

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

To: Judiciary A

HOUSE BILL NO. 510  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-15-13, MISSISSIPPI CODE OF 1972,  
2 TO AMEND THE RIGHTS AND RESPONSIBILITIES OF FOSTER PARENTS; AND  
3 FOR RELATED PURPOSES.

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

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

7 43-15-13. (1) For purposes of this section, "children"  
8 means persons found within the state who are under the age of  
9 twenty-one (21) years, and who were placed in the custody of the  
10 Department of Child Protection Services by the youth court of the  
11 appropriate county. For purposes of this chapter, "commercial  
12 sexual exploitation" means any sexual act or crime of a sexual  
13 nature, which is committed against a child for financial or  
14 economic gain, to obtain a thing of value, for quid pro quo  
15 exchange of property or any other purpose.

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



19 (a) Protecting and promoting the health, safety and  
20 welfare of children;

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

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

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

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

38 (f) Assuring safe and adequate care of children away  
39 from their homes, in cases where the child cannot be returned home  
40 or cannot be placed for adoption, including temporary or emergency  
41 placement with a relative or fictive kin pending youth court  
42 action on the case. At the time of placement, the department  
43 shall implement concurrent planning, as described in subsection



44 (8) of this section, so that permanency may occur at the earliest  
45 opportunity. Consideration of possible failure or delay of  
46 reunification should be given, to the end that the placement made  
47 is the best available placement to provide permanency for the  
48 child; and

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

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



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



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

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

114           (4) In the case of any child who is placed in foster care on  
115 or after July 1, 1998, except in cases of aggravated circumstances  
116 prescribed in Section 43-21-603(7)(c), the child's natural  
117 parent(s) will have a reasonable time to be determined by the  
118 court, which shall not exceed a six-month period of time, in which



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

140 (5) The foster care review once every six (6) months shall  
141 be conducted by the youth court or its designee(s), and/or by  
142 personnel within the Department of Child Protection Services or by  
143 a designee or designees of the department and may include others



144 appointed by the department, and the review shall include at a  
145 minimum an evaluation of the child based on the following:

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

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

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

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

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

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

165 Each child's review plan once every six (6) months shall be  
166 filed with the court which awarded custody and shall be made  
167 available to natural parents or foster parents upon approval of  
168 the court. The court shall make a finding as to the degree of



169 compliance by the agency and the parent(s) with the child's social  
170 service plan. The court also shall find that the child's health  
171 and safety are the paramount concern. In the interest of the  
172 child, the court shall, where appropriate, initiate proceedings on  
173 its own motion. The Department of Child Protection Services shall  
174 report to the Legislature as to the number of those children, the  
175 findings of the foster care review board and relevant statistical  
176 information in foster care in a semiannual report to the  
177 Legislature to be submitted to the Joint Oversight Committee of  
178 the Department of Child Protection Services. The report shall not  
179 refer to the specific name of any child in foster care.

180 (6) (a) The Department of Child Protection Services, with  
181 the cooperation and assistance of the State Department of Health,  
182 shall develop and implement a training program for foster care  
183 parents to indoctrinate them as to their proper responsibilities  
184 upon a child's entry into their foster care. The program shall  
185 provide a minimum of twelve (12) clock hours of training, which  
186 shall include training foster care parents about providing mental  
187 and physical support to children who have experienced commercial  
188 sexual exploitation or human trafficking. The foster care  
189 training program shall be satisfactorily completed by such foster  
190 care parents before or within ninety (90) days after child  
191 placement with the parent. Record of the foster care parent's  
192 training program participation shall be filed with the court as





193 part of a child's foster care review plan once every six (6)  
194 months.

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

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

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

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

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

216 (8) The Legislature recognizes that the best interests of  
217 the child require that the child be placed in the most permanent



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



243 living arrangement. The department shall consider the following  
244 factors when determining appropriateness of concurrent planning:

245 (a) The likelihood of prompt reunification;

246 (b) The past history of the family;

247 (c) The barriers to reunification being addressed by  
248 the family;

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

250 (e) The foster parents' willingness to work with the  
251 family to reunite;

252 (f) The willingness and ability of the foster family or  
253 relative placement to provide an adoptive home or long-term  
254 placement;

255 (g) The age of the child; and

256 (h) Placement of siblings.

257 (9) If the department has placed a child in foster care or  
258 relative care under a court order, the department may not change  
259 the child's placement unless the department specifically documents  
260 to the court that the current placement is unsafe or unsuitable or  
261 that another placement is in the child's best interests unless the  
262 new placement is in an adoptive home or other permanent placement.  
263 Except in emergency circumstances as determined by the department  
264 or where the court orders placement of the child under Section  
265 43-21-303, the foster parents, grandparents or other relatives of  
266 the child shall be given an opportunity to contest the specific  
267 reasons documented by the department at least seventy-two (72)



268 hours before any such departure, and the court may conduct a  
269 review of that placement unless the new placement is in an  
270 adoptive home or other permanent placement. When a child is  
271 returned to foster care or relative care, the former foster  
272 parents or relative placement shall be given the prior right of  
273 return placement in order to eliminate additional trauma to the  
274 child.

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

289 (11) There is hereby created a Foster Parents' Bill of  
290 Rights and Responsibilities which shall be provided to all foster  
291 parents at foster parent training. The Department of Child



292 Protection Services shall extend the following rights to persons  
293 who provide foster care and relative care:

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

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

300 (c) Notification of benchmarks that will be required of  
301 the foster parent such as appointments, home visits with  
302 department personnel, visitations of the child at school and  
303 meetings between department personnel and the child's family;

304 (d) Advance notice of information regarding scheduled  
305 meetings other than meetings where the Department of Child  
306 Protection Services personnel or social workers are going to the  
307 foster parent's home for site visits, appointments and court  
308 hearings concerning the foster child;

309 (e) The opportunity to communicate with professionals  
310 who work with the foster child including therapists, physicians  
311 and teachers who work directly with the child;

312 (f) The opportunity to communicate and collaborate,  
313 without threat of reprisal, with a department representative when  
314 further educational services are needed to ensure the child's  
315 educational needs are met, including services such as an



316 Individualized Educational Plan (IEP), tutoring, occupational  
317 therapy, speech therapy and after-school programs;

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

321 (h) The opportunity to communicate with the foster  
322 child's guardian ad litem;

323 (i) The opportunity to attend all youth court hearings  
324 involving a foster child occurring while that child is placed in  
325 their care without being a party to the youth court action, unless  
326 the youth court determines that any foster parent should not be  
327 present. Foster parents may attend all youth court hearings and  
328 have legal counsel attend and observe with them if the child's  
329 permanent plan is adoption by the foster parents, unless the youth  
330 court determines that any foster parent should not be present.  
331 Foster parents may communicate with the guardian ad litem in  
332 writing at any time. Foster parents may ask to be heard  
333 concerning the best interest of the child at any disposition or  
334 permanency hearing;

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



341           (k) The opportunity to request from the youth court  
342 permission to communicate with the child's birth family, previous  
343 foster parents of the child, and prospective and finalized  
344 adoptive parents of the child, without the threat of reprisal.  
345 However, this right creates no obligation of the birth family,  
346 previous foster parents, or prospective and finalized adoptive  
347 parents to communicate in return;

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

355           (m) The opportunity to participate in the planning of  
356 visitations between the child and the child's siblings, parents or  
357 former guardians or other biological family members which have  
358 been previously authorized by the youth court. Visitations shall  
359 be scheduled at a time and place meeting the needs of the child,  
360 the biological family, and the foster family. Recognizing that  
361 visitation with family members is an important right of children  
362 in foster care, foster parents shall be flexible and cooperative  
363 with regard to family visits but shall retain the right to  
364 reasonable advance notice of all scheduled visitations;



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

368           (o) A comprehensive list of all resources available to  
369 the foster parent and child, including dental providers, medical  
370 providers, respite workers in the area, day cares, and methods for  
371 submitting reimbursements;

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

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





389 days of placement, the department shall communicate such  
390 information to the foster parent as soon as practicable;

391 (ii) An explanation of the plan for placement of  
392 the child in the foster parent's home and the ongoing and timely  
393 communication of any necessary information which is relevant to  
394 the care of the child, including any changes in the case plan;

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

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

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

403 (vi) Information related to the Healthy,  
404 Hunger-Free Kids Act of 2010. Foster parents shall protect the  
405 confidentiality of the child by working directly with a designated  
406 school official to complete the application for free lunches.

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

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

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



413 ( \* \* \*t) Information related to all costs eligible for  
414 reimbursement, including:

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

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

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

428 (a) Understanding the department's function in regard  
429 to the foster care and relative care program and related social  
430 service programs;

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

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

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



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

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

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

448 (h) Cooperating with any plan to reunite the child with  
449 his birth family and work with the birth family to achieve this  
450 goal; and

451 (i) Attending dispositional review hearings and  
452 termination of parental rights hearings conducted by a court of  
453 competent jurisdiction, or providing their recommendations to  
454 the \* \* \* guardian ad litem in writing.

455 (13) The department shall develop a grievance procedure for  
456 foster parents to raise any complaints or concerns regarding the  
457 provisions of Section 43-15-13(11) or (12).

458 (14) Nothing in this section shall be construed to create a  
459 private right of action or claim on the part of any individual,  
460 the department, or any child-placing agency.

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

