

By: Representative Felsher

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 989

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2023, THE
2 DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE A STATE AGENCY
3 SEPARATE AND APART FROM THE DEPARTMENT OF HUMAN SERVICES AND NOT A
4 SUBAGENCY HOUSED WITHIN THE DEPARTMENT OF HUMAN SERVICES, AND
5 SHALL HAVE SUCH POWERS AND DUTIES AND PERFORM SUCH FUNCTIONS THAT
6 ARE ASSIGNED TO THE DEPARTMENT OF CHILD PROTECTION SERVICES BY
7 STATE LAW; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, AND
8 TO CREATE NEW SECTIONS 43-26-5, 43-26-7, 43-26-9, 43-26-11,
9 43-26-13, 43-26-15, 43-26-17, 43-26-19, 43-26-21 AND 43-26-23,
10 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND DUTIES OF
11 THE DEPARTMENT OF CHILD PROTECTION SERVICES AND THE COMMISSIONER
12 OF CHILD PROTECTION SERVICES; TO CREATE NEW SECTION 43-26-25,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A REPEALER ON THE
14 STATUTES PRESCRIBING THE POWERS AND DUTIES OF THE DEPARTMENT AND
15 THE COMMISSIONER; TO AMEND SECTIONS 11-46-1, 11-46-8, 25-1-109,
16 27-104-203, 37-31-107, 37-106-69, 37-115-43, 41-3-18, 41-67-12,
17 41-87-5, 41-101-1, 43-1-9, 43-1-101, 43-14-1, 43-14-5, 43-15-3,
18 43-15-5, 43-15-6, 43-15-7, 43-15-11, 43-15-15, 43-15-19, 43-15-21,
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22 43-21-351, 43-21-354, 43-21-357, 43-21-405, 43-21-603, 43-21-609,
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27 93-17-61, 93-17-63, 93-17-65, 93-17-101, 93-17-103, 93-17-107,
28 93-17-109, 93-17-203, 93-17-209, 93-21-305, 93-21-307, 93-21-309,
29 93-21-311, 93-31-3, 97-5-24, 97-5-39 AND 99-41-17, MISSISSIPPI
30 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL
31 SECTIONS 43-1-51, 43-1-53, 43-1-57, 43-1-59, 43-1-63, 43-51-1 AND
32 43-51-9, MISSISSIPPI CODE OF 1972, WHICH CREATED THE DIVISION OF
33 FAMILY AND CHILDREN'S SERVICES WITHIN THE DEPARTMENT OF HUMAN
34 SERVICES, PROVIDES THE TITLE FOR THE FAMILY PRESERVATION ACT, AND



35 REQUIRES AN ONGOING EVALUATION AND REPORT ON FAMILY PRESERVATION
36 SERVICES; AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** From and after July 1, 2023, the Department of
39 Child Protection Services shall be a state agency separate and
40 apart from the Department of Human Services and not a subagency
41 housed within the Department of Human Services, and shall have
42 such powers and duties and perform such functions that are
43 assigned to the Department of Child Protection Services by state
44 law. All records, property and contractual rights and obligations
45 of the Department of Child Protection Services that relate to the
46 powers, duties and functions exercised or performed by Department
47 of Child Protection Services while it was a subagency housed
48 within the Department of Human Services shall be vested in the
49 Department of Child Protection Services. The Department of Human
50 Services shall cooperate with the Department of Child Protection
51 Services to the greatest extent possible to accomplish an orderly
52 transition of the Department of Child Protection Services to a
53 separate state agency.

54 **SECTION 2.** Section 43-26-1, Mississippi Code of 1972, is
55 amended as follows:

56 43-26-1. (1) There is * * * created a Mississippi
57 Department of Child Protection Services.

58 (2) The Chief Administrative Officer of the Department of
59 Child Protection Services shall be the Commissioner of Child
60 Protection Services who shall be appointed by the Governor with



61 the advice and consent of the Senate. The commissioner shall
62 possess the following qualifications:

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

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

69 * * *

70 (3) The Department of Child Protection Services shall
71 provide the services authorized by law to every individual
72 determined to be eligible therefor, and in carrying out the
73 purposes of the department, the commissioner is authorized:

74 (a) To formulate the policy of the department regarding
75 child welfare services within the jurisdiction of the department;

76 (b) To adopt, modify, repeal and promulgate, after due
77 notice and hearing, and where not otherwise prohibited by federal
78 or state law, to make exceptions to and grant exemptions and
79 variances from, and to enforce rules and regulations implementing
80 or effectuating the powers and duties of the department under any
81 and all statutes within the department's jurisdiction;

82 (c) To apply for, receive and expend any federal or
83 state funds or contributions, gifts, devises, bequests or funds
84 from any other source;



85 (d) To enter into and execute contracts, grants and
86 cooperative agreements with any federal or state agency or
87 subdivision thereof, or any public or private institution located
88 inside or outside the State of Mississippi, or any person,
89 corporation or association in connection with carrying out the
90 programs of the department; and

91 (e) To discharge such other duties, responsibilities,
92 and powers as are necessary to implement the programs of the
93 department.

94 (4) The commissioner shall establish the organizational
95 structure of the Department of Child Protection Services, which
96 shall include the creation of any units necessary to implement the
97 duties assigned to the department and consistent with specific
98 requirements of law.

99 (5) The commissioner shall appoint heads of offices,
100 bureaus, and divisions, as defined in Section 7-17-11, who shall
101 serve at the pleasure of the commissioner. The salary and
102 compensation of such office, bureau and division heads shall be
103 subject to the rules and regulations adopted and promulgated by
104 the State Personnel Board. The commissioner shall have the
105 authority to organize offices as deemed appropriate to carry out
106 the responsibilities of the department.

107 (6) The Department of Child Protection Services shall be
108 responsible for the development, execution, and provision of
109 services in the following areas:



110 (a) Protective services for children;
111 (b) Foster care;
112 (c) Adoption services;
113 (d) Special services;
114 (e) Interstate compact;
115 (f) Licensure;
116 (g) Prevention services; and
117 (h) Such other services as may be designated. Services
118 enumerated under Section 43-15-13 et seq., for the foster care
119 program shall be provided by qualified staff with appropriate case
120 loads.

121 (7) The Department of Child Protection Services shall have
122 the following powers and duties:

123 (a) To provide basic services and assistance statewide
124 to needy and disadvantaged individuals and families;

125 (b) To promote integration of the many services and
126 programs within its jurisdiction at the client level thus
127 improving the efficiency and effectiveness of service delivery and
128 providing easier access to clients;

129 (c) To employ personnel and expend funds appropriated
130 to the department to carry out the duties and responsibilities
131 assigned to the department by law;

132 (d) To fingerprint and conduct a background
133 investigation on every employee, contractor, subcontractor and
134 volunteer:



- 135 (i) Who has direct access to clients of the
136 department who are children or vulnerable adults;
137 (ii) Who is in a position of fiduciary
138 responsibility;
139 (iii) Who is in a position with access to Federal
140 Tax Information (FTI); or
141 (iv) Who is otherwise required by federal law or
142 regulations to undergo a background investigation.

143 Every such employee, contractor, subcontractor and volunteer
144 shall provide a valid current social security number and/or
145 driver's license number, which shall be furnished to conduct the
146 background investigation for determination as to good moral
147 character and to ensure that no person placed in any position
148 referenced in this paragraph (d) has a felony conviction that
149 would prevent employment or access to Federal Tax Information
150 according to department policy. If no disqualifying record is
151 identified at the state level, the fingerprints shall be forwarded
152 to the Federal Bureau of Investigation for a fingerprint-based
153 national criminal history record check. The department shall be
154 the recipient of the results of any background investigation
155 and/or criminal history record check performed in accordance with
156 this paragraph;

157 (e) To establish and maintain programs not inconsistent
158 with the terms of this chapter and the rules, regulations and
159 policies of the Department of Child Protection Services, and



160 publish the rules and regulations of the department pertaining to
161 such programs;

162 (f) To provide all other child welfare programs and
163 services previously provided by the Department of Human Services
164 or a division thereof; and

165 (g) Make such reports in such form and containing such
166 information as the federal government may, from time to time,
167 require, and comply with such provisions as the federal government
168 may, from time to time, find necessary to assure the correctness
169 and verification of such reports.

170 (* * *8) The Mississippi Department of Child Protection
171 Services shall submit a copy of the federal Annual Progress and
172 Services Report (APSR) to the Chair of the Senate Public Health
173 and Welfare Committee, the Chair of the Senate Appropriations
174 Committee, the Chair of the House Public Health and Human Services
175 Committee, the Chair of the House Appropriations Committee, the
176 Lieutenant Governor, the Speaker of the House of Representatives,
177 and the Governor by December 1 of each year.

178 (* * *9) (a) The Commissioner of Child Protection Services
179 shall hire a Coordinator of Services for Victims of Human
180 Trafficking and Commercial Sexual Exploitation within the
181 Department of Child Protection Services whose duties shall
182 include, but not be limited to, the following:

183 (i) To form specialized human trafficking and
184 commercial sexual exploitation assessment teams to respond on an



185 as-needed basis to act as an emergency, separate and specialized
186 response and assessment team to rapidly respond to the needs of
187 children who are victims of human trafficking and commercial
188 sexual exploitation;

189 (ii) To identify victims of human trafficking and
190 commercial sexual exploitation;

191 (iii) To monitor, record and distribute federal
192 human trafficking funds received by the Department of Child
193 Protection Services;

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

196 (v) To develop and coordinate services within the
197 Department of Child Protection Services and with outside service
198 providers for victims of human trafficking and commercial sexual
199 exploitation.

200 (b) The Commissioner of Child Protection Services shall
201 develop standard operating procedures for the investigation,
202 custody and services provided to alleged victims of human
203 trafficking and commercial sexual exploitation.

204 (c) The Commissioner shall require two (2) hours of
205 training regarding the subject of identifying, assessing, and
206 providing comprehensive services to a child who has experienced or
207 is alleged to have experienced commercial sexual exploitation or
208 human trafficking. The training must be incorporated into the
209 pre-service training requirements of all Mississippi Department of



210 Child Protection Services family specialists, adoption
211 specialists, licensure specialists, direct supervisors of family
212 protection specialists, direct supervisors of adoption
213 specialists, and direct supervisors of licensure specialists.

214 (10) This section shall stand repealed on July 1, 2028.

215 **SECTION 3.** The following shall be codified as Section
216 43-26-5, Mississippi Code of 1972:

217 43-26-5. (1) The Department of Child Protection Services
218 shall establish a record-keeping procedure to ensure that all
219 referrals of neglect and/or abuse are accurately and adequately
220 maintained for future or cross-reference.

221 (2) In addition to a toll-free abuse reporting telephone
222 system, the department shall establish a uniform intake procedure
223 for the receipt and referral to the appropriate personnel for
224 investigation. The uniform intake procedure shall be made
225 available to all appropriate agencies and the public in order to
226 facilitate the necessary protective services.

227 **SECTION 4.** The following shall be codified as Section
228 43-26-7, Mississippi Code of 1972:

229 43-26-7. The Department of Child Protection Services shall
230 have the authority to use the services and resources of the State
231 Department of Education, the State Department of Health, the State
232 Department of Human Services, the State Department of Education,
233 the State Department of Mental Health, Division of Medicaid, and
234 all other appropriate state departments, agencies, institutions or



235 political subdivisions as will aid in carrying out the purposes of
236 this chapter. It shall be the duty of all such state departments,
237 agencies and institutions to make available such services and
238 resources on a priority basis to the department, including, but
239 not necessarily limited to, such services and resources as may be
240 required to perform appropriate criminal history record checks on
241 prospective foster and relative child placements for the purpose
242 of preventing and detecting abuse and neglect.

243 **SECTION 5.** The following shall be codified as Section
244 43-26-9, Mississippi Code of 1972:

245 43-26-9. It is the intent of the Legislature that the
246 resources devoted to family and children's services and to public
247 assistance programs be clearly delineated and that all resources
248 intended for child protection and other related purposes be
249 expended in service of that goal.

250 **SECTION 6.** The following shall be codified as Section
251 43-26-11, Mississippi Code of 1972:

252 43-26-11. (1) There shall be created local offices of the
253 Department of Child Protection Services in those locations
254 throughout the state as determined by the commissioner. It shall
255 be the duty of the board of supervisors of each county in which a
256 local office is located to provide office space for the local
257 offices.

258 The local office of the Department of Child Protection
259 Services shall administer all forms of child welfare services with



260 the exception of those administered by the Department of Human
261 Services. The local offices shall comply with such regulations
262 and submit such reports as may be established or required by the
263 commissioner. Subject to the approval of the commissioner, the
264 local offices may cooperate with other departments, agencies and
265 institutions, state and local, when so requested, in performing
266 services in conformity with the provisions of this chapter.

267 (2) The Department of Child Protection Services may enter
268 into a lease with each county board of supervisors in each county
269 where a local office is located to allow the department to
270 maximize the availability of federal funds. Fair market value for
271 the county furnished building will be established and the
272 department shall pay the federal share for the rent to the county.
273 All other expenses related to the operation of the local office
274 shall be split between the department, providing the federal
275 share, and the county, being responsible for the remainder or the
276 state share. This includes, but is not limited to, electricity,
277 water, gas, Internet, and janitorial services and supplies. All
278 maintenance and repairs of the local office shall be the
279 responsibility of the county due to the prohibition of federal
280 funds for improvements of real property.

281 **SECTION 7.** The following shall be codified as Section
282 43-26-13, Mississippi Code of 1972:

283 **43-26-13.** The governing authority of any municipality or
284 county in this state is authorized and empowered, in its



285 discretion, to expend such funds as it deems necessary and
286 desirable, from any available funds of the municipality or county,
287 to: (a) match any state, federal or private funds available for
288 any program administered by the Department of Child Protection
289 Services in this state; and/or (b) make a voluntary contribution
290 to any such program.

291 **SECTION 8.** The following shall be codified as Section
292 43-26-15, Mississippi Code of 1972:

293 43-26-15. The Department of Finance and Administration shall
294 furnish office space for the Department of Child Protection
295 Services in the City of Jackson and is authorized to rent suitable
296 quarters in the city if there is not sufficient room in one (1) of
297 the state office buildings.

298 **SECTION 9.** The following shall be codified as Section
299 43-26-17, Mississippi Code of 1972:

300 43-26-17. The Department of Child Protection Services shall
301 cooperate with the federal government, its agencies and
302 instrumentalities, in carrying out the provisions of any federal
303 acts concerning public welfare for children, and in other matters
304 of mutual concern pertaining to public welfare for children,
305 including the adoption of such methods of administration as are
306 found by the federal government to be necessary for the efficient
307 operation of plans for public assistance and welfare services for
308 children in accordance with the provisions of the federal Social
309 Security Act, as amended. It shall also cooperate with other



310 departments, agencies and institutions, federal, state and local
311 or private, when so requested, in performing services in
312 conformity with the laws applicable to the department.

313 **SECTION 10.** The following shall be codified as Section
314 43-26-19, Mississippi Code of 1972:

315 43-26-19. The Department of Child Protection Services may,
316 in its discretion, destroy or cause to be destroyed, or otherwise
317 disposed of, any and all abandoned applications, closed case
318 files, communications, information, memoranda, records, reports,
319 paid checks, and files, in the office of the Department of Child
320 Protection Services when and as they become three (3) or more
321 completed fiscal years old and which, in the opinion of the
322 department, are no longer useful or necessary.

323 **SECTION 11.** The following shall be codified as Section
324 43-26-21, Mississippi Code of 1972:

325 43-26-21. All political subdivisions of the state, or
326 combinations of political subdivisions, are authorized to employ
327 assistant prosecutors to prosecute for the crimes under Section
328 97-19-71 and the Department of Child Protection Services is
329 authorized to contract with any political subdivision to subsidize
330 payment for the reasonable and necessary cost of prosecutions and
331 investigations in any program where federal matching funds are
332 available.

333 **SECTION 12.** The following shall be codified as Section
334 43-26-23, Mississippi Code of 1972:



335 43-26-23. (1) Any sums paid to or on behalf of any person,
336 entity or subgrantee or the value of any aid or benefit or
337 services obtained or received under any state or federally funded
338 assistance program for children as a result of any false
339 statement, misrepresentation, concealment of a material fact,
340 failure to disclose assets, or by whatever means, becomes a debt
341 due to the Department of Child Protection Services. The amount of
342 value of any assistance shall be recoverable from the recipient or
343 his or her estate in a civil action brought in the name of the
344 Department of Child Protection Services pursuant to this section.
345 If such action is brought, the department shall be entitled to
346 recover, in addition to the amount of assistance, a reasonable
347 amount of attorney's fees and its cost incurred therein. Where an
348 attorney from the county attorney's office represents the
349 department in such action, the attorney's fee awarded shall be for
350 the use and benefit of that particular office and shall be
351 forwarded to that office upon receipt by the department.

352 (2) In any civil action for the recovery of the amount of
353 value of any aid or benefits or services improperly paid to the
354 recipient, proof that a conviction or guilty plea on a misdemeanor
355 or felony charge under Section 97-19-71 shall be deemed prima
356 facie evidence that such assistance was improperly obtained under
357 the provision of this section.



358 (3) Repayment of the assistance improperly obtained pursuant
359 to this section shall not constitute a defense to or ground of
360 dismissal of criminal charges brought under Section 97-19-71.

361 **SECTION 13.** The following shall be codified as Section
362 43-26-25, Mississippi Code of 1972:

363 43-26-25. This chapter shall stand repealed on July 1, 2026.

364 **SECTION 14.** Section 11-46-1, Mississippi Code of 1972, is
365 amended as follows:

366 11-46-1. As used in this chapter, the following terms shall
367 have the meanings ascribed unless the context otherwise requires:

368 (a) "Claim" means any demand to recover damages from a
369 governmental entity as compensation for injuries.

370 (b) "Claimant" means any person seeking compensation
371 under the provisions of this chapter, whether by administrative
372 remedy or through the courts.

373 (c) "Board" means the Mississippi Tort Claims Board.

374 (d) "Department" means the Department of Finance and
375 Administration.

376 (e) "Director" means the executive director of the
377 department who is also the executive director of the board.

378 (f) "Employee" means any officer, employee or servant
379 of the State of Mississippi or a political subdivision of the
380 state, including elected or appointed officials and persons acting
381 on behalf of the state or a political subdivision in any official
382 capacity, temporarily or permanently, in the service of the state



383 or a political subdivision whether with or without compensation,
384 including firefighters who are members of a volunteer fire
385 department that is a political subdivision. The term "employee"
386 shall not mean a person or other legal entity while acting in the
387 capacity of an independent contractor under contract to the state
388 or a political subdivision; and

389 (i) For purposes of the limits of liability
390 provided for in Section 11-46-15, the term "employee" shall
391 include:

392 1. Physicians under contract to provide
393 health services with the State Board of Health, the State Board of
394 Mental Health or any county or municipal jail facility while
395 rendering services under the contract;

396 2. Any physician, dentist or other health
397 care practitioner employed by the University of Mississippi
398 Medical Center (UMMC) and its departmental practice plans who is a
399 faculty member and provides health care services only for patients
400 at UMMC or its affiliated practice sites, including any physician
401 or other health care practitioner employed by UMMC under an
402 arrangement with a public or private health-related organization;

403 3. Any physician, dentist or other health
404 care practitioner employed by any university under the control of
405 the Board of Trustees of State Institutions of Higher Learning who
406 practices only on the campus of any university under the control
407 of the Board of Trustees of State Institutions of Higher Learning;



408 4. Any physician, dentist or other health
409 care practitioner employed by the State Veterans Affairs Board and
410 who provides health care services for patients for the State
411 Veterans Affairs Board;

412 (ii) The term "employee" shall also include
413 Mississippi Department of * * * Child Protection Services licensed
414 foster parents for the limited purposes of coverage under the Tort
415 Claims Act as provided in Section 11-46-8; and

416 (iii) The term "employee" also shall include any
417 employee or member of the governing board of a charter school but
418 shall not include any person or entity acting in the capacity of
419 an independent contractor to provide goods or services under a
420 contract with a charter school.

421 (g) "Governmental entity" means the state and political
422 subdivisions.

423 (h) "Injury" means death, injury to a person, damage to
424 or loss of property or any other injury that a person may suffer
425 that is actionable at law or in equity.

426 (i) "Political subdivision" means any body politic or
427 body corporate other than the state responsible for governmental
428 activities only in geographic areas smaller than that of the
429 state, including, but not limited to, any county, municipality,
430 school district, charter school, volunteer fire department that is
431 a chartered nonprofit corporation providing emergency services
432 under contract with a county or municipality, community hospital



433 as defined in Section 41-13-10, airport authority, or other
434 instrumentality of the state, whether or not the body or
435 instrumentality has the authority to levy taxes or to sue or be
436 sued in its own name.

437 (j) "State" means the State of Mississippi and any
438 office, department, agency, division, bureau, commission, board,
439 institution, hospital, college, university, airport authority or
440 other instrumentality thereof, whether or not the body or
441 instrumentality has the authority to levy taxes or to sue or be
442 sued in its own name.

443 (k) "Law" means all species of law, including, but not
444 limited to, any and all constitutions, statutes, case law, common
445 law, customary law, court order, court rule, court decision, court
446 opinion, court judgment or mandate, administrative rule or
447 regulation, executive order, or principle or rule of equity.

448 **SECTION 15.** Section 11-46-8, Mississippi Code of 1972, is
449 amended as follows:

450 11-46-8. Mississippi Department of * * * Child Protection
451 Services licensed foster parents shall be covered under this
452 chapter for claims made by parties other than the foster child
453 which are based on inadequate supervision or inadequate care of
454 the foster child on the part of the foster parent.

455 **SECTION 16.** Section 25-1-109, Mississippi Code of 1972, is
456 amended as follows:



457 25-1-109. No law enforcement agency shall disclose the name
458 of any person arrested for any misdemeanor, issued a citation, or
459 being held for any misdemeanor unless such person shall be
460 formally charged and arrested for the offense, except to other law
461 enforcement agencies or to the Mississippi Department of Human
462 Services, the Mississippi Department of Child Protection Services
463 or child day care providers where such information is used to help
464 determine suitability of persons to serve as child care providers
465 or child service workers. No political subdivision nor any
466 employee thereof shall be held liable for the disclosure of any
467 information prohibited by this section.

468 **SECTION 17.** Section 27-104-203, Mississippi Code of 1972, is
469 amended as follows:

470 27-104-203. From and after July 1, 2016, no state agency
471 shall charge another state agency a fee, assessment, rent, audit
472 fee, personnel fee or other charge for services or resources
473 received. The provisions of this section shall not apply (a) to
474 grants, contracts, pass-through funds, project fees or other
475 charges for services between state agencies and the Board of
476 Trustees of State Institutions of Higher Learning, any public
477 university, the Mississippi Community College Board, any public
478 community or junior college, and the State Department of
479 Education, nor (b) to charges for services between the Board of
480 Trustees of State Institutions of Higher Learning, any public
481 university, the Mississippi Community College Board, any public



482 community or junior college, and the State Department of
483 Education, nor (c) to federal grants, pass-through funds, cost
484 allocation charges, surplus property charges or project fees
485 between state agencies as approved or determined by the State
486 Fiscal Officer, nor (d) telecommunications, data center services,
487 and/or other information technology services that are used on an
488 as-needed basis and those costs shall be passed through to the
489 using agency, nor (e) to federal grants, special funds, or
490 pass-through funds, available for payment by state agencies to the
491 Department of Finance and Administration related to Mississippi
492 Management and Reporting Systems (MMRS) Statewide Application
493 charges and utilities as approved or determined by the State
494 Fiscal Officer, nor (f) to grants, contracts, pass-through funds,
495 project fees or charges for services between the State Department
496 of Health and the State Department of Revenue, and other state
497 agencies or entities, including, but not limited to, the Board of
498 Trustees of State Institutions of Higher Learning, any public
499 university, the Mississippi Community College Board, any public
500 community or junior college, and the State Department of
501 Education, for the operation of the medical cannabis program as
502 established by the Mississippi Medical Cannabis Act, nor (g) to
503 charges between the Department of Human Services and the
504 Department of Child Protection Services for services or resources
505 received by either department from the other. The Board of
506 Trustees of State Institutions of Higher Learning, any public



507 university, the Mississippi Community College Board, any public
508 community or junior college, and the State Department of Education
509 shall retain the authority to charge and be charged for
510 expenditures that they deemed nonrecurring in nature by the State
511 Fiscal Officer.

512 **SECTION 18.** Section 37-31-107, Mississippi Code of 1972, is
513 amended as follows:

514 37-31-107. Qualified students for the classes or courses may
515 be accepted by the schools from any source, but priority of
516 enrollment will be given referrals from the * * * Department of
517 Child Protection Services, state employment service, vocational
518 rehabilitation, and nonretired veterans. The state employment
519 service will assist with student job placement and referral
520 whenever possible.

521 For the purposes of Sections 37-31-101 through 37-31-111, a
522 qualified student is an adult, at least eighteen (18) years old,
523 who is under-employed or unemployed and is not enrolled in school.

524 Students will not be eligible if they have dropped out of
525 regular school for the specific purpose of enrolling in the
526 manpower programs.

527 **SECTION 19.** Section 37-106-69, Mississippi Code of 1972, is
528 amended as follows:

529 37-106-69. (1) There is established a forgivable loan
530 program to encourage family protection workers employed by the
531 Department of * * * Child Protection Services to obtain the



532 college education necessary to become licensed as a social worker,
533 master social worker or certified social worker and become a
534 family protection specialist for the department.

535 (2) Any person who is employed as a family protection worker
536 for the Department of * * * Child Protection Services shall be
537 eligible for a forgivable loan from the board which shall be used
538 to pay the costs of the person's education at a state institution
539 of higher learning in Mississippi to obtain a college degree that
540 is necessary to become licensed as a social worker, master social
541 worker or certified social worker and become a family protection
542 specialist for the department. The annual amount of a forgivable
543 loan award under the program shall be equal to the total cost of
544 tuition and fees at the college or university in which the student
545 is enrolled, not to exceed an amount equal to the highest total
546 cost of tuition and fees assessed by a state institution of higher
547 learning during that school year.

548 (3) Forgivable loans made under the program shall be
549 available to both full-time and part-time students. Students
550 enrolling on a full-time basis may receive a maximum of two (2)
551 annual awards. The maximum number of forgivable loans that may be
552 made to students attending school on a part-time basis, and the
553 maximum time period for part-time students to complete the number
554 of academic hours necessary to obtain the necessary degree, shall
555 be established by rules and regulations of the board. Forgivable
556 loans made under the program shall not be based upon an



557 applicant's financial need. A student must maintain a "C" average
558 or higher in his or her college coursework in order to continue
559 receiving the forgivable loan.

560 (4) Repayment and conversion terms shall be the same as
561 those outlined in Section 37-106-53, except for the following:

562 (a) After a person who received a forgivable loan under
563 the program has obtained a college degree that is necessary to
564 become licensed as a social worker, master social worker or
565 certified social worker and has received such a license from the
566 Board of Examiners for Social Workers and Marriage and Family
567 Therapists, the person shall render service as a family protection
568 specialist for the Department of * * * Child Protection Services
569 for a period of not less than three (3) years from the date that
570 the person became a family protection specialist;

571 (b) Any person who fails to complete his or her service
572 obligation as a family protection specialist for the Department
573 of * * * Child Protection Services for not less than three (3)
574 years, as required under subsection (4) (a) of this section, shall
575 become liable immediately to the board for the sum of all
576 forgivable loan awards made to that person, plus interest accruing
577 at the current Stafford Loan rate at the time the person
578 discontinues his or her service.

579 (5) It is the intent of the Legislature that the pursuit of
580 necessary college education by family protection workers through
581 the forgivable loan program shall not interfere with the duties of



582 the family protection workers with the Department of * * * Child
583 Protection Services. The department shall promulgate regulations
584 regarding family protection workers who participate in the
585 forgivable loan program to ensure that such participation does not
586 interfere with their duties with the department.

587 (6) The board shall promulgate rules and regulations
588 necessary for the proper administration of the forgivable loan
589 program established under this section. The board shall be the
590 administering agency of the program.

591 (7) The total amount of state funds that may be expended for
592 this program shall not exceed Three Hundred Twenty Thousand
593 Dollars (\$320,000.00) in any fiscal year.

594 **SECTION 20.** Section 37-115-43, Mississippi Code of 1972, is
595 amended as follows:

596 37-115-43. (1) The University of Mississippi Medical
597 Center, in collaboration with the Mississippi Department of * * *
598 Child Protection Services and the Office of the Attorney General,
599 is authorized and empowered to establish a Center of Excellence
600 (Center) * * * to provide care for abused and neglected children
601 at the Blair E. Batson Hospital for Children located in Jackson,
602 Mississippi, where suspected victims of child maltreatment
603 referred by the Department of * * * Child Protection Services or
604 law enforcement will receive comprehensive physical examinations
605 conducted by medical professionals who specialize in child
606 maltreatment. The University of Mississippi Medical Center shall



607 promulgate such policies as may be necessary and desirable to
608 carry out the programs of the Center. The Center shall serve as a
609 resource for the assessment, investigation and prosecution of
610 child maltreatment. The Center shall work in collaboration with
611 the Office of the Attorney General, the Mississippi Department
612 of * * * Child Protection Services, and other such state agencies
613 and entities that provide services to children * * * to ensure
614 that CARE Clinic services are provided in a uniform fashion
615 throughout the state.

616 (2) The Department of Pediatrics may use the Center for
617 educational and outreach programs, telemedicine consultations, to
618 develop satellite clinics in other locations in the state in
619 cooperation with the local community or private hospital when
620 applicable, and to conduct major research initiatives in child
621 maltreatment.

622 (3) The Center of Excellence shall provide services to
623 maltreated children and comply with national certification
624 standards as necessary to provide services to the Department
625 of * * * Child Protection Services, the youth courts, state child
626 advocacy centers, district attorney's offices and law enforcement
627 agencies.

628 (4) There is created in the State Treasury a special fund to
629 be known as the Children's Safe Center Fund. The University of
630 Mississippi Medical Center shall expend funds pursuant to
631 appropriation therefor by the Legislature for the support and



632 maintenance of the Children's Safe Center. The University of
633 Mississippi Medical Center is authorized to accept any and all
634 grants, donations or matching funds from private, public or
635 federal sources in order to add to, improve and enlarge the
636 physical facilities of the Center and to expend any such funds for
637 the support and maintenance of the Center. Assessments from
638 Section 99-19-73 designated for the Children's Safe Center Fund
639 shall be deposited into the fund. Monies remaining in the fund at
640 the end of a fiscal year shall not lapse into the State General
641 Fund, and any interest earned from the investment of monies in the
642 fund shall be deposited to the credit of the fund.

643 **SECTION 21.** Section 41-3-18, Mississippi Code of 1972, is
644 amended as follows:

645 41-3-18. (1) The board shall assess fees in the following
646 amounts and for the following purposes:

647 (a) Food establishment annual permit fee, based on the
648 assessment factors of the establishment as follows:

649	Assessment Category 1.....	\$ 30.00
650	Assessment Category 2.....	100.00
651	Assessment Category 3.....	150.00
652	Assessment Category 4.....	200.00

653 (b) Private water supply approval fee.....\$ 10.00

654 The board may develop such reasonable standards, rules and
655 regulations to clearly define each assessment category.

656 Assessment categories shall be based upon the factors to the



657 public health implications of the category and type of food
658 preparation being utilized by the food establishment, utilizing
659 the model Food Code of 1995, or as may be amended by the federal
660 Food and Drug Administration.

661 Any increase in the fees charged by the board under this
662 subsection shall be in accordance with the provisions of Section
663 41-3-65.

664 (2) The fee authorized under subsection (1) (a) of this
665 section shall not be assessed for:

666 (a) Food establishments operated by public schools,
667 public junior and community colleges, or state agencies or
668 institutions, including, without limitation, the state
669 institutions of higher learning and the State Penitentiary; and

670 (b) Persons who make infrequent casual sales of honey
671 and who pack or sell less than five hundred (500) gallons of honey
672 per year, and those persons shall not be inspected by the State
673 Department of Health unless requested by the producer.

674 (3) The fee authorized under subsection (1) (b) of this
675 section shall not be assessed for private water supplies used by
676 foster homes licensed by the Department of * * * Child Protection
677 Services.

678 **SECTION 22.** Section 41-67-12, Mississippi Code of 1972, is
679 amended as follows:

680 41-67-12. (1) The department shall assess fees in the
681 following amounts for the following purposes:



682 (a) A fee of One Hundred Dollars (\$100.00) shall be
683 levied for soil and site evaluation and recommendation of
684 individual on-site wastewater disposal systems. The department
685 may increase the amount of the fee authorized in this paragraph
686 (a) not more than two (2) times during the period from July 1,
687 2016, through June 30, 2020, with the percentage of each increase
688 being not more than five percent (5%) of the amount of the fee in
689 effect at the time of the increase.

690 (b) A fee of One Hundred Fifty Dollars (\$150.00) shall
691 be levied once every three (3) years for the certification of
692 installers and pumpers.

693 (c) A fee of Three Hundred Dollars (\$300.00) shall be
694 levied once every three (3) years for the registration of
695 manufacturers.

696 Any increase in the fee charged by the department under
697 paragraph (b) or (c) of this subsection shall be in accordance
698 with the provisions of Section 41-3-65.

699 (2) In the discretion of the board, a person shall be liable
700 for a penalty equal to one and one-half (1-1/2) times the amount
701 of the fee due and payable for failure to pay the fee on or before
702 the date due, plus any amount necessary to reimburse the cost of
703 collection.

704 (3) No fee authorized under this section shall be assessed
705 by the department for state agencies or institutions, including,



706 without limitation, foster homes licensed by the Mississippi
707 Department of * * * Child Protection Services.

708 **SECTION 23.** Section 41-87-5, Mississippi Code of 1972, is
709 amended as follows:

710 41-87-5. Unless the context requires otherwise, the
711 following definitions in this section apply throughout this
712 chapter:

713 (a) "Eligible infants and toddlers" or "eligible
714 children" means children from birth through thirty-six (36) months
715 of age who need early intervention services because they:

716 (i) Are experiencing developmental delays as
717 measured by appropriate diagnostic instruments and procedures in
718 one or more of the following areas:

719 (A) Cognitive development;

720 (B) Physical development, including vision or
721 hearing;

722 (C) Communication development;

723 (D) Social or emotional development;

724 (E) Adaptive development;

725 (ii) Have a diagnosed physical or mental
726 condition, as defined in state policy, that has a high probability
727 of resulting in developmental delay;

728 (iii) Are at risk of having substantial
729 developmental delays if early intervention services are not
730 provided due to conditions as defined in state policy. (This



731 category may be served at the discretion of the lead agency
732 contingent upon available resources.)

733 (b) "Early intervention services" are developmental
734 services that:

735 (i) Are provided under public supervision;

736 (ii) Are provided at no cost except where federal
737 or state law provides for a system of payments by families,
738 including a schedule of sliding fees;

739 (iii) Are designed to meet the developmental needs
740 of an infant or toddler with a disability in any one or more of
741 the following areas:

742 (A) Physical development;

743 (B) Cognitive development;

744 (C) Communication development;

745 (D) Social or emotional development; or

746 (E) Adaptive development;

747 (iv) Meet the requirements of Part C of the
748 Individuals with Disabilities Education Act (IDEA) and the early
749 intervention standards of the State of Mississippi;

750 (v) Include, but are not limited to, the following
751 services:

752 (A) Assistive technology devices and
753 assistive technology services;

754 (B) Audiology;



- 755 (C) Family training, counseling and home
756 visits;
- 757 (D) Health services necessary to enable a
758 child to benefit from other early intervention services;
- 759 (E) Medical services only for diagnostic or
760 evaluation purposes;
- 761 (F) Nutrition services;
- 762 (G) Occupational therapy;
- 763 (H) Physical therapy;
- 764 (I) Psychological services;
- 765 (J) Service coordination (case management);
- 766 (K) Social work services;
- 767 (L) Special instruction;
- 768 (M) Speech-language pathology;
- 769 (N) Transportation and related costs that are
770 necessary to enable an infant or toddler and her/his family to
771 receive early intervention services; and
- 772 (O) Vision services;
- 773 (vi) Are provided by qualified personnel as
774 determined by the state's personnel standards, including:
- 775 (A) Audiologists;
- 776 (B) Family therapists;
- 777 (C) Nurses;
- 778 (D) Nutritionists;
- 779 (E) Occupational therapists;



- 780 (F) Orientation and mobility specialists;
- 781 (G) Pediatricians and other physicians;
- 782 (H) Physical therapists;
- 783 (I) Psychologists;
- 784 (J) Social workers;
- 785 (K) Special educators;
- 786 (L) Speech and language pathologists;

787 (vii) Are provided, to the maximum extent
788 appropriate, in natural environments, including the home, and
789 community settings in which children without disabilities would
790 participate;

791 (viii) Are provided in conformity with an
792 individualized family service plan.

793 (c) "Council" means the State Interagency Coordinating
794 Council established under Section 41-87-7.

795 (d) "Lead agency" means the State Department of Health.

796 (e) "Participating agencies" includes, but is not
797 limited to, the State Department of Education, the Department of
798 Human Services, the Department of Child Protection Services, the
799 State Department of Health, the Division of Medicaid, the State
800 Department of Mental Health, the University Medical Center, the
801 Board of Trustees of State Institutions of Higher Learning and the
802 Mississippi Community College Board.



803 (f) "Local community" means a county either jointly,
804 severally, or a portion thereof, participating in the provision of
805 early intervention services.

806 (g) "Primary service agency" means the agency, whether
807 a state agency, local agency, local interagency council or service
808 provider which is designated by the lead agency to serve as the
809 fiscal and contracting agent for a local community.

810 (h) "Multidisciplinary team" means a group comprised of
811 the parent(s) or legal guardian and the service providers, as
812 appropriate, described in paragraph (b) of this section, who are
813 assembled for the purposes of:

814 (i) Assessing the developmental needs of an infant
815 or toddler;

816 (ii) Developing the individualized family service
817 plan; and

818 (iii) Providing the infant or toddler and his or
819 her family with the appropriate early intervention services as
820 detailed in the individualized family service plan.

821 (i) "Individualized family service plan" means a
822 written plan designed to address the needs of the infant or
823 toddler and his or her family as specified under Section 41-87-13.

824 (j) "Early intervention standards" means those
825 standards established by any agency or agencies statutorily
826 designated the responsibility to establish standards for infants



827 and toddlers with disabilities, in coordination with the council
828 and in accordance with Part C of IDEA.

829 (k) "Early intervention system" means the total
830 collaborative effort in the state that is directed at meeting the
831 needs of eligible children and their families.

832 (l) "Parent," for the purpose of early intervention
833 services, means a parent, a guardian, a person acting as a parent
834 of a child, foster parent, or an appointed surrogate parent. The
835 term does not include the state if the child is a ward of the
836 state where the child has not been placed with individuals to
837 serve in a parenting capacity, such as foster parents, or when a
838 surrogate parent has not been appointed. When a child is the ward
839 of the state, a Department of Human Services or Department of
840 Child Protection Services representative will act as parent for
841 purposes of service authorization.

842 (m) "Policies" means the state statutes, regulations,
843 Governor's orders, directives by the lead agency, or other written
844 documents that represent the state's position concerning any
845 matter covered under this chapter.

846 (n) "Regulations" means the United States Department of
847 Education's regulations concerning the governance and
848 implementation of Part C of IDEA, the Early Intervention Program
849 for Infants and Toddlers with Disabilities.

850 **SECTION 24.** Section 41-101-1, Mississippi Code of 1972, is
851 amended as follows:



852 41-101-1. (1) There is created the Mississippi Council on
853 Obesity Prevention and Management, hereinafter referred to as the
854 "council," within the State Department of Health to be in
855 existence for the period from July 1, 2001, until July 1, 2006, or
856 until the council is established as a nonprofit corporation,
857 whichever is the earlier date. The council may accept and expend
858 grants and private donations from any source, including federal,
859 state, public and private entities, to assist it to carry out its
860 functions.

861 (2) The powers, functions and duties of the council shall
862 include, but not be limited to, the following:

863 (a) The collection and analysis of data regarding the
864 extent to which children and adults in Mississippi suffer from
865 obesity, and the programs and services currently available to meet
866 the needs of overweight children and adults, and the funds
867 dedicated by the state to maintain those programs and services.

868 (b) The collection and analysis of data to demonstrate
869 the economic impact on the state of treating obesity and the
870 estimated cost savings of implementing a comprehensive statewide
871 obesity prevention and management model.

872 (c) The establishment and maintenance of a resources
873 data bank containing information about obesity and related
874 subjects accessible to educational and research institutions, as
875 well as members of the general public.



876 (d) Consideration of the feasibility of awarding tax
877 incentives for work sites that promote activities to reduce
878 obesity in the work force.

879 (e) The establishment of recommendations to enhance
880 funding for effective prevention and management programs and
881 services, including Medicaid, private health insurance programs,
882 and other state and federal funds.

883 (f) The establishment of recommendations designed to
884 assure that children of school age who may have early indicators
885 of obesity have access to affordable, effective prevention and
886 management services.

887 (g) The establishment of recommendations for changes to
888 statewide elementary and secondary education curricula to
889 implement comprehensive, coordinated obesity awareness and
890 education programs.

891 (h) Recommendations to enhance clinical education
892 curricula in medical, nursing and other schools of higher
893 education to implement comprehensive, coordinated obesity
894 awareness and education courses.

895 (i) Recommendations to increase education and awareness
896 among primary care physicians and other health professionals
897 regarding the recognition, prevention and effective management of
898 obesity.



899 (j) Consideration of a state prevention campaign to
900 increase public awareness of the need for early prevention and
901 management of obesity, possibly including:

902 (i) A broad-based public education campaign
903 outlining health risks associated with failure to receive
904 treatment for obesity.

905 (ii) A health professional training campaign.

906 (iii) A targeted public education campaign
907 directed toward high risk populations.

908 (k) Coordination with the United States Department of
909 Agriculture, the United States Department of Health and Human
910 Services, the United States Department of Education, the United
911 States Centers for Disease Control and the National Center for
912 Chronic Disease Prevention to share resources and information in
913 order to ensure a comprehensive approach to obesity and
914 obesity-related conditions.

915 (l) Coordination with the State Departments of
916 Education, Health, Human Services and Child Protection Services
917 and the Division of Medicaid to share resources and information in
918 order to ensure a comprehensive approach to obesity and
919 obesity-related conditions.

920 (m) Identification of and recommendations to reduce
921 cultural, environmental and socioeconomic barriers to prevention
922 and management of obesity in Mississippi.

923 (3) The council shall be composed of the following members:



924 (a) The Executive Director of the State Department of
925 Health, or his designee;

926 (b) The Executive Director of the Department of Human
927 Services, or his designee;

928 (c) The State Superintendent of Education, or his
929 designee;

930 (d) The Executive Director of the State Department of
931 Mental Health, or his designee;

932 (e) The Commissioner of Child Protection Services, or
933 his designee;

934 (f) A representative of the Office of the Governor, to
935 be appointed by the Governor;

936 (* * *g) A member of the House of Representatives,
937 appointed by the Speaker of the House of Representatives;

938 (* * *h) A member of the Senate, appointed by the
939 Lieutenant Governor;

940 (* * *i) Two (2) representatives of the
941 public-at-large, to be selected by the Governor;

942 (* * *j) The President of either the Mississippi
943 Medical Association or the African-American Obesity Research and
944 Treatment Association (AAORTA), or his designee;

945 (* * *k) The President of the Mississippi State Nurses
946 Association, or his designee;

947 (* * *l) The President of the Mississippi Pharmacists
948 Association, or his designee;



949 (* * *m) The President of the Mississippi Chapter of
950 the American Academy of Pediatrics, or his designee;

951 (* * *n) The Vice Chancellor of the University of
952 Mississippi Medical Center, or his designee;

953 (* * *o) A representative appointed from the
954 Mississippi state office of the American Association of Retired
955 Persons;

956 (* * *p) A representative of the Mississippi Dietetic
957 Association;

958 (* * *q) A representative of the Mississippi
959 Restaurant Association;

960 (* * *r) The President of the Mississippi Physical
961 Therapy Association, or his designee;

962 (* * *s) A member appointed by the Mississippi
963 Commissioner of Insurance;

964 (* * *t) A representative from a food processor or
965 food manufacturer; and

966 (* * *u) A representative from the Mississippi Soft
967 Drink Association.

968 (4) The council shall meet upon call of the Governor not
969 later than August 1, 2001, and shall organize for business by
970 selecting a chairman who shall serve for a one-year term and may
971 be selected for subsequent terms. The council shall adopt
972 internal organizational procedures necessary for efficient
973 operation of the council. Council procedures shall include duties



974 of officers, a process for selecting officers, quorum requirements
975 for conducting business and policies for any council staff. Each
976 member of the council shall designate necessary staff of their
977 departments to assist the council in performing its duties and
978 responsibilities. The council shall meet and conduct business at
979 least quarterly. Meetings of the council shall be open to the
980 public and opportunity for public comment shall be made available
981 at each such meeting. The chairman of the council shall notify
982 all persons who request that notice as to the date, time and place
983 of each meeting.

984 (5) Members of the council shall receive no compensation for
985 their services.

986 (6) The council shall submit a report, including proposed
987 legislation if necessary, to the Governor and to the House and
988 Senate Health and Welfare Committees before the convening of the
989 2004 legislative session. The report shall include a
990 comprehensive state plan for implementation of services and
991 programs in the State of Mississippi to increase prevention and
992 management of obesity in adults and children and an estimate of
993 the cost of implementation of such a plan.

994 (7) All departments, boards, agencies, officers and
995 institutions of the state and all subdivisions thereof shall
996 cooperate with the council in carrying out its purposes under this
997 section.



998 **SECTION 25.** Section 43-1-9, Mississippi Code of 1972, is
999 amended as follows:

1000 43-1-9. There shall be created in each county of the state a
1001 county department of * * * human services which shall consist of a
1002 county director of * * * human services, and such other personnel
1003 as may be necessary for the efficient performance of the duties of
1004 the county department. It shall be the duty of the board of
1005 supervisors of each county to provide office space for the county
1006 department.

1007 County director. The * * * Executive Director of Human
1008 Services shall designate, in accordance with the rules and
1009 regulations of the State Personnel Board, with the approval of the
1010 Governor, a county director of * * * human services who shall
1011 serve as the executive and administrative officer of the county
1012 department and shall be responsible to the state department for
1013 its management. Such director shall be a resident citizen of the
1014 county and shall not hold any political office of the state,
1015 county, municipality or subdivision thereof. However, in cases of
1016 emergency, the * * * executive director may appoint a director
1017 of * * * human services who is a nonresident of such county, to
1018 serve during the period of emergency only.

1019 The county department of * * * human services shall
1020 administer within the county all forms of public assistance and
1021 welfare services with the exception of child welfare services
1022 administered by the Department of Child Protection Services. The



1023 county department shall comply with such regulations and submit
1024 such reports as may be established or required by the state
1025 department. Subject to the approval of the state department, the
1026 county department may cooperate with other departments, agencies
1027 and institutions, state and local, when so requested, in
1028 performing services in conformity with the provisions of this
1029 chapter.

1030 In counties having two (2) judicial districts, the * * *
1031 Executive Director of Human Services may create and establish in
1032 each of the judicial districts a separate county department
1033 of * * * human services which shall consist of a director of * * *
1034 human services and such other personnel as may be necessary for
1035 the efficient performance of the duties of the department thus
1036 established. In such cases the two (2) departments so established
1037 shall be dealt with as though each is a separate and distinct
1038 county department of * * * human services, and each of the
1039 departments and each of the directors shall operate and have
1040 jurisdiction coextensive with the boundaries of the judicial
1041 district in which it is established; and, also, in such cases the
1042 words "county" and "director of * * * human services" when used in
1043 this chapter shall, where applicable, mean each judicial district,
1044 and the director of * * * human services appointed therefor; and
1045 where the board of supervisors is authorized to appropriate funds
1046 or provide office space or like assistance for one (1)
1047 county * * * department or director, such board may, as the case



1048 may be, appropriate the amount specified by law or render the
1049 assistance required by law to each of the departments or
1050 directors. * * * However, * * * the * * * Executive Director of
1051 Human Services shall not create and establish a separate county
1052 department of * * * human services pursuant to this paragraph in
1053 any county in which such separate county department of * * * human
1054 services is not in existence on January 1, 1983. * * * In
1055 addition, in any county having two (2) county departments of * * *
1056 human services on January 1, 1983, but only one (1) county
1057 director of * * * on * * * that date, the * * * Executive
1058 Director of Human Services shall not authorize and establish the
1059 second position of county director of * * * human services in such
1060 county.

1061 In any county not having two (2) judicial districts which is
1062 greater than fifty (50) miles in length, the * * * Executive
1063 Director of Human Services may establish one (1) branch office of
1064 the county department of * * * human services which shall be
1065 staffed with existing employees and administrative staff of such
1066 county department for not less than four (4) days per week.

1067 **SECTION 26.** Section 43-1-101, Mississippi Code of 1972, is
1068 amended as follows:

1069 43-1-101. (1) There is created the Mississippi Interagency
1070 Council on Homelessness. The purpose of the council is to
1071 establish, develop and implement a plan to reduce homelessness
1072 that includes a strong focus on the needs of homeless children,



1073 youth and families, as well as individuals and veterans who are
1074 homeless.

1075 (2) In addition to the duties prescribed in subsection (1)
1076 the council shall annually make a report to the Governor, the
1077 House of Representatives, the Senate and the public regarding the
1078 council's progress in meeting its goals and objectives.

1079 (3) The council shall be composed of the following members:

1080 (a) A representative from the Office of the Governor,
1081 appointed by the Governor;

1082 (b) The Chairperson or his designee of the Youth and
1083 Family Affairs Committee of the House of Representatives and the
1084 Chairperson or his designee of the Housing Committee of the
1085 Senate;

1086 (c) The Executive Director of the Department * * *
1087 Human Services or his designee;

1088 (d) The Executive Director of the Department of Mental
1089 Health or his designee;

1090 (e) The Executive Director of the Mississippi
1091 Development Authority or his designee;

1092 (f) The Commissioner of Child Protection Services or
1093 his designee;

1094 (g) The State Superintendent of the Department of
1095 Education or his designee;

1096 (* * *h) A representative of Partners to End
1097 Homelessness, appointed by the Governor;



1098 (* * *i) A representative of Mississippi United to End
1099 Homelessness, appointed by the Governor;

1100 (* * *j) A representative of Open Doors Counseling
1101 Center, appointed by the Governor;

1102 (* * *k) A representative of a school district that is
1103 working on the McKinney-Vento Homeless Education Assistance Act,
1104 appointed by the State Superintendent of Education;

1105 (* * *l) A representative of the Mississippi Campaign
1106 to End Child Homelessness, appointed by the Governor;

1107 (* * *m) Two (2) directors from homeless and domestic
1108 violence emergency shelters, appointed by the Governor;

1109 (* * *n) A youth who is or has been homeless,
1110 appointed by the State Superintendent of Education;

1111 (* * *o) A representative of the Oakley Youth
1112 Development Center, appointed by the Governor;

1113 (* * *p) The Executive Director of the State Veterans
1114 Affairs Board or his designee;

1115 (* * *q) The Executive Director of Hope Enterprises,
1116 or his designee; and

1117 (* * *r) A representative from a community action
1118 agency appointed by the Governor.

1119 (4) Appointments shall be made within thirty (30) days after
1120 July 1, 2013. Within fifteen (15) days thereafter on a day to be
1121 designated jointly by the Speaker of the House and the Lieutenant
1122 Governor, the council shall meet and organize by selecting from



1123 its membership a chairperson and a vice chairperson. The vice
1124 chairperson shall also serve as secretary and shall be responsible
1125 for keeping all records of the council. A majority of the members
1126 of the council shall constitute a quorum. In the selection of its
1127 officers and the adoption of rules, resolutions and reports, an
1128 affirmative vote of a majority of the council shall be required.
1129 All members shall be notified in writing of all meetings, and
1130 those notices shall be mailed at least fifteen (15) days before
1131 the date on which a meeting is to be held.

1132 (5) Members of the council shall serve without compensation
1133 for their services, and the council shall perform its duties
1134 without legislative appropriation or the use of any state funds
1135 for that purpose; however, the council, by approval of a majority
1136 of the appointed members of the council, is authorized to accept
1137 funds that may be donated or provided in the form of financial
1138 grants from public or private sources. In addition, any
1139 department, division, board, bureau, commission or agency of the
1140 state, or of any political subdivision thereof, shall provide, at
1141 the request of the chair of the council, such facilities,
1142 assistance and data as will enable the council to carry out its
1143 duties.

1144 **SECTION 27.** Section 43-14-1, Mississippi Code of 1972, is
1145 amended as follows:

1146 43-14-1. (1) The purpose of this chapter is to provide for
1147 the development, implementation and oversight of a coordinated



1148 interagency system of necessary services and care for children and
1149 youth, called the Mississippi Statewide System of Care, up to age
1150 twenty-one (21) with serious emotional/behavioral disorders
1151 including, but not limited to, conduct disorders, or mental
1152 illness who require services from a multiple services and multiple
1153 programs system, and who can be successfully diverted from
1154 inappropriate institutional placement. The Mississippi Statewide
1155 System of Care is to be conducted in the most fiscally responsible
1156 (cost-efficient) manner possible, based on an individualized plan
1157 of care which takes into account other available interagency
1158 programs, including, but not limited to, Early Intervention Act of
1159 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic
1160 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),
1161 waived program for home- and community-based services for
1162 developmentally disabled people, Section 43-13-117(A) (29), and
1163 waived program for targeted case management services for
1164 children with special needs, Section 43-13-117(A) (31), those
1165 children identified through the federal Individuals with
1166 Disabilities Education Act of 1997 as having a serious emotional
1167 disorder (EMD), the Mississippi Children's Health Insurance
1168 Program and waived programs for children with serious emotional
1169 disturbances, Section 43-13-117(A) (46), and is tied to clinically
1170 and functionally appropriate outcomes. Some of the outcomes are
1171 to reduce the number of inappropriate out-of-home placements
1172 inclusive of those out-of-state and to reduce the number of



1173 inappropriate school suspensions and expulsions for this
1174 population of children. This coordinated interagency system of
1175 necessary services and care shall be named the Mississippi
1176 Statewide System of Care. Children to be served by this chapter
1177 who are eligible for Medicaid shall be screened through the
1178 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
1179 and their needs for medically necessary services shall be
1180 certified through the EPSDT process. For purposes of this
1181 chapter, the Mississippi Statewide System of Care is defined as a
1182 coordinated network of agencies and providers working as a team to
1183 make a full range of mental health and other necessary services
1184 available as needed by children with mental health problems and
1185 their families. The Mississippi Statewide System of Care shall
1186 be:

1187 (a) Child centered, family focused, family driven and
1188 youth guided;

1189 (b) Community based;

1190 (c) Culturally competent and responsive; and shall
1191 provide for:

1192 (i) Service coordination or case management;

1193 (ii) Prevention and early identification and
1194 intervention;

1195 (iii) Smooth transitions among agencies and
1196 providers, and to the transition-age and adult service systems;

1197 (iv) Human rights protection and advocacy;



- 1198 (v) Nondiscrimination in access to services;
- 1199 (vi) A comprehensive array of services composed of
1200 treatment and informal supports that are identified as best
1201 practices and/or evidence-based practices;
- 1202 (vii) Individualized service planning that uses a
1203 strengths-based, wraparound process;
- 1204 (viii) Services in the least restrictive
1205 environment;
- 1206 (ix) Family participation in all aspects of
1207 planning, service delivery and evaluation; and
- 1208 (x) Integrated services with coordinated planning
1209 across child-serving agencies.

1210 Mississippi Statewide System of Care services shall be
1211 timely, intensive, coordinated and delivered in the community.
1212 Mississippi Statewide System of Care services shall include, but
1213 not be limited to, the following:

- 1214 (a) Comprehensive crisis and emergency response
1215 services;
- 1216 (b) Intensive case management;
- 1217 (c) Day treatment;
- 1218 (d) Alcohol and drug abuse group services for youth;
- 1219 (e) Individual, group and family therapy;
- 1220 (f) Respite services;
- 1221 (g) Supported employment services for youth;
- 1222 (h) Family education and support and family partners;



- 1223 (i) Youth development and support and youth partners;
1224 (j) Positive behavioral supports (PBIS) in schools;
1225 (k) Transition-age supported and independent living
1226 services; and
1227 (l) Vocational/technical education services for youth.
- 1228 (2) There is established the Interagency Coordinating
1229 Council for Children and Youth (hereinafter referred to as the
1230 "ICCCY"). The ICCCY shall consist of the following membership:
1231 (a) The State Superintendent of Public Education;
1232 (b) The Executive Director of the Mississippi
1233 Department of Mental Health;
1234 (c) The Executive Director of the State Department of
1235 Health;
1236 (d) The Executive Director of the Department of Human
1237 Services;
1238 (e) The Executive Director of the Division of Medicaid,
1239 Office of the Governor;
1240 (f) The Executive Director of the State Department of
1241 Rehabilitation Services;
1242 (g) The Executive Director of Mississippi Families as
1243 Allies for Children's Mental Health, Inc.;
- 1244 (h) The Commissioner of the Child Protection Services;
1245 (i) The Attorney General;



1246 (* * *j) A family member of a child or youth in the
1247 population named in this chapter designated by Mississippi
1248 Families as Allies;

1249 (* * *k) A youth or young adult in the population
1250 named in this chapter designated by Mississippi Families as
1251 Allies;

1252 (* * *l) A local MAP team coordinator designated by
1253 the Department of Mental Health;

1254 (* * *m) A child psychiatrist experienced in the
1255 public mental health system designated by the Mississippi
1256 Psychiatric Association;

1257 (* * *n) An individual with expertise and experience
1258 in early childhood education designated jointly by the Department
1259 of Mental Health and Mississippi Families as Allies;

1260 (* * *o) A representative of an organization that
1261 advocates on behalf of disabled citizens in Mississippi designated
1262 by the Department of Mental Health; and

1263 (* * *p) A faculty member or dean from a Mississippi
1264 university specializing in training professionals who work in the
1265 Mississippi Statewide System of Care designated by the Board of
1266 Trustees of State Institutions of Higher Learning.

1267 If a member of the council designates a representative to
1268 attend council meetings, the designee shall bring full
1269 decision-making authority of the member to the meeting. The
1270 council shall select a chairman, who shall serve for a one-year



1271 term and may not serve consecutive terms. The council shall adopt
1272 internal organizational procedures necessary for efficient
1273 operation of the council. Each member of the council shall
1274 designate necessary staff of their departments to assist the ICCCY
1275 in performing its duties and responsibilities. The ICCCY shall
1276 meet and conduct business at least twice annually. The chairman
1277 of the ICCCY shall notify all ICCCY members and all other persons
1278 who request such notice as to the date, time, place and draft
1279 agenda items for each meeting.

1280 (3) The Interagency System of Care Council (ISCC) is created
1281 to serve as the state management team for the ICCCY, with the
1282 responsibility of collecting and analyzing data and funding
1283 strategies necessary to improve the operation of the Mississippi
1284 Statewide System of Care, and to make recommendations to the ICCCY
1285 and to the Legislature concerning such strategies on, at a
1286 minimum, an annual basis. The System of Care Council also has the
1287 responsibility of coordinating the local Multidisciplinary
1288 Assessment and Planning (MAP) teams and "A" teams and may apply
1289 for grants from public and private sources necessary to carry out
1290 its responsibilities. The Interagency System of Care Council
1291 shall be comprised of one (1) member from each of the appropriate
1292 child-serving divisions or sections of the State Department of
1293 Health, the Department of Human Services (* * * Division of Youth
1294 Services), the Department of Child Protection Services, the State
1295 Department of Mental Health (Division of Children and Youth,



1296 Bureau of Alcohol and Drug Abuse, and Bureau of Intellectual and
1297 Developmental Disabilities), the State Department of Education
1298 (Office of Special Education and Office of Healthy Schools), the
1299 Division of Medicaid of the Governor's Office, the Department of
1300 Rehabilitation Services, and the Attorney General's office.
1301 Additional members shall include a family member of a child, youth
1302 or transition-age youth representing a family education and
1303 support 501(c)(3) organization, working with the population named
1304 in this chapter designated by Mississippi Families as Allies, an
1305 individual with expertise and experience in early childhood
1306 education designated jointly by the Department of Mental Health
1307 and Mississippi Families as Allies, a local MAP team
1308 representative and a local "A" team representative designated by
1309 the Department of Mental Health, a probation officer designated by
1310 the Department of Corrections, a family member and youth or young
1311 adult designated by Mississippi Families as Allies for Children's
1312 Mental Health, Inc., (MSFAA), and a family member other than a
1313 MSFAA representative to be designated by the Department of Mental
1314 Health and the Director of the Compulsory School Attendance
1315 Enforcement of the State Department of Education. Appointments to
1316 the Interagency System of Care Council shall be made within sixty
1317 (60) days after June 30, 2010. The council shall organize by
1318 selecting a chairman from its membership to serve on an annual
1319 basis, and the chairman may not serve consecutive terms.



1320 (4) (a) As part of the Mississippi Statewide System of
1321 Care, there is established a statewide system of local
1322 Multidisciplinary Assessment, Planning and Resource (MAP) teams.
1323 The MAP teams shall be comprised of one (1) representative each at
1324 the county level from the major child-serving public agencies for
1325 education, human services, health, mental health and
1326 rehabilitative services approved by respective state agencies of
1327 the Department of Education, the Department of Human Services, the
1328 Department of Child Protection Services, the Department of Health,
1329 the Department of Mental Health and the Department of
1330 Rehabilitation Services. These agencies shall, by policy,
1331 contract or regulation require participation on MAP teams and "A"
1332 teams at the county level by the appropriate staff. Three (3)
1333 additional members may be added to each team, one (1) of which may
1334 be a representative of a family education/support 501(c)(3)
1335 organization with statewide recognition and specifically
1336 established for the population of children defined in Section
1337 43-14-1. The remaining members will be representatives of
1338 significant community-level stakeholders with resources that can
1339 benefit the population of children defined in Section 43-14-1.
1340 The Department of Education shall assist in recruiting and
1341 identifying parents to participate on MAP teams and "A" teams.
1342 (b) For each local existing MAP team that is
1343 established pursuant to paragraph (a) of this subsection, there



1344 shall also be established an "A" (Adolescent) team which shall
1345 work with a MAP team. The "A" teams shall provide System of Care
1346 services for youthful offenders who have serious behavioral or
1347 emotional disorders. Each "A" team shall be comprised of, at a
1348 minimum, the following five (5) members:

1349 (i) A school counselor, mental health therapist or
1350 social worker;

1351 (ii) A community mental health professional;

1352 (iii) A social services/child welfare
1353 professional;

1354 (iv) A youth court counselor; and

1355 (v) A parent who had a child in the juvenile
1356 justice system.

1357 (c) The Interagency Coordinating Council for Children
1358 and Youth and the Interagency System of Care Council shall work to
1359 develop MAP teams statewide that will serve to become the single
1360 point of entry for children and youth about to be placed in
1361 out-of-home care for reasons other than parental abuse/neglect.

1362 (5) The Interagency Coordinating Council for Children and
1363 Youth may provide input to one another and to the ISCC relative to
1364 how each agency utilizes its federal and state statutes, policy
1365 requirements and funding streams to identify and/or serve children
1366 and youth in the population defined in this section. The ICCCY
1367 shall support the implementation of the plans of the respective



1368 state agencies for comprehensive, community-based,
1369 multidisciplinary care, treatment and placement of these children.

1370 (6) The ICCCY shall oversee a pool of state funds that may
1371 be contributed by each participating state agency and additional
1372 funds from the Mississippi Tobacco Health Care Expenditure Fund,
1373 subject to specific appropriation therefor by the Legislature.
1374 Part of this pool of funds shall be available for increasing the
1375 present funding levels by matching Medicaid funds in order to
1376 increase the existing resources available for necessary
1377 community-based services for Medicaid beneficiaries.

1378 (7) The local interagency coordinating care MAP team or "A"
1379 team will facilitate the development of the individualized System
1380 of Care programs for the population targeted in this section.

1381 (8) Each local MAP team and "A" team shall serve as the
1382 single point of entry and re-entry to ensure that comprehensive
1383 diagnosis and assessment occur and shall coordinate needed
1384 services through the local MAP team and "A" team members and local
1385 service providers for the children named in subsection (1). Local
1386 children in crisis shall have first priority for access to the MAP
1387 team and "A" team processes and local System of Care services.

1388 (9) The Interagency Coordinating Council for Children and
1389 Youth shall facilitate monitoring of the performance of local MAP
1390 teams.

1391 (10) Each ICCCY member named in subsection (2) of this
1392 section shall enter into a binding memorandum of understanding to



1393 participate in the further development and oversight of the
1394 Mississippi Statewide System of Care for the children and youth
1395 described in this section. The agreement shall outline the system
1396 responsibilities in all operational areas, including ensuring
1397 representation on MAP teams, funding, data collection, referral of
1398 children to MAP teams and "A" teams, and training. The agreement
1399 shall be signed and in effect by July 1 of each year.

1400 **SECTION 28.** Section 43-14-5, Mississippi Code of 1972, is
1401 amended as follows:

1402 43-14-5. There is created in the State Treasury a special
1403 fund into which shall be deposited all funds contributed by the
1404 Department of Human Services, Department of Child Protection
1405 Services, State Department of Health, Department of Mental
1406 Health * * * and State Department of Rehabilitation Services
1407 insofar as recipients are otherwise eligible under the
1408 Rehabilitation Act of 1973, as amended, and State Department of
1409 Education for the operation of a statewide System of Care by MAP
1410 teams and "A" teams utilizing such funds as may be made available
1411 to those MAP teams through a Request for Proposal (RFP) approved
1412 by the ICCCY.

1413 **SECTION 29.** Section 43-15-3, Mississippi Code of 1972, is
1414 amended as follows:

1415 43-15-3. The Department of Human Services * * * and the
1416 Department of Child Protection Services are authorized, empowered
1417 and directed to cooperate fully with the United States Children's



1418 Bureau and Secretary of Labor in establishing, extending and
1419 strengthening "child welfare services" for the protection and care
1420 of homeless, dependent and neglected children and children in
1421 danger of becoming delinquent. * * * Those departments * * * are
1422 further authorized, empowered and directed to cooperate with the
1423 United States Children's Bureau and Secretary of Labor in
1424 developing plans for * * * those "child welfare services" and
1425 extending any other cooperation necessary under Section 521 of
1426 Public Law No. 271-74th Congress of the United States.

1427 In furtherance of the "child welfare services" referred to in
1428 the first paragraph hereof the State Treasurer is * * * authorized
1429 and directed to receive on behalf of the state, and to execute all
1430 instruments incidental thereto, federal or other funds to be used
1431 for "child welfare services," and to place such funds in a special
1432 account to the credit of the "child welfare services," which * * *
1433 funds shall be expended by the Department of Human Services and
1434 the Department of Child Protection Services for the purposes and
1435 under the provisions of this article and Section 521 of Public Law
1436 No. 271-74th Congress of the United States. It shall be paid out
1437 by the State Treasurer as funds appropriated to carry out the
1438 provisions of * * * those laws.

1439 The Department of Human Services or the Department of Child
1440 Protection Services shall issue all checks on * * * the "child
1441 welfare services" fund to persons entitled to payment from * * *
1442 the fund. All such sums shall be drawn upon the "child welfare



1443 services" fund upon requisition of the Director of the Department
1444 of Human Services or the Commissioner of Child Protection
1445 Services.

1446 The money in the "child welfare services" fund shall be
1447 expended in accordance with the rules and regulations of the
1448 United States Children's Bureau and Secretary of Labor and in
1449 accordance with the plan developed by the Department of Human
1450 Services or Department of Child Protection Services and the United
1451 States Children's Bureau under Section 521 of Public Law No.
1452 271-74th Congress of the United States, and shall not be used for
1453 any other purpose.

1454 If a claim for foster care and/or adoption assistance under
1455 Title IV-E of the federal Social Security Act is not acted upon
1456 within a reasonable time after the filing of the claim, or is
1457 denied in whole or in part, the claimant may appeal to the * * *
1458 Commissioner of Child Protection Services in the manner and form
1459 prescribed by the Department of * * * Child Protection Services.
1460 The * * * Commissioner of Child Protection Services shall, upon
1461 receipt of such an appeal, give the claimant reasonable notice and
1462 opportunity for a fair hearing. The * * * Commissioner of Child
1463 Protection Services may also, upon his or her own motion, review
1464 any decision regarding a claim, and may consider any claim upon
1465 which a decision has not been made within a reasonable time. All
1466 decisions of the * * * Commissioner of Child Protection Services
1467 shall be final and binding.



1468 **SECTION 30.** Section 43-15-5, Mississippi Code of 1972, is
1469 amended as follows:
1470 43-15-5. (1) The Department of * * * Child Protection
1471 Services shall have authority and it shall be its duty to
1472 administer or supervise all public child welfare services,
1473 including those services, responsibilities, duties and powers with
1474 which the * * * local offices of child protection services are
1475 charged and empowered in this article; administer and supervise
1476 the licensing and inspection of all private child placing
1477 agencies; provide for the care of dependent and neglected children
1478 in foster family homes or in institutions, supervise the care of
1479 such children and those of illegitimate birth; supervise the
1480 importation of children; and supervise the operation of all state
1481 institutions for children. The Department of * * * Child
1482 Protection Services shall be authorized to purchase hospital and
1483 medical insurance coverage for those children placed in foster
1484 care by the state or * * * local offices of child protection
1485 services who are not otherwise eligible for medical assistance
1486 under the Mississippi Medicaid Law. The Department of * * * Child
1487 Protection Services shall be further authorized to purchase burial
1488 or life insurance not exceeding One Thousand Five Hundred Dollars
1489 (\$1,500.00) for those children placed in foster care by the state
1490 or * * * local offices of child protection services. All
1491 insurance coverage authorized herein may be purchased with any
1492 funds other than state funds available to the Department of * * *



1493 Child Protection Services, including those funds available to the
1494 child which are administered by the department.

1495 (2) Any person, partnership, group, corporation,
1496 organization or association desiring to operate a child
1497 residential home, as defined in Section 43-16-3, may make
1498 application for a license for such a facility to the Department
1499 of * * * Child Protection Services on the application forms
1500 furnished for this purpose by the department. If an applicant
1501 meets the published rules and regulations of the department
1502 regarding minimum standards for a child residential home, then the
1503 applicant shall be granted a license by the department.

1504 **SECTION 31.** Section 43-15-6, Mississippi Code of 1972, is
1505 amended as follows:

1506 43-15-6. (1) Any person, institution, facility, clinic,
1507 organization or other entity that provides services to children in
1508 a residential setting where care, lodging, maintenance, and
1509 counseling or therapy for alcohol or controlled substance abuse or
1510 for any other emotional disorder or mental illness is provided for
1511 children, whether for compensation or not, that holds himself,
1512 herself, or itself out to the public as providing such services,
1513 and that is entrusted with the care of the children to whom he,
1514 she, or it provides services, because of the nature of the
1515 services and the setting in which the services are provided shall
1516 be subject to the provisions of this section.



1517 (2) Each entity to which this section applies shall
1518 complete, through the appropriate governmental authority, a
1519 national criminal history record information check and a child
1520 abuse registry check for each owner, operator, employee,
1521 prospective employee, volunteer or prospective volunteer of the
1522 entity and/or any other that has or may have unsupervised access
1523 to a child served by the entity. In order to determine the
1524 applicant's suitability for employment, the entity shall ensure
1525 that the applicant be fingerprinted by local law enforcement, and
1526 the results forwarded to the Department of Public Safety. If no
1527 disqualifying record is identified at the state level, the
1528 fingerprints shall be forwarded by the Department of Public Safety
1529 to the FBI for a national criminal history record check.

1530 (3) An owner, operator, employee, prospective employee,
1531 volunteer or prospective volunteer of the entity and/or any other
1532 that has or may have unsupervised access to a child who has a
1533 criminal history of conviction or pending indictment of a crime,
1534 whether a misdemeanor or a felony, that bears upon an individual's
1535 fitness to have responsibility for the safety and well-being of
1536 children as set forth in this chapter may not provide child care
1537 or operate, or be licensed as, a residential child care program,
1538 foster parent, or foster home.

1539 (4) All fees incurred in compliance with this section shall
1540 be borne by the individual or entity to which subsection (1)
1541 applies.



1542 (5) The Department of Human Services and the Department of
1543 Child Protection Services shall have the authority to set fees, to
1544 exclude a particular crime or crimes or a substantiated finding of
1545 child abuse and/or neglect as disqualifying individuals or
1546 entities from providing foster care or residential child care, and
1547 adopt such other rules and regulations as may be required to carry
1548 out the provisions of this section.

1549 (6) Any entity that violates the provisions of this section
1550 by failure to complete sex offense criminal history record
1551 information and felony conviction record information checks, as
1552 required under subsection (3) of this section, shall be subject to
1553 a penalty of up to Ten Thousand Dollars (\$10,000.00) for each such
1554 violation and may be enjoined from further operation until it
1555 complies with this section in actions maintained by the Attorney
1556 General.

1557 (7) The Department of Human Services and the Department of
1558 Child Protection Services and/or * * * their officers, employees,
1559 attorneys, agents and representatives shall not be held civilly
1560 liable for any findings, recommendations or actions taken pursuant
1561 to this section.

1562 **SECTION 32.** Section 43-15-7, Mississippi Code of 1972, is
1563 amended as follows:

1564 43-15-7. * * * Any local office of child protection services
1565 is authorized to provide protective services for children as will
1566 conserve home life; assume responsibility for the care and support



1567 of dependent children needing public care away from their homes;
1568 place children found by the * * * local office to be dependent or
1569 without proper care in suitable institutions or private homes, and
1570 cooperate with public and private institutions and agencies in
1571 placing such children in suitable institutions or private homes;
1572 accept custody or guardianship, through one of its designated
1573 employees, of any child, when appointed as custodian or guardian
1574 in the manner provided by law.

1575 The board of supervisors in each county is * * * empowered,
1576 in its discretion, to set aside and appropriate out of the tax
1577 levied and collected to support the poor of the county or out of
1578 the county general fund necessary monies to be administered by
1579 the * * * local office of child protection services to carry out
1580 the provisions of this section.

1581 **SECTION 33.** Section 43-15-11, Mississippi Code of 1972, is
1582 amended as follows:

1583 43-15-11. (1) The board of supervisors of any county and/or
1584 the mayor and board of commissioners of any city and/or the mayor
1585 and board of aldermen of any municipality in this state are * * *
1586 authorized and empowered, in their discretion, to expend out of
1587 any * * * monies in their respective treasuries, to be drawn by
1588 warrant thereon, a sum or sums of money not exceeding a total of
1589 Twenty-five Dollars (\$25.00) annually per One Million Dollars
1590 (\$1,000,000.00) of the assessed valuation of the real and personal
1591 property thereof for the purpose of providing for the care,



1592 support and maintenance of homeless or destitute children of any
1593 county or municipality of this state who are supported, cared for,
1594 maintained and placed for adoption by any children's home society
1595 which operates over and serves the entire State of Mississippi,
1596 and which is approved and licensed by the Mississippi Department
1597 of * * * Child Protection Services.

1598 (2) The authority granted in this section is supplemental of
1599 and in addition to all existing authority for the expenditure of
1600 funds by such boards of supervisors and municipal governing
1601 authorities.

1602 **SECTION 34.** Section 43-15-15, Mississippi Code of 1972, is
1603 amended as follows:

1604 43-15-15. The * * * Department of * * * Child Protection
1605 Services shall maintain a registry of children whose custody lies
1606 with them and private or public agencies licensed by the
1607 department. * * * The registry shall contain classifications of
1608 children as:

1609 (a) Temporary custody for evaluation, not to exceed
1610 three (3) months;

1611 (b) Temporary custody not to exceed one (1) year with
1612 the plan to return custody to the natural parents;

1613 (c) Temporary custody, not to exceed two (2) years,
1614 with a plan to free for adoption;

1615 (d) Children freed for adoption;



1616 (e) Children ages fourteen (14) and above who have
1617 voluntarily chosen not to be adopted and cannot be returned to
1618 their own homes; and

1619 (f) Children who are institutionalized and for whom
1620 placement in an adoptive home is not feasible.

1621 **SECTION 35.** Section 43-15-19, Mississippi Code of 1972, is
1622 amended as follows:

1623 43-15-19. (1) The * * * Department of * * * Child
1624 Protection Services shall maintain a Mississippi Adoption Resource
1625 Exchange registry, which shall contain a total listing of all
1626 children freed for adoption as well as a listing of all persons
1627 who wish to adopt children and who are approved by a licensed
1628 adoption agency in the State of Mississippi. * * * The registry
1629 shall be distributed to all county * * * offices of child
1630 protection services and licensed adoption agencies within the
1631 state and shall be updated at least quarterly. The * * *
1632 Department of * * * Child Protection Services shall establish
1633 regulations for listing descriptive characteristics while
1634 protecting the privacy of the children's names. Listed names
1635 shall be removed when adoption placement plans are made for a
1636 child or when a person withdraws an application for adoption.

1637 (2) Adoptive parents shall be given the option of having
1638 their names placed in the registry. To be placed in the registry,
1639 they shall be required to give written authority to the * * *
1640 Department of Child Protection Services.



1641 **SECTION 36.** Section 43-15-21, Mississippi Code of 1972, is
1642 amended as follows:

1643 43-15-21. Anyone violating or releasing information of a
1644 confidential nature without the approval of the court with
1645 jurisdiction or the * * * Department of * * * Child Protection
1646 Services, upon being found guilty, shall be guilty of a
1647 misdemeanor and subject to a fine of no more than One Thousand
1648 Dollars (\$1,000.00) or imprisonment of six (6) months, or both.

1649 **SECTION 37.** Section 43-15-23, Mississippi Code of 1972, is
1650 amended as follows:

1651 43-15-23. (1) As used in this section the term "placing
1652 out" means to arrange for the free care of a child in a family,
1653 other than that of the child's parent, stepparent, grandparent,
1654 brother, sister, uncle or aunt or legal guardian, for the purpose
1655 of adoption or for the purpose of providing care.

1656 (2) No person, agency, association, corporation,
1657 institution, society or other organization, except a child
1658 placement agency licensed by the Department of * * * Child
1659 Protection Services under Section 43-15-5, shall request, receive
1660 or accept any compensation or thing of value, directly or
1661 indirectly, for placing out of a child.

1662 (3) No person shall pay or give any compensation or thing of
1663 value, directly or indirectly, for placing out of a child to any
1664 person, agency, association, corporation, institution, society or



1665 other organization except a child placement agency licensed by the
1666 Department of * * * Child Protection Services.

1667 (4) The provisions of this section shall not be construed to
1668 (a) prevent the payment of salaries or other compensation by a
1669 child placement agency licensed by the Department of * * * Child
1670 Protection Services to the officers or employees thereof; (b)
1671 prevent the payment of legal fees, which have been approved by the
1672 chancery court, to an attorney for services performed in regard to
1673 adoption proceedings; (c) prevent the payment of reasonable and
1674 actual medical fees or hospital charges for services rendered in
1675 connection with the birth or medical treatment of such child to
1676 the physician or hospital which rendered the services; or (d)
1677 prevent the receipt of such payments by such attorney, physician
1678 or hospital.

1679 (5) Any person, agency, association, corporation,
1680 institution, society or other organization violating the
1681 provisions of this section shall be guilty of illegal placement of
1682 children and shall be punished by a fine not to exceed Five
1683 Thousand Dollars (\$5,000.00) or by imprisonment not more than five
1684 (5) years, or both such fine and imprisonment.

1685 **SECTION 38.** Section 43-15-103, Mississippi Code of 1972, is
1686 amended as follows:

1687 43-15-103. As used in this article:

1688 (a) "Agency" means a residential child-caring agency or
1689 a child-placing agency.



1690 (b) "Child" or "children" mean(s) any unmarried person
1691 or persons under the age of eighteen (18) years.

1692 (c) "Child placing" means receiving, accepting or
1693 providing custody or care for any child under eighteen (18) years
1694 of age, temporarily or permanently, for the purpose of:

1695 (i) Finding a person to adopt the child;

1696 (ii) Placing the child temporarily or permanently
1697 in a home for adoption; or

1698 (iii) Placing a child in a foster home or
1699 residential child-caring agency.

1700 (d) "Child-placing agency" means any entity or person
1701 which places children in foster boarding homes or foster homes for
1702 temporary care or for adoption or any other entity or person or
1703 group of persons who are engaged in providing adoption studies or
1704 foster care studies or placement services as defined by the rules
1705 of the department.

1706 (e) "Department" means the Mississippi Department
1707 of * * * Child Protection Services.

1708 * * *

1709 (* * * f) "Family boarding home" or "foster home" means
1710 a home (occupied residence) operated by any entity or person which
1711 provides residential child care to at least one (1) child but not
1712 more than six (6) children who are not related to the primary
1713 caregivers.



1714 (* * *g) "Group care home" means any place or facility
1715 operated by any entity or person which provides residential child
1716 care for at least seven (7) children but not more than twelve (12)
1717 children who are not related to the primary caregivers.

1718 (* * *h) "Licensee" means any person, agency or entity
1719 licensed under this article.

1720 (* * *i) "Maternity home" means any place or facility
1721 operated by any entity or person which receives, treats or cares
1722 for more than one (1) child or adult who is pregnant out of
1723 wedlock, either before, during or within two (2) weeks after
1724 childbirth; provided, that the licensed child-placing agencies and
1725 licensed maternity homes may use a family boarding home approved
1726 and supervised by the agency or home, as a part of their work, for
1727 as many as three (3) children or adults who are pregnant out of
1728 wedlock, and provided further, that the provisions of this
1729 definition shall not include children or women who receive
1730 maternity care in the home of a person to whom they are kin within
1731 the sixth degree of kindred computed according to civil law, nor
1732 does it apply to any maternity care provided by general or special
1733 hospitals licensed according to law and in which maternity
1734 treatment and care are part of the medical services performed and
1735 the care of children is brief and incidental.

1736 * * *



1737 (* * *j) "Person associated with a licensee" means an
1738 owner, director, member of the governing body, employee, provider
1739 of care and volunteer of a human services licensee.

1740 (* * *k) "Related" means children, step-children,
1741 grandchildren, step-grandchildren, siblings of the whole or
1742 half-blood, step-siblings, nieces or nephews of the primary care
1743 provider.

1744 (* * *l) "Residential child care" means the provision
1745 of supervision, and/or protection, and meeting the basic needs of
1746 a child for twenty-four (24) hours per day, which may include
1747 services to children in a residential setting where care, lodging,
1748 maintenance and counseling or therapy for alcohol or controlled
1749 substance abuse or for any other emotional disorder or mental
1750 illness is provided for children, whether for compensation or not.

1751 (* * *m) "Residential child-caring agency" means any
1752 place or facility operated by any entity or person, public or
1753 private, providing residential child care, regardless of whether
1754 operated for profit or whether a fee is charged. Such residential
1755 child-caring agencies include, but are not limited to, maternity
1756 homes, runaway shelters, group homes that are administered by an
1757 agency, and emergency shelters that are not in private residence.

1758 **SECTION 39.** Section 43-15-105, Mississippi Code of 1972, is
1759 amended as follows:

1760 43-15-105. (1) The * * * Department of Child Protection
1761 Services shall be the licensing authority * * * under this



1762 article, and is vested with all the powers, duties and
1763 responsibilities described in this article. The * * * department
1764 shall make and establish rules and regulations regarding:

1765 (a) Approving, extending, denying, suspending and
1766 revoking licenses for foster homes, residential child-caring
1767 agencies and child-placing agencies;

1768 (b) Conditional licenses, variances from department
1769 rules and exclusions;

1770 (c) Basic health and safety standards for licensees;
1771 and

1772 (d) Minimum administration and financial requirements
1773 for licensees.

1774 (2) The * * * department shall:

1775 (a) Define information that shall be submitted to
1776 the * * * department with an application for a license;

1777 (b) Establish guidelines for the administration and
1778 maintenance of client and service records, including staff
1779 qualifications, staff to client ratios;

1780 (c) Issue licenses in accordance with this article;

1781 (d) Conduct surveys and inspections of licensees and
1782 facilities;

1783 (e) Establish and collect licensure fees;

1784 (f) Investigate complaints regarding any licensee or
1785 facility;



1786 (g) Have access to all records, correspondence and
1787 financial data required to be maintained by a licensee or
1788 facility;

1789 (h) Have authority to interview any client, family
1790 member of a client, employee or officer of a licensee or facility;
1791 and

1792 (i) Have authority to revoke, suspend or extend any
1793 license issued by the * * * department.

1794 **SECTION 40.** Section 43-15-107, Mississippi Code of 1972, is
1795 amended as follows:

1796 43-15-107. (1) Except as provided in Section 43-15-111, no
1797 person, agency, firm, corporation, association or other entity,
1798 acting individually or jointly with any other person or entity,
1799 may establish, conduct or maintain foster homes, residential
1800 child-caring agencies and child-placing agencies or facility
1801 and/or engage in child placing in this state without a valid and
1802 current license issued by and under the authority of the * * *
1803 department as provided by this article and the rules of the * * *
1804 department. Any out-of-state child-placing agency that provides a
1805 full range of services, including, but not limited to, adoptions,
1806 foster family homes, adoption counseling services or financial
1807 aid, in this state must be licensed by the * * * department under
1808 this article.

1809 (2) No license issued under this article is assignable or
1810 transferable.



1811 (3) A current license shall at all times be posted in each
1812 licensee's facility, in a place that is visible and readily
1813 accessible to the public.

1814 (4) (a) Except as otherwise provided in paragraph (b) of
1815 this subsection, each license issued under this article expires at
1816 midnight (Central Standard Time) twelve (12) months from the date
1817 of issuance unless it has been:

1818 (i) Previously revoked by the * * * department; or
1819 (ii) Voluntarily returned to the * * * department
1820 by the licensee.

1821 (b) (i) For any child-placing agency located in
1822 Mississippi that remains in good standing, the license issued
1823 under this article expires at midnight (Central Standard Time)
1824 twenty-four (24) months from the date of issuance unless it has
1825 been:

1826 1. Previously revoked by the * * *
1827 department; or

1828 2. Voluntarily returned to the * * *
1829 department by the licensee.

1830 (ii) Any child-placing agency whose license is
1831 governed by this paragraph (b) shall submit the following
1832 information to the * * * department annually:

1833 1. A copy of an audit report and IRS Form 990
1834 for the agency;

1835 2. The agency's fee schedule; and



1836 3. The agency's client list.

1837 (c) A license may be renewed upon application and
1838 payment of the applicable fee, provided that the licensee meets
1839 the license requirements established by this article and the rules
1840 and regulations of the * * * department.

1841 (5) Any licensee or facility which is in operation at the
1842 time rules are made in accordance with this article shall be given
1843 a reasonable time for compliance as determined by the rules of
1844 the * * * department.

1845 **SECTION 41.** Section 43-15-109, Mississippi Code of 1972, is
1846 amended as follows:

1847 43-15-109. (1) An application for a license under this
1848 article shall be made to the * * * department and shall contain
1849 information that the * * * department determines is necessary in
1850 accordance with established rules.

1851 (2) Information received by the office through reports,
1852 complaints, investigations and inspections shall be classified as
1853 public in accordance with Title 25, Chapter 61, Mississippi Code
1854 of 1972, Mississippi Public Records Act.

1855 **SECTION 42.** Section 43-15-113, Mississippi Code of 1972, is
1856 amended as follows:

1857 43-15-113. (1) If a license is revoked, the * * *
1858 department may grant a new license after:



1859 (a) Satisfactory evidence is submitted to the * * *
1860 department, evidencing that the conditions upon which revocation
1861 was based have been corrected; and

1862 (b) Inspection and compliance with all provisions of
1863 this article and applicable rules.

1864 (2) The * * * department may only suspend a license for a
1865 period of time which does not exceed the current expiration date
1866 of that license.

1867 (3) When a license has been suspended, the * * * department
1868 may completely or partially restore the suspended license upon a
1869 determination that the:

1870 (a) Conditions upon which the suspension was based have
1871 been completely or partially corrected; and

1872 (b) Interests of the public will not be jeopardized by
1873 restoration of the license.

1874 **SECTION 43.** Section 43-15-115, Mississippi Code of 1972, is
1875 amended as follows:

1876 43-15-115. (1) The * * * department may, for the purpose of
1877 ascertaining compliance with the provisions of this article and
1878 its rules and regulations, enter and inspect on a routine basis
1879 the facility of a licensee.

1880 (2) Before conducting an inspection under subsection (1),
1881 the * * * department shall, after identifying the person in
1882 charge:

1883 (a) Give proper identification;



1884 (b) Request to see the applicable license;
1885 (c) Describe the nature and purpose of the inspection;
1886 and
1887 (d) If necessary, explain the authority of the * * *
1888 department to conduct the inspection and the penalty for refusing
1889 to permit the inspection.

1890 (3) In conducting an inspection under subsection (1),
1891 the * * * department may, after meeting the requirements of
1892 subsection (2):

1893 (a) Inspect the physical facilities;
1894 (b) Inspect records and documents;
1895 (c) Interview directors, employees, clients, family
1896 members of clients and others; and
1897 (d) Observe the licensee in operation.

1898 (4) An inspection conducted under subsection (1) shall be
1899 during regular business hours and may be announced or unannounced.

1900 (5) The licensee shall make copies of inspection reports
1901 available to the public upon request.

1902 (6) The provisions of this section apply to on-site
1903 inspections and do not restrict the * * * department from
1904 contacting family members, neighbors or other individuals, or from
1905 seeking information from other sources to determine compliance
1906 with the provisions of this article.

1907 **SECTION 44.** Section 43-15-117, Mississippi Code of 1972, is
1908 amended as follows:



1909 43-15-117. (1) Except as provided in this article, no
1910 person, agency, firm, corporation, association or group children's
1911 home may engage in child placing, or solicit money or other
1912 assistance for child placing, without a valid license issued by
1913 the * * * department. No out-of-state child-placing agency that
1914 provides a full range of services, including, but not limited to,
1915 adoptions, foster family homes, adoption counseling services or
1916 financial aid, may operate in this state without a valid license
1917 issued by the * * * department. No child-placing agency shall
1918 advertise in the media markets in Mississippi seeking birth
1919 mothers or their children for adoption purposes unless the agency
1920 holds a valid and current license issued either by the * * *
1921 department or the authorized governmental licensing agency of
1922 another state that regulates child-placing agencies. Any
1923 child-placing agency, physician or attorney who advertises for
1924 child placing or adoption services in Mississippi shall be
1925 required by the * * * department to show their principal office
1926 location on all media advertising for adoption services.

1927 (2) An attorney who provides legal services to a client in
1928 connection with proceedings for the adoption of a child by the
1929 client, who does not receive, accept or provide custody or care
1930 for the child for the purposes specified in Section 43-15-103(c),
1931 shall not be required to have a license under this article to
1932 provide those legal services.



1933 (3) An attorney, physician or other person may assist a
1934 parent in identifying or locating a person interested in adopting
1935 the parent's child, or in identifying or locating a child to be
1936 adopted. However, no payment, charge, fee, reimbursement of
1937 expense, or exchange of value of any kind, or promise or agreement
1938 to make the same, may be made for that assistance.

1939 (4) Nothing in this section precludes payment of reasonable
1940 fees for medical, legal or other lawful services rendered in
1941 connection with the care of a mother, delivery and care of a child
1942 including, but not limited to, the mother's living expenses, or
1943 counseling for the parents and/or the child, and for the legal
1944 proceedings related to lawful adoption proceedings; and no
1945 provision of this section abrogates the right of procedures for
1946 independent adoption as provided by law.

1947 (5) The * * * department is specifically authorized to
1948 promulgate rules under the Administrative Procedures Law, Title
1949 25, Chapter 43, Mississippi Code of 1972, to regulate fees charged
1950 by licensed child-placing agencies, if it determines that the
1951 practices of those licensed child-placing agencies demonstrates
1952 that the fees charged are excessive or that any of the agency's
1953 practices are deceptive or misleading; however, those rules
1954 regarding fees shall take into account the use of any sliding fee
1955 by an agency that uses a sliding fee procedure to permit
1956 prospective adoptive parents of varying income levels to utilize
1957 the services of those agencies or persons.



1958 (6) The * * * department shall promulgate rules under the
1959 Administrative Procedures Law, Title 25, Chapter 43, Mississippi
1960 Code of 1972, to require that all licensed child-placing agencies
1961 provide written disclosures to all prospective adoptive parents of
1962 any fees or other charges for each service performed by the agency
1963 or person, and file an annual report with the * * * department
1964 that states the fees and charges for those services, and to
1965 require them to inform the * * * department in writing thirty (30)
1966 days in advance of any proposed changes to the fees or charges for
1967 those services.

1968 (7) The * * * department is specifically authorized to
1969 disclose to prospective adoptive parents or other interested
1970 persons any fees charged by any licensed child-placing agency,
1971 attorney or counseling service or counselor for all legal and
1972 counseling services provided by that licensed child-placing
1973 agency, attorney or counseling service or counselor.

1974 **SECTION 45.** Section 43-15-119, Mississippi Code of 1972, is
1975 amended as follows:

1976 43-15-119. (1) If the * * * department finds that a
1977 violation has occurred under this article or the rules and
1978 regulations of the * * * department, it may:

1979 (a) Deny, suspend or revoke a license or place the
1980 licensee on probation, if the * * * department discovers that a
1981 licensee is not in compliance with the laws, standards or
1982 regulations governing its operation, and/or it finds evidence of



1983 aiding, abetting or permitting the commission of any illegal act;
1984 or

1985 (b) Restrict or prohibit new admissions to the
1986 licensee's program or facility, if the * * * department discovers
1987 that a licensee is not in compliance with the laws, standards or
1988 regulations governing its operation, and/or it finds evidence of
1989 aiding, abetting or permitting the commission of any illegal act.

1990 (2) If placed on probation, the agency or licensee shall
1991 post a copy of the notice in a conspicuous place as directed by
1992 the * * * department and with the agency's or individual's
1993 license, and the agency shall notify the custodians of each of the
1994 children in its care in writing of the agency's status and the
1995 basis for the probation.

1996 **SECTION 46.** Section 43-15-121, Mississippi Code of 1972, is
1997 amended as follows:

1998 43-15-121. In addition to, and notwithstanding, any other
1999 remedy provided by law, the * * * department may, in a manner
2000 provided by law and upon the advice of the Attorney General who,
2001 except as otherwise authorized in Section 7-5-39, shall represent
2002 the * * * department in the proceedings, maintain an action in the
2003 name of the state for injunction or other process against any
2004 person or entity to restrain or prevent the establishment,
2005 management or operation of a program or facility or performance of
2006 services in violation of this article or rules of the * * *
2007 department.



2008 **SECTION 47.** Section 43-15-125, Mississippi Code of 1972, is
2009 amended as follows:

2010 43-15-125. The department * * * and/or its officers,
2011 employees, attorneys and representatives shall not be held civilly
2012 liable for any findings, recommendations or actions taken pursuant
2013 to this article.

2014 **SECTION 48.** Section 43-15-201, Mississippi Code of 1972, is
2015 amended as follows:

2016 43-15-201. (1) An emergency medical services provider,
2017 without a court order, shall take possession of a child who is
2018 seven (7) days old or younger if the child is voluntarily
2019 delivered to the provider by the child's parent and the parent did
2020 not express an intent to return for the child.

2021 (2) The parent who surrenders the baby shall not be required
2022 to provide any information pertaining to his or her identity, nor
2023 shall the emergency medical services provider inquire as to same.
2024 If the identity of the parent is known to the emergency medical
2025 services provider, the emergency medical services provider shall
2026 keep the identity confidential.

2027 (3) A female presenting herself to a hospital through the
2028 emergency room or otherwise, who is subsequently admitted for
2029 purposes of labor and delivery, does not give up the legal
2030 protections or anonymity guaranteed under this section. If the
2031 mother clearly expresses a desire to voluntarily surrender custody
2032 of the newborn after birth, the emergency medical services



2033 provider can take possession of the child, without further action
2034 by the mother, as if the child had been presented to the emergency
2035 medical services provider in the same manner outlined above in
2036 subsection (1) of this section.

2037 (a) If the mother expresses a desire to remain
2038 anonymous, identifying information may be obtained for purposes of
2039 securing payment of labor and delivery costs only. If the birth
2040 mother is a minor, the hospital may use the identifying
2041 information to secure payment through Medicaid, but shall not
2042 notify the minor's parent or guardian without the minor's consent.

2043 (b) The identity of the birth mother shall not be
2044 placed on the birth certificate or disclosed to the Department
2045 of * * * Child Protection Services.

2046 (4) There is a presumption that by relinquishing a child in
2047 accordance with this section, the parent consents to the
2048 termination of his or her parental rights with respect to the
2049 child. As such, the parent waives the right to notification
2050 required by subsequent court proceedings.

2051 (5) An emergency medical services provider who takes
2052 possession of a child under this section shall perform any act
2053 necessary to protect the physical health or safety of the child.

2054 **SECTION 49.** Section 43-15-203, Mississippi Code of 1972, is
2055 amended as follows:

2056 43-15-203. (1) No later than the close of the first
2057 business day after the date on which an emergency medical services



2058 provider takes possession of a child pursuant to Section
2059 43-15-201, the provider shall notify the Department of * * * Child
2060 Protection Services that the provider has taken possession of the
2061 child.

2062 (2) The department shall assume the care, control and
2063 custody of the child immediately on receipt of notice pursuant to
2064 subsection (1). The department shall be responsible for all
2065 medical and other costs associated with the child and shall
2066 reimburse the hospital for any costs incurred prior to the child
2067 being placed in the care of the department.

2068 **SECTION 50.** Section 43-15-207, Mississippi Code of 1972, is
2069 amended as follows:

2070 43-15-207. For the purposes of this article, an emergency
2071 medical services provider shall mean a licensed hospital, as
2072 defined in Section 41-9-3, which operates an emergency department,
2073 an adoption agency duly licensed by the Department of * * * Child
2074 Protection Services, or fire station or mobile ambulance staffed
2075 with full-time firefighters, emergency medical technicians or
2076 paramedics. An emergency medical services provider does not
2077 include the offices, clinics, surgeries or treatment facilities of
2078 private physicians or dentists. No individual licensed healthcare
2079 provider, including physicians, dentists, nurses, physician
2080 assistants or other health professionals shall be deemed to be an
2081 emergency medical services provider under this article unless such



2082 individual voluntarily assumes responsibility for the custody of
2083 the child.

2084 **SECTION 51.** Section 43-16-3, Mississippi Code of 1972, is
2085 amended as follows:

2086 43-16-3. As used in this chapter, the following definitions
2087 shall apply unless the context clearly provides otherwise:

2088 (a) "Child" means a person who has not reached the age
2089 of eighteen (18) years or who has not otherwise been legally
2090 emancipated.

2091 (b) "Child residential home" means any place, facility
2092 or home operated by any person which receives children who are not
2093 related to the operators and whose parents or guardians are not
2094 residents of the same facility for supervision, care, lodging and
2095 maintenance for twenty-four (24) hours a day, with or without
2096 transfer of custody. This term does not include:

2097 (i) Residential homes licensed by the Department
2098 of * * * Child Protection Services under Section 43-15-5;

2099 (ii) Any public school;

2100 (iii) Any home operated by a state agency;

2101 (iv) Child care facilities as defined in Section
2102 43-20-5;

2103 (v) Youth camps as defined in Section 75-74-3;

2104 (vi) Health care facilities licensed by the State
2105 Department of Health; or



2106 (vii) The home of an attorney-in-fact operating
2107 under a power of attorney executed under Section 93-31-1 et seq.

2108 (c) "Department" shall mean the State Department of
2109 Health.

2110 (d) "Person" shall include an individual, partnership,
2111 organization, association or corporation.

2112 **SECTION 52.** Section 43-16-7, Mississippi Code of 1972, is
2113 amended as follows:

2114 43-16-7. * * * The operator of any child residential home
2115 shall provide notification in accordance with this chapter within
2116 sixty (60) days of beginning operation.

2117 * * *

2118 **SECTION 53.** Section 43-18-3, Mississippi Code of 1972, is
2119 amended as follows:

2120 43-18-3. The "appropriate public authorities" as used in
2121 Article III of the Interstate Compact on the Placement of Children
2122 shall, with reference to this state, means the * * * Department of
2123 Child Protection Services, or with the approval of the
2124 Commissioner of Child Protection Services, any regional or local
2125 office of the Department of Child Protection Services shall be
2126 authorized to receive and act with reference to notices required
2127 by * * * Article III.

2128 **SECTION 54.** Section 43-18-5, Mississippi Code of 1972, is
2129 amended as follows:



2130 43-18-5. As used in paragraph (a) of Article V of the
2131 Interstate Compact on the Placement of Children, the phrase
2132 "appropriate authority in the receiving state" with reference to
2133 this state shall mean the * * * Department of * * * Child
2134 Protection Services, or * * * with the approval of the
2135 Commissioner of * * * Child Protection Services, any regional or
2136 local office of the department.

2137 **SECTION 55.** Section 43-21-351, Mississippi Code of 1972, is
2138 amended as follows:

2139 43-21-351. (1) Any person or agency having knowledge that a
2140 child residing or being within the county is within the
2141 jurisdiction of the youth court may make a written report to the
2142 intake unit alleging facts sufficient to establish the
2143 jurisdiction of the youth court. The report shall bear a
2144 permanent number that will be assigned by the court in accordance
2145 with the standards established by the Administrative Office of
2146 Courts pursuant to Section 9-21-9(d), and shall be preserved until
2147 destroyed on order of the court.

2148 (2) There shall be in each youth court of the state an
2149 intake officer who shall be responsible for the accurate and
2150 timely entering of all intake and case information into the
2151 Mississippi Youth Court Information Delivery System (MYCIDS) for
2152 the Department of Human Services - Division of Youth Services,
2153 truancy matters, and the * * * Department of Child Protection
2154 Services. It shall be the responsibility of the youth court judge



2155 or referee of each county to ensure that the intake officer is
2156 carrying out the responsibility of this section.

2157 **SECTION 56.** Section 43-21-354, Mississippi Code of 1972, is
2158 amended as follows:

2159 43-21-354. The statewide incoming wide area telephone
2160 service established pursuant to Section 43-21-353 * * * shall be
2161 maintained by the Department of * * * Child Protection Services,
2162 or its successor, on a twenty-four-hour seven (7) days a week
2163 basis.

2164 **SECTION 57.** Section 43-21-357, Mississippi Code of 1972, is
2165 amended as follows:

2166 43-21-357. (1) After receiving a report, the youth court
2167 intake unit shall promptly make a preliminary inquiry to determine
2168 whether the interest of the child, other children in the same
2169 environment or the public requires the youth court to take further
2170 action. As part of the preliminary inquiry, the youth court
2171 intake unit may request or the youth court may order the
2172 Department of * * * Child Protection Services, the Department of
2173 Human Services - Division of Youth Services, any successor agency
2174 or any other qualified public employee to make an investigation or
2175 report concerning the child and any other children in the same
2176 environment, and present the findings thereof to the youth court
2177 intake unit. If the youth court intake unit receives a neglect or
2178 abuse report, the youth court intake unit shall immediately
2179 forward the complaint to the Department of * * * Child Protection



2180 Services to promptly make an investigation or report concerning
2181 the child and any other children in the same environment and
2182 promptly present the findings thereof to the youth court intake
2183 unit. If it appears from the preliminary inquiry that the child
2184 or other children in the same environment are within the
2185 jurisdiction of the court, the youth court intake unit shall
2186 recommend to the youth court:

2187 (a) That the youth court take no action;

2188 (b) That an informal adjustment be made;

2189 (c) That the Department of * * * Child Protection

2190 Services * * * monitor the child, family and other children in the
2191 same environment;

2192 (d) That the child is warned or counseled informally;

2193 (e) That the child be referred to the youth court
2194 intervention court; or

2195 (f) That a petition be filed.

2196 (2) The youth court shall then, without a hearing:

2197 (a) Order that no action be taken;

2198 (b) Order that an informal adjustment be made;

2199 (c) Order that the Department of * * * Child Protection

2200 Services * * * monitor the child, family and other children in the
2201 same environment;

2202 (d) Order that the child is warned or counseled
2203 informally;



2204 (e) That the child be referred to the youth
2205 intervention court; or

2206 (f) Order that a petition be filed.

2207 (3) If the preliminary inquiry discloses that a child needs
2208 emergency medical treatment, the judge may order the necessary
2209 treatment.

2210 **SECTION 58.** Section 43-21-405, Mississippi Code of 1972, is
2211 amended as follows:

2212 43-21-405. (1) The informal adjustment process shall be
2213 initiated with an informal adjustment conference conducted by an
2214 informal adjustment counselor appointed by the judge or his
2215 designee.

2216 (2) If the child and his parent, guardian or custodian
2217 appear at the informal adjustment conference without counsel, the
2218 informal adjustment counselor shall, at the commencement of the
2219 conference, inform them of their right to counsel, the child's
2220 right to appointment of counsel and the right of the child to
2221 remain silent. If either the child or his parent, guardian or
2222 custodian indicates a desire to be represented by counsel, the
2223 informal adjustment counselor shall adjourn the conference to
2224 afford an opportunity to secure counsel.

2225 (3) At the beginning of the informal adjustment conference,
2226 the informal adjustment counselor shall inform the child and his
2227 parent, guardian or custodian:



2228 (a) That information has been received concerning the
2229 child which appears to establish jurisdiction of the youth court;

2230 (b) The purpose of the informal adjustment conference;

2231 (c) That during the informal adjustment process no
2232 petition will be filed;

2233 (d) That the informal adjustment process is voluntary
2234 with the child and his parent, guardian or custodian and that they
2235 may withdraw from the informal adjustment at any time; and

2236 (e) The circumstances under which the informal
2237 adjustment process can be terminated under Section 43-21-407.

2238 (4) The informal adjustment counselor shall then discuss
2239 with the child and his parent, guardian or custodian:

2240 (a) Recommendations for actions or conduct in the
2241 interest of the child to correct the conditions of behavior or
2242 environment which may exist;

2243 (b) Continuing conferences and contacts with the child
2244 and his parent, guardian or custodian by the informal adjustment
2245 counselor or other authorized persons; and

2246 (c) The child's general behavior, his home and school
2247 environment and other factors bearing upon the proposed informal
2248 adjustment.

2249 (5) After the parties have agreed upon the appropriate terms
2250 and conditions of informal adjustment, the informal adjustment
2251 counselor and the child and his parent, guardian or custodian
2252 shall sign a written informal adjustment agreement setting forth



2253 the terms and conditions of the informal adjustment. The informal
2254 adjustment agreement may be modified at any time upon the consent
2255 of all parties to the informal adjustment conference.

2256 (6) The informal adjustment process shall not continue
2257 beyond a period of six (6) months from its commencement unless
2258 extended by the youth court for an additional period not to exceed
2259 six (6) months by court authorization prior to the expiration of
2260 the original six-month period. In no event shall the custody or
2261 supervision of a child which has been placed with the Department
2262 of * * * Human Services - Division of Youth Services or the
2263 Department of Child Protection Services be continued or extended
2264 except upon a written finding by the youth court judge or referee
2265 that reasonable efforts have been made to maintain the child
2266 within his own home, but that the circumstances warrant his
2267 removal and there is no reasonable alternative to custody, and
2268 that reasonable efforts will continue to be made towards
2269 reunification of the family.

2270 **SECTION 59.** Section 43-21-603, Mississippi Code of 1972, is
2271 amended as follows:

2272 43-21-603. (1) At the beginning of each disposition
2273 hearing, the judge shall inform the parties of the purpose of the
2274 hearing.

2275 (2) All testimony shall be under oath unless waived by all
2276 parties and may be in narrative form. The court may consider any
2277 evidence that is material and relevant to the disposition of the



2278 cause, including hearsay and opinion evidence. At the conclusion
2279 of the evidence, the youth court shall give the parties an
2280 opportunity to present oral argument.

2281 (3) If the child has been adjudicated a delinquent child,
2282 before entering a disposition order, the youth court should
2283 consider, among others, the following relevant factors:

2284 (a) The nature of the offense;

2285 (b) The manner in which the offense was committed;

2286 (c) The nature and number of a child's prior
2287 adjudicated offenses;

2288 (d) The child's need for care and assistance;

2289 (e) The child's current medical history, including
2290 medication and diagnosis;

2291 (f) The child's mental health history, which may
2292 include, but not be limited to, the Massachusetts Youth Screening
2293 Instrument version 2 (MAYSI-2);

2294 (g) Copies of the child's cumulative record from the
2295 last school of record, including special education records, if
2296 applicable;

2297 (h) Recommendation from the school of record based on
2298 areas of remediation needed;

2299 (i) Disciplinary records from the school of record; and

2300 (j) Records of disciplinary actions outside of the
2301 school setting.



2302 (4) If the child has been adjudicated a child in need of
2303 supervision, before entering a disposition order, the youth court
2304 should consider, among others, the following relevant factors:

- 2305 (a) The nature and history of the child's conduct;
- 2306 (b) The family and home situation; and
- 2307 (c) The child's need of care and assistance.

2308 (5) If the child has been adjudicated a neglected child or
2309 an abused child, before entering a disposition order, the youth
2310 court shall consider, among others, the following relevant
2311 factors:

- 2312 (a) The child's physical and mental conditions;
- 2313 (b) The child's or family's need of assistance;
- 2314 (c) The manner in which the parent, guardian or
2315 custodian participated in, tolerated or condoned the abuse,
2316 neglect or abandonment of the child;
- 2317 (d) The ability of a child's parent, guardian or
2318 custodian to provide proper supervision and care of a child; and
- 2319 (e) Relevant testimony and recommendations, where
2320 available, from the foster parent of the child, the grandparents
2321 of the child, the guardian ad litem of the child, representatives
2322 of any private care agency that has cared for the child, the
2323 family protection worker or family protection specialist assigned
2324 to the case, and any other relevant testimony pertaining to the
2325 case.



2326 (6) After consideration of all the evidence and the relevant
2327 factors, the youth court shall enter a disposition order that
2328 shall not recite any of the facts or circumstances upon which the
2329 disposition is based, nor shall it recite that a child has been
2330 found guilty; but it shall recite that a child is found to be a
2331 delinquent child, a child in need of supervision, a neglected
2332 child or an abused child.

2333 (7) If the youth court orders that the custody or
2334 supervision of a child who has been adjudicated abused or
2335 neglected be placed with the Department of * * * Child Protection
2336 Services or any other person or public or private agency, other
2337 than the child's parent, guardian or custodian, the youth court
2338 shall find and the disposition order shall recite that:

2339 (a) (i) Reasonable efforts have been made to maintain
2340 the child within his own home, but that the circumstances warrant
2341 his removal and there is no reasonable alternative to custody; or

2342 (ii) The circumstances are of such an emergency
2343 nature that no reasonable efforts have been made to maintain the
2344 child within his own home, and that there is no reasonable
2345 alternative to custody; and

2346 (b) That the effect of the continuation of the child's
2347 residence within his own home would be contrary to the welfare of
2348 the child and that the placement of the child in foster care is in
2349 the best interests of the child; or



2350 (c) Reasonable efforts to maintain the child within his
2351 home shall not be required if the court determines that:

2352 (i) The parent has subjected the child to
2353 aggravated circumstances, including, but not limited to,
2354 abandonment, torture, chronic abuse and sexual abuse; or

2355 (ii) The parent has been convicted of murder of
2356 another child of that parent, voluntary manslaughter of another
2357 child of that parent, aided or abetted, attempted, conspired or
2358 solicited to commit that murder or voluntary manslaughter, or a
2359 felony assault that results in the serious bodily injury to the
2360 surviving child or another child of that parent; or

2361 (iii) The parental rights of the parent to a
2362 sibling have been terminated involuntarily; and

2363 (iv) That the effect of the continuation of the
2364 child's residence within his own home would be contrary to the
2365 welfare of the child and that placement of the child in foster
2366 care is in the best interests of the child.

2367 Once the reasonable efforts requirement is bypassed, the
2368 court shall have a permanency hearing under Section 43-21-613
2369 within thirty (30) days of the finding.

2370 (8) Upon a written motion by a party, the youth court shall
2371 make written findings of fact and conclusions of law upon which it
2372 relies for the disposition order. If the disposition ordered by
2373 the youth court includes placing the child in the custody of a



2374 training school, an admission packet shall be prepared for the
2375 child that contains the following information:

2376 (a) The child's current medical history, including
2377 medications and diagnosis;

2378 (b) The child's mental health history;

2379 (c) Copies of the child's cumulative record from the
2380 last school of record, including special education records, if
2381 reasonably available;

2382 (d) Recommendation from the school of record based on
2383 areas of remediation needed;

2384 (e) Disciplinary records from the school of record; and

2385 (f) Records of disciplinary actions outside of the
2386 school setting, if reasonably available.

2387 Only individuals who are permitted under the Health Insurance
2388 Portability and Accountability Act of 1996 (HIPAA) shall have
2389 access to a child's medical records which are contained in an
2390 admission packet. The youth court shall provide the admission
2391 packet to the training school at or before the child's arrival at
2392 the training school. The admittance of any child to a training
2393 school shall take place between the hours of 8:00 a.m. and 3:00
2394 p.m. on designated admission days.

2395 (9) When a child in the jurisdiction of the Youth Court is
2396 committed to the custody of the Mississippi Department of * * *
2397 Child Protection Services and is believed to be in need of
2398 treatment for a mental or emotional disability or infirmity, the



2399 Department of * * * Child Protection Services shall file an
2400 affidavit alleging that the child is in need of mental health
2401 services with the Youth Court. The Youth Court shall refer the
2402 child to the appropriate community mental health center for
2403 evaluation pursuant to Section 41-21-67. If the prescreening
2404 evaluation recommends residential care, the Youth Court shall
2405 proceed with civil commitment pursuant to Sections 41-21-61 et
2406 seq., 43-21-315 and 43-21-611, and the Department of Mental
2407 Health, once commitment is ordered, shall provide appropriate
2408 care, treatment and services for at least as many adolescents as
2409 were provided services in fiscal year 2004 in its facilities.

2410 (10) Any screening and assessment examinations ordered by
2411 the court may aid in dispositions related to delinquency, but no
2412 statements or admissions made during the course thereof may be
2413 admitted into evidence against the child on the issue of whether
2414 the child committed a delinquent act.

2415 **SECTION 60.** Section 43-21-609, Mississippi Code of 1972, is
2416 amended as follows:

2417 43-21-609. In neglect and abuse cases, the disposition order
2418 may include any of the following alternatives, giving precedence
2419 in the following sequence:

2420 (a) Release the child without further action;

2421 (b) Place the child in the custody of his parents, a
2422 relative or other person subject to any conditions and limitations
2423 as the court may prescribe. If the court finds that temporary



2424 relative placement, adoption or foster care placement is
2425 inappropriate, unavailable or otherwise not in the best interest
2426 of the child, durable legal custody may be granted by the court to
2427 any person subject to any limitations and conditions the court may
2428 prescribe; such durable legal custody will not take effect unless
2429 the child or children have been in the physical custody of the
2430 proposed durable custodians for at least six (6) months under the
2431 supervision of the Department of * * * Child Protection Services.
2432 The requirements of Section 43-21-613 as to disposition review
2433 hearings do not apply to those matters in which the court has
2434 granted durable legal custody. In such cases, the Department
2435 of * * * Child Protection Services shall be released from any
2436 oversight or monitoring responsibilities;

2437 (c) (i) Grant durable legal relative guardianship to a
2438 relative or fictive kin licensed as a foster parent if the
2439 licensed relative foster parent or licensed fictive kin foster
2440 parent exercised physical custody of the child for at least six
2441 (6) months before the grant of durable legal relative guardianship
2442 and the Department of Child Protection Services had legal custody
2443 or exercised supervision of the child for at least six (6) months.
2444 In order to establish durable legal relative guardianship, the
2445 youth court must find the following:

2446 1. That reunification has been determined to
2447 be inappropriate;



2448 2. That the relative guardian or fictive kin
2449 guardian shows full commitment to the care, shelter, education,
2450 nurture, and reasonable medical care of the child; and

2451 3. That the youth court consulted with any
2452 child twelve (12) years of age or older before granting durable
2453 legal relative guardianship.

2454 (ii) The requirements of Section 43-21-613 as to
2455 disposition review hearings do not apply to a hearing concerning
2456 durable legal relative guardianship. However, the Department of
2457 Child Protection Services must conduct an annual review and
2458 recertification of the durable legal relative guardianship to
2459 determine whether it remains in the best interest of the child.
2460 If a material change in circumstances occurs adverse to the best
2461 interest of the child, the parent, relative guardian, fictive kin
2462 guardian, or Department of Child Protection Services may petition
2463 the court to review the durable legal relative guardianship;

2464 (d) Order terms of treatment calculated to assist the
2465 child and the child's parent, guardian or custodian which are
2466 within the ability of the parent, guardian or custodian to
2467 perform;

2468 (e) Order youth court personnel, the Department of
2469 Child Protection Services or child care agencies to assist the
2470 child and the child's parent, guardian or custodian to secure
2471 social or medical services to provide proper supervision and care
2472 of the child;



2473 (f) Give legal custody of the child to any of the
2474 following but in no event to any state training school:

2475 (i) The Department of Child Protection Services
2476 for appropriate placement; or

2477 (ii) Any private or public organization,
2478 preferably community-based, able to assume the education, care and
2479 maintenance of the child, which has been found suitable by the
2480 court. Prior to assigning the custody of any child to any private
2481 institution or agency, the youth court through its designee shall
2482 first inspect the physical facilities to determine that they
2483 provide a reasonable standard of health and safety for the child;

2484 (g) If the court makes a finding that custody is
2485 necessary as defined in Section 43-21-301(3)(b), and that the
2486 child, in the action pending before the youth court had not
2487 previously been taken into custody, the disposition order shall
2488 recite that the effect of the continuation of the child's residing
2489 within his or her own home would be contrary to the welfare of the
2490 child, that the placement of the child in foster care is in the
2491 best interests of the child, and unless the reasonable efforts
2492 requirement is bypassed under Section 43-21-603(7)(c), the order
2493 also must state:

2494 (i) That reasonable efforts have been made to
2495 maintain the child within his or her own home, but that the
2496 circumstances warrant his or her removal, and there is no
2497 reasonable alternative to custody; or



2498 (ii) The circumstances are of such an emergency
2499 nature that no reasonable efforts have been made to maintain the
2500 child within his or her own home, and there is no reasonable
2501 alternative to custody; or

2502 (iii) If the court makes a finding in accordance
2503 with subparagraph (ii) of this paragraph, the court shall order
2504 that reasonable efforts be made towards the reunification of the
2505 child with his or her family; or

2506 (h) If the court had, before the disposition hearing in
2507 the action pending before the court, taken the child into custody,
2508 the judge or referee shall determine, and the youth court order
2509 shall recite that reasonable efforts were made by the Department
2510 of Child Protection Services to finalize the child's permanency
2511 plan that was in effect on the date of the disposition hearing.

2512 **SECTION 61.** Section 43-21-701, Mississippi Code of 1972, is
2513 amended as follows:

2514 43-21-701. (1) There is * * * established the Mississippi
2515 Commission on a Uniform Youth Court System and Procedures. The
2516 commission shall consist of the following nineteen (19) members:

2517 (a) One (1) circuit court judge appointed by the Chief
2518 Justice of the Mississippi Supreme Court;

2519 (b) One (1) chancery court judge, appointed by the
2520 Chief Justice of the Mississippi Supreme Court;

2521 (c) The President of the Mississippi Council of Youth
2522 Court Judges, or his designee;



2523 (d) Two (2) who may be either family court judges or
2524 county court judges, appointed by the President of the Mississippi
2525 Council of Youth Court Judges;

2526 (e) Two (2) youth court referees, appointed by the
2527 President of the Mississippi Council of Youth Court Judges;

2528 (f) One (1) member of the Mississippi House of
2529 Representatives to be appointed by the Speaker of the House;

2530 (g) One (1) member of the Mississippi Senate to be
2531 appointed by the Lieutenant Governor;

2532 (h) The directors of the following state agencies or
2533 their designated representatives: the Mississippi Department
2534 of * * * Human Services and the Mississippi Department of * * *
2535 Child Protection Services;

2536 (i) The director or his designated representative of
2537 the Governor's Office of Federal-State Programs;

2538 (j) One (1) employee, other than the * * *
2539 commissioner, of the Department of * * * Child Protection Services
2540 who is a supervisor of social workers primarily assigned to youth
2541 cases, appointed by the Governor;

2542 (k) One (1) municipal police chief, appointed by the
2543 Governor;

2544 (l) One (1) county sheriff, appointed by the Governor;

2545 (m) Two (2) lawyers experienced in youth court work,
2546 appointed by the Governor; and



2547 (n) Two (2) prosecuting attorneys who prosecute cases
2548 in youth court, appointed by the Governor.

2549 (2) The members shall be appointed to the commission within
2550 fifteen (15) days of the effective date of Sections 43-21-701 and
2551 43-21-703 and shall serve until the end of their respective terms
2552 of office, if applicable, or until October 1, 1989, whichever
2553 occurs first. Vacancies on the commission shall be filled in the
2554 manner of the original appointment. Members shall be eligible for
2555 reappointment provided that upon such reappointment they meet the
2556 qualifications required of a new appointee.

2557 (3) The commission may elect any officers from among its
2558 membership as it deems necessary for the efficient discharge of
2559 the commission's duties.

2560 (4) The commission shall adopt rules and regulations
2561 governing times and places for meetings and governing the manner
2562 of conducting its business. Ten (10) or more members shall
2563 constitute a quorum for the purpose of conducting any business of
2564 the commission; provided, however, a vote of not less than twelve
2565 (12) members shall be required for any recommendations to the
2566 Legislature.

2567 (5) Members of the commission shall serve without
2568 compensation, except that state and county employees and officers
2569 shall receive any per diem as authorized by law from
2570 appropriations available to their respective agencies or political
2571 subdivisions. All commission members shall be entitled to receive



2572 reimbursement for any actual and reasonable expenses incurred as a
2573 necessary incident to service on the commission, including mileage
2574 as provided by law.

2575 (6) The commission may select and employ a research director
2576 who shall perform the duties which the commission directs, which
2577 duties shall include the hiring of such other employees for the
2578 commission as the commission may approve. The research director
2579 and all other employees of the commission shall be in the state
2580 service and their salaries shall be established by the commission
2581 subject to approval by the State Personnel Board. Employees of
2582 the commission shall be reimbursed for the expenses necessarily
2583 incurred in the performance of their official duties in the same
2584 manner as other state employees. The commission may also employ
2585 any consultants it deems necessary, including consultants to
2586 compile any demographic data needed to accomplish the duties of
2587 the commission.

2588 (7) The Governor's Office of Federal-State Programs shall
2589 support the Commission on a Uniform Youth Court System and shall
2590 act as agent for any funds made available to the commission for
2591 its use. In order to expedite the implementation of the
2592 Commission on a Uniform Youth Court System, any funds available to
2593 the Governor's Office of Federal-State Programs for the 1988-1989
2594 fiscal year may be expended for the purpose of defraying the
2595 expenses of the commission created herein.



2596 (8) The commission may contract for suitable office space in
2597 accordance with the provisions of Section 29-5-2, Mississippi Code
2598 of 1972. In addition, the commission may utilize, with their
2599 consent, the services, equipment, personnel, information and
2600 resources of other state agencies; and may accept voluntary and
2601 uncompensated services, contract with individuals, public and
2602 private agencies, and request information, reports and data from
2603 any agency of the state, or any of its political subdivisions, to
2604 the extent authorized by law.

2605 (9) In order to conduct and carry out its purposes, duties
2606 and related activities as provided for in this section and Section
2607 43-21-703, the commission is authorized to apply for and accept
2608 gifts, grants, subsidies and other funds from persons,
2609 corporations, foundations, the United States government or other
2610 entities, provided that the receipt of such gifts, grants,
2611 subsidies and funds shall be reported and otherwise accounted for
2612 in the manner provided by law.

2613 **SECTION 62.** Section 43-21-801, Mississippi Code of 1972, is
2614 amended as follows:

2615 43-21-801. (1) There is established the Youth Court Support
2616 Program. The purpose of the program shall be to ensure that all
2617 youth courts have sufficient support funds to carry on the
2618 business of the youth court. The Administrative Office of Courts
2619 shall establish a formula consistent with this section for



2620 providing state support payable from the Youth Court Support Fund
2621 for the support of the youth courts.

2622 (a) (i) Each regular youth court referee is eligible
2623 for youth court support funds so long as the senior chancellor
2624 does not elect to employ a youth court administrator as set forth
2625 in paragraph (b); a municipal youth court judge is also eligible.
2626 The Administrative Office of Courts shall direct any funds to the
2627 appropriate county or municipality. The funds shall be utilized
2628 to compensate an intake officer who shall be responsible for
2629 ensuring that all intake and case information for the Department
2630 of Human Services - Division of Youth Services, truancy matters,
2631 and the * * * Department of Child Protection Services is entered
2632 into the Mississippi Youth Court Information Delivery System
2633 (MYCIDS) in an accurate and timely manner. If the court already
2634 has an intake officer responsible for entering all cases of the
2635 Department of Human Services - Division of Youth Services, truancy
2636 matters, and the * * * Department of Child Protection Services
2637 into MYCIDS, the regular youth court referee or municipal court
2638 judge may certify to the Administrative Office of Courts that such
2639 a person is already on staff. In such a case, each regular youth
2640 court referee or municipal youth court judge shall have the sole
2641 individual discretion to appropriate those funds as expense monies
2642 to assist in hiring secretarial staff and acquiring materials and
2643 equipment incidental to carrying on the business of the court
2644 within the private practice of law of the referee or judge, or may



2645 direct the use of those funds through the county or municipal
2646 budget for court support supplies or services. The regular youth
2647 court referee and municipal youth court judge shall be accountable
2648 for assuring through private, county or municipal employees the
2649 proper preparation and filing of all necessary tracking and other
2650 documentation attendant to the administration of the youth court.

2651 (ii) Title to all tangible property, excepting
2652 stamps, stationery and minor expendable office supplies, procured
2653 with funds authorized by this section, shall be and forever remain
2654 in the county or municipality to be used by the judge or referee
2655 during the term of his office and thereafter by his successors.

2656 (b) (i) When permitted by the Administrative Office of
2657 Courts and as funds are available, the senior chancellor for
2658 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
2659 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
2660 administrator for the district whose responsibility will be to
2661 perform all reporting, tracking and other duties of a court
2662 administrator for all youth courts in the district that are under
2663 the chancery court system. Any chancery district listed in this
2664 paragraph in which a chancellor appoints a referee or special
2665 master to hear any youth court matter is ineligible for funding
2666 under this paragraph (b). The Administrative Office of Courts may
2667 allocate to an eligible chancery district a sum not to exceed
2668 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
2669 fringe benefits and equipment of the youth court administrator,



2670 and an additional sum not to exceed One Thousand Nine Hundred
2671 Dollars (\$1,900.00) for the administrator's travel expenses.

2672 (ii) The appointment of a youth court
2673 administrator shall be evidenced by the entry of an order on the
2674 minutes of the court. The person appointed shall serve at the
2675 will and pleasure of the senior chancellor but shall be an
2676 employee of the Administrative Office of Courts.

2677 (iii) The Administrative Office of Courts must
2678 approve the position, job description and salary before the
2679 position can be filled. The Administrative Office of Courts shall
2680 not approve any plan that does not first require the expenditure
2681 of the funds from the Youth Court Support Fund before expenditure
2682 of county funds is authorized for that purpose.

2683 (iv) Title to any tangible property procured with
2684 funds authorized under this paragraph shall be and forever remain
2685 in the State of Mississippi.

2686 (c) (i) Each county court is eligible for youth court
2687 support funds. The funds shall be utilized to provide
2688 compensation to an intake officer who shall be responsible for
2689 ensuring that all intake and case information for the Department
2690 of Human Services - Division of Youth Services, truancy matters,
2691 and the * * * Department of Child Protection Services is entered
2692 into the Mississippi Youth Court Information Delivery System
2693 (MYCIDS) in an accurate and timely manner. If the county court
2694 already has an intake officer or other staff person responsible



2695 for entering all cases of the Department of Human Services -
2696 Division of Youth Services, truancy matters and the * * *
2697 Department of Child Protection Services into MYCIDS, the senior
2698 county court judge may certify that such a person is already on
2699 staff. In such a case, the senior county court judge shall have
2700 discretion to direct the expenditure of those funds in hiring
2701 other support staff to carry on the business of the court.

2702 (ii) For the purposes of this paragraph, "support
2703 staff" means court administrators, law clerks, legal research
2704 assistants, secretaries, resource administrators or case managers
2705 appointed by a youth court judge, or any combination thereof, but
2706 shall not mean school attendance officers.

2707 (iii) The appointment of support staff shall be
2708 evidenced by the entry of an order on the minutes of the court.
2709 The support staff so appointed shall serve at the will and
2710 pleasure of the senior county court judge but shall be an employee
2711 of the county.

2712 (iv) The Administrative Office of Courts must
2713 approve the positions, job descriptions and salaries before the
2714 positions may be filled. The Administrative Office of Courts
2715 shall not approve any plan that does not first require the
2716 expenditure of funds from the Youth Court Support Fund before
2717 expenditure of county funds is authorized for that purpose.

2718 (v) The Administrative Office of Courts may
2719 approve expenditure from the fund for additional equipment for



2720 support staff appointed pursuant to this paragraph if the
2721 additional expenditure falls within the formula. Title to any
2722 tangible property procured with funds authorized under this
2723 paragraph shall be and forever remain in the county to be used by
2724 the youth court and support staff.

2725 (2) (a) (i) The formula developed by the Administrative
2726 Office of Courts for providing youth court support funds shall be
2727 devised so as to distribute appropriated funds proportional to
2728 caseload and other appropriate factors as set forth in regulations
2729 promulgated by the Administrative Office of Courts. The formula
2730 will determine a reasonable maximum amount per judge or referee
2731 per annum that will not be exceeded in allocating funds under this
2732 section.

2733 (ii) The formula shall be reviewed by the
2734 Administrative Office of Courts every two (2) years to ensure that
2735 the youth court support funds provided herein are proportional to
2736 each youth court's caseload and other specified factors.

2737 (iii) The Administrative Office of Courts shall
2738 have wide latitude in the first two-year cycle to implement a
2739 formula designed to maximize caseload data collection.

2740 (b) Application to receive funds under this section
2741 shall be submitted in accordance with procedures established by
2742 the Administrative Office of Courts.

2743 (c) Approval of the use of any of the youth court
2744 support funds distributed under this section shall be made by the



2745 Administrative Office of Courts in accordance with procedures
2746 established by the Administrative Office of Courts.

2747 (3) (a) There is created in the State Treasury a special
2748 fund to be designated as the "Youth Court Support Fund," which
2749 shall consist of funds appropriated or otherwise made available by
2750 the Legislature in any manner and funds from any other source
2751 designated for deposit into such fund. Unexpended amounts
2752 remaining in the fund at the end of a fiscal year shall not lapse
2753 into the State General Fund, and any investment earnings or
2754 interest earned on amounts in the fund shall be deposited to the
2755 credit of the fund. Monies in the fund shall be distributed to
2756 the youth courts by the Administrative Office of Courts for the
2757 purposes described in this section.

2758 (b) (i) During the regular legislative session held in
2759 calendar year 2007, the Legislature may appropriate an amount not
2760 to exceed Two Million Five Hundred Thousand Dollars
2761 (\$2,500,000.00) to the Youth Court Support Fund.

2762 (ii) During each regular legislative session
2763 subsequent to the 2007 Regular Session, the Legislature shall
2764 appropriate Two Million Five Hundred Thousand Dollars
2765 (\$2,500,000.00) to the Youth Court Support Fund.

2766 (c) No youth court judge or youth court referee shall
2767 be eligible to receive funding from the Youth Court Support Fund
2768 who has not received annual continuing education in the field of
2769 juvenile justice in an amount to conform with the requirements of



2770 the Rules and Regulations for Mandatory Continuing Judicial
2771 Education promulgated by the Supreme Court. The Administrative
2772 Office of Courts shall maintain records of all referees and youth
2773 court judges regarding such training and shall not disburse funds
2774 to any county or municipality for the budget of a youth court
2775 judge or referee who is not in compliance with the judicial
2776 training requirements.

2777 (4) Any recipient of funds from the Youth Court Support Fund
2778 shall not be eligible for continuing disbursement of funds if the
2779 recipient is not in compliance with the terms, conditions and
2780 reporting requirements set forth in the procedures promulgated by
2781 the Administrative Office of Courts.

2782 **SECTION 63.** Section 43-27-101, Mississippi Code of 1972, is
2783 amended as follows:

2784 43-27-101. For purposes of Sections 43-27-101 and 43-27-103,
2785 the following words shall have the meanings ascribed in this
2786 section, unless the context requires otherwise:

2787 (a) "Child or youth in the custody of the Department of
2788 Human Services" means an individual:

2789 (i) Who has not yet reached his eighteenth
2790 birthday;

2791 (ii) Who has been legally placed in the custody of
2792 the Department of Human Services by the youth court and for whom
2793 custody with the Department of Human Services was not sought by
2794 the parents or legal custodians or guardians for the parents' or



2795 legal custodians' or guardians' legal responsibilities to relieve
2796 themselves of the responsibility for paying for treatment for a
2797 child or youth; and

2798 (iii) Who is unable to be maintained with the
2799 family or legal guardians or custodians due to his or her need for
2800 specialized care.

2801 (b) "Child or youth under the supervision of the
2802 Department of * * * Child Protection Services" means an
2803 individual:

2804 (i) Who has not yet reached his eighteenth
2805 birthday; and

2806 (ii) Who has been referred for abuse or neglect
2807 and for whom a case has been opened and is active in the * * *
2808 Department of Child Protection Services.

2809 (c) "Plan of care" means a written plan of services
2810 needed to be provided for a child or youth and his or her family
2811 in order to provide the special care or services required.

2812 (d) "Special needs crisis" means:

2813 (i) Conduct or behavioral problems of such a
2814 severe nature and level that family or parental violence, abuse,
2815 and/or neglect pose an imminent threat or are present; or

2816 (ii) Conduct or behavioral problems of such a
2817 severe nature and level that family or parental violence, abuse,
2818 and/or neglect pose an imminent threat or are present.

2819 (e) "Specialized care" means:



2820 (i) "Self care," which means the ability to
2821 provide, sustain and protect himself or herself at a level
2822 appropriate to his or her age;

2823 (ii) "Interpersonal relationships," which means
2824 the ability to build and maintain satisfactory relationships with
2825 peers and adults;

2826 (iii) "Family life," which means the capacity to
2827 live in a family or family-type environment;

2828 (iv) "Self direction," which means the child's
2829 ability to control his or her behavior and to make decisions in a
2830 manner appropriate to his or her age;

2831 (v) "Education," which means the ability to learn
2832 social and intellectual skill from teachers in an available
2833 educational setting.

2834 (f) "Special needs child" means a child with a variety
2835 of handicapping conditions or disabilities, including emotional or
2836 severely emotional disorders. These conditions or disabilities
2837 present the need for special medical attention, supervision and
2838 therapy on a very regimented basis.

2839 **SECTION 64.** Section 43-27-103, Mississippi Code of 1972, is
2840 amended as follows:

2841 43-27-103. (1) Sections 43-27-101 and 43-27-103 shall
2842 enable the development by the Department of Human Services or the
2843 Department of Child Protection Services of a system of services
2844 for children or youth in the custody of the Department of Human



2845 Services or under the supervision of the Department of * * * Child
2846 Protection Services, if funds are appropriated to * * * either
2847 department for that purpose. The system of services may consist
2848 of emergency response services, an early intervention and
2849 treatment unit, respite care, crisis nurseries, specialized
2850 outpatient or inpatient treatment services, special needs foster
2851 care, therapeutic foster care, emergency foster homes, and
2852 Medicaid targeted case management for abused and neglected
2853 children and youth as well as children adjudicated delinquent or
2854 in need of supervision. Any of these services that are provided
2855 shall be arranged by and coordinated through the Department of
2856 Human Services or the Department of Child Protection Services,
2857 and * * * each department may contract with public or private
2858 agencies or entities to provide any of the services or may provide
2859 any of the services itself. All of the services shall be provided
2860 in facilities that meet the standards set by the Department of
2861 Human Services or the Department of Child Protection Services for
2862 the particular type of facility involved. None of the services
2863 provided shall duplicate existing services except where there is a
2864 documented need for expansion of the services.

2865 (2) A description of the services that may be provided under
2866 Sections 43-27-101 and 43-27-103 are as follows:

2867 (a) "Emergency response services" means services to
2868 respond to children or youth in severe crisis and include:

2869 (i) Emergency single point phone lines;



2870 (ii) Crisis care coordinators staffing shifts that
2871 enable twenty-four-hour per day response as "front line"
2872 professionals when crisis calls are received, assist with
2873 decision-making, family support, initiate plan of action and
2874 remain "on call" for the first seventy-two (72) hours for other
2875 service professionals to get in place and insure development of a
2876 plan of care;

2877 (iii) Acute care/emergency medical response
2878 through contracted services with up to five (5) regional hospitals
2879 providing emergency room services and hospitalization for up to
2880 seventy-two (72) hours with a maximum of One Hundred Dollars
2881 (\$100.00) per day;

2882 (iv) Case managers;

2883 (v) Respite services; and

2884 (vi) Assessment services contracted with social
2885 workers, psychologists, psychiatrists and other health
2886 professionals.

2887 (b) "Early intervention and treatment unit" means a
2888 unique, nonhospital crisis service in a residential context that
2889 is able to provide the level of support and intervention needed to
2890 resolve the crisis and as an alternative to hospitalization. This
2891 unit shall provide specialized assessment, including a variety of
2892 treatment options and services to best intervene in a child or
2893 youth's crisis, and provide an appropriate plan for further
2894 services upon returning to the home and community. Staff-to-child



2895 or youth ratio shall be high, with multidisciplinary, specialized
2896 services for up to six (6) children or youths at one (1) time, and
2897 with the maximum assessment and treatment planning and services
2898 being ninety (90) days for most children or youths.

2899 (c) "Respite care" means planned temporary care for a
2900 period of time ranging from a few hours within a twenty-four-hour
2901 period to an overnight or weekend stay to a maximum of ten (10)
2902 days. Care may be provided in-home or out-of-home with trained
2903 respite parents or counselors and is designed to provide a planned
2904 break for the parents from the caretaking role with the child.

2905 (d) "Crisis nurseries" means a program providing
2906 therapeutic nursery treatment services to preschool aged children
2907 who as preschoolers demonstrate significant behavioral or
2908 emotional disorders. These services shall be to therapeutically
2909 address developmental and emotional behavioral difficulties
2910 through direct intervention with the child in a nursery school
2911 environment and to intervene with parents to provide education,
2912 support and therapeutic services.

2913 (e) "Specialized outpatient or inpatient treatment
2914 services," such as sex offender treatment, means specialized
2915 treatment for perpetrators of sexual offenses with children.

2916 (f) "Special needs foster care" means foster care for
2917 those children with a variety of handicapping conditions or
2918 disabilities, including serious emotional disturbance.



2919 (g) "Therapeutic foster care" means residential mental
2920 health services provided to children and adolescents in a family
2921 setting, utilizing specially trained foster parents. Therapeutic
2922 foster care essentially involves the following features:

2923 (i) Placement with foster parents who have been
2924 carefully selected by knowledgeable, well-trained mental health
2925 and social service professionals to work with children with an
2926 emotional disturbance;

2927 (ii) Provision of special training to the foster
2928 parents to assist them in working with children with an emotional
2929 disturbance;

2930 (iii) Low staff-to-child ratio, allowing the
2931 therapeutic staff to work very closely with each child, the foster
2932 parents and the biological parents, if available;

2933 (iv) Creation of a support system among these
2934 specially trained foster parents; and

2935 (v) Payment of a special foster care payment to
2936 the foster parents.

2937 (h) "Emergency foster homes" means those homes used on
2938 a short-term basis for (i) children who are temporarily removed
2939 from the home in response to a crisis situation, or (ii) youth who
2940 exhibit special behavioral or emotional problems for whom removal
2941 from the existing home situation is necessary. In some cases they
2942 may provide an emergency placement for infants and toddlers for
2943 whom no regular foster home is available, rather than placement



2944 into an emergency shelter where older and larger groups of
2945 children are placed. Foster parents are trained to deal with the
2946 special needs of children placed in these emergency homes.

2947 (i) "Medicaid targeted case management" means
2948 activities that are related to assuring the completion of proper
2949 client evaluations; arranging and supporting treatment plans,
2950 monitoring services, coordinating service delivery and other
2951 related actions.

2952 **SECTION 65.** Section 43-27-109, Mississippi Code of 1972, is
2953 amended as follows:

2954 43-27-109. The Department of Human Services or the
2955 Department of Child Protection Services may employ a sufficient
2956 number of new family protection specialists, youth counselors and
2957 clerical staff to reduce the caseload sizes for social workers and
2958 youth counselors of * * * each department and to reduce the
2959 workload on clerical staff, if funds are appropriated to the
2960 department for that purpose.

2961 **SECTION 66.** Section 43-27-113, Mississippi Code of 1972, is
2962 amended as follows:

2963 43-27-113. In any investigation by the Department of * * *
2964 Child Protection Services of a report made under Section 43-21-101
2965 et seq. of the abuse or neglect of a child as defined in Section
2966 43-21-105, the department may request the appropriate law
2967 enforcement officer with jurisdiction to accompany the department



2968 in its investigation, and in such cases the law enforcement
2969 officer shall comply with such request.

2970 **SECTION 67.** Section 43-27-115, Mississippi Code of 1972, is
2971 amended as follows:

2972 43-27-115. The Department of Human Services * * * and the
2973 Department of Child Protection Services are each authorized to
2974 employ one (1) program manager for each department region, if
2975 funds are appropriated to * * * either department for that
2976 purpose, whose duties shall be to develop an ongoing public
2977 education program to inform Mississippi citizens about the needs
2978 of the state's children, youth and families, the work of the
2979 department in addressing these needs and how citizens might become
2980 involved. The Department of Human Services and the Department of
2981 Child Protection Services shall develop formal agreements of
2982 cooperation and protocol between * * * each department and other
2983 providers of services to children and families including school
2984 districts, hospitals, law enforcement agencies, mental health
2985 centers and others.

2986 **SECTION 68.** Section 43-27-117, Mississippi Code of 1972, is
2987 amended as follows:

2988 43-27-117. The Department of * * * Child Protection Services
2989 is authorized to establish an on-line automated child welfare
2990 information system, if funds are appropriated to the department
2991 for that purpose, to give the department the capability to supply
2992 foster care, adoption and child abuse and neglect data to the



2993 federal Department of Health and Human Services in a specified
2994 format as required, and to help the department in tracking child
2995 abuse and neglect referrals and the number of children affected in
2996 those referrals.

2997 **SECTION 69.** Section 43-27-119, Mississippi Code of 1972, is
2998 amended as follows:

2999 43-27-119. There is created a joint task force of the
3000 Department of Human Services, the Department of Child Protection
3001 Services and the Attorney General's Office consisting of the
3002 executive directors of the departments, the Attorney General, any
3003 staff persons designated by the executive directors and the
3004 Attorney General, and any other persons designated by the
3005 executive directors and the Attorney General. The joint task
3006 force shall research the issue of when * * * each department
3007 should consider appealing court decisions that are contrary to the
3008 department's recommendations in child welfare and juvenile
3009 offender cases, and shall issue a protocol for determining the
3010 type of cases that should be appealed. The protocol shall
3011 establish the following:

3012 (a) General guidelines to be considered for appealing a
3013 case;

3014 (b) The type of information from case records and court
3015 records that should be entered into the appeal file; and



3016 (c) The individuals who have authority to set the
3017 appeals process in motion and who can make final decisions about
3018 whether an appeal should be filed or not.

3019 Not later than November 30, 1994, the joint task force shall
3020 complete its research, issue the protocol, and make
3021 recommendations to the Legislature for any administrative and
3022 legislative action necessary to properly and sufficiently address
3023 this issue.

3024 **SECTION 70.** Section 43-43-5, Mississippi Code of 1972, is
3025 amended as follows:

3026 43-43-5. All purchase of service contracts between the * * *
3027 Department of * * * Human Services or the Department of Child
3028 Protection Services and individuals, associations or corporations
3029 other than state agencies shall be for the reimbursement of actual
3030 costs incurred in providing services. However, the * * *
3031 Department of * * * Human Services or the Department of Child
3032 Protection Services, in accordance with policy established
3033 by * * * either department, may advance one-twelfth (1/12) of the
3034 total estimated cost for providing services under the twelve-month
3035 contractual agreement, upon written request of a contractor, to
3036 give the contractor a better cash flow. Any funds so advanced
3037 shall be withheld from the contract reimbursement payments and in
3038 no case shall the final reimbursement payment to the contractor
3039 exceed the actual cost incurred in providing services. Any
3040 contractor receiving such advance payments shall be strictly



3041 liable to ensure that same is adjusted to actual cost, including
3042 repayment of excess cash advances if necessary, prior to the final
3043 closeout of the purchase of service contract.

3044 **SECTION 71.** Section 43-43-7, Mississippi Code of 1972, is
3045 amended as follows:

3046 43-43-7. The * * * Department of * * * Human Services or the
3047 Department of Child Protection Services in * * * the purchase of
3048 service budget request shall accurately reflect the comprehensive
3049 annual services program required under Section 2004 of Title XX.
3050 In submitting its annual budget recommendations to the
3051 Legislature, the Legislative Budget Office shall include all
3052 federal Title XX monies received or anticipated by agencies as a
3053 part of the budget request in order to indicate for each budget
3054 category the amount of state monies requested, the amount of
3055 federal monies anticipated or due, the amount of other nonstate
3056 monies requested or anticipated and the total anticipated
3057 expenditure from all sources for each respective category. A
3058 similar breakdown of funding sources shall be shown for current
3059 and preceding fiscal periods. All Title XX purchase of service
3060 contracts shall be subject to such auditing procedures by the
3061 State Department of Audit as are applicable to all state agencies.
3062 Upon the direction of the Legislative Budget Office, additional
3063 evaluation of the Title XX system may be performed by an
3064 independent group with expertise in cost analysis and the
3065 evaluation of human service programs.



3066 **SECTION 72.** Section 43-51-3, Mississippi Code of 1972, is
3067 amended as follows:

3068 43-51-3. As used in this chapter, unless the context clearly
3069 requires otherwise, the following words and phrases shall have the
3070 meanings respectively ascribed to them in this section:

3071 (a) "Child at imminent risk of placement" means a minor
3072 who may be reasonably expected to face, in the near future,
3073 commitment to the care or custody of the state as a result of:

3074 (i) Dependency, abuse or neglect;

3075 (ii) Emotional disturbance;

3076 (iii) Family conflict so extensive that reasonable
3077 control of the child is not exercised; or

3078 (iv) Delinquency adjudication.

3079 (b) * * * "Family preservation services" means services
3080 designed to help families alleviate risks or crises that might
3081 lead to out-of-home placement of children. The services may
3082 include procedures to maintain the safety of children in their own
3083 homes, support to families preparing to reunify or adopt and
3084 assistance to families in obtaining services and other sources of
3085 support necessary to address their multiple needs in a culturally
3086 sensitive environment.

3087 (* * * c) "Family support services" means preventive
3088 community-based activities designed to alleviate stress and to
3089 promote parental competencies and behaviors that will increase the
3090 ability of families to successfully nurture their children and



3091 will enable families to use other resources and opportunities
3092 available in the community. These services may include supportive
3093 networks designed to enhance child-rearing abilities of parents
3094 and to help compensate for the increased social isolation and
3095 vulnerability of families. Examples of these services and
3096 activities include: respite care for parents and other caregivers;
3097 early developmental screening of children to assess the needs of
3098 these children and assistance in obtaining specific services to
3099 meet their needs; mentoring, tutoring and health education for
3100 youth; and a range of center-based activities, such as informal
3101 interactions in drop-in centers and parent support groups, and
3102 home visiting programs.

3103 **SECTION 73.** Section 43-51-5, Mississippi Code of 1972, is
3104 amended as follows:

3105 43-51-5. (1) The * * * Department of * * * Child Protection
3106 Services * * * shall engage in a comprehensive planning
3107 process * * * to develop, coordinate and implement a meaningful
3108 and responsive program of family support and family preservation
3109 services. The scope of planning shall address child welfare,
3110 housing, mental health, primary health, education, juvenile
3111 justice, community-based programs providing family support and
3112 family preservation services and other social programs that
3113 service children at imminent risk of placement and their families.
3114 In developing the plan, the department, in its discretion, may
3115 invite active participation from local consumers, practitioners,



3116 researchers, foundations, mayors, members of the Legislature and
3117 any available federal regional staff.

3118 (2) * * * In addition to the family preservation and family
3119 support services defined in Section 41-51-3, the * * * Department
3120 of Child Protection Services shall offer a wide range of services,
3121 included, but not limited to, the following: crisis resolution;
3122 teaching measures to prevent the repeated occurrence of abuse,
3123 neglect and/or family conflict; education in parenting skills,
3124 child development, communication, negotiations and home
3125 maintenance skills; child and family advocacy; and job-readiness
3126 training.

3127 **SECTION 74.** Section 43-51-7, Mississippi Code of 1972, is
3128 amended as follows:

3129 43-51-7. The * * * Department of * * * Child Protection
3130 Services shall apply annually for any available federal funds that
3131 may be used to defray the planning and service expenses, in all or
3132 in part, of * * * this chapter, including, but not limited to,
3133 funds available under the * * * Family First Prevention Services
3134 Act.

3135 **SECTION 75.** Section 45-33-36, Mississippi Code of 1972, is
3136 amended as follows:

3137 45-33-36. (1) Upon receipt of sex offender registration or
3138 change of registration information, the Department of Public
3139 Safety shall immediately provide the information to:



- 3140 (a) The National Sex Offender Registry or other
3141 appropriate databases;
- 3142 (b) The sheriff of the county and the chief law
3143 enforcement officer of any other jurisdiction where the offender
3144 resides, lodges, is an employee or is a student or intends to
3145 reside, work, attend school or volunteer;
- 3146 (c) The sheriff of the county and the chief law
3147 enforcement officer of any other jurisdiction from which or to
3148 which a change of residence, employment or student status occurs;
- 3149 (d) The Department of Human Services, the Department of
3150 Child Protection Services, and any other social service entities
3151 responsible for protecting minors in the child welfare system;
- 3152 (e) The probation agency that is currently supervising
3153 the sex offender;
- 3154 (f) Any agency responsible for conducting
3155 employment-related background checks under Section 3 of the
3156 National Child Protection Act of 1993 (42 USC 5119(a));
- 3157 (g) Each school and public housing agency in each
3158 jurisdiction in which the sex offender resides, is an employee or
3159 is a student;
- 3160 (h) All prosecutor offices in each jurisdiction in
3161 which the sex offender resides, is an employee, or is a student;
3162 and
- 3163 (i) Any other agencies with criminal investigation,
3164 prosecution or sex offender supervision functions in each



3165 jurisdiction in which the sex offender resides, is an employee, or
3166 is a student.

3167 (2) The Department of Public Safety shall post changes to
3168 the public registry website within three (3) business days.
3169 Electronic notification will be available via the Internet to all
3170 law enforcement agencies, to any volunteer organizations in which
3171 contact with minors or vulnerable adults might occur and any
3172 organization, company or individual who requests notification
3173 pursuant to procedures established by the Department of Public
3174 Safety. This provision shall take effect upon the state's receipt
3175 and implementation of the Department of Justice software in
3176 compliance with the provisions of the Adam Walsh Act.

3177 (3) From and after July 1, 2015, local jurisdictions
3178 receiving notification and that have the ability may notify
3179 residents when a sex offender begins residing, lodges, becomes
3180 employed, volunteers or attends school or intends to reside,
3181 lodge, work, attend school or volunteer in the area by using a
3182 website, social media, print media, e-mail or may provide a link
3183 to the Department of Public Safety website.

3184 **SECTION 76.** Section 57-13-23, Mississippi Code of 1972, is
3185 amended as follows:

3186 57-13-23. (1) There is * * * created and established the
3187 Mississippi Automated Resource Information System (MARIS),
3188 (heretofore created by Executive Order No. 459, dated May 26,
3189 1983, as amended by Executive Order No. 562, dated January 15,



3190 1986), which shall be the mechanism within state government for
3191 the storing, processing, extracting and disseminating of useful
3192 data and information relating to the state's resources.

3193 (2) The goal of MARIS shall be to facilitate the achievement
3194 of state agencies' responsibilities as they relate to the
3195 development, management, conservation, protection and utilization
3196 of the resources of Mississippi by making usable resource data and
3197 information more readily available and in a format that is
3198 consistent throughout state departments, agencies and
3199 institutions, and, to the extent possible, with federal and
3200 privately generated resource data banks.

3201 (3) MARIS shall be under the supervision and general policy
3202 formulations of a policy committee as the cooperative effort of
3203 state departments, agencies and institutions for the sharing of
3204 useful data acquired and generated by state agencies in
3205 discharging their individual responsibilities.

3206 (4) There is * * * created and established the MARIS Policy
3207 Committee composed of the directors or their designees of the
3208 following departments, agencies and institutions:

3209 Center for Population Studies, University of Mississippi

3210 * * * Department of Information Technology Services

3211 Department of Agriculture and Commerce

3212 Department of Archives and History

3213 * * * Mississippi Development Authority

3214 Department of Human Services



3215 Department of Child Protection Services
3216 Department of Environmental Quality
3217 Department of Wildlife, Fisheries and Parks
3218 Mississippi Department of Transportation
3219 Mississippi Emergency Management Agency
3220 Mississippi Mineral Resources Institute, University of
3221 Mississippi
3222 Department of Finance and Administration
3223 Office of the Secretary of State
3224 Public Service Commission
3225 Remote Sensing Center, Mississippi State University
3226 State Forestry Commission
3227 State Department of Health
3228 State Oil and Gas Board
3229 State Soil and Water Conservation Commission
3230 * * *Department of Revenue
3231 University Research Center
3232 Water Management Council.
3233 (5) The MARIS Policy Committee shall elect a chairman, vice
3234 chairman and secretary, and it shall elect an executive committee
3235 from the membership of the policy committee to be composed of not
3236 less than five (5) nor more than nine (9) members, including the
3237 aforesaid officers. The policy committee may elect to the
3238 executive committee one (1) person other than from its membership.



3239 The policy committee shall determine the authority and
3240 responsibility to be exercised by the executive committee.

3241 (6) There is * * * created and established the MARIS Task
3242 Force which shall be composed of at least one (1) representative
3243 from each of the aforesaid agencies with knowledge in computer
3244 applications to natural, cultural, industrial or economic
3245 resources to be appointed by the respective directors thereof, and
3246 any other persons deemed advisable by the policy committee.

3247 (7) The University Research Center shall house the MARIS
3248 equipment and staff and shall provide administrative support for
3249 the policy committee and technical support to all member agencies.

3250 (8) It shall be the duty of every department, agency, office
3251 and institution of the State of Mississippi, and the officers
3252 thereof, to cooperate with and assist the MARIS Policy Committee
3253 in every reasonable way.

3254 **SECTION 77.** Section 93-5-23, Mississippi Code of 1972, is
3255 amended as follows:

3256 93-5-23. When a divorce shall be decreed from the bonds of
3257 matrimony, the court may, in its discretion, having regard to the
3258 circumstances of the parties and the nature of the case, as may
3259 seem equitable and just, make all orders touching the care,
3260 custody and maintenance of the children of the marriage, and also
3261 touching the maintenance and alimony of the wife or the husband,
3262 or any allowance to be made to her or him, and shall, if need be,
3263 require bond, sureties or other guarantee for the payment of the



3264 sum so allowed. Orders touching on the custody of the children of
3265 the marriage shall be made in accordance with the provisions of
3266 Section 93-5-24. For the purposes of orders touching the
3267 maintenance and alimony of the wife or husband, "property" and "an
3268 asset of a spouse" shall not include any interest a party may have
3269 as an heir at law of a living person or any interest under a
3270 third-party will, nor shall any such interest be considered as an
3271 economic circumstance or other factor. The court may afterwards,
3272 on petition, change the decree, and make from time to time such
3273 new decrees as the case may require. However, where proof shows
3274 that both parents have separate incomes or estates, the court may
3275 require that each parent contribute to the support and maintenance
3276 of the children of the marriage in proportion to the relative
3277 financial ability of each. In the event a legally responsible
3278 parent has health insurance available to him or her through an
3279 employer or organization that may extend benefits to the
3280 dependents of such parent, any order of support issued against
3281 such parent may require him or her to exercise the option of
3282 additional coverage in favor of such children as he or she is
3283 legally responsible to support.

3284 Whenever the court has ordered a party to make periodic
3285 payments for the maintenance or support of a child, but no bond,
3286 sureties or other guarantee has been required to secure such
3287 payments, and whenever such payments as have become due remain
3288 unpaid for a period of at least thirty (30) days, the court may,



3289 upon petition of the person to whom such payments are owing, or
3290 such person's legal representative, enter an order requiring that
3291 bond, sureties or other security be given by the person obligated
3292 to make such payments, the amount and sufficiency of which shall
3293 be approved by the court. The obligor shall, as in other civil
3294 actions, be served with process and shall be entitled to a hearing
3295 in such case.

3296 At the discretion of the court, any person found in contempt
3297 for failure to pay child support and imprisoned therefor may be
3298 referred for placement in a state, county or municipal
3299 restitution, house arrest or restorative justice center or
3300 program, provided such person meets the qualifications prescribed
3301 in Section 99-37-19.

3302 Whenever in any proceeding in the chancery court concerning
3303 the custody of a child a party alleges that the child whose
3304 custody is at issue has been the victim of sexual or physical
3305 abuse by the other party, the court may, on its own motion, grant
3306 a continuance in the custody proceeding only until such allegation
3307 has been investigated by the Department of * * * Child Protection
3308 Services. At the time of ordering such continuance, the court may
3309 direct the party and his attorney making such allegation of child
3310 abuse to report in writing and provide all evidence touching on
3311 the allegation of abuse to the Department of * * * Child
3312 Protection Services. The Department of * * * Child Protection
3313 Services shall investigate such allegation and take such action as



3314 it deems appropriate and as provided in such cases under the Youth
3315 Court Law (being Chapter 21 of Title 43, Mississippi Code of 1972)
3316 or under the laws establishing family courts (being Chapter 23 of
3317 Title 43, Mississippi Code of 1972).

3318 If after investigation by the Department of * * * Child
3319 Protection Services or final disposition by the youth court or
3320 family court allegations of child abuse are found to be without
3321 foundation, the chancery court shall order the alleging party to
3322 pay all court costs and reasonable attorney's fees incurred by the
3323 defending party in responding to such allegation.

3324 The court may investigate, hear and make a determination in a
3325 custody action when a charge of abuse and/or neglect arises in the
3326 course of a custody action as provided in Section 43-21-151, and
3327 in such cases the court shall appoint a guardian ad litem for the
3328 child as provided under Section 43-21-121, who shall be an
3329 attorney. Unless the chancery court's jurisdiction has been
3330 terminated, all disposition orders in such cases for placement
3331 with the Department of * * * Child Protection Services shall be
3332 reviewed by the court or designated authority at least annually to
3333 determine if continued placement with the department is in the
3334 best interest of the child or public.

3335 The duty of support of a child terminates upon the
3336 emancipation of the child. The court may determine that
3337 emancipation has occurred pursuant to Section 93-11-65.



3338 Custody and visitation upon military temporary duty,
3339 deployment or mobilization shall be governed by Section 93-5-34.

3340 **SECTION 78.** Section 93-17-3, Mississippi Code of 1972, is
3341 amended as follows:

3342 93-17-3. (1) Except as otherwise provided in this section,
3343 a court of this state has jurisdiction over a proceeding for the
3344 adoption or readoption of a minor commenced under this chapter if:

3345 (a) Immediately before commencement of the proceeding,
3346 the minor lived in this state with a parent, a guardian, a
3347 prospective adoptive parent or another person acting as parent,
3348 for at least six (6) consecutive months, excluding periods of
3349 temporary absence, or, in the case of a minor under six (6) months
3350 of age, lived in this state from soon after birth with any of
3351 those individuals and there is available in this state substantial
3352 evidence concerning the minor's present or future care;

3353 (b) Immediately before commencement of the proceeding,
3354 the prospective adoptive parent lived in this state for at least
3355 six (6) consecutive months, excluding periods of temporary
3356 absence, and there is available in this state substantial evidence
3357 concerning the minor's present or future care;

3358 (c) The agency that placed the minor for adoption is
3359 licensed in this state and it is in the best interest of the minor
3360 that a court of this state assume jurisdiction because:



3361 (i) The minor and the minor's parents, or the
3362 minor and the prospective adoptive parent, have a significant
3363 connection with this state; and

3364 (ii) There is available in this state substantial
3365 evidence concerning the minor's present or future care;

3366 (d) The minor and the prospective adoptive parent or
3367 parents are physically present in this state and the minor has
3368 been abandoned or it is necessary in an emergency to protect the
3369 minor because the minor has been subjected to or threatened with
3370 mistreatment or abuse or is otherwise neglected, and the
3371 prospective adoptive parent or parents, if not residing in
3372 Mississippi, have completed and provided the court with a
3373 satisfactory Interstate Compact for Placement of Children (ICPC)
3374 home study and accompanying forms;

3375 (e) It appears that no other state would have
3376 jurisdiction under prerequisites substantially in accordance with
3377 paragraphs (a) through (d), or another state has declined to
3378 exercise jurisdiction on the ground that this state is the more
3379 appropriate forum to hear a petition for adoption of the minor,
3380 and it is in the best interest of the minor that a court of this
3381 state assume jurisdiction; or

3382 (f) The child has been adopted in a foreign country,
3383 the agency that placed the minor for adoption is licensed in this
3384 state, and it is in the best interest of the child to be readopted
3385 in a court of this state having jurisdiction.



3386 (2) A court of this state may not exercise jurisdiction over
3387 a proceeding for adoption of a minor if, at the time the petition
3388 for adoption is filed, a proceeding concerning the custody or
3389 adoption of the minor is pending in a court of another state
3390 exercising jurisdiction substantially in conformity with the
3391 Uniform Child Custody Jurisdiction Act or this section unless the
3392 proceeding is stayed by the court of the other state.

3393 (3) If a court of another state has issued a decree or order
3394 concerning the custody of a minor who may be the subject of a
3395 proceeding for adoption in this state, a court of this state may
3396 not exercise jurisdiction over a proceeding for adoption of the
3397 minor unless:

3398 (a) The court of this state finds that the court of the
3399 state which issued the decree or order:

3400 (i) Does not have continuing jurisdiction to
3401 modify the decree or order under jurisdictional prerequisites
3402 substantially in accordance with the Uniform Child Custody
3403 Jurisdiction Act or has declined to assume jurisdiction to modify
3404 the decree or order; or

3405 (ii) Does not have jurisdiction over a proceeding
3406 for adoption substantially in conformity with subsection (1)(a)
3407 through (d) or has declined to assume jurisdiction over a
3408 proceeding for adoption; and

3409 (b) The court of this state has jurisdiction over the
3410 proceeding.



3411 (4) Any person may be adopted in accordance with the
3412 provisions of this chapter in term time or in vacation by an
3413 unmarried adult, by a married person whose spouse joins in the
3414 petition, by a married person whose spouse does not join in the
3415 petition because such spouse does not cohabit or reside with the
3416 petitioning spouse, and in any circumstances determined by the
3417 court that the adoption is in the best interest of the child.
3418 Only the consenting adult will be a legal parent of the child.
3419 The adoption shall be by sworn petition filed in the chancery
3420 court of the county in which the adopting petitioner or
3421 petitioners reside or in which the child to be adopted resides or
3422 was born, or was found when it was abandoned or deserted, or in
3423 which the home is located to which the child has been surrendered
3424 by a person authorized to so do. The petition shall be
3425 accompanied by a doctor's or nurse practitioner's certificate
3426 showing the physical and mental condition of the child to be
3427 adopted and a sworn statement of all property, if any, owned by
3428 the child. In addition, the petition shall be accompanied by
3429 affidavits of the petitioner or petitioners stating the amount of
3430 the service fees charged by any adoption agencies or adoption
3431 facilitators used by the petitioner or petitioners and any other
3432 expenses paid by the petitioner or petitioners in the adoption
3433 process as of the time of filing the petition. If the doctor's or
3434 nurse practitioner's certificate indicates any abnormal mental or
3435 physical condition or defect, the condition or defect shall not,



3436 in the discretion of the chancellor, bar the adoption of the child
3437 if the adopting parent or parents file an affidavit stating full
3438 and complete knowledge of the condition or defect and stating a
3439 desire to adopt the child, notwithstanding the condition or
3440 defect. The court shall have the power to change the name of the
3441 child as a part of the adoption proceedings. The word "child" in
3442 this section shall be construed to refer to the person to be
3443 adopted, though an adult.

3444 (5) No person may be placed in the home of or adopted by the
3445 prospective adopting parties before a court-ordered or voluntary
3446 home study is satisfactorily completed by a licensed adoption
3447 agency, a licensed, experienced social worker approved by the
3448 chancery court, a court-appointed guardian ad litem that has
3449 knowledge or training in conducting home studies if so directed by
3450 the court, or by the Department of * * * Child Protection Services
3451 on the prospective adoptive parties if required by Section
3452 93-17-11.

3453 (6) No person may be adopted by a person or persons who
3454 reside outside the State of Mississippi unless the provisions of
3455 the Interstate Compact for Placement of Children (Section 43-18-1
3456 et seq.) have been complied with. In such cases Forms 100A, 100B
3457 (if applicable) and evidence of Interstate Compact for Placement
3458 of Children approval shall be added to the permanent adoption
3459 record file within one (1) month of the placement, and a minimum
3460 of two (2) post-placement reports conducted by a licensed



3461 child-placing agency shall be provided to the Mississippi
3462 Department of Child Protection Services Interstate Compact for
3463 Placement of Children office.

3464 (7) No person may be adopted unless the provisions of the
3465 Indian Child Welfare Act (ICWA) have been complied with, if
3466 applicable. When applicable, proof of compliance shall be
3467 included in the court adoption file prior to finalization of the
3468 adoption. If not applicable, a written statement or paragraph in
3469 the petition for adoption shall be included in the adoption
3470 petition stating that the provisions of ICWA do not apply before
3471 finalization.

3472 (8) The readoption of a child who has automatically acquired
3473 United States citizenship following an adoption in a foreign
3474 country and who possesses a Certificate of Citizenship in
3475 accordance with the Child Citizenship Act, CAA, Public Law
3476 106-395, may be given full force and effect in a readoption
3477 proceeding conducted by a court of competent jurisdiction in this
3478 state by compliance with the Mississippi Registration of Foreign
3479 Adoptions Act, Article 9 of this chapter.

3480 (9) For adult adoptees who consent to the adoption, a
3481 chancellor may waive any of the petition requirements and
3482 procedural requirements within subsections (4), (5), (6) and (7)
3483 of this section.

3484 **SECTION 79.** Section 93-17-5, Mississippi Code of 1972, is
3485 amended as follows:



3486 93-17-5. (1) There shall be made parties to the proceeding
3487 by process or by the filing therein of a consent to the adoption
3488 proposed in the petition, which consent shall be duly sworn to or
3489 acknowledged and executed only by the following persons, but not
3490 before seventy-two (72) hours after the birth of the child:

3491 (a) The parents, or parent, if only one (1) parent,
3492 though either be under the age of twenty-one (21) years;

3493 (b) If both parents are dead, then any two (2) adult
3494 kin of the child within the third degree computed according to the
3495 civil law; if one of such kin is in possession of the child, he or
3496 she shall join in the petition or be made a party to the suit; or

3497 (c) The guardian ad litem of an abandoned child, upon
3498 petition showing that the names of the parents of the child are
3499 unknown after diligent search and inquiry by the petitioners. In
3500 addition to the above, there shall be made parties to any
3501 proceeding to adopt a child, either by process or by the filing of
3502 a consent to the adoption proposed in the petition, the following:

3503 (i) Those persons having physical custody of the
3504 child, except persons who are acting as foster parents as a result
3505 of placement with them by the Department of * * * Child Protection
3506 Services of the State of Mississippi.

3507 (ii) Any person to whom custody of the child may
3508 have been awarded by a court of competent jurisdiction of the
3509 State of Mississippi.



3510 (iii) The agent of the * * * Department of * * *
3511 Child Protection Services of the State of Mississippi that has
3512 placed a child in foster care, either by agreement or by court
3513 order.

3514 (2) The consent may also be executed and filed by the duly
3515 authorized officer or representative of a home to whose care the
3516 child has been delivered. The child shall join the petition by
3517 the child's next friend.

3518 (3) If consent is not filed, process shall be had upon the
3519 parties as provided by law for process in person or by
3520 publication, if they are nonresidents of the state or are not
3521 found therein after diligent search and inquiry, the court or
3522 chancellor in vacation may fix a date in termtime or in vacation
3523 to which process may be returnable and shall have power to proceed
3524 in termtime or vacation. In any event, if the child is more than
3525 fourteen (14) years of age, a consent to the adoption, sworn to or
3526 acknowledged by the child, shall also be required or personal
3527 service of process shall be had upon the child in the same manner
3528 and in the same effect as if the child were an adult.

3529 **SECTION 80.** Section 93-17-8, Mississippi Code of 1972, is
3530 amended as follows:

3531 93-17-8. (1) Whenever an adoption becomes a contested
3532 matter, whether after a hearing on a petition for determination of
3533 rights under Section 93-17-6 or otherwise, the court:



3534 (a) Shall, on motion of any party or on its own motion,
3535 issue an order for immediate blood or tissue sampling in
3536 accordance with the provisions of Section 93-9-21 et seq., if
3537 paternity is at issue. The court shall order an expedited report
3538 of such testing and shall hold the hearing resolving this matter
3539 at the earliest time possible.

3540 (b) Shall appoint a guardian ad litem to represent the
3541 child. Such guardian ad litem shall be an attorney, however his
3542 duties are as guardian ad litem and not as attorney for the child.
3543 The reasonable costs of the guardian ad litem shall be taxed as
3544 costs of court. Neither the child nor anyone purporting to act on
3545 his behalf may waive the appointment of a guardian ad litem.

3546 (c) Shall determine first whether or not the objecting
3547 parent is entitled to so object under the criteria of Section
3548 93-17-7 and then shall determine the custody of the child in
3549 accord with the best interests of the child and the rights of the
3550 parties as established by the hearings and judgments.

3551 (d) Shall schedule all hearings concerning the
3552 contested adoption as expeditiously as possible for prompt
3553 conclusion of the matter.

3554 (2) In determining the custody of the child after a finding
3555 that the adoption will not be granted, the fact of the surrender
3556 of the child for adoption by a parent shall not be taken as any
3557 evidence of that parent's abandonment or desertion of the child or
3558 of that parent's unfitness as a parent.



3559 (3) In contested adoptions arising through petitions for
3560 determination of rights where the prospective adopting parents
3561 were not parties to that proceeding, they need not be made parties
3562 to the contested adoption until there has been a ruling that the
3563 objecting parent is not entitled to enter a valid objection to the
3564 adoption. At that point the prospective adopting parents shall be
3565 made parties by joinder which shall show their suitability to be
3566 adopting parents as would a petition for adoption. The identity
3567 and suitability of the prospective adopting parents shall be made
3568 known to the court and the guardian ad litem, but shall not be
3569 made known to other parties to the proceeding unless the court
3570 determines that the interests of justice or the best interests of
3571 the child require it.

3572 (4) No birth parent or alleged parent shall be permitted to
3573 contradict statements given in a proceeding for the adoption of
3574 their child in any other proceeding concerning that child or his
3575 ancestry.

3576 (5) Appointment of a guardian ad litem is not required in
3577 any proceeding under this chapter except as provided in subsection
3578 (1)(b) above and except for the guardian ad litem needed for an
3579 abandoned child. It shall not be necessary for a guardian ad
3580 litem to be appointed where the chancery judge presiding in the
3581 adoption proceeding deems it unnecessary and no adoption agency is
3582 involved in the proceeding. No final decree of adoption
3583 heretofore granted shall be set aside or modified because a



3584 guardian ad litem was not appointed unless as the result of a
3585 direct appeal not now barred.

3586 (6) The provisions of Chapter 15 of this Title 93,
3587 Mississippi Code of 1972, are not applicable to proceedings under
3588 this chapter except as specifically provided by reference herein.

3589 (7) The court may order a child's birth father, identified
3590 as such in the proceedings, to reimburse the Department of * * *
3591 Child Protection Services, the foster parents, the adopting
3592 parents, the home, any other agency or person who has assumed
3593 liability for such child, all or part of the costs of the medical
3594 expenses incurred for the mother and the child in connection with
3595 the birth of the child, as well as reasonable support for the
3596 child after his birth.

3597 **SECTION 81.** Section 93-17-11, Mississippi Code of 1972, is
3598 amended as follows:

3599 93-17-11. At any time after the filing of the petition for
3600 adoption and completion of process thereon, and before the
3601 entering of a final decree, the court may, in its discretion, of
3602 its own motion or on motion of any party to the proceeding,
3603 require an investigation and report to the court to be made by any
3604 person, officer or home as the court may designate and direct
3605 concerning the child, and shall require in adoptions, other than
3606 those in which the petitioner or petitioners are a relative or
3607 stepparent of the child, that a home study be performed of the
3608 petitioner or petitioners by a licensed adoption agency or by the



3609 Department of * * * Child Protection Services, at the petitioner's
3610 or petitioners' sole expense and at no cost to the state or
3611 county. The investigation and report shall give the material
3612 facts upon which the court may determine whether the child is a
3613 proper subject for adoption, whether the petitioner or petitioners
3614 are suitable parents for the child, whether the adoption is to its
3615 best interest, and any other facts or circumstances that may be
3616 material to the proposed adoption. The home study shall be
3617 considered by the court in determining whether the petitioner or
3618 petitioners are suitable parents for the child. The court, when
3619 an investigation and report are required by the court or by this
3620 section, shall stay the proceedings in the cause for such
3621 reasonable time as may be necessary or required in the opinion of
3622 the court for the completion of the investigation and report by
3623 the person, officer or home designated and authorized to make the
3624 same.

3625 Upon the filing of that consent or the completion of the
3626 process and the filing of the investigation and report, if
3627 required by the court or by this section, and the presentation of
3628 such other evidence as may be desired by the court, if the court
3629 determines that it is to the best interests of the child that an
3630 interlocutory decree of adoption be entered, the court may
3631 thereupon enter an interlocutory decree upon such terms and
3632 conditions as may be determined by the court, in its discretion,
3633 but including therein that the complete care, custody and control



3634 of the child shall be vested in the petitioner or petitioners
3635 until further orders of the court and that during such time the
3636 child shall be and remain a ward of the court. If the court
3637 determines by decree at any time during the pendency of the
3638 proceeding that it is not to the best interests of the child that
3639 the adoption proceed, the petitioners shall be entitled to at
3640 least five (5) days' notice upon their attorneys of record and a
3641 hearing with the right of appeal as provided by law from a
3642 dismissal of the petition; however, the bond perfecting the appeal
3643 shall be filed within ten (10) days from the entry of the decree
3644 of dismissal and the bond shall be in such amount as the
3645 chancellor may determine and supersedeas may be granted by the
3646 chancellor or as otherwise provided by law for appeal from final
3647 decrees.

3648 After the entry of the interlocutory decree and before entry
3649 of the final decree, the court may require such further and
3650 additional investigation and reports as it may deem proper. The
3651 rights of the parties filing the consent or served with process
3652 shall be subject to the decree but shall not be divested until
3653 entry of the final decree.

3654 **SECTION 82.** Section 93-17-12, Mississippi Code of 1972, is
3655 amended as follows:

3656 93-17-12. In any child custody matter hereafter filed in any
3657 chancery or county court in which temporary or permanent custody
3658 has already been placed with a parent or guardian and in all



3659 adoptions, the court shall impose a fee for any court-ordered home
3660 study performed by the Department of * * * Child Protection
3661 Services or any other entity. The fee shall be assessed upon
3662 either party or upon both parties in the court's discretion. The
3663 minimum fee imposed shall be not less than Three Hundred Fifty
3664 Dollars (\$350.00) for each household on which a home study is
3665 performed. The fee shall be paid directly to the Mississippi
3666 Department of * * * Child Protection Services prior to the home
3667 study being conducted by the department or to the entity if the
3668 study is performed by another entity. The judge may order the fee
3669 be paid by one or both of the parents or guardian. If the court
3670 determines that both parents or the guardian are unable to pay the
3671 fee, the judge shall waive the fee and the cost of the home study
3672 shall be defrayed by the Department of * * * Child Protection
3673 Services.

3674 **SECTION 83.** Section 93-17-53, Mississippi Code of 1972, is
3675 amended as follows:

3676 93-17-53. The purpose of Sections 93-17-51 through 93-17-67
3677 is to supplement the Mississippi adoption law by making possible
3678 through public supplemental benefits the most appropriate adoption
3679 of each child certified by the * * * Department of * * * Child
3680 Protection Services as requiring a supplemental benefit to assure
3681 adoption.

3682 **SECTION 84.** Section 93-17-57, Mississippi Code of 1972, is
3683 amended as follows:



3684 93-17-57. The * * * Department of * * * Child Protection
3685 Services shall establish and administer an on-going program of
3686 supplemental benefits for adoption. Supplemental benefits and
3687 services for children under this program shall be provided out of
3688 such funds as may be appropriated to the * * * Division of
3689 Medicaid * * * for the medical services for children in foster
3690 care, or made available to the department from other sources.

3691 **SECTION 85.** Section 93-17-59, Mississippi Code of 1972, is
3692 amended as follows:

3693 93-17-59. Any child meeting criteria specified in Section
3694 93-17-55 for whom the * * * Department of * * * Child Protection
3695 Services feels supplemental benefits are necessary to improve
3696 opportunities for adoption will be eligible for the program. The
3697 adoption agency shall document that reasonable efforts have been
3698 made to place the child in adoption without supplemental benefits
3699 through the use of adoption resource exchanges, recruitment and
3700 referral to appropriate specialized adoption agencies.

3701 **SECTION 86.** Section 93-17-61, Mississippi Code of 1972, is
3702 amended as follows:

3703 93-17-61. (1) When parents are found and approved for
3704 adoption of a child certified as eligible for supplemental
3705 benefits, and before the final decree of adoption is issued, there
3706 shall be executed a written agreement between the family entering
3707 into the adoption and the Department of * * * Child Protection
3708 Services. In individual cases, supplemental benefits may commence



3709 with the adoptive placement or at the appropriate time after the
3710 adoption decree and will vary with the needs of the child as well
3711 as the availability of other resources to meet the child's needs.
3712 The supplemental benefits may be for special services only or for
3713 money payments as allowed under Section 43-13-115, * * * and
3714 either for a limited period, for a long-term not exceeding the
3715 child's eighteenth birthday, or for any combination of the
3716 foregoing. The amount of the time-limited, long-term supplemental
3717 benefits may in no case exceed that which would be currently
3718 allowable for such child under the Mississippi Medicaid Law.

3719 (2) When supplemental benefits last for more than one (1)
3720 year, the adoptive parents shall present an annual written
3721 certification that the child remains under the parents' care and
3722 that the child's need for supplemental benefits continues. Based
3723 on investigation by the agency and available funds, the agency may
3724 approve continued supplemental benefits. These benefits shall be
3725 extended so long as the parents remain legally responsible for and
3726 are providing support for the child. The agency shall continue
3727 paying benefits until a child reaches twenty-one (21) years of age
3728 if the child meets the criteria stated in Section 93-17-67(1) for
3729 continuation of Medicaid coverage.

3730 (3) A child who is a resident of Mississippi when
3731 eligibility for supplemental benefits is certified shall remain
3732 eligible and receive supplemental benefits, if necessary for
3733 adoption, regardless of the domicile or residence of the adopting



3734 parents at the time of application for adoption, placement, legal
3735 decree of adoption or thereafter.

3736 **SECTION 87.** Section 93-17-63, Mississippi Code of 1972, is
3737 amended as follows:

3738 93-17-63. All records regarding such adoption shall be
3739 confidential. Anyone violating or releasing information of a
3740 confidential nature, as contemplated by Sections 93-17-51 through
3741 93-17-67 without the approval of the court with jurisdiction or
3742 the * * * Department of * * * Child Protection Services unless
3743 such release is made pursuant to Sections 93-17-201 through
3744 93-17-223 shall be guilty of a misdemeanor and subject to a fine
3745 not exceeding One Thousand Dollars (\$1,000.00) or imprisonment of
3746 six (6) months, or both.

3747 **SECTION 88.** Section 93-17-65, Mississippi Code of 1972, is
3748 amended as follows:

3749 93-17-65. The * * * Department of * * * Child Protection
3750 Services shall promulgate rules and regulations necessary to
3751 implement the provisions of Sections 93-17-51 through 93-17-67.

3752 **SECTION 89.** Section 93-17-101, Mississippi Code of 1972, is
3753 amended as follows:

3754 93-17-101. (1) The Legislature finds that:

3755 (a) Locating adoptive families for children for whom
3756 state assistance is desirable, pursuant to the Mississippi
3757 adoption assistance law, and assuring the protection of the
3758 interests of the children affected during the entire assistance



3759 period, require special measures when the adoptive parents move to
3760 other states or are residents of another state; and

3761 (b) Providing medical and other necessary services for
3762 children, with state assistance, encounters special difficulties
3763 when the providing of services takes place in other states.

3764 (2) The purposes of Sections 93-17-101 through 93-17-109 are
3765 to:

3766 (a) Authorize the Mississippi Department of * * * Child
3767 Protection Services to enter into interstate agreements with
3768 agencies of other states for the protection of children on behalf
3769 of whom adoption assistance is being provided by the Mississippi
3770 Department of * * * Child Protection Services; and

3771 (b) Provide procedures for interstate children's
3772 adoption assistance payments, including medical payments.

3773 **SECTION 90.** Section 93-17-103, Mississippi Code of 1972, is
3774 amended as follows:

3775 93-17-103. (1) The Mississippi Department of * * * Child
3776 Protection Services is authorized to develop, participate in the
3777 development of, negotiate and enter into one or more interstate
3778 compacts on behalf of this state with other states to implement
3779 one or more of the purposes set forth in Sections 93-17-101
3780 through 93-17-109. When so entered into, and for so long as it
3781 shall remain in force, such a compact shall have the force and
3782 effect of law.



3783 (2) For the purposes of Sections 93-17-101 through
3784 93-17-109, the term "state" shall mean a state of the United
3785 States, the District of Columbia, the Commonwealth of Puerto Rico,
3786 the Virgin Islands, Guam, the Commonwealth of the Northern Mariana
3787 Islands or a territory or possession of or administered by the
3788 United States.

3789 (3) For the purposes of Sections 93-17-101 through
3790 93-17-109, the term "adoption assistance state" means the state
3791 that is signatory to an adoption assistance agreement in a
3792 particular case.

3793 (4) For the purposes of Sections 93-17-101 through
3794 93-17-109, the term "residence state" means the state of which the
3795 child is a resident by virtue of the residence of the adoptive
3796 parents.

3797 **SECTION 91.** Section 93-17-107, Mississippi Code of 1972, is
3798 amended as follows:

3799 93-17-107. (1) A child with special needs resident in this
3800 state who is the subject of an adoption assistance agreement with
3801 another state and who has been determined eligible for Medicaid in
3802 that state shall be entitled to receive a medical assistance
3803 identification from this state upon filing with the Mississippi
3804 Department of * * * Child Protection Services a certified copy of
3805 the adoption assistance agreement obtained from the adoption
3806 assistance state which certifies to the eligibility of the child
3807 for Medicaid. In accordance with regulations of the Mississippi



3808 Department of * * * Child Protection Services, the adoptive
3809 parents shall be required, at least annually, to show that the
3810 agreement is still in force or has been renewed.

3811 (2) The Division of Medicaid, Office of the Governor, shall
3812 consider the holder of a medical assistance identification
3813 pursuant to this section as any other holder of a medical
3814 assistance identification under the laws of this state and shall
3815 process and make payment on claims on account of such holder in
3816 the same manner and pursuant to the same conditions and procedures
3817 as for other recipients of medical assistance.

3818 (3) The submission of any claim for payment or reimbursement
3819 for services or benefits pursuant to this section or the making of
3820 any statement in connection therewith, which claim or statement
3821 the maker knows or should know to be false, misleading or
3822 fraudulent shall be punishable as perjury and shall also be
3823 subject to a fine not to exceed Ten Thousand Dollars (\$10,000.00),
3824 or imprisonment for not to exceed two (2) years, or both.

3825 (4) The provisions of this section shall apply only to
3826 medical assistance for children under adoption assistance
3827 agreements from states that have entered into a compact with this
3828 state under which the other state provides medical assistance to
3829 children with special needs under adoption assistance agreements
3830 made by this state. All other children entitled to medical
3831 assistance pursuant to adoption assistance agreements entered into



3832 by this state shall be eligible to receive it in accordance with
3833 the laws and procedures applicable thereto.

3834 **SECTION 92.** Section 93-17-109, Mississippi Code of 1972, is
3835 amended as follows:

3836 93-17-109. Consistent with federal law, the Mississippi
3837 Department of * * * Child Protection Services and the Division of
3838 Medicaid, Office of the Governor of the State of Mississippi, in
3839 connection with the administration of Sections 93-17-101 through
3840 93-17-109 and any compact entered into pursuant hereto, shall
3841 include in any state plan made pursuant to the Adoption Assistance
3842 and Child Welfare Act of 1980 (P.L. 96-272), Titles IV(e) and XIX
3843 of the Social Security Act, and any other applicable federal laws,
3844 the provision of adoption assistance and medical assistance for
3845 which the federal government pays some or all of the cost provided
3846 such authority is granted under the provisions of some law of this
3847 state other than the provisions of Sections 93-17-101 through
3848 93-17-109. Such departments shall apply for and administer all
3849 relevant federal aid in accordance with law.

3850 **SECTION 93.** Section 93-17-203, Mississippi Code of 1972, is
3851 amended as follows:

3852 93-17-203. The following words and phrases shall have the
3853 meanings ascribed herein unless the context clearly indicates
3854 otherwise:

3855 (a) "Agency" means a county * * * department of human
3856 service, the Department of Child Protection Services, a licensed



3857 or nonlicensed adoption agency or any other individual or entity
3858 assisting in the finalization of an adoption.

3859 (b) "Adoptee" means a person who is or has been adopted
3860 in this state at any time.

3861 (c) "Birth parent" means either:

3862 (i) The mother designated on the adoptee's
3863 original birth certificate; or

3864 (ii) The person named by the mother designated on
3865 the adoptee's original birth certificate as the father of the
3866 adoptee.

3867 (d) "Board" means the Mississippi State Board of
3868 Health.

3869 (e) "Bureau" means the Bureau of Vital Records of the
3870 Mississippi State Board of Health.

3871 (f) "Licensed adoption agency" means any agency or
3872 organization performing adoption services and duly licensed by the
3873 Mississippi Department of * * * Child Protection Services.

3874 **SECTION 94.** Section 93-17-209, Mississippi Code of 1972, is
3875 amended as follows:

3876 93-17-209. (1) Whenever any person specified under Section
3877 93-17-207 wishes to obtain medical, social or genetic background
3878 information about an adoptee or nonidentifying information about
3879 the birth parents of such adoptee, and the information is not on
3880 file with the bureau and the birth parents have not filed
3881 affidavits prohibiting a search to be conducted for them under the



3882 provisions of Sections 93-17-201 through 93-17-223, the person may
3883 request a licensed adoption agency to locate the birth parents to
3884 obtain the information.

3885 (2) Employees of any agency conducting a search under this
3886 section may not inform any person other than the birth parents of
3887 the purpose of the search.

3888 (3) The agency may charge the requester a reasonable fee for
3889 the cost of the search. When the agency determines that the fee
3890 will exceed One Hundred Dollars (\$100.00) for either birth parent,
3891 it shall notify the requester. No fee in excess of One Hundred
3892 Dollars (\$100.00) per birth parent may be charged unless the
3893 requester, after receiving notification under this subsection, has
3894 given consent to proceed with the search.

3895 (4) The agency conducting the search shall, upon locating a
3896 birth parent, notify him or her of the request and of the need for
3897 medical, social and genetic information.

3898 (5) The agency shall release to the requester any medical or
3899 genetic information provided by a birth parent under this section
3900 without disclosing the birth parent's identity or location.

3901 (6) If a birth parent is located but refuses to provide the
3902 information requested, the agency shall notify the requester,
3903 without disclosing the birth parent's identity or location, and
3904 the requester may petition the chancery court to order the birth
3905 parent to disclose the nonidentifying information. The court
3906 shall grant the motion for good cause shown.



3907 (7) The Mississippi Department of * * * Child Protection
3908 Services shall provide the bureau each year with a list of
3909 licensed adoption agencies in this state capable of performing the
3910 types of searches described in this section.

3911 **SECTION 95.** Section 93-21-305, Mississippi Code of 1972, is
3912 amended as follows:

3913 93-21-305. (1) There is * * * established in the State
3914 Treasury a special fund to be known as the "Mississippi Children's
3915 Trust Fund."

3916 (2) The fund shall consist of any monies appropriated to the
3917 fund by the Legislature, any donations, gifts and grants from any
3918 source, receipts from the birth certificate fees as provided by
3919 subsection (2) of Section 41-57-11, and any other monies which may
3920 be received from any other source or which may be hereafter
3921 provided by law.

3922 (3) Monies in the fund shall be used only for the purposes
3923 set forth in Sections 93-21-301 through 93-21-311. Interest
3924 earned on the investment of monies in the fund shall be returned
3925 and deposited to the credit of the fund.

3926 (4) Disbursements of money from the fund shall be on the
3927 authorization of the * * * Department of Child Protection
3928 Services.

3929 (5) The primary purpose of the fund is to encourage and
3930 provide financial assistance in the provision of direct services
3931 to prevent child abuse and neglect.



3932 **SECTION 96.** Section 93-21-307, Mississippi Code of 1972, is
3933 amended as follows:

3934 93-21-307. The administration of the Mississippi Children's
3935 Trust Fund shall be vested in the * * * Department of Child
3936 Protection Services. In carrying out the provisions of Sections
3937 93-21-301 through 93-21-311, the * * * Department of Child
3938 Protection Services shall have the following powers and duties:

3939 (a) To assist in developing programs aimed at
3940 discovering and preventing the many factors causing child abuse
3941 and neglect;

3942 (b) To prepare and disseminate, including the
3943 presentation of, educational programs and materials on child abuse
3944 and neglect;

3945 (c) To provide educational programs for professionals
3946 required by law to make reports of child abuse and neglect;

3947 (d) To help coordinate child protective services at the
3948 state, regional and local levels with the efforts of other state
3949 and voluntary social, medical and legal agencies;

3950 (e) To provide advocacy for children in public and
3951 private state and local agencies affecting children;

3952 (f) To encourage citizen and community awareness as to
3953 the needs and problems of children;

3954 (g) To facilitate the exchange of information between
3955 groups concerned with families and children;



3956 (h) To consult with state departments, agencies,
3957 commissions and boards to help determine the probable
3958 effectiveness, fiscal soundness and need for proposed educational
3959 and service programs for the prevention of child abuse and
3960 neglect;

3961 (i) To adopt rules and regulations * * * in accordance
3962 with the Administrative Procedures Law to discharge its
3963 responsibilities;

3964 (j) To report annually, through the annual report of
3965 the * * * Department of * * * Child Protection Services, to the
3966 Governor and the Legislature concerning the * * * department's
3967 activities under Sections 93-21-301 through 93-21-311 and the
3968 effectiveness of those activities in fostering the prevention of
3969 child abuse and neglect;

3970 (k) To recommend to the Governor and the Legislature
3971 changes in state programs, statutes, policies and standards which
3972 will reduce child abuse and neglect, improve coordination among
3973 state agencies which provide services to prevent abuse and
3974 neglect, improve the condition of children and assist parents and
3975 guardians;

3976 (l) To evaluate and strengthen all local, regional and
3977 state programs dealing with child abuse and neglect;

3978 (m) To prepare and submit annually to the Governor and
3979 the Legislature reports evaluating the level and quality of all



3980 programs, services and facilities provided to children by state
3981 agencies;

3982 (n) To contract with public or private nonprofit
3983 institutions, organizations, agencies or schools or with qualified
3984 individuals for the establishment of community-based educational
3985 and service programs designed to reduce the occurrence of child
3986 abuse and neglect;

3987 (o) To determine the eligibility of programs applying
3988 for financial assistance and to make grants and loans from the
3989 fund for the purposes set forth in Sections 93-21-301 through
3990 93-21-311;

3991 (p) To develop, within one (1) year after July 1, 1989,
3992 a state plan for the distribution of funds from the trust fund
3993 which shall assure that an equal opportunity exists for
3994 establishment of prevention programs and for receipt of trust
3995 fund * * * monies among all geographic areas in this state, and to
3996 submit the plan to the Governor and the Legislature and annually
3997 thereafter submit revisions thereto as needed;

3998 (q) To provide for the coordination and exchange of
3999 information on the establishment and maintenance of local
4000 prevention programs;

4001 (r) To develop and publicize criteria for the receipt
4002 of trust fund * * * monies by eligible local prevention programs;



4003 (s) To enter into contracts with public or private
4004 agencies to fulfill the requirements of Sections 93-21-301 through
4005 93-21-311; and

4006 (t) Review, monitor and approve the expenditure of
4007 trust fund * * * monies by eligible local programs.

4008 **SECTION 97.** Section 93-21-309, Mississippi Code of 1972, is
4009 amended as follows:

4010 93-21-309. (1) The * * * Department of Child Protection
4011 Services may authorize the disbursement of money in the trust fund
4012 in the form of grants or loans for the following purposes, which
4013 are listed in order of preference for expenditure:

4014 (a) To assist a community private, nonprofit
4015 organization or a local public organization or agency in the
4016 establishment and operation of a program or service for the
4017 prevention of child abuse and neglect;

4018 (b) To assist in the expansion of an existing community
4019 program or service for the prevention of child abuse and neglect;

4020 (c) To assist a community private, nonprofit
4021 organization or a local public organization or agency in the
4022 establishment and operation of an educational program regarding
4023 the problems of child abuse and neglect and the problems of
4024 families and children;

4025 (d) To assist in the expansion of an existing community
4026 educational program regarding the problems of child abuse and
4027 neglect and the problems of families and children;



4028 (e) To study and evaluate community-based prevention
4029 programs, projects or services and educational programs for the
4030 problems of families and children; and

4031 (f) Any other similar and related programs, projects,
4032 services and educational programs that the * * * department
4033 declares will implement the purposes and provisions of Sections
4034 93-21-301 through 93-21-311.

4035 (2) For the purposes of this section, the term "educational
4036 programs" includes instructional and demonstration projects the
4037 main purpose of which is to disseminate information and techniques
4038 for the prevention of child abuse and neglect and the prevention
4039 of problems of families and children.

4040 (3) No money in the trust fund shall be expended to provide
4041 services, counseling or direct assistance for the voluntary
4042 termination of any pregnancy.

4043 **SECTION 98.** Section 93-21-311, Mississippi Code of 1972, is
4044 amended as follows:

4045 93-21-311. In making grants or loans from the trust fund,
4046 the * * * Department of Child Protection Services shall consider
4047 the degree to which the applicant's proposal meets the following
4048 criteria:

4049 (a) Has as its primary purpose the development and
4050 facilitation of a community-based prevention program in a specific
4051 geographical area, which program shall utilize trained volunteers
4052 and existing community resources where practicable;



4053 (b) Is administered by an organization or group which
4054 is composed of or has participation by the county department
4055 of * * * human services, the county health department, the youth
4056 court or chancery court, the office of the district attorney,
4057 county or municipal law enforcement personnel, county or municipal
4058 school officials, local public or private organizations or
4059 agencies which provide programs or services for the prevention of
4060 child abuse and neglect and educational programs for the
4061 prevention of problems of families and children; and

4062 (c) Demonstrates a willingness and ability and has a
4063 plan to provide prevention program models and consultations to
4064 appropriate organizations within the community regarding
4065 prevention program development and maintenance.

4066 **SECTION 99.** Section 93-31-3, Mississippi Code of 1972, is
4067 amended as follows:

4068 93-31-3. (1) (a) A parent or legal custodian of a child,
4069 by means of a properly executed power of attorney as provided in
4070 Section 93-31-5, may delegate to another willing person or persons
4071 as attorney-in-fact any of the powers regarding the care and
4072 custody of the child other than the following:

4073 (i) The power to consent to marriage or adoption
4074 of the child;

4075 (ii) The performance or inducement of an abortion
4076 on or for the child; or



4077 (iii) The termination of parental rights to the
4078 child.

4079 (b) A delegation of powers under this section does not:

4080 (i) Change or modify any parental or legal rights,
4081 obligations, or authority established by an existing court order;

4082 (ii) Deprive any custodial or noncustodial parent
4083 or legal guardian of any parental or legal rights, obligations, or
4084 authority regarding the custody, visitation, or support of the
4085 child; or

4086 (iii) Affect a court's ability to determine the
4087 best interests of a child.

4088 (c) If both parents are living and neither parent's
4089 parental rights have been terminated, both parents must execute
4090 the power of attorney. If a noncustodial parent is absent or
4091 unknown, the custodial parent must complete the affidavit
4092 contemplated under Section 93-31-5 and attach it to the power of
4093 attorney.

4094 (d) A power of attorney under this chapter must be
4095 facilitated by either a child welfare agency that is licensed to
4096 place children for adoption and that is operating under the Safe
4097 Families for Children model or another charitable organization
4098 that is operating under the Safe Families for Children model. A
4099 full criminal history and child abuse and neglect background check
4100 must be conducted on any person who is not a grandparent, aunt,
4101 uncle, or sibling of the child if the person is:



4102 (i) Designated or proposed to be designated as the
4103 attorney-in-fact; or

4104 (ii) Is a person over the age of fifteen (15) who
4105 resides in the home of the designated attorney-in-fact.

4106 (2) A power of attorney executed under this chapter shall
4107 not be used for the sole purposes of enrolling a child in a school
4108 to participate in the academic or interscholastic athletic
4109 programs provided by that school or for any other unlawful
4110 purposes, except as may be permitted by the federal Every Student
4111 Succeeds Act (Public Law 114-95).

4112 (3) The parent or legal custodian of the child has the
4113 authority to revoke or withdraw the power of attorney authorized
4114 by this section at any time. Upon the termination, expiration, or
4115 revocation of the power of attorney, the child must be returned to
4116 the custody of the parent or legal custodian.

4117 (4) Until the authority expires or is revoked or withdrawn
4118 by the parent or legal custodian, the attorney-in-fact shall
4119 exercise parental or legal authority on a continuous basis without
4120 compensation for the duration of the power of attorney.

4121 (5) The execution of a power of attorney by a parent or
4122 legal custodian does not, in the absence of other evidence,
4123 constitute abandonment, desertion, abuse, neglect, or any evidence
4124 of unfitness as a parent unless the parent or legal custodian
4125 fails to take custody of the child or execute a new power of
4126 attorney after the one-year time limit, or after a longer time



4127 period as allowed for a serving parent, has elapsed. Nothing in
4128 this subsection prevents the Department of * * * Child Protection
4129 Services or law enforcement from investigating allegations of
4130 abuse, abandonment, desertion, neglect or other mistreatment of a
4131 child.

4132 (6) When the custody of a child is transferred by a power of
4133 attorney under this chapter, the child is not considered to have
4134 been placed in foster care and the attorney-in-fact will not be
4135 subject to any of the requirements or licensing regulations for
4136 foster care or other regulations relating to out-of-home care for
4137 children and will not be subject to any statutes or regulations
4138 dealing with the licensing or regulation of foster care homes.

4139 (7) (a) "Serving parent" means a parent who is a member of
4140 the Armed Forces of the United States, including any reserve
4141 component thereof, or the National Oceanic and Atmospheric
4142 Administration Commissioned Officer Corps or the Public Health
4143 Service of the United States Department of Health and Human
4144 Services detailed by proper authority for duty with the Armed
4145 Forces of the United States, or who is required to enter or serve
4146 in the active military service of the United States under a call
4147 or order of the President of the United States or to serve on
4148 state active duty.

4149 (b) A serving parent may delegate the powers designated
4150 in subsection (1) of this section for longer than one (1) year if
4151 on active-duty service or if scheduled to be on active-duty



4152 service. The term of delegation, however, may not exceed the term
4153 of active-duty service plus thirty (30) days.

4154 (8) (a) A power of attorney under this chapter must be
4155 filed in the youth court of the county where the minor child or
4156 children reside at the time the form is completed, and the clerk
4157 of the youth court will not impose or collect a filing fee. The
4158 filing is informational only, and no judicial intervention shall
4159 result at the time of filing.

4160 (b) The power of attorney must be entered into the
4161 Mississippi Youth Court Information Delivery System (MYCIDS) under
4162 Section 43-21-351, and must be administratively reviewed by the
4163 youth court judge or referee, or a person designated by the youth
4164 court judge or referee, to ensure the safety of the child or
4165 children who are the subjects of the power of attorney one (1)
4166 year after the date of execution.

4167 **SECTION 100.** Section 97-5-24, Mississippi Code of 1972, is
4168 amended as follows:

4169 97-5-24. If any person eighteen (18) years or older who is
4170 employed by any public school district or private school in this
4171 state is accused of fondling or having any type of sexual
4172 involvement with any child under the age of eighteen (18) years
4173 who is enrolled in such school, the principal of such school and
4174 the superintendent of such school district shall timely notify the
4175 district attorney with jurisdiction where the school is located of
4176 such accusation, the Mississippi Department of Education and the



4177 Department of * * * Child Protection Services, provided that such
4178 accusation is reported to the principal and to the school
4179 superintendent and that there is a reasonable basis to believe
4180 that such accusation is true. Any superintendent, or his
4181 designee, who fails to make a report required by this section
4182 shall be subject to the penalties provided in Section 37-11-35.
4183 Any superintendent, principal, teacher or other school personnel
4184 participating in the making of a required report pursuant to this
4185 section or participating in any judicial proceeding resulting
4186 therefrom shall be presumed to be acting in good faith. Any
4187 person reporting in good faith shall be immune from any civil
4188 liability that might otherwise be incurred or imposed.

4189 **SECTION 101.** Section 97-5-39, Mississippi Code of 1972, is
4190 amended as follows:

4191 97-5-39. (1) (a) Except as otherwise provided in this
4192 section, any parent, guardian or other person who intentionally,
4193 knowingly or recklessly commits any act or omits the performance
4194 of any duty, which act or omission contributes to or tends to
4195 contribute to the neglect or delinquency of any child or which act
4196 or omission results in the abuse of any child, as defined in
4197 Section 43-21-105(m) of the Youth Court Law, or who knowingly aids
4198 any child in escaping or absenting himself from the guardianship
4199 or custody of any person, agency or institution, or knowingly
4200 harbors or conceals, or aids in harboring or concealing, any child
4201 who has absented himself without permission from the guardianship



4202 or custody of any person, agency or institution to which the child
4203 shall have been committed by the youth court shall be guilty of a
4204 misdemeanor, and upon conviction shall be punished by a fine not
4205 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not
4206 to exceed one (1) year in jail, or by both such fine and
4207 imprisonment.

4208 (b) For the purpose of this section, a child is a
4209 person who has not reached his eighteenth birthday. A child who
4210 has not reached his eighteenth birthday and is on active duty for
4211 a branch of the armed services, or who is married, is not
4212 considered a child for the purposes of this statute.

4213 (c) If a child commits one (1) of the proscribed acts
4214 in subsection (2) (a), (b) or (c) of this section upon another
4215 child, then original jurisdiction of all such offenses shall be in
4216 youth court.

4217 (d) If the child's deprivation of necessary clothing,
4218 shelter, health care or supervision appropriate to the child's age
4219 results in substantial harm to the child's physical, mental or
4220 emotional health, the person may be sentenced to imprisonment in
4221 custody of the Department of Corrections for not more than five
4222 (5) years or to payment of a fine of not more than Five Thousand
4223 Dollars (\$5,000.00), or both.

4224 (e) A parent, legal guardian or other person who
4225 knowingly permits the continuing physical or sexual abuse of a
4226 child is guilty of neglect of a child and may be sentenced to



4227 imprisonment in the custody of the Department of Corrections for
4228 not more than ten (10) years or to payment of a fine of not more
4229 than Ten Thousand Dollars (\$10,000.00), or both.

4230 (2) Any person shall be guilty of felonious child abuse in
4231 the following circumstances:

4232 (a) Whether bodily harm results or not, if the person
4233 shall intentionally, knowingly or recklessly:

4234 (i) Burn any child;

4235 (ii) Physically torture any child;

4236 (iii) Strangle, choke, smother or in any way
4237 interfere with any child's breathing;

4238 (iv) Poison a child;

4239 (v) Starve a child of nourishments needed to
4240 sustain life or growth;

4241 (vi) Use any type of deadly weapon upon any child;

4242 (b) If some bodily harm to any child actually occurs,
4243 and if the person shall intentionally, knowingly or recklessly:

4244 (i) Throw, kick, bite, or cut any child;

4245 (ii) Strike a child under the age of fourteen (14)
4246 about the face or head with a closed fist;

4247 (iii) Strike a child under the age of five (5) in
4248 the face or head;

4249 (iv) Kick, bite, cut or strike a child's genitals;
4250 circumcision of a male child is not a violation under this
4251 subparagraph (iv);



4252 (c) If serious bodily harm to any child actually
4253 occurs, and if the person shall intentionally, knowingly or
4254 recklessly:

4255 (i) Strike any child on the face or head;

4256 (ii) Disfigure or scar any child;

4257 (iii) Whip, strike or otherwise abuse any child;

4258 (d) Any person, upon conviction under paragraph (a) or
4259 (c) of this subsection, shall be sentenced by the court to
4260 imprisonment in the custody of the Department of Corrections for a
4261 term of not less than five (5) years and up to life, as determined
4262 by the court. Any person, upon conviction under paragraph (b) of
4263 this subsection shall be sentenced by the court to imprisonment in
4264 the custody of the Department of Corrections for a term of not
4265 less than two (2) years nor more than ten (10) years, as
4266 determined by the court. For any second or subsequent conviction
4267 under this subsection (2), the person shall be sentenced to
4268 imprisonment for life.

4269 (e) For the purposes of this subsection (2), "bodily
4270 harm" means any bodily injury to a child and includes, but is not
4271 limited to, bruising, bleeding, lacerations, soft tissue swelling,
4272 and external or internal swelling of any body organ.

4273 (f) For the purposes of this subsection (2), "serious
4274 bodily harm" means any serious bodily injury to a child and
4275 includes, but is not limited to, the fracture of a bone, permanent
4276 disfigurement, permanent scarring, or any internal bleeding or



4277 internal trauma to any organ, any brain damage, any injury to the
4278 eye or ear of a child or other vital organ, and impairment of any
4279 bodily function.

4280 (g) Nothing contained in paragraph (c) of this
4281 subsection shall preclude a parent or guardian from disciplining a
4282 child of that parent or guardian, or shall preclude a person in
4283 loco parentis to a child from disciplining that child, if done in
4284 a reasonable manner, and reasonable corporal punishment or
4285 reasonable discipline as to that parent or guardian's child or
4286 child to whom a person stands in loco parentis shall be a defense
4287 to any violation charged under paragraph (c) of this subsection.

4288 (h) Reasonable discipline and reasonable corporal
4289 punishment shall not be a defense to acts described in paragraphs
4290 (a) and (b) of this subsection or if a child suffers serious
4291 bodily harm as a result of any act prohibited under paragraph (c)
4292 of this subsection.

4293 (3) Nothing contained in this section shall prevent
4294 proceedings against the parent, guardian or other person under any
4295 statute of this state or any municipal ordinance defining any act
4296 as a crime or misdemeanor. Nothing in the provisions of this
4297 section shall preclude any person from having a right to trial by
4298 jury when charged with having violated the provisions of this
4299 section.

4300 (4) (a) A parent, legal guardian or caretaker who endangers
4301 a child's person or health by knowingly causing or permitting the



4302 child to be present where any person is selling, manufacturing or
4303 possessing immediate precursors or chemical substances with intent
4304 to manufacture, sell or possess a controlled substance as
4305 prohibited under Section 41-29-139 or 41-29-313, is guilty of
4306 child endangerment and may be sentenced to imprisonment for not
4307 more than ten (10) years or to payment of a fine of not more than
4308 Ten Thousand Dollars (\$10,000.00), or both.

4309 (b) If the endangerment results in substantial harm to
4310 the child's physical, mental or emotional health, the person may
4311 be sentenced to imprisonment for not more than twenty (20) years
4312 or to payment of a fine of not more than Twenty Thousand Dollars
4313 (\$20,000.00), or both.

4314 (5) Nothing contained in this section shall prevent
4315 proceedings against the parent, guardian or other person under any
4316 statute of this state or any municipal ordinance defining any act
4317 as a crime or misdemeanor. Nothing in the provisions of this
4318 section shall preclude any person from having a right to trial by
4319 jury when charged with having violated the provisions of this
4320 section.

4321 (6) After consultation with the Department of * * * Child
4322 Protection Services, a regional mental health center or an
4323 appropriate professional person, a judge may suspend imposition or
4324 execution of a sentence provided in subsections (1) and (2) of
4325 this section and in lieu thereof require treatment over a
4326 specified period of time at any approved public or private



4327 treatment facility. A person may be eligible for treatment in
4328 lieu of criminal penalties no more than one (1) time.

4329 (7) In any proceeding resulting from a report made pursuant
4330 to Section 43-21-353 of the Youth Court Law, the testimony of the
4331 physician making the report regarding the child's injuries or
4332 condition or cause thereof shall not be excluded on the ground
4333 that the physician's testimony violates the physician-patient
4334 privilege or similar privilege or rule against disclosure. The
4335 physician's report shall not be considered as evidence unless
4336 introduced as an exhibit to his testimony.

4337 (8) Any criminal prosecution arising from a violation of
4338 this section shall be tried in the circuit, county, justice or
4339 municipal court having jurisdiction; provided, however, that
4340 nothing herein shall abridge or dilute the contempt powers of the
4341 youth court.

4342 **SECTION 102.** Section 99-41-17, Mississippi Code of 1972, is
4343 amended as follows:

4344 99-41-17. (1) Compensation shall not be awarded under this
4345 chapter:

4346 (a) Unless the criminally injurious conduct occurred
4347 after July 1, 1991;

4348 (b) Unless the claim has been filed with the director
4349 within thirty-six (36) months after the crime occurred, or in
4350 cases of child sexual abuse, within thirty-six (36) months after
4351 the crime was reported to law enforcement or the Department



4352 of * * * Child Protection Services, but in no event later than the
4353 victim's twenty-fifth birthday. For good cause, the director may
4354 extend the time period allowed for filing a claim for an
4355 additional period not to exceed twelve (12) months;

4356 (c) To a claimant or victim who was the offender or an
4357 accomplice to the offender, or, except in cases of children under
4358 the age of consent as specified in Section 97-3-65, 97-3-97 or
4359 97-5-23, Mississippi Code of 1972, who encouraged or in any way
4360 knowingly participated in criminally injurious conduct;

4361 (d) To another person, if the award would unjustly
4362 benefit the offender or accomplice;

4363 (e) Unless the criminally injurious conduct resulting
4364 in injury or death was reported to a law enforcement officer
4365 within seventy-two (72) hours after its occurrence or unless it is
4366 found that there was good cause for the failure to report within
4367 such time;

4368 (f) To any claimant or victim when the injury or death
4369 occurred while the victim was confined in any federal, state,
4370 county or city jail or correctional facility;

4371 (g) If the victim was injured as a result of the
4372 operation of a motor vehicle, boat or airplane, unless the vehicle
4373 was used by the offender (i) while under the influence of alcohol
4374 or drugs, (ii) as a weapon in the deliberate attempt to injure or
4375 cause the death of the victim, (iii) in a hit-and-run accident by
4376 leaving the scene of an accident as specified in Section 63-3-401,



4377 (iv) to flee apprehension by law enforcement as specified in
4378 Sections 97-9-72 and 97-9-73, or (v) causes any injury to a child
4379 who is in the process of boarding or exiting a school bus in the
4380 course of a violation of Section 63-3-615;

4381 (h) If, following the filing of an application, the
4382 claimant failed to take further steps as required by the division
4383 to support the application within forty-five (45) days of such
4384 request made by the director or failed to otherwise cooperate with
4385 requests of the director to determine eligibility, unless failure
4386 to provide information was beyond the control of the claimant;

4387 (i) To a claimant or victim who, subsequent to the
4388 injury for which application is made, is convicted of any felony,
4389 and the conviction becomes known to the director;

4390 (j) To any claimant or victim who has been under the
4391 actual or constructive supervision of a department of corrections
4392 for a felony conviction within five (5) years prior to the injury
4393 or death for which application has been made;

4394 (k) To any claimant or victim who, at the time of the
4395 criminally injurious conduct upon which the claim for compensation
4396 is based, engaged in conduct unrelated to the crime upon which the
4397 claim for compensation is based that either was (i) a felony, or
4398 (ii) a delinquent act which, if committed by an adult, would
4399 constitute a felony;



4400 (1) To any claimant or victim who knowingly furnishes
4401 any false or misleading information or knowingly fails or omits to
4402 disclose a material fact or circumstance.

4403 (2) Compensation otherwise payable to a claimant shall be
4404 diminished to the extent:

4405 (a) That the economic loss is recouped from other
4406 sources, including collateral sources; and

4407 (b) Of the degree of responsibility for the cause of
4408 injury or death attributable to the victim or claimant.

4409 (3) Upon a finding that the claimant or victim has not fully
4410 cooperated with appropriate law enforcement agencies and
4411 prosecuting attorneys, an award of compensation may be denied,
4412 withdrawn or reduced.

4413 (4) Compensation otherwise payable to a claimant or victim
4414 may be denied or reduced to a claimant or victim who, at the time
4415 of the crime upon which the claim for compensation is based, was
4416 engaging in or attempting to engage in other unlawful activity
4417 unrelated to the crime upon which the claim for compensation is
4418 based.

4419 **SECTION 103.** Sections 43-1-51, 43-1-53, 43-1-57, 43-1-59,
4420 43-1-63, 43-51-1, 43-51-9, Mississippi Code of 1972, which created
4421 the Division of Family and Children's Services within the
4422 Department of Human Services, provides the title for the Family
4423 Preservation Act, and requires an ongoing evaluation and report on
4424 family preservation services, are repealed.



4425 **SECTION 104.** This act shall take effect and be in force from
4426 and after July 1, 2023.

