

By: Representatives Ford (73rd), Hopkins,  
Stamps

To: Judiciary A

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 510

1 AN ACT TO AMEND SECTION 43-15-13, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE FOSTER CARE PLACEMENT PROGRAM TO CREATE THE FOSTER  
3 PARENTS' BILL OF RIGHTS; TO REQUIRE THE DEPARTMENT OF CHILD  
4 PROTECTION SERVICES TO PROVIDE THE FOSTER PARENTS' BILL OF RIGHTS  
5 AND RESPONSIBILITIES TO ALL FOSTER PARENTS AT FOSTER PARENT  
6 TRAINING; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

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

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

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



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

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

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



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



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

108 (a) The child is being cared for by a relative; and/or

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

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



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



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

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

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

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

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

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

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



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

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





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

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

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

204 (7) When the Department of Child Protection Services is  
205 considering placement of a child in a foster home and when the  
206 department deems it to be in the best interest of the child, the  
207 department shall give first priority to placing the child in the  
208 home of one (1) of the child's relatives within the third degree,  
209 as computed by the civil law rule.

210 (a) In placing the child in a relative's home, the  
211 department may waive any rule, regulation or policy applicable to  
212 placement in foster care that would otherwise require the child to  
213 have a separate bed or bedroom or have a bedroom of a certain  
214 size, if placing the child in a relative's home would be in the  
215 best interest of the child and those requirements cannot be met in  
216 the relative's home.



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

219 (8) The Legislature recognizes that the best interests of  
220 the child require that the child be placed in the most permanent  
221 living arrangement as soon as is practicably possible. To achieve  
222 this goal, the Department of Child Protection Services is directed  
223 to conduct concurrent planning so that a permanent living  
224 arrangement may occur at the earliest opportunity. Permanent  
225 living arrangements may include prevention of placement of a child  
226 outside the home of the family when the child can be cared for at  
227 home without endangering the child's health or safety;  
228 reunification with the family, when safe and appropriate, if  
229 temporary placement is necessary; or movement of the child toward  
230 the most permanent living arrangement and permanent legal status.  
231 When a child is placed in foster care or relative care, the  
232 department shall first ensure and document that reasonable  
233 efforts, as defined in Section 43-21-105, were made to prevent or  
234 eliminate the need to remove the child from the child's home. The  
235 department's first priority shall be to make reasonable efforts to  
236 reunify the family when temporary placement of the child occurs or  
237 shall request a finding from the court that reasonable efforts are  
238 not appropriate or have been unsuccessful. A decision to place a  
239 child in foster care or relative care shall be made with  
240 consideration of the child's health, safety and best interests.  
241 At the time of placement, consideration should also be given so



242 that if reunification fails or is delayed, the placement made is  
243 the best available placement to provide a permanent living  
244 arrangement for the child. The department shall adopt rules  
245 addressing concurrent planning for reunification and a permanent  
246 living arrangement. The department shall consider the following  
247 factors when determining appropriateness of concurrent planning:

248 (a) The likelihood of prompt reunification;

249 (b) The past history of the family;

250 (c) The barriers to reunification being addressed by  
251 the family;

252 (d) The level of cooperation of the family;

253 (e) The foster parents' willingness to work with the  
254 family to reunite;

255 (f) The willingness and ability of the foster family or  
256 relative placement to provide an adoptive home or long-term  
257 placement;

258 (g) The age of the child; and

259 (h) Placement of siblings.

260 (9) If the department has placed a child in foster care or  
261 relative care under a court order, the department may not change  
262 the child's placement unless the department specifically documents  
263 to the court that the current placement is unsafe or unsuitable or  
264 that another placement is in the child's best interests unless the  
265 new placement is in an adoptive home or other permanent placement.  
266 Except in emergency circumstances as determined by the department



267 or where the court orders placement of the child under Section  
268 43-21-303, the foster parents, grandparents or other relatives of  
269 the child shall be given an opportunity to contest the specific  
270 reasons documented by the department at least seventy-two (72)  
271 hours before any such departure, and the court may conduct a  
272 review of that placement unless the new placement is in an  
273 adoptive home or other permanent placement. When a child is  
274 returned to foster care or relative care, the former foster  
275 parents or relative placement shall be given the prior right of  
276 return placement in order to eliminate additional trauma to the  
277 child.

278 (10) The Department of Child Protection Services shall  
279 provide the foster parents, grandparents or other relatives with  
280 at least a seventy-two-hour notice of departure for any child  
281 placed in their foster care or relative care, except in emergency  
282 circumstances as determined by the department or where the court  
283 orders placement of the child under Section 43-21-303. The  
284 parent/legal guardian, grandparents of the child, guardian ad  
285 litem and the court exercising jurisdiction shall be notified in  
286 writing when the child leaves foster care or relative care  
287 placement, regardless of whether the child's departure was planned  
288 or unplanned. The only exceptions to giving a written notice to  
289 the parent(s) are when a parent has voluntarily released the child  
290 for adoption or the parent's legal rights to the child have been  
291 terminated through the appropriate court with jurisdiction.



292           (11) There is hereby created a Foster Parents' Bill of  
293 Rights and Responsibilities which shall be provided to all foster  
294 parents at foster parent training. The Department of Child  
295 Protection Services shall extend the following rights to persons  
296 who provide foster care and relative care and shall require those  
297 included responsibilities from participating persons who provide  
298 foster care and relative care:

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

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

305                   (c) Notification of basic benchmarks that must be met  
306 by the foster parent such as appointments, home visits, visiting  
307 the child at school, and meetings with the child's family;

308                   (d) Advance notice of information regarding scheduled  
309 meetings, appointments, and court hearings concerning the foster  
310 child;

311                   (e) The opportunity to communicate with professionals  
312 who work with the foster child including, but not limited to,  
313 therapists, physicians, and teachers who work directly with the  
314 child;

315                   (f) The opportunity to communicate and collaborate,  
316 without the threat of reprisal, with a department representative



317 such as the family protection worker or family protection  
318 specialist when further educational services are needed to ensure  
319 the child's educational needs are met. These services include,  
320 but are not limited to, development of an Individualized  
321 Educational Plan (IEP), tutoring, occupational therapy, speech  
322 therapy, and after school programs;

323 (g) The opportunity to attend all IEP meetings, along  
324 with the department worker, at the child's school as long as the  
325 child is in custody and receiving special educational services;

326 (h) The opportunity to communicate with the foster  
327 child's guardian ad litem and set up independent meetings between  
328 the guardian ad litem and the foster child within two (2) weeks of  
329 placement;

330 (i) Having a direct interest in the child protection  
331 proceedings and disposition hearings, the opportunity and right to  
332 appear and be represented by legal counsel as provided by Section  
333 43-21-203(6);

334 (j) When the dates of the permanency hearing and  
335 permanency review hearing have been set by the youth court, and if  
336 necessary to fulfill the notice requirements, the judge or the  
337 judge's designee shall order the clerk of the youth court to issue  
338 a summons to the foster parents to appear personally at the  
339 hearings as provided by Section 43-21-501;

340 (k) The opportunity to request permission to  
341 communicate with the child's birth family, other foster parents of



342 the child, and prospective and finalized adoptive parents of the  
343 child without the threat of reprisal. However, this right creates  
344 no obligation of the birth family, other foster parents, or  
345 prospective and finalized adoptive parents to communicate;

346 ( \* \* \*1) Involvement in all the agency's crucial  
347 decisions regarding the child as team members who have pertinent  
348 information based on their day-to-day knowledge of the child in  
349 care and involvement in case planning, including, but not limited  
350 to, individual service planning meetings, foster care review,  
351 individual educational planning meetings, and medical  
352 appointments;

353 (m) The opportunity to participate in the planning of  
354 visitations between the child and the child's siblings and  
355 biological family. Visitations should be scheduled at a time that  
356 meets the needs of the child, the biological family, and the  
357 foster family whenever possible. Recognizing that visitation with  
358 family members is an important right of children in foster care,  
359 foster parents shall be flexible and cooperative with regard to  
360 family visits but shall have the right to advance notice of all  
361 scheduled visitations;

362 (n) The ability to communicate with department  
363 personnel or representatives twenty-four (24) hours a day, seven  
364 (7) days a week, for the purpose of aiding the foster parent;

365 (o) A comprehensive list of all resources available to  
366 the foster parent and child including, but not limited to, dental



367 providers, medical providers, respite workers in the area, day  
368 cares, and methods for submitting reimbursements;

369 ( \* \* \*p) Support from the family protection worker or  
370 the family protection specialist in efforts to do a better  
371 day-to-day job in caring for the child and in working to achieve  
372 the agency's objectives for the child and the birth family through  
373 provision of:

374 (i) \* \* \* A copy of the "Foster Child Information  
375 Form" and all other pertinent information about the child and the  
376 birth family including behavioral problems, medical and dental  
377 health history, psychological information, educational status,  
378 cultural and family background, and other issues relative to the  
379 child which are known to the department at the time the child is  
380 placed in foster care prior to the child's placement with a foster  
381 parent or parents. The department shall make reasonable efforts  
382 to gather and provide all additional current medical, dental,  
383 behavioral, educational, and psychological information reasonably  
384 available from the child's service providers within fifteen (15)  
385 calendar days of placement. When the department knows of  
386 information after the fifteen (15) days, the department shall make  
387 that information available to the foster parent as soon as  
388 practicable;

389 (ii) An explanation of the plan concerning the  
390 placement of the child in the foster parent's home and any  
391 necessary information on an ongoing basis which is relevant to the





392 care of the child, including timely information related to changes  
393 in the case plan;

394 ( \* \* \*iii) Help in using appropriate resources to  
395 meet the child's needs, including counseling or other services for  
396 victims of commercial sexual exploitation or human trafficking;

397 ( \* \* \*iv) Direct interviews between the family  
398 protection worker or specialist and the child, previously  
399 discussed and understood by the foster parents;

400 ( \* \* \*y) Information regarding whether the child  
401 experienced commercial sexual exploitation or human trafficking;

402 (vi) Information related to the Healthy,  
403 Hunger-Free Kids Act of 2010 which makes any foster child  
404 categorically eligible, without the necessity of an application,  
405 for free school meals if their care and placement is the  
406 responsibility of an agency administering a state IV-B or IV-E  
407 plan or if a court has placed the child with a caretaker  
408 household. Foster parents shall protect the confidentiality of  
409 the child working directly with a designated school official in  
410 completing the application for free lunches.

411 ( \* \* \*g) The opportunity to develop confidence in  
412 making day-to-day decisions in regard to the child;

413 ( \* \* \*r) The opportunity to learn and grow in their  
414 vocation through planned education in caring for the child;

415 ( \* \* \*s) The opportunity to be heard regarding agency  
416 practices that they may question;



417 ( \* \* \*t) Information related to all costs eligible for  
418 reimbursement including, but not limited to:

419 (i) Reimbursement for costs of the child's care in  
420 the form of a board payment based on the age of the child as  
421 prescribed in Section 43-15-17 unless the relative is exempt from  
422 foster care training and chooses to exercise the exemption; and

423 ( \* \* \*ii) Reimbursement for property damages caused by  
424 children in the custody of the Department of Child Protection  
425 Services in an amount not to exceed Five Hundred Dollars  
426 (\$500.00), as evidenced by written documentation. The Department  
427 of Child Protection Services shall not incur liability for any  
428 damages as a result of providing this reimbursement.

429 \* \* \*

430 ( \* \* \*u) Understanding the department's function in  
431 regard to the foster care and relative care program and related  
432 social service programs;

433 ( \* \* \*y) Sharing with the department any information  
434 which may contribute to the care of children;

435 ( \* \* \*w) Functioning within the established goals and  
436 objectives to improve the general welfare of the child;

437 ( \* \* \*x) Recognizing the problems in home placement  
438 that will require professional advice and assistance and that such  
439 help should be utilized to its full potential;

440 ( \* \* \*y) Recognizing that the family who cares for the  
441 child will be one of the primary resources for preparing a child



442 for any future plans that are made, including return to birth  
443 parent(s), termination of parental rights or  
444 reinstitutionalization;

445 ( \* \* \*z) Expressing their views of agency practices  
446 which relate to the child with the appropriate staff member;

447 ( \* \* \*aa) Understanding that all information shared  
448 with the persons who provide foster care or relative care about  
449 the child and his/her birth parent(s) must be held in the  
450 strictest of confidence;

451 ( \* \* \*bb) Cooperating with any plan to reunite the  
452 child with his birth family and work with the birth family to  
453 achieve this goal; and

454 ( \* \* \*cc) Attending dispositional review hearings and  
455 termination of parental rights hearings conducted by a court of  
456 competent jurisdiction, or providing their recommendations to the  
457 court in writing.

458 (12) The department shall develop a grievance procedure for  
459 foster parents to raise any complaints or concerns regarding any  
460 provision of the Mississippi Foster Parents Bill of Rights and  
461 Responsibilities.

462 (13) Nothing in this section shall be construed to create a  
463 private right of action or claim on the part of any individual,  
464 the department or any child-placing agency.

465 **SECTION 2.** This act shall take effect and be in force from  
466 and after July 1, 2023.

