s) will have a reasonable time to be determined by the
120 court, which shall not exceed a six-month period of time, in which
121 to meet the service agreement with the department for the benefit
122 of the child unless the department has documented extraordinary
123 and compelling reasons for extending the time period in the best
124 interest of the child. If this agreement has not been
125 satisfactorily met, simultaneously the child will be referred to
126 the appropriate court for termination of parental rights and
127 placement in a permanent relative's home, adoptive home or a
128 foster/adoptive home. For children under the age of three (3)
129 years, termination of parental rights shall be initiated within
130 six (6) months, unless the department has documented compelling
131 and extraordinary circumstances, and placement in a permanent
132 relative's home, adoptive home or foster/adoptive home within two
133 (2) months. For children who have been abandoned under the
134 provisions of Section 97-5-1, termination of parental rights shall
135 be initiated within thirty (30) days and placement in an adoptive
136 home shall be initiated without necessity for placement in a
137 foster home. The department need not initiate termination of
138 parental rights proceedings where the child has been placed in
139 durable legal custody, durable legal relative guardianship, or
140 long-term or formalized foster care by a court of competent
141 jurisdiction.



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

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

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

152 (c) The degree of compliance by the agency and the
153 parents with the social service plan established;

154 (d) The methods of achieving the goal and the plan
155 establishing a permanent home for the child;

156 (e) Social services offered and/or utilized to
157 facilitate plans for establishing a permanent home for the child;
158 and

159 (f) Relevant testimony and recommendations from the
160 foster parent of the child, the grandparents of the child, the
161 guardian ad litem of the child, when appointed, the
162 Court-Appointed Special Advocate (CASA) of the child,
163 representatives of any private care agency that has cared for the
164 child, the family protection worker or family protection
165 specialist assigned to the case, and any other relevant testimony
166 pertaining to the case.



167 Each child's review plan once every six (6) months shall be
168 filed with the court which awarded custody and shall be made
169 available to natural parents or foster parents upon approval of
170 the court. The court shall make a finding as to the degree of
171 compliance by the agency and the parent(s) with the child's social
172 service plan. The court also shall find that the child's health
173 and safety are the paramount concern. In the interest of the
174 child, the court shall, where appropriate, initiate proceedings on
175 its own motion. The Department of Child Protection Services shall
176 report to the Legislature as to the number of those children, the
177 findings of the foster care review board and relevant statistical
178 information in foster care in a semiannual report to the
179 Legislature to be submitted to the Joint Oversight Committee of
180 the Department of Child Protection Services. The report shall not
181 refer to the specific name of any child in foster care.

182 (6) (a) The Department of Child Protection Services, with
183 the cooperation and assistance of the State Department of Health,
184 shall develop and implement a training program for foster care
185 parents to indoctrinate them as to their proper responsibilities
186 upon a child's entry into their foster care. The program shall
187 provide a minimum of twelve (12) clock hours of training, which
188 shall include training foster care parents about providing mental
189 and physical support to children who have experienced commercial
190 sexual exploitation or human trafficking. The foster care
191 training program shall be satisfactorily completed by such foster



192 care parents before or within ninety (90) days after child
193 placement with the parent. Record of the foster care parent's
194 training program participation shall be filed with the court as
195 part of a child's foster care review plan once every six (6)
196 months.

197 (b) (i) The court may waive foster care training for
198 an appropriate relative placement.

199 (ii) A relative exempted from foster care training
200 is not eligible for board payments, foster care payments, kinship
201 care payments, therapeutic care payments, or any other monthly
202 payments from the department to assist in the care of the child.

203 (c) The Department of Child Protection Services, with
204 the cooperation and assistance of the State Department of Health,
205 shall develop and implement a training program for foster care
206 children to indoctrinate them as to rights in identifying and
207 reporting commercial exploitation or human trafficking. This
208 training shall occur before any child is placed in foster care.
209 The program shall provide a minimum of twelve (12) clock hours of
210 training to provide children with a hotline number and those
211 adults to which they can report commercial sexual exploitation or
212 human trafficking. Record of the child's training shall be filed
213 with the court as part of a child's foster care placement.

214 (7) When the Department of Child Protection Services is
215 considering placement of a child in a foster home and when the
216 department deems it to be in the best interest of the child, the



217 department shall give first priority to placing the child in the
218 home of one (1) of the child's relatives within the third degree,
219 as computed by the civil law rule.

220 (a) In placing the child in a relative's home, the
221 department may waive any rule, regulation or policy applicable to
222 placement in foster care that would otherwise require the child to
223 have a separate bed or bedroom or have a bedroom of a certain
224 size, if placing the child in a relative's home would be in the
225 best interest of the child and those requirements cannot be met in
226 the relative's home.

227 (b) The court may waive foster care training for a
228 relative only when appropriate.

229 (8) The Legislature recognizes that the best interests of
230 the child require that the child be placed in the most permanent
231 living arrangement as soon as is practicably possible. To achieve
232 this goal, the Department of Child Protection Services is directed
233 to conduct concurrent planning so that a permanent living
234 arrangement may occur at the earliest opportunity. Permanent
235 living arrangements may include prevention of placement of a child
236 outside the home of the family when the child can be cared for at
237 home without endangering the child's health or safety;
238 reunification with the family, when safe and appropriate, if
239 temporary placement is necessary; or movement of the child toward
240 the most permanent living arrangement and permanent legal status.
241 When a child is placed in foster care or relative care, the



242 department shall first ensure and document that reasonable
243 efforts, as defined in Section 43-21-105, were made to prevent or
244 eliminate the need to remove the child from the child's home. The
245 department's first priority shall be to make reasonable efforts to
246 reunify the family when temporary placement of the child occurs or
247 shall request a finding from the court that reasonable efforts are
248 not appropriate or have been unsuccessful. A decision to place a
249 child in foster care or relative care shall be made with
250 consideration of the child's health, safety and best interests.
251 At the time of placement, consideration should also be given so
252 that if reunification fails or is delayed, the placement made is
253 the best available placement to provide a permanent living
254 arrangement for the child. The department shall adopt rules
255 addressing concurrent planning for reunification and a permanent
256 living arrangement. The department shall consider the following
257 factors when determining appropriateness of concurrent planning:
258 (a) The likelihood of prompt reunification;
259 (b) The past history of the family;
260 (c) The barriers to reunification being addressed by
261 the family;
262 (d) The level of cooperation of the family;
263 (e) The foster parents' willingness to work with the
264 family to reunite;



265 (f) The willingness and ability of the foster family or
266 relative placement to provide an adoptive home or long-term
267 placement;

268 (g) The age of the child; and

269 (h) Placement of siblings.

270 (9) If the department has placed a child in foster care or
271 relative care under a court order, the department may not change
272 the child's placement unless the department specifically documents
273 to the court that the current placement is unsafe or unsuitable or
274 that another placement is in the child's best interests unless the
275 new placement is in an adoptive home or other permanent placement.
276 Except in emergency circumstances as determined by the department
277 or where the court orders placement of the child under Section
278 43-21-303, the foster parents, grandparents or other relatives of
279 the child shall be given an opportunity to contest the specific
280 reasons documented by the department at least seventy-two (72)
281 hours before any such departure, and the court may conduct a
282 review of that placement unless the new placement is in an
283 adoptive home or other permanent placement. When a child is
284 returned to foster care or relative care, the former foster
285 parents or relative placement shall be given the prior right of
286 return placement in order to eliminate additional trauma to the
287 child.

288 (10) The Department of Child Protection Services shall
289 provide the foster parents, grandparents or other relatives with



290 at least a seventy-two-hour notice of departure for any child
291 placed in their foster care or relative care, except in emergency
292 circumstances as determined by the department or where the court
293 orders placement of the child under Section 43-21-303. The
294 parent/legal guardian, grandparents of the child, guardian ad
295 litem and the court exercising jurisdiction shall be notified in
296 writing when the child leaves foster care or relative care
297 placement, regardless of whether the child's departure was planned
298 or unplanned. The only exceptions to giving a written notice to
299 the parent(s) are when a parent has voluntarily released the child
300 for adoption or the parent's legal rights to the child have been
301 terminated through the appropriate court with jurisdiction.

302 (11) The Department of Child Protection Services shall
303 extend the following rights to persons who provide foster care and
304 relative care:

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

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

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



314 (d) Support from the family protection worker or the
315 family protection specialist in efforts to do a better day-to-day
316 job in caring for the child and in working to achieve the agency's
317 objectives for the child and the birth family through provision
318 of:

319 (i) Pertinent information about the child and the
320 birth family;

321 (ii) Help in using appropriate resources to meet
322 the child's needs, including counseling or other services for
323 victims of commercial sexual exploitation or human trafficking;

324 (iii) Direct interviews between the family
325 protection worker or specialist and the child, previously
326 discussed and understood by the foster parents;

327 (iv) Information regarding whether the child
328 experienced commercial sexual exploitation or human trafficking;

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

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

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

335 (h) Reimbursement for costs of the child's care in the
336 form of a board payment based on the age of the child as
337 prescribed in Section 43-15-17 unless the relative is exempt from
338 foster care training and chooses to exercise the exemption; and



339 (i) Reimbursement for property damages caused by
340 children in the custody of the Department of Child Protection
341 Services in an amount not to exceed Five Hundred Dollars
342 (\$500.00), as evidenced by written documentation. The Department
343 of Child Protection Services shall not incur liability for any
344 damages as a result of providing this reimbursement.

345 (12) The Department of Child Protection Services shall
346 require the following responsibilities from participating persons
347 who provide foster care and relative care:

348 (a) Understanding the department's function in regard
349 to the foster care and relative care program and related social
350 service programs;

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

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

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

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

362 (f) Expressing their views of agency practices which
363 relate to the child with the appropriate staff member;



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

368 (h) Cooperating with any plan to reunite the child with
369 his birth family and work with the birth family to achieve this
370 goal; and

371 (i) Attending dispositional review hearings and
372 termination of parental rights hearings conducted by a court of
373 competent jurisdiction, or providing their recommendations to the
374 court in writing.

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

