

By: Representatives Cockerham, Anthony,  
Stamps

To: Judiciary A

HOUSE BILL NO. 1149  
(As Sent to Governor)

1 AN ACT TO PROVIDE A CLEAR PATH TO PERMANENCY FOR CHILDREN IN  
2 THE CUSTODY OF THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO  
3 AMEND SECTION 43-21-201, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
4 CHILDREN ALLEGED TO HAVE BEEN ABUSED OR NEGLECTED SHALL BE A PARTY  
5 AND SHALL BE REPRESENTED BY COUNSEL; TO PROVIDE THAT A PARTY'S  
6 RIGHT TO REPRESENTATION SHALL EXTEND TO SHELTER HEARINGS; TO  
7 PROVIDE THAT THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE  
8 A NECESSARY PARTY AT ALL STAGES OF THE PROCEEDINGS INVOLVING A  
9 CHILD FOR WHOM THE DEPARTMENT HAS CUSTODY INCLUDING, BUT NOT  
10 LIMITED TO, SHELTER, ADJUDICATORY, DISPOSITION AND PERMANENCY  
11 HEARINGS; TO AMEND SECTION 43-21-501, MISSISSIPPI CODE OF 1972, TO  
12 REQUIRE THE YOUTH COURT TO ISSUE A SUMMONS TO THE DEPARTMENT OF  
13 CHILD PROTECTION SERVICES IF A PETITION IS FILED THAT INVOLVES A  
14 CHILD FOR WHOM THE DEPARTMENT HAS CUSTODY OF OR MAY BE AWARDED  
15 CUSTODY OF; TO AMEND SECTION 43-21-701, MISSISSIPPI CODE OF 1972,  
16 TO ADD ADDITIONAL MEMBERS TO THE MISSISSIPPI COMMISSION ON A  
17 UNIFORM YOUTH COURT SYSTEM AND PROCEDURES; TO REVISE THE QUORUM OF  
18 THE COMMISSION; TO AMEND SECTION 43-21-703, MISSISSIPPI CODE OF  
19 1972, TO PROVIDE THAT THE COMMISSION SHALL FILE A REPORT WITH THE  
20 LEGISLATURE ON OR BEFORE A CERTAIN DATE; TO AMEND SECTION  
21 93-15-107, MISSISSIPPI CODE OF 1972, TO REQUIRE THE CLERK TO  
22 DOCKET TERMINATION-OF-PARENTAL-RIGHTS CASES AS PRIORITY CASES ON  
23 THE COURT'S DOCKET; TO REQUIRE IMMEDIATE NOTIFICATION TO THE  
24 ASSIGNED JUDGE UPON FILING; TO AMEND SECTION 93-17-3, MISSISSIPPI  
25 CODE OF 1972, TO PROVIDE THAT FOR ADOPTION PROCEEDINGS THE  
26 CHANCERY COURT HAS ORIGINAL EXCLUSIVE JURISDICTION OVER ALL  
27 ADOPTION PROCEEDINGS EXCEPT WHEN A COUNTY COURT SITTING AS A YOUTH  
28 COURT HAS ACQUIRED JURISDICTION OF A CHILD IN AN ABUSE OR NEGLECT  
29 PROCEEDING; TO PROVIDE THAT THE COUNTY COURT SHALL HAVE ORIGINAL  
30 EXCLUSIVE JURISDICTION TO HEAR A PETITION FOR ADOPTION OF A CHILD  
31 IN AN ABUSE OR NEGLECT PROCEEDING; TO REQUIRE THE CLERK TO DOCKET  
32 ADOPTION PROCEEDINGS AS PRIORITY CASES ON THE COURT'S DOCKET; TO  
33 REQUIRE IMMEDIATE NOTIFICATION TO THE ASSIGNED JUDGE UPON FILING;  
34 TO PROVIDE THAT FROM AND AFTER JULY 1, 2023, THE DEPARTMENT OF



35 CHILD PROTECTION SERVICES SHALL BE A STATE AGENCY SEPARATE AND  
36 APART FROM THE DEPARTMENT OF HUMAN SERVICES AND NOT A SUBAGENCY  
37 HOUSED WITHIN THE DEPARTMENT OF HUMAN SERVICES, AND SHALL HAVE  
38 SUCH POWERS AND DUTIES AND PERFORM SUCH FUNCTIONS THAT ARE  
39 ASSIGNED TO THE DEPARTMENT OF CHILD PROTECTION SERVICES BY STATE  
40 LAW; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, AND TO  
41 CREATE NEW SECTIONS 43-26-5, 43-26-7, 43-26-9, 43-26-11, 43-26-13,  
42 43-26-15, 43-26-17, 43-26-19, 43-26-21 AND 43-26-23, MISSISSIPPI  
43 CODE OF 1972, TO PRESCRIBE THE POWERS AND DUTIES OF THE DEPARTMENT  
44 OF CHILD PROTECTION SERVICES AND THE COMMISSIONER OF CHILD  
45 PROTECTION SERVICES; TO AMEND SECTIONS 11-46-1, 11-46-8, 25-1-109,  
46 27-104-203, 37-31-107, 37-106-69, 37-115-43, 41-3-18, 41-67-12,  
47 41-87-5, 41-101-1, 43-1-9, 43-1-101, 43-14-1, 43-14-5, 43-15-3,  
48 43-15-5, 43-15-6, 43-15-7, 43-15-11, 43-15-15, 43-15-19, 43-15-21,  
49 43-15-23, 43-15-103, 43-15-105, 43-15-107, 43-15-109, 43-15-113,  
50 43-15-115, 43-15-117, 43-15-119, 43-15-121, 43-15-125, 43-15-201,  
51 43-15-203, 43-15-207, 43-16-3, 43-16-7, 43-18-3, 43-18-5,  
52 43-21-351, 43-21-354, 43-21-357, 43-21-405, 43-21-603, 43-21-609,  
53 43-21-801, 43-27-101, 43-27-103, 43-27-109, 43-27-113, 43-27-115,  
54 43-27-117, 43-27-119, 43-43-5, 43-51-3, 43-51-5, 43-51-7,  
55 45-33-36, 57-13-23, 93-5-23, 93-17-5, 93-17-8, 93-17-11, 93-17-12,  
56 93-17-53, 93-17-57, 93-17-59, 93-17-61, 93-17-63, 93-17-65,  
57 93-17-101, 93-17-103, 93-17-107, 93-17-109, 93-17-203, 93-17-209,  
58 93-21-305, 93-21-307, 93-21-309, 93-21-311, 93-31-3, 97-5-24,  
59 97-5-39 AND 99-41-17, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
60 PRECEDING PROVISIONS; TO AMEND SECTION 93-17-11, MISSISSIPPI CODE  
61 OF 1972, TO AUTHORIZE A COURT TO ORDER A HOME STUDY IF NECESSARY  
62 IN CERTAIN ADOPTIONS; TO AMEND SECTION 93-17-25, MISSISSIPPI CODE  
63 OF 1972, TO PROHIBIT CERTAIN PERSONS FROM DISCLOSING INFORMATION  
64 RECEIVED DURING CLOSED ADOPTION HEARINGS OR FROM RECORDS  
65 PERTAINING TO ADOPTION PROCEEDINGS; TO REPEAL SECTIONS 43-1-51,  
66 43-1-53, 43-1-57, 43-1-59, 43-1-63, 43-51-1 AND 43-51-9,  
67 MISSISSIPPI CODE OF 1972, WHICH CREATED THE DIVISION OF FAMILY AND  
68 CHILDREN'S SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES,  
69 PROVIDES THE TITLE FOR THE FAMILY PRESERVATION ACT, AND REQUIRES  
70 AN ONGOING EVALUATION AND REPORT ON FAMILY PRESERVATION SERVICES;  
71 AND FOR RELATED PURPOSES.

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

73 **SECTION 1.** Section 43-21-201, Mississippi Code of 1972, is  
74 amended as follows:

75 43-21-201. (1) (a) Each party shall have the right to be  
76 represented by counsel at all stages of the proceedings including,  
77 but not limited to, detention, shelter, adjudicatory and



78 disposition hearings and parole or probation revocation  
79 proceedings.

80           **(b)** In delinquency matters the court shall appoint  
81 legal defense counsel who is not also a guardian ad litem for the  
82 same child. If the party is a child, the child shall be  
83 represented by counsel at all critical stages: detention,  
84 adjudicatory and disposition hearings; parole or probation  
85 revocation proceedings; and post-disposition matters. If  
86 indigent, the child shall have the right to have counsel appointed  
87 for him by the youth court.

88           **(c)** A child who is alleged to have been abused or  
89 neglected shall be deemed to be a party to the proceedings under  
90 this chapter. The child shall be represented by an attorney at  
91 all stages of any proceedings held pursuant to this chapter. The  
92 court shall appoint an attorney to any child who is unrepresented.

93           The guardian ad litem may serve a dual role as long as no  
94 conflict of interest is present. If a conflict of interest  
95 arises, the guardian ad litem shall inform the Youth Court of the  
96 conflict and the youth court shall retain the guardian ad litem to  
97 represent the best interest of the child and appoint an attorney  
98 to represent the child's preferences as required by Uniform Rule  
99 of Youth Court Practice 13(f).

100           (2) When a party first appears before the youth court, the  
101 judge shall ascertain whether he is represented by counsel and, if  
102 not, inform him of his rights including his right to counsel. If



103 the court determines that a parent or guardian who is a party in  
104 an abuse, neglect or termination of parental rights proceeding is  
105 indigent, the youth court judge may appoint counsel to represent  
106 the indigent parent or guardian in the proceeding.

107 (3) An attorney appointed to represent a \* \* \* child shall  
108 be required to complete annual juvenile justice training that is  
109 approved by the Mississippi Office of State Public Defender and  
110 the Mississippi Commission on Continuing Legal Education. An  
111 attorney appointed to represent a parent or guardian in an abuse,  
112 neglect or termination of parental rights proceeding shall be  
113 required to complete annual training that is approved by the  
114 Office of State Public Defender and the Mississippi Commission on  
115 Continuing Legal Education. The Mississippi Office of State  
116 Public Defender and the Mississippi Commission on Continuing Legal  
117 Education shall determine the amount of juvenile justice training  
118 and continuing education required to fulfill the requirements of  
119 this subsection. The State Public Defender shall maintain a roll  
120 of attorneys who have complied with the training requirements and  
121 shall enforce the provisions of this subsection. Should an  
122 attorney fail to complete the annual training requirement or fail  
123 to attend the required training within six (6) months of being  
124 appointed to a youth court case, the attorney shall be  
125 disqualified to serve and the youth court shall immediately  
126 terminate the representation and appoint another attorney.



127 Attorneys appointed by a youth court to five (5) or fewer cases a  
128 year are exempt from the requirements of this subsection.

129 (4) The child's attorney shall owe the same duties of  
130 undivided loyalty, confidentiality and competent representation to  
131 the child or minor as is due an adult client pursuant to the  
132 Mississippi Rules of Professional Conduct.

133 (5) An attorney shall enter his appearance on behalf of a  
134 party in the proceeding by filing a written notice of appearance  
135 with the youth court, by filing a pleading, notice or motion  
136 signed by counsel or by appearing in open court and advising the  
137 youth court that he is representing a party. After counsel has  
138 entered his appearance, he shall be served with copies of all  
139 subsequent pleadings, motions and notices required to be served on  
140 the party he represents. An attorney who has entered his  
141 appearance shall not be permitted to withdraw from the case until  
142 a timely appeal, if any, has been decided, except by leave of the  
143 court then exercising jurisdiction of the cause after notice of  
144 his intended withdrawal is served by him on the party he  
145 represents.

146 (6) Each designee appointed by a youth court judge shall be  
147 subject to the Code of Judicial Conduct and shall govern himself  
148 or herself accordingly.

149 (7) The Department of Child Protection Services shall be a  
150 necessary party at all stages of the proceedings involving a child  
151 for whom the department has custody, including, but not limited



152 to, shelter, adjudicatory, disposition, permanency hearings and  
153 termination of parental rights.

154 **SECTION 2.** Section 43-21-501, Mississippi Code of 1972, is  
155 amended as follows:

156 43-21-501. When a petition has been filed and the date of  
157 hearing has been set by the youth court, the judge or his designee  
158 shall order the clerk of the youth court to issue a summons to the  
159 following to appear personally at such hearing:

160 (a) The child named in the petition;

161 (b) The person or persons who have custody or control  
162 of the child;

163 (c) The parent or guardian of the child if such parent  
164 or guardian does not have custody of the child; \* \* \*

165 (d) The Department of Child Protection Services; and

166 ( \* \* \* e) Any other person whom the court deems  
167 necessary.

168 **SECTION 3.** Section 43-21-701, Mississippi Code of 1972, is  
169 amended as follows:

170 43-21-701. (1) There is \* \* \* established the Mississippi  
171 Commission on a Uniform Youth Court System and Procedures. The  
172 commission shall consist of the following \* \* \* twenty-one (21)  
173 members:

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



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

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

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

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

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

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

189 (h) The directors of the following state agencies or  
190 their designated representatives: the Mississippi Department  
191 of \* \* \* Human Services and the Mississippi Department of \* \* \*  
192 Child Protection Services;

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

195 (j) \* \* \* Two (2) employees, other than the \* \* \*  
196 commissioner, of the Department of \* \* \* Child Protection Services  
197 who \* \* \* are supervisors of social workers primarily assigned to  
198 youth cases, appointed by the Governor;

199 (k) One (1) employee, other than the commissioner, of  
200 the Department of Child Protection Services who is experienced



201 with the legal process of youth court cases, appointed by the  
202 Governor;

203 ( \* \* \*l) One (1) municipal police chief, appointed by  
204 the Governor;

205 ( \* \* \*m) One (1) county sheriff, appointed by the  
206 Governor;

207 ( \* \* \*n) Two (2) lawyers experienced in youth court  
208 work, appointed by the Governor; and

209 ( \* \* \*o) Two (2) prosecuting attorneys who prosecute  
210 cases in youth court, appointed by the Governor.

211 (2) The members shall be appointed to the commission within  
212 fifteen (15) days of the effective date of Sections 43-21-701 and  
213 43-21-703 and shall serve until the end of their respective terms  
214 of office, if applicable, or until October 1, \* \* \* 2024,  
215 whichever occurs first. Vacancies on the commission shall be  
216 filled in the manner of the original appointment. Members shall  
217 be eligible for reappointment provided that upon such  
218 reappointment they meet the qualifications required of a new  
219 appointee.

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

223 (4) The commission shall adopt rules and regulations  
224 governing times and places for meetings and governing the manner  
225 of conducting its business. \* \* \* Twelve (12) or more members





226 shall constitute a quorum for the purpose of conducting any  
227 business of the commission; provided, however, a vote of not less  
228 than \* \* \* fourteen (14) members shall be required for any  
229 recommendations to the Legislature.

230 (5) Members of the commission shall serve without  
231 compensation, except that state and county employees and officers  
232 shall receive any per diem as authorized by law from  
233 appropriations available to their respective agencies or political  
234 subdivisions. All commission members shall be entitled to receive  
235 reimbursement for any actual and reasonable expenses incurred as a  
236 necessary incident to service on the commission, including mileage  
237 as provided by law.

238 (6) The commission may select and employ a research director  
239 who shall perform the duties which the commission directs, which  
240 duties shall include the hiring of such other employees for the  
241 commission as the commission may approve. The research director  
242 and all other employees of the commission shall be in the state  
243 service and their salaries shall be established by the commission  
244 subject to approval by the State Personnel Board. Employees of  
245 the commission shall be reimbursed for the expenses necessarily  
246 incurred in the performance of their official duties in the same  
247 manner as other state employees. The commission may also employ  
248 any consultants it deems necessary, including consultants to  
249 compile any demographic data needed to accomplish the duties of  
250 the commission.



251 (7) The Governor's Office of Federal-State Programs shall  
252 support the Commission on a Uniform Youth Court System and shall  
253 act as agent for any funds made available to the commission for  
254 its use. In order to expedite the implementation of the  
255 Commission on a Uniform Youth Court System, any funds available to  
256 the Governor's Office of Federal-State Programs for the \* \* \*  
257 2023-2024 fiscal year may be expended for the purpose of defraying  
258 the expenses of the commission created herein.

259 (8) The commission may contract for suitable office space in  
260 accordance with the provisions of Section 29-5-2, Mississippi Code  
261 of 1972. In addition, the commission may utilize, with their  
262 consent, the services, equipment, personnel, information and  
263 resources of other state agencies; and may accept voluntary and  
264 uncompensated services, contract with individuals, public and  
265 private agencies, and request information, reports and data from  
266 any agency of the state, or any of its political subdivisions, to  
267 the extent authorized by law.

268 (9) In order to conduct and carry out its purposes, duties  
269 and related activities as provided for in this section and Section  
270 43-21-703, the commission is authorized to apply for and accept  
271 gifts, grants, subsidies and other funds from persons,  
272 corporations, foundations, the United States government or other  
273 entities, provided that the receipt of such gifts, grants,  
274 subsidies and funds shall be reported and otherwise accounted for  
275 in the manner provided by law.



276           **SECTION 4.** Section 43-21-703, Mississippi Code of 1972, is  
277 amended as follows:

278           43-21-703. (1) The commission shall study the youth court  
279 system in Mississippi, and prepare a report including any proposed  
280 changes in the youth court system and/or its procedures. It shall  
281 submit the report to the Legislature, on or before October  
282 1, \* \* \* 2024, along with a report detailing any legislation which  
283 may be needed to implement the plan. In preparing the report, the  
284 commission shall evaluate the existing juvenile services in the  
285 state and may recommend changes in the organizational concepts,  
286 institutions, laws and resources.

287           (2) In formulating its report, the commission shall take  
288 into consideration the following:

289                   (a) Whether a uniform statewide youth court system  
290 would be desirable;

291                   (b) How best the service needs of the state could be  
292 met in relation to the taxing and resource capacity of various  
293 multi-county districts now existing or proposed;

294                   (c) Whether counties in a given service area or  
295 district may develop district shelters, detention centers and  
296 diagnostic centers to serve a multi-county area; and

297                   (d) What proposals or alternatives would update or  
298 modernize the system to provide staffing for all counties and  
299 citizens.



300 (3) The commission, in addition to recommending the plan  
301 described in this section, shall serve as a clearinghouse and  
302 information center for the collection, preparation, analysis and  
303 dissemination of information on the youth court system in  
304 Mississippi and shall conduct ongoing research relating to the  
305 improvement of the youth court system. Pursuant to its duties  
306 under this subsection, the commission may request the regular  
307 submission to it of such reports, information and statistics by  
308 the courts, judges, prosecuting attorneys and agencies of this  
309 state which the commission deems necessary for the development of  
310 its reports.

311 **SECTION 5.** Section 93-15-107, Mississippi Code of 1972, is  
312 amended as follows:

313 93-15-107. (1) (a) Involuntary termination of parental  
314 rights proceedings are commenced upon the filing of a petition  
315 under this chapter. The petition may be filed by any interested  
316 person, or any agency, institution or person holding custody of  
317 the child. The simultaneous filing of a petition for adoption is  
318 not a prerequisite for filing a petition under this chapter.

319 (b) The proceeding shall be triable, either in term  
320 time or vacation, thirty (30) days after personal service of  
321 process to any necessary party or, for a necessary party whose  
322 address is unknown after diligent search, thirty (30) days after  
323 the date of the first publication of service of process by



324 publication that complies with the Mississippi Rules of Civil  
325 Procedure.

326 (c) Necessary parties to a termination of parental  
327 rights action shall include the mother of the child, the legal  
328 father of the child, the putative father of the child when known,  
329 and any agency, institution or person holding custody of the  
330 child. The absence of a necessary party who has been properly  
331 served does not preclude the court from conducting the hearing or  
332 rendering a final judgment.

333 (d) A guardian ad litem shall be appointed to protect  
334 the best interest of the child, except that the court, in its  
335 discretion, may waive this requirement when a parent executes a  
336 written voluntary release to terminate parental rights. The  
337 guardian ad litem fees shall be determined and assessed in the  
338 discretion of the court.

339 (2) Voluntary termination of parental rights by written  
340 voluntary release is governed by Section 93-15-111.

341 (3) In all cases involving termination of parental rights, a  
342 minor parent shall be served with process as an adult.

343 (4) The court may waive service of process if an adoptive  
344 child was born in a foreign country, put up for adoption in the  
345 birth country, and has been legally admitted into this country.

346 (5) The clerk shall docket cases seeking relief under this  
347 chapter as priority cases. The assigned judge shall be



348 immediately notified when a case is filed in order to provide for  
349 expedited proceedings.

350 **SECTION 6.** Section 93-17-3, Mississippi Code of 1972, is  
351 amended as follows:

352 93-17-3. (1) Except as otherwise provided in this section,  
353 a court of this state has jurisdiction over a proceeding for the  
354 adoption or readoption of a minor commenced under this chapter if:

355 (a) Immediately before commencement of the proceeding,  
356 the minor lived in this state with a parent, a guardian, a  
357 prospective adoptive parent or another person acting as parent,  
358 for at least six (6) consecutive months, excluding periods of  
359 temporary absence, or, in the case of a minor under six (6) months  
360 of age, lived in this state from soon after birth with any of  
361 those individuals and there is available in this state substantial  
362 evidence concerning the minor's present or future care;

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

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



371 (i) The minor and the minor's parents, or the  
372 minor and the prospective adoptive parent, have a significant  
373 connection with this state; and

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

376 (d) The minor and the prospective adoptive parent or  
377 parents are physically present in this state and the minor has  
378 been abandoned or it is necessary in an emergency to protect the  
379 minor because the minor has been subjected to or threatened with  
380 mistreatment or abuse or is otherwise neglected, and the  
381 prospective adoptive parent or parents, if not residing in  
382 Mississippi, have completed and provided the court with a  
383 satisfactory Interstate Compact for Placement of Children (ICPC)  
384 home study and accompanying forms, unless the court determines  
385 that the home study is not necessary in the case of an adoption by  
386 a stepparent or a relative or in the case of an adoption in a  
387 foster-to-adopt placement;

388 (e) It appears that no other state would have  
389 jurisdiction under prerequisites substantially in accordance with  
390 paragraphs (a) through (d), or another state has declined to  
391 exercise jurisdiction on the ground that this state is the more  
392 appropriate forum to hear a petition for adoption of the minor,  
393 and it is in the best interest of the minor that a court of this  
394 state assume jurisdiction; or



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

399 (2) A court of this state may not exercise jurisdiction over  
400 a proceeding for adoption of a minor if, at the time the petition  
401 for adoption is filed, a proceeding concerning the custody or  
402 adoption of the minor is pending in a court of another state  
403 exercising jurisdiction substantially in conformity with the  
404 Uniform Child Custody Jurisdiction Act or this section unless the  
405 proceeding is stayed by the court of the other state.

406 (3) If a court of another state has issued a decree or order  
407 concerning the custody of a minor who may be the subject of a  
408 proceeding for adoption in this state, a court of this state may  
409 not exercise jurisdiction over a proceeding for adoption of the  
410 minor unless:

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

413 (i) Does not have continuing jurisdiction to  
414 modify the decree or order under jurisdictional prerequisites  
415 substantially in accordance with the Uniform Child Custody  
416 Jurisdiction Act or has declined to assume jurisdiction to modify  
417 the decree or order; or

418 (ii) Does not have jurisdiction over a proceeding  
419 for adoption substantially in conformity with subsection (1)(a)





420 through (d) or has declined to assume jurisdiction over a  
421 proceeding for adoption; and

422 (b) The court of this state has jurisdiction over the  
423 proceeding.

424 (4) Any person may be adopted in accordance with the  
425 provisions of this chapter in term time or in vacation by an  
426 unmarried adult, by a married person whose spouse joins in the  
427 petition, by a married person whose spouse does not join in the  
428 petition because such spouse does not cohabit or reside with the  
429 petitioning spouse, and in any circumstances determined by the  
430 court that the adoption is in the best interest of the child.  
431 Only the consenting adult will be a legal parent of the child.  
432 The adoption shall be by sworn petition filed in the chancery  
433 court of the county in which the adopting petitioner or  
434 petitioners reside or in which the child to be adopted resides or  
435 was born, or was found when it was abandoned or deserted, or in  
436 which the home is located to which the child has been surrendered  
437 by a person authorized to so do. The petition shall be  
438 accompanied by a doctor's or nurse practitioner's certificate  
439 showing the physical and mental condition of the child to be  
440 adopted and a sworn statement of all property, if any, owned by  
441 the child. In addition, the petition shall be accompanied by  
442 affidavits of the petitioner or petitioners stating the amount of  
443 the service fees charged by any adoption agencies or adoption  
444 facilitators used by the petitioner or petitioners and any other



445 expenses paid by the petitioner or petitioners in the adoption  
446 process as of the time of filing the petition. If the doctor's or  
447 nurse practitioner's certificate indicates any abnormal mental or  
448 physical condition or defect, the condition or defect shall not,  
449 in the discretion of the chancellor, bar the adoption of the child  
450 if the adopting parent or parents file an affidavit stating full  
451 and complete knowledge of the condition or defect and stating a  
452 desire to adopt the child, notwithstanding the condition or  
453 defect. The court shall have the power to change the name of the  
454 child as a part of the adoption proceedings. The word "child" in  
455 this section shall be construed to refer to the person to be  
456 adopted, though an adult.

457 (5) No person may be placed in the home of or adopted by the  
458 prospective adopting parties before a court-ordered or voluntary  
459 home study is satisfactorily completed by a licensed adoption  
460 agency, a licensed, experienced social worker approved by the  
461 chancery court, a court-appointed guardian ad litem that has  
462 knowledge or training in conducting home studies if so directed by  
463 the court, or by the Department of \* \* \* Child Protection Services  
464 on the prospective adoptive parties if required by Section  
465 93-17-11.

466 (6) No person may be adopted by a person or persons who  
467 reside outside the State of Mississippi unless the provisions of  
468 the Interstate Compact for Placement of Children (Section 43-18-1  
469 et seq.) have been complied with. In such cases Forms 100A, 100B



470 (if applicable) and evidence of Interstate Compact for Placement  
471 of Children approval shall be added to the permanent adoption  
472 record file within one (1) month of the placement, and a minimum  
473 of two (2) post-placement reports conducted by a licensed  
474 child-placing agency shall be provided to the Mississippi  
475 Department of Child Protection Services Interstate Compact for  
476 Placement of Children office.

477 (7) No person may be adopted unless the provisions of the  
478 Indian Child Welfare Act (ICWA) have been complied with, if  
479 applicable. When applicable, proof of compliance shall be  
480 included in the court adoption file prior to finalization of the  
481 adoption. If not applicable, a written statement or paragraph in  
482 the petition for adoption shall be included in the adoption  
483 petition stating that the provisions of ICWA do not apply before  
484 finalization.

485 (8) The readoption of a child who has automatically acquired  
486 United States citizenship following an adoption in a foreign  
487 country and who possesses a Certificate of Citizenship in  
488 accordance with the Child Citizenship Act, CAA, Public Law  
489 106-395, may be given full force and effect in a readoption  
490 proceeding conducted by a court of competent jurisdiction in this  
491 state by compliance with the Mississippi Registration of Foreign  
492 Adoptions Act, Article 9 of this chapter.

493 (9) For adult adoptees who consent to the adoption, a  
494 chancellor may waive any of the petition requirements and



495 procedural requirements within subsections (4), (5), (6) and (7)  
496 of this section.

497 (10) The clerk shall docket cases seeking relief under this  
498 chapter as priority cases. The assigned judge shall be  
499 immediately notified when a case is filed in order to provide for  
500 expedited proceedings.

501 Once the petition for termination of parental rights is filed  
502 with the court of competent jurisdiction, the court shall hold a  
503 hearing on the petition within one hundred twenty (120) calendar  
504 days of the date the petition is filed. For purposes of this  
505 section, the one hundred twenty (120) calendar day time period  
506 will commence when perfected service is made on the parents.

507 **SECTION 7.** Section 43-26-1, Mississippi Code of 1972, is  
508 amended as follows:

509 43-26-1. (1) There is \* \* \* created a Mississippi  
510 Department of Child Protection Services.

511 (2) The Chief Administrative Officer of the Department of  
512 Child Protection Services shall be the Commissioner of Child  
513 Protection Services who shall be appointed by the Governor with  
514 the advice and consent of the Senate. The commissioner shall  
515 possess the following qualifications:

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



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

522 \* \* \*

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

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

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

535 (c) To apply for, receive and expend any federal or  
536 state funds or contributions, gifts, devises, bequests or funds  
537 from any other source;

538 (d) To enter into and execute contracts, grants and  
539 cooperative agreements with any federal or state agency or  
540 subdivision thereof, or any public or private institution located  
541 inside or outside the State of Mississippi, or any person,  
542 corporation or association in connection with carrying out the  
543 programs of the department; and



544           (e) To discharge such other duties, responsibilities,  
545 and powers as are necessary to implement the programs of the  
546 department.

547           (4) The commissioner shall establish the organizational  
548 structure of the Department of Child Protection Services, which  
549 shall include the creation of any units necessary to implement the  
550 duties assigned to the department and consistent with specific  
551 requirements of law.

552           (5) The commissioner shall appoint heads of offices,  
553 bureaus, and divisions, as defined in Section 7-17-11, who shall  
554 serve at the pleasure of the commissioner. The salary and  
555 compensation of such office, bureau and division heads shall be  
556 subject to the rules and regulations adopted and promulgated by  
557 the State Personnel Board. The commissioner shall have the  
558 authority to organize offices as deemed appropriate to carry out  
559 the responsibilities of the department.

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

563                   (a) Protective services for children;

564                   (b) Foster care;

565                   (c) Adoption services;

566                   (d) Special services;

567                   (e) Interstate compact;

568                   (f) Licensure;



569           (g) Prevention services; and  
570           (h) Such other services as may be designated. Services  
571 enumerated under Section 43-15-13 et seq., for the foster care  
572 program shall be provided by qualified staff with appropriate case  
573 loads.

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

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

578           (b) To promote integration of the many services and  
579 programs within its jurisdiction at the client level thus  
580 improving the efficiency and effectiveness of service delivery and  
581 providing easier access to clients;

582           (c) To employ personnel and expend funds appropriated  
583 to the department to carry out the duties and responsibilities  
584 assigned to the department by law;

585           (d) To fingerprint and conduct a background  
586 investigation on every employee, contractor, subcontractor and  
587 volunteer:

588           (i) Who has direct access to clients of the  
589 department who are children or vulnerable adults;

590           (ii) Who is in a position of fiduciary  
591 responsibility;

592           (iii) Who is in a position with access to Federal  
593 Tax Information (FTI); or



594 (iv) Who is otherwise required by federal law or  
595 regulations to undergo a background investigation.

596 Every such employee, contractor, subcontractor and volunteer  
597 shall provide a valid current social security number and/or  
598 driver's license number, which shall be furnished to conduct the  
599 background investigation for determination as to good moral  
600 character and to ensure that no person placed in any position  
601 referenced in this paragraph (d) has a felony conviction that  
602 would prevent employment or access to Federal Tax Information  
603 according to department policy. If no disqualifying record is  
604 identified at the state level, the fingerprints shall be forwarded  
605 to the Federal Bureau of Investigation for a fingerprint-based  
606 national criminal history record check. The department shall be  
607 the recipient of the results of any background investigation  
608 and/or criminal history record check performed in accordance with  
609 this paragraph;

610 (e) To establish and maintain programs not inconsistent  
611 with the terms of this chapter and the rules, regulations and  
612 policies of the Department of Child Protection Services, and  
613 publish the rules and regulations of the department pertaining to  
614 such programs;

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





618           (g) Make such reports in such form and containing such  
619 information as the federal government may, from time to time,  
620 require, and comply with such provisions as the federal government  
621 may, from time to time, find necessary to assure the correctness  
622 and verification of such reports.

623           ( \* \* \*8) The Mississippi Department of Child Protection  
624 Services shall submit a copy of the federal Annual Progress and  
625 Services Report (APSR) to the Chair of the Senate Public Health  
626 and Welfare Committee, the Chair of the Senate Appropriations  
627 Committee, the Chair of the House Public Health and Human Services  
628 Committee, the Chair of the House Appropriations Committee, the  
629 Lieutenant Governor, the Speaker of the House of Representatives,  
630 and the Governor by December 1 of each year.

631           ( \* \* \*9) (a) The Commissioner of Child Protection Services  
632 shall hire a Coordinator of Services for Victims of Human  
633 Trafficking and Commercial Sexual Exploitation within the  
634 Department of Child Protection Services whose duties shall  
635 include, but not be limited to, the following:

636                               (i) To form specialized human trafficking and  
637 commercial sexual exploitation assessment teams to respond on an  
638 as-needed basis to act as an emergency, separate and specialized  
639 response and assessment team to rapidly respond to the needs of  
640 children who are victims of human trafficking and commercial  
641 sexual exploitation;



642 (ii) To identify victims of human trafficking and  
643 commercial sexual exploitation;

644 (iii) To monitor, record and distribute federal  
645 human trafficking funds received by the Department of Child  
646 Protection Services;

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

649 (v) To develop and coordinate services within the  
650 Department of Child Protection Services and with outside service  
651 providers for victims of human trafficking and commercial sexual  
652 exploitation.

653 (b) The Commissioner of Child Protection Services shall  
654 develop standard operating procedures for the investigation,  
655 custody and services provided to alleged victims of human  
656 trafficking and commercial sexual exploitation.

657 (c) The Commissioner shall require two (2) hours of  
658 training regarding the subject of identifying, assessing, and  
659 providing comprehensive services to a child who has experienced or  
660 is alleged to have experienced commercial sexual exploitation or  
661 human trafficking. The training must be incorporated into the  
662 pre-service training requirements of all Mississippi Department of  
663 Child Protection Services family specialists, adoption  
664 specialists, licensure specialists, direct supervisors of family  
665 protection specialists, direct supervisors of adoption  
666 specialists, and direct supervisors of licensure specialists.



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

668 **SECTION 8.** The following shall be codified as Section  
669 43-26-5, Mississippi Code of 1972:

670 43-26-5. (1) The Department of Child Protection Services  
671 shall establish a record-keeping procedure to ensure that all  
672 referrals of neglect and/or abuse are accurately and adequately  
673 maintained for future or cross-reference.

674 (2) In addition to a toll-free abuse reporting telephone  
675 system, the department shall establish a uniform intake procedure  
676 for the receipt and referral to the appropriate personnel for  
677 investigation. The uniform intake procedure shall be made  
678 available to all appropriate agencies and the public in order to  
679 facilitate the necessary protective services.

680 **SECTION 9.** The following shall be codified as Section  
681 43-26-7, Mississippi Code of 1972:

682 43-26-7. The Department of Child Protection Services shall  
683 have the authority to use the services and resources of the State  
684 Department of Education, the State Department of Health, the State  
685 Department of Human Services, the State Department of Mental  
686 Health, Division of Medicaid, and all other appropriate state  
687 departments, agencies, institutions or political subdivisions as  
688 will aid in carrying out the purposes of this chapter. It shall  
689 be the duty of all such state departments, agencies and  
690 institutions to make available such services and resources to the  
691 department, including, but not necessarily limited to, such



692 services and resources as may be required to perform appropriate  
693 criminal history record checks on prospective foster and relative  
694 child placements for the purpose of preventing and detecting abuse  
695 and neglect.

696 **SECTION 10.** The following shall be codified as Section  
697 43-26-9, Mississippi Code of 1972:

698 43-26-9. It is the intent of the Legislature that the  
699 resources devoted to family and children's services and to public  
700 assistance programs be clearly delineated and that all resources  
701 intended for child protection and other related purposes be  
702 expended in service of that goal.

703 **SECTION 11.** The following shall be codified as Section  
704 43-26-11, Mississippi Code of 1972:

705 43-26-11. (1) There shall be created local offices of the  
706 Department of Child Protection Services in those locations  
707 throughout the state as determined by the commissioner. It shall  
708 be the duty of the board of supervisors of each county in which a  
709 local office is located to provide office space for the local  
710 offices.

711 The local office of the Department of Child Protection  
712 Services shall administer all forms of child welfare services with  
713 the exception of those administered by the Department of Human  
714 Services. The local offices shall comply with such regulations  
715 and submit such reports as may be established or required by the  
716 commissioner. Subject to the approval of the commissioner, the



717 local offices may cooperate with other departments, agencies and  
718 institutions, state and local, when so requested, in performing  
719 services in conformity with the provisions of this chapter.

720 (2) The Department of Child Protection Services may enter  
721 into a lease with each county board of supervisors in each county  
722 where a local office is located to allow the department to  
723 maximize the availability of federal funds. Fair market value for  
724 the county-furnished building will be established and the  
725 department shall pay the federal share for the rent to the county.  
726 All other expenses related to the operation of the local office  
727 shall be split between the department, providing the federal  
728 share, and the county, being responsible for the remainder or the  
729 state share. This includes, but is not limited to, electricity,  
730 water, gas, internet, and janitorial services and supplies. All  
731 maintenance and repairs of the local office shall be the  
732 responsibility of the county due to the prohibition of federal  
733 funds for improvements of real property.

734 **SECTION 12.** The following shall be codified as Section  
735 43-26-13, Mississippi Code of 1972:

736 43-26-13. The governing authority of any municipality or  
737 county in this state is authorized and empowered, in its  
738 discretion, to expend such funds as it deems necessary and  
739 desirable, from any available funds of the municipality or county,  
740 to: (a) match any state, federal or private funds available for  
741 any program administered by the Department of Child Protection



742 Services in this state; and/or (b) make a voluntary contribution  
743 to any such program.

744 **SECTION 13.** The following shall be codified as Section  
745 43-26-15, Mississippi Code of 1972:

746 43-26-15. The Department of Finance and Administration shall  
747 furnish office space for the Department of Child Protection  
748 Services in the City of Jackson and is authorized to rent suitable  
749 quarters in the city if there is not sufficient room in one (1) of  
750 the state office buildings.

751 **SECTION 14.** The following shall be codified as Section  
752 43-26-17, Mississippi Code of 1972:

753 43-26-17. The Department of Child Protection Services shall  
754 cooperate with the federal government, its agencies and  
755 instrumentalities, in carrying out the provisions of any federal  
756 acts concerning public welfare for children, and in other matters  
757 of mutual concern pertaining to public welfare for children,  
758 including the adoption of such methods of administration as are  
759 found by the federal government to be necessary for the efficient  
760 operation of plans for public assistance and welfare services for  
761 children in accordance with the provisions of the federal Social  
762 Security Act, as amended. It shall also cooperate with other  
763 departments, agencies and institutions, federal, state and local  
764 or private, when so requested, in performing services in  
765 conformity with the laws applicable to the department.



766           **SECTION 15.** The following shall be codified as Section  
767 43-26-19, Mississippi Code of 1972:

768           43-26-19. The Department of Child Protection Services may,  
769 in its discretion, destroy or cause to be destroyed, or otherwise  
770 disposed of, any and all abandoned applications, closed case  
771 files, communications, information, memoranda, records, reports,  
772 paid checks, and files, in the office of the Department of Child  
773 Protection Services when and as they become three (3) or more  
774 completed fiscal years old and which, in the opinion of the  
775 department, are no longer useful or necessary.

776           **SECTION 16.** The following shall be codified as Section  
777 43-26-21, Mississippi Code of 1972:

778           43-26-21. All political subdivisions of the state, or  
779 combinations of political subdivisions, are authorized to employ  
780 assistant prosecutors to prosecute for the crimes under Section  
781 97-19-71 and the Department of Child Protection Services is  
782 authorized to contract with any political subdivision to subsidize  
783 payment for the reasonable and necessary cost of prosecutions and  
784 investigations in any program where federal matching funds are  
785 available.

786           **SECTION 17.** The following shall be codified as Section  
787 43-26-23, Mississippi Code of 1972:

788           43-26-23. (1) Any sums paid to or on behalf of any person,  
789 entity or subgrantee or the value of any aid or benefit or  
790 services obtained or received under any state or federally funded



791 assistance program for children as a result of any false  
792 statement, misrepresentation, concealment of a material fact,  
793 failure to disclose assets, or by whatever means, becomes a debt  
794 due to the Department of Child Protection Services. The amount of  
795 value of any assistance shall be recoverable from the recipient or  
796 his or her estate in a civil action brought in the name of the  
797 Department of Child Protection Services pursuant to this section.  
798 If such action is brought, the department shall be entitled to  
799 recover, in addition to the amount of assistance, a reasonable  
800 amount of attorney's fees and its cost incurred therein. Where an  
801 attorney from the county attorney's office represents the  
802 department in such action, the attorney's fee awarded shall be for  
803 the use and benefit of that particular office and shall be  
804 forwarded to that office upon receipt by the department.

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

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

814 **SECTION 18.** Section 11-46-1, Mississippi Code of 1972, is  
815 amended as follows:





816 11-46-1. As used in this chapter, the following terms shall  
817 have the meanings ascribed unless the context otherwise requires:

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

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

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

824 (d) "Department" means the Department of Finance and  
825 Administration.

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

828 (f) "Employee" means any officer, employee or servant  
829 of the State of Mississippi or a political subdivision of the  
830 state, including elected or appointed officials and persons acting  
831 on behalf of the state or a political subdivision in any official  
832 capacity, temporarily or permanently, in the service of the state  
833 or a political subdivision whether with or without compensation,  
834 including firefighters who are members of a volunteer fire  
835 department that is a political subdivision. The term "employee"  
836 shall not mean a person or other legal entity while acting in the  
837 capacity of an independent contractor under contract to the state  
838 or a political subdivision; and



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

842 1. Physicians under contract to provide  
843 health services with the State Board of Health, the State Board of  
844 Mental Health or any county or municipal jail facility while  
845 rendering services under the contract;

846 2. Any physician, dentist or other health  
847 care practitioner employed by the University of Mississippi  
848 Medical Center (UMMC) and its departmental practice plans who is a  
849 faculty member and provides health care services only for patients  
850 at UMMC or its affiliated practice sites, including any physician  
851 or other health care practitioner employed by UMMC under an  
852 arrangement with a public or private health-related organization;

853 3. Any physician, dentist or other health  
854 care practitioner employed by any university under the control of  
855 the Board of Trustees of State Institutions of Higher Learning who  
856 practices only on the campus of any university under the control  
857 of the Board of Trustees of State Institutions of Higher Learning;

858 4. Any physician, dentist or other health  
859 care practitioner employed by the State Veterans Affairs Board and  
860 who provides health care services for patients for the State  
861 Veterans Affairs Board;

862 (ii) The term "employee" shall also include  
863 Mississippi Department of \* \* \* Child Protection Services licensed



864 foster parents for the limited purposes of coverage under the Tort  
865 Claims Act as provided in Section 11-46-8; and

866 (iii) The term "employee" also shall include any  
867 employee or member of the governing board of a charter school but  
868 shall not include any person or entity acting in the capacity of  
869 an independent contractor to provide goods or services under a  
870 contract with a charter school.

871 (g) "Governmental entity" means the state and political  
872 subdivisions.

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

876 (i) "Political subdivision" means any body politic or  
877 body corporate other than the state responsible for governmental  
878 activities only in geographic areas smaller than that of the  
879 state, including, but not limited to, any county, municipality,  
880 school district, charter school, volunteer fire department that is  
881 a chartered nonprofit corporation providing emergency services  
882 under contract with a county or municipality, community hospital  
883 as defined in Section 41-13-10, airport authority, or other  
884 instrumentality of the state, whether or not the body or  
885 instrumentality has the authority to levy taxes or to sue or be  
886 sued in its own name.

887 (j) "State" means the State of Mississippi and any  
888 office, department, agency, division, bureau, commission, board,



889 institution, hospital, college, university, airport authority or  
890 other instrumentality thereof, whether or not the body or  
891 instrumentality has the authority to levy taxes or to sue or be  
892 sued in its own name.

893 (k) "Law" means all species of law, including, but not  
894 limited to, any and all constitutions, statutes, case law, common  
895 law, customary law, court order, court rule, court decision, court  
896 opinion, court judgment or mandate, administrative rule or  
897 regulation, executive order, or principle or rule of equity.

898 **SECTION 19.** Section 11-46-8, Mississippi Code of 1972, is  
899 amended as follows:

900 11-46-8. Mississippi Department of \* \* \* Child Protection  
901 Services licensed foster parents shall be covered under this  
902 chapter for claims made by parties other than the foster child  
903 which are based on inadequate supervision or inadequate care of  
904 the foster child on the part of the foster parent.

905 **SECTION 20.** Section 25-1-109, Mississippi Code of 1972, is  
906 amended as follows:

907 25-1-109. No law enforcement agency shall disclose the name  
908 of any person arrested for any misdemeanor, issued a citation, or  
909 being held for any misdemeanor unless such person shall be  
910 formally charged and arrested for the offense, except to other law  
911 enforcement agencies or to the Mississippi Department of Human  
912 Services, the Mississippi Department of Child Protection Services  
913 or child day care providers where such information is used to help



914 determine suitability of persons to serve as child care providers  
915 or child service workers. No political subdivision nor any  
916 employee thereof shall be held liable for the disclosure of any  
917 information prohibited by this section.

918         **SECTION 21.** Section 27-104-203, Mississippi Code of 1972, is  
919 amended as follows:

920         27-104-203. From and after July 1, 2016, no state agency  
921 shall charge another state agency a fee, assessment, rent, audit  
922 fee, personnel fee or other charge for services or resources  
923 received. The provisions of this section shall not apply (a) to  
924 grants, contracts, pass-through funds, project fees or other  
925 charges for services between state agencies and the Board of  
926 Trustees of State Institutions of Higher Learning, any public  
927 university, the Mississippi Community College Board, any public  
928 community or junior college, and the State Department of  
929 Education, nor (b) to charges for services between the Board of  
930 Trustees of State Institutions of Higher Learning, any public  
931 university, the Mississippi Community College Board, any public  
932 community or junior college, and the State Department of  
933 Education, nor (c) to federal grants, pass-through funds, cost  
934 allocation charges, surplus property charges or project fees  
935 between state agencies as approved or determined by the State  
936 Fiscal Officer, nor (d) telecommunications, data center services,  
937 and/or other information technology services that are used on an  
938 as-needed basis and those costs shall be passed through to the



939 using agency, nor (e) to federal grants, special funds, or  
940 pass-through funds, available for payment by state agencies to the  
941 Department of Finance and Administration related to Mississippi  
942 Management and Reporting Systems (MMRS) Statewide Application  
943 charges and utilities as approved or determined by the State  
944 Fiscal Officer, nor (f) to grants, contracts, pass-through funds,  
945 project fees or charges for services between the State Department  
946 of Health and the State Department of Revenue, and other state  
947 agencies or entities, including, but not limited to, the Board of  
948 Trustees of State Institutions of Higher Learning, any public  
949 university, the Mississippi Community College Board, any public  
950 community or junior college, and the State Department of  
951 Education, for the operation of the medical cannabis program as  
952 established by the Mississippi Medical Cannabis Act, nor (g) to  
953 charges between the Department of Human Services and the  
954 Department of Child Protection Services for services or resources  
955 received by either department from the other. The Board of  
956 Trustees of State Institutions of Higher Learning, any public  
957 university, the Mississippi Community College Board, any public  
958 community or junior college, and the State Department of Education  
959 shall retain the authority to charge and be charged for  
960 expenditures that they deemed nonrecurring in nature by the State  
961 Fiscal Officer.

962       **SECTION 22.** Section 37-31-107, Mississippi Code of 1972, is  
963 amended as follows:



964 37-31-107. Qualified students for the classes or courses may  
965 be accepted by the schools from any source, but priority of  
966 enrollment will be given referrals from the \* \* \* Department of  
967 Child Protection Services, state employment service, vocational  
968 rehabilitation, and nonretired veterans. The state employment  
969 service will assist with student job placement and referral  
970 whenever possible.

971 For the purposes of Sections 37-31-101 through 37-31-111, a  
972 qualified student is an adult, at least eighteen (18) years old,  
973 who is underemployed or unemployed and is not enrolled in school.

974 Students will not be eligible if they have dropped out of  
975 regular school for the specific purpose of enrolling in the  
976 manpower programs.

977 **SECTION 23.** Section 37-106-69, Mississippi Code of 1972, is  
978 amended as follows:

979 37-106-69. (1) There is established a forgivable loan  
980 program to encourage family protection workers employed by the  
981 Department of \* \* \* Child Protection Services to obtain the  
982 college education necessary to become licensed as a social worker,  
983 master social worker or certified social worker and become a  
984 family protection specialist for the department.

985 (2) Any person who is employed as a family protection worker  
986 for the Department of \* \* \* Child Protection Services shall be  
987 eligible for a forgivable loan from the board which shall be used  
988 to pay the costs of the person's education at a state institution



989 of higher learning in Mississippi to obtain a college degree that  
990 is necessary to become licensed as a social worker, master social  
991 worker or certified social worker and become a family protection  
992 specialist for the department. The annual amount of a forgivable  
993 loan award under the program shall be equal to the total cost of  
994 tuition and fees at the college or university in which the student  
995 is enrolled, not to exceed an amount equal to the highest total  
996 cost of tuition and fees assessed by a state institution of higher  
997 learning during that school year.

998 (3) Forgivable loans made under the program shall be  
999 available to both full-time and part-time students. Students  
1000 enrolling on a full-time basis may receive a maximum of two (2)  
1001 annual awards. The maximum number of forgivable loans that may be  
1002 made to students attending school on a part-time basis, and the  
1003 maximum time period for part-time students to complete the number  
1004 of academic hours necessary to obtain the necessary degree, shall  
1005 be established by rules and regulations of the board. Forgivable  
1006 loans made under the program shall not be based upon an  
1007 applicant's financial need. A student must maintain a "C" average  
1008 or higher in his or her college coursework in order to continue  
1009 receiving the forgivable loan.

1010 (4) Repayment and conversion terms shall be the same as  
1011 those outlined in Section 37-106-53, except for the following:

1012 (a) After a person who received a forgivable loan under  
1013 the program has obtained a college degree that is necessary to





1014 become licensed as a social worker, master social worker or  
1015 certified social worker and has received such a license from the  
1016 Board of Examiners for Social Workers and Marriage and Family  
1017 Therapists, the person shall render service as a family protection  
1018 specialist for the Department of \* \* \* Child Protection Services  
1019 for a period of not less than three (3) years from the date that  
1020 the person became a family protection specialist;

1021 (b) Any person who fails to complete his or her service  
1022 obligation as a family protection specialist for the Department  
1023 of \* \* \* Child Protection Services for not less than three (3)  
1024 years, as required under subsection (4) (a) of this section, shall  
1025 become liable immediately to the board for the sum of all  
1026 forgivable loan awards made to that person, plus interest accruing  
1027 at the current Stafford Loan rate at the time the person  
1028 discontinues his or her service.

1029 (5) It is the intent of the Legislature that the pursuit of  
1030 necessary college education by family protection workers through  
1031 the forgivable loan program shall not interfere with the duties of  
1032 the family protection workers with the Department of \* \* \* Child  
1033 Protection Services. The department shall promulgate regulations  
1034 regarding family protection workers who participate in the  
1035 forgivable loan program to ensure that such participation does not  
1036 interfere with their duties with the department.

1037 (6) The board shall promulgate rules and regulations  
1038 necessary for the proper administration of the forgivable loan



1039 program established under this section. The board shall be the  
1040 administering agency of the program.

1041 (7) The total amount of state funds that may be expended for  
1042 this program shall not exceed Three Hundred Twenty Thousand  
1043 Dollars (\$320,000.00) in any fiscal year.

1044 **SECTION 24.** Section 37-115-43, Mississippi Code of 1972, is  
1045 amended as follows:

1046 37-115-43. (1) The University of Mississippi Medical  
1047 Center, in collaboration with the Mississippi Department of \* \* \*  
1048 Child Protection Services and the Office of the Attorney General,  
1049 is authorized and empowered to establish a Center of Excellence  
1050 (Center) \* \* \* to provide care for abused and neglected children  
1051 at the Blair E. Batson Hospital for Children located in Jackson,  
1052 Mississippi, where suspected victims of child maltreatment  
1053 referred by the Department of \* \* \* Child Protection Services or  
1054 law enforcement will receive comprehensive physical examinations  
1055 conducted by medical professionals who specialize in child  
1056 maltreatment. The University of Mississippi Medical Center shall  
1057 promulgate such policies as may be necessary and desirable to  
1058 carry out the programs of the Center. The Center shall serve as a  
1059 resource for the assessment, investigation and prosecution of  
1060 child maltreatment. The Center shall work in collaboration with  
1061 the Office of the Attorney General, the Mississippi Department  
1062 of \* \* \* Child Protection Services, and other such state agencies  
1063 and entities that provide services to children \* \* \* to ensure



1064 that CARE Clinic services are provided in a uniform fashion  
1065 throughout the state.

1066 (2) The Department of Pediatrics may use the Center for  
1067 educational and outreach programs, telemedicine consultations, to  
1068 develop satellite clinics in other locations in the state in  
1069 cooperation with the local community or private hospital when  
1070 applicable, and to conduct major research initiatives in child  
1071 maltreatment.

1072 (3) The Center of Excellence shall provide services to  
1073 maltreated children and comply with national certification  
1074 standards as necessary to provide services to the Department  
1075 of \* \* \* Child Protection Services, the youth courts, state child  
1076 advocacy centers, district attorney's offices and law enforcement  
1077 agencies.

1078 (4) There is created in the State Treasury a special fund to  
1079 be known as the Children's Safe Center Fund. The University of  
1080 Mississippi Medical Center shall expend funds pursuant to  
1081 appropriation therefor by the Legislature for the support and  
1082 maintenance of the Children's Safe Center. The University of  
1083 Mississippi Medical Center is authorized to accept any and all  
1084 grants, donations or matching funds from private, public or  
1085 federal sources in order to add to, improve and enlarge the  
1086 physical facilities of the Center and to expend any such funds for  
1087 the support and maintenance of the Center. Assessments from  
1088 Section 99-19-73 designated for the Children's Safe Center Fund



1089 shall be deposited into the fund. Monies remaining in the fund at  
1090 the end of a fiscal year shall not lapse into the State General  
1091 Fund, and any interest earned from the investment of monies in the  
1092 fund shall be deposited to the credit of the fund.

1093 **SECTION 25.** Section 41-3-18, Mississippi Code of 1972, is  
1094 amended as follows:

1095 41-3-18. (1) The board shall assess fees in the following  
1096 amounts and for the following purposes:

1097 (a) Food establishment annual permit fee, based on the  
1098 assessment factors of the establishment as follows:

|      |                            |          |
|------|----------------------------|----------|
| 1099 | Assessment Category 1..... | \$ 30.00 |
| 1100 | Assessment Category 2..... | 100.00   |
| 1101 | Assessment Category 3..... | 150.00   |
| 1102 | Assessment Category 4..... | 200.00   |

1103 (b) Private water supply approval fee.....\$ 10.00

1104 The board may develop such reasonable standards, rules and  
1105 regulations to clearly define each assessment category.

1106 Assessment categories shall be based upon the factors to the  
1107 public health implications of the category and type of food  
1108 preparation being utilized by the food establishment, utilizing  
1109 the model Food Code of 1995, or as may be amended by the federal  
1110 Food and Drug Administration.

1111 Any increase in the fees charged by the board under this  
1112 subsection shall be in accordance with the provisions of Section  
1113 41-3-65.



1114 (2) The fee authorized under subsection (1)(a) of this  
1115 section shall not be assessed for:

1116 (a) Food establishments operated by public schools,  
1117 public junior and community colleges, or state agencies or  
1118 institutions, including, without limitation, the state  
1119 institutions of higher learning and the State Penitentiary; and

1120 (b) Persons who make infrequent casual sales of honey  
1121 and who pack or sell less than five hundred (500) gallons of honey  
1122 per year, and those persons shall not be inspected by the State  
1123 Department of Health unless requested by the producer.

1124 (3) The fee authorized under subsection (1)(b) of this  
1125 section shall not be assessed for private water supplies used by  
1126 foster homes licensed by the Department of \* \* \* Child Protection  
1127 Services.

1128 **SECTION 26.** Section 41-67-12, Mississippi Code of 1972, is  
1129 amended as follows:

1130 41-67-12. (1) The department shall assess fees in the  
1131 following amounts for the following purposes:

1132 (a) A fee of One Hundred Dollars (\$100.00) shall be  
1133 levied for soil and site evaluation and recommendation of  
1134 individual on-site wastewater disposal systems. The department  
1135 may increase the amount of the fee authorized in this paragraph  
1136 (a) not more than two (2) times during the period from July 1,  
1137 2016, through June 30, 2020, with the percentage of each increase



1138 being not more than five percent (5%) of the amount of the fee in  
1139 effect at the time of the increase.

1140 (b) A fee of One Hundred Fifty Dollars (\$150.00) shall  
1141 be levied once every three (3) years for the certification of  
1142 installers and pumpers.

1143 (c) A fee of Three Hundred Dollars (\$300.00) shall be  
1144 levied once every three (3) years for the registration of  
1145 manufacturers.

1146 Any increase in the fee charged by the department under  
1147 paragraph (b) or (c) of this subsection shall be in accordance  
1148 with the provisions of Section 41-3-65.

1149 (2) In the discretion of the board, a person shall be liable  
1150 for a penalty equal to one and one-half (1-1/2) times the amount  
1151 of the fee due and payable for failure to pay the fee on or before  
1152 the date due, plus any amount necessary to reimburse the cost of  
1153 collection.

1154 (3) No fee authorized under this section shall be assessed  
1155 by the department for state agencies or institutions, including,  
1156 without limitation, foster homes licensed by the Mississippi  
1157 Department of \* \* \* Child Protection Services.

1158 **SECTION 27.** Section 41-87-5, Mississippi Code of 1972, as  
1159 amended by Senate Bill No. 2485, 2023 Regular Session, is amended  
1160 as follows:



1161 41-87-5. Unless the context requires otherwise, the  
1162 following definitions in this section apply throughout this  
1163 chapter:

1164 (a) "Eligible infants and toddlers" or "eligible  
1165 children" means children from birth through thirty-six (36) months  
1166 of age who need early intervention services because they:

1167 (i) Are experiencing developmental delays as  
1168 measured by appropriate diagnostic instruments and procedures in  
1169 one or more of the following areas:

1170 (A) Cognitive development;

1171 (B) Physical development, including vision or  
1172 hearing;

1173 (C) Communication development;

1174 (D) Social or emotional development;

1175 (E) Adaptive development;

1176 (ii) Have a diagnosed physical or mental  
1177 condition, as defined in state policy, that has a high probability  
1178 of resulting in developmental delay;

1179 (iii) Are at risk of having substantial  
1180 developmental delays if early intervention services are not  
1181 provided due to conditions as defined in state policy. (This  
1182 category may be served at the discretion of the lead agency  
1183 contingent upon available resources.)

1184 (b) "Early intervention services" are developmental  
1185 services that:



1186 (i) Are provided under public supervision;  
1187 (ii) Are provided at no cost except where federal  
1188 or state law provides for a system of payments by families,  
1189 including a schedule of sliding fees;

1190 (iii) Are designed to meet the developmental needs  
1191 of an infant or toddler with a disability in any one or more of  
1192 the following areas:

- 1193 (A) Physical development;
- 1194 (B) Cognitive development;
- 1195 (C) Communication development;
- 1196 (D) Social or emotional development; or
- 1197 (E) Adaptive development;

1198 (iv) Meet the requirements of Part C of the  
1199 Individuals with Disabilities Education Act (IDEA) and the early  
1200 intervention standards of the State of Mississippi;

1201 (v) Include, but are not limited to, the following  
1202 services:

- 1203 (A) Assistive technology devices and  
1204 assistive technology services;
- 1205 (B) Audiology;
- 1206 (C) Family training, counseling and home  
1207 visits;
- 1208 (D) Health services necessary to enable a  
1209 child to benefit from other early intervention services;





- 1210 (E) Medical services only for diagnostic or  
1211 evaluation purposes;
- 1212 (F) Nutrition services;
- 1213 (G) Occupational therapy;
- 1214 (H) Physical therapy;
- 1215 (I) Psychological services;
- 1216 (J) Service coordination (case management);
- 1217 (K) Social work services;
- 1218 (L) Special instruction;
- 1219 (M) Speech-language pathology;
- 1220 (N) Transportation and related costs that are  
1221 necessary to enable an infant or toddler and her/his family to  
1222 receive early intervention services; and
- 1223 (O) Vision services;
- 1224 (vi) Are provided by qualified personnel as  
1225 determined by the state's personnel standards, including:
- 1226 (A) Audiologists;
- 1227 (B) Family therapists;
- 1228 (C) Nurses;
- 1229 (D) Nutritionists;
- 1230 (E) Occupational therapists;
- 1231 (F) Orientation and mobility specialists;
- 1232 (G) Pediatricians and other physicians;
- 1233 (H) Physical therapists;
- 1234 (I) Psychologists;



1235 (J) Social workers;  
1236 (K) Special educators;  
1237 (L) Speech and language pathologists;  
1238 (M) Individuals who hold a degree in Human  
1239 Development and Family Science or Child and Family Science with a  
1240 concentration in child development and licensure in  
1241 Pre-Kindergarten to Kindergarten;

1242 (vii) Are provided, to the maximum extent  
1243 appropriate, in natural environments, including the home, and  
1244 community settings in which children without disabilities would  
1245 participate;

1246 (viii) Are provided in conformity with an  
1247 individualized family service plan.

1248 (c) "Council" means the State Interagency Coordinating  
1249 Council established under Section 41-87-7.

1250 (d) "Lead agency" means the State Department of Health.

1251 (e) "Participating agencies" includes, but is not  
1252 limited to, the State Department of Education, the Department of  
1253 Human Services, the Department of Child Protection Services, the  
1254 State Department of Health, the Division of Medicaid, the State  
1255 Department of Mental Health, the University Medical Center, the  
1256 Board of Trustees of State Institutions of Higher Learning and the  
1257 Mississippi Community College Board.



1258 (f) "Local community" means a county either jointly,  
1259 severally, or a portion thereof, participating in the provision of  
1260 early intervention services.

1261 (g) "Primary service agency" means the agency, whether  
1262 a state agency, local agency, local interagency council or service  
1263 provider which is designated by the lead agency to serve as the  
1264 fiscal and contracting agent for a local community.

1265 (h) "Multidisciplinary team" means a group comprised of  
1266 the parent(s) or legal guardian and the service providers, as  
1267 appropriate, described in paragraph (b) of this section, who are  
1268 assembled for the purposes of:

1269 (i) Assessing the developmental needs of an infant  
1270 or toddler;

1271 (ii) Developing the individualized family service  
1272 plan; and

1273 (iii) Providing the infant or toddler and his or  
1274 her family with the appropriate early intervention services as  
1275 detailed in the individualized family service plan.

1276 (i) "Individualized family service plan" means a  
1277 written plan designed to address the needs of the infant or  
1278 toddler and his or her family as specified under Section 41-87-13.

1279 (j) "Early intervention standards" means those  
1280 standards established by any agency or agencies statutorily  
1281 designated the responsibility to establish standards for infants



1282 and toddlers with disabilities, in coordination with the council  
1283 and in accordance with Part C of IDEA.

1284 (k) "Early intervention system" means the total  
1285 collaborative effort in the state that is directed at meeting the  
1286 needs of eligible children and their families.

1287 (l) "Parent," for the purpose of early intervention  
1288 services, means a parent, a guardian, a person acting as a parent  
1289 of a child, foster parent, or an appointed surrogate parent. The  
1290 term does not include the state if the child is a ward of the  
1291 state where the child has not been placed with individuals to  
1292 serve in a parenting capacity, such as foster parents, or when a  
1293 surrogate parent has not been appointed. When a child is the ward  
1294 of the state, a \* \* \* Department of Child Protection Services  
1295 representative will act as parent for purposes of service  
1296 authorization.

1297 (m) "Policies" means the state statutes, regulations,  
1298 Governor's orders, directives by the lead agency, or other written  
1299 documents that represent the state's position concerning any  
1300 matter covered under this chapter.

1301 (n) "Regulations" means the United States Department of  
1302 Education's regulations concerning the governance and  
1303 implementation of Part C of IDEA, the Early Intervention Program  
1304 for Infants and Toddlers with Disabilities.

1305 **SECTION 28.** Section 41-101-1, Mississippi Code of 1972, is  
1306 amended as follows:



1307           41-101-1. (1) There is created the Mississippi Council on  
1308 Obesity Prevention and Management, hereinafter referred to as the  
1309 "council," within the State Department of Health to be in  
1310 existence for the period from July 1, 2001, until July 1, 2006, or  
1311 until the council is established as a nonprofit corporation,  
1312 whichever is the earlier date. The council may accept and expend  
1313 grants and private donations from any source, including federal,  
1314 state, public and private entities, to assist it to carry out its  
1315 functions.

1316           (2) The powers, functions and duties of the council shall  
1317 include, but not be limited to, the following:

1318                   (a) The collection and analysis of data regarding the  
1319 extent to which children and adults in Mississippi suffer from  
1320 obesity, and the programs and services currently available to meet  
1321 the needs of overweight children and adults, and the funds  
1322 dedicated by the state to maintain those programs and services.

1323                   (b) The collection and analysis of data to demonstrate  
1324 the economic impact on the state of treating obesity and the  
1325 estimated cost savings of implementing a comprehensive statewide  
1326 obesity prevention and management model.

1327                   (c) The establishment and maintenance of a resources  
1328 data bank containing information about obesity and related  
1329 subjects accessible to educational and research institutions, as  
1330 well as members of the general public.



1331                   (d) Consideration of the feasibility of awarding tax  
1332 incentives for work sites that promote activities to reduce  
1333 obesity in the work force.

1334                   (e) The establishment of recommendations to enhance  
1335 funding for effective prevention and management programs and  
1336 services, including Medicaid, private health insurance programs,  
1337 and other state and federal funds.

1338                   (f) The establishment of recommendations designed to  
1339 assure that children of school age who may have early indicators  
1340 of obesity have access to affordable, effective prevention and  
1341 management services.

1342                   (g) The establishment of recommendations for changes to  
1343 statewide elementary and secondary education curricula to  
1344 implement comprehensive, coordinated obesity awareness and  
1345 education programs.

1346                   (h) Recommendations to enhance clinical education  
1347 curricula in medical, nursing and other schools of higher  
1348 education to implement comprehensive, coordinated obesity  
1349 awareness and education courses.

1350                   (i) Recommendations to increase education and awareness  
1351 among primary care physicians and other health professionals  
1352 regarding the recognition, prevention and effective management of  
1353 obesity.



1354 (j) Consideration of a state prevention campaign to  
1355 increase public awareness of the need for early prevention and  
1356 management of obesity, possibly including:

1357 (i) A broad-based public education campaign  
1358 outlining health risks associated with failure to receive  
1359 treatment for obesity.

1360 (ii) A health professional training campaign.

1361 (iii) A targeted public education campaign  
1362 directed toward high risk populations.

1363 (k) Coordination with the United States Department of  
1364 Agriculture, the United States Department of Health and Human  
1365 Services, the United States Department of Education, the United  
1366 States Centers for Disease Control and the National Center for  
1367 Chronic Disease Prevention to share resources and information in  
1368 order to ensure a comprehensive approach to obesity and  
1369 obesity-related conditions.

1370 (l) Coordination with the State Departments of  
1371 Education, Health, Human Services and Child Protection Services  
1372 and the Division of Medicaid to share resources and information in  
1373 order to ensure a comprehensive approach to obesity and  
1374 obesity-related conditions.

1375 (m) Identification of and recommendations to reduce  
1376 cultural, environmental and socioeconomic barriers to prevention  
1377 and management of obesity in Mississippi.

1378 (3) The council shall be composed of the following members:



1379 (a) The Executive Director of the State Department of  
1380 Health, or his designee;

1381 (b) The Executive Director of the Department of Human  
1382 Services, or his designee;

1383 (c) The State Superintendent of Education, or his  
1384 designee;

1385 (d) The Executive Director of the State Department of  
1386 Mental Health, or his designee;

1387 (e) The Commissioner of Child Protection Services, or  
1388 his designee;

1389 ( \* \* \*f) A representative of the Office of the  
1390 Governor, to be appointed by the Governor;

1391 ( \* \* \*g) A member of the House of Representatives,  
1392 appointed by the Speaker of the House of Representatives;

1393 ( \* \* \*h) A member of the Senate, appointed by the  
1394 Lieutenant Governor;

1395 ( \* \* \*i) Two (2) representatives of the  
1396 public-at-large, to be selected by the Governor;

1397 ( \* \* \*j) The President of either the Mississippi  
1398 Medical Association or the African-American Obesity Research and  
1399 Treatment Association (AAORTA), or his designee;

1400 ( \* \* \*k) The President of the Mississippi State Nurses  
1401 Association, or his designee;

1402 ( \* \* \*l) The President of the Mississippi Pharmacists  
1403 Association, or his designee;





1404 ( \* \* \*m) The President of the Mississippi Chapter of  
1405 the American Academy of Pediatrics, or his designee;

1406 ( \* \* \*n) The Vice Chancellor of the University of  
1407 Mississippi Medical Center, or his designee;

1408 ( \* \* \*o) A representative appointed from the  
1409 Mississippi state office of the American Association of Retired  
1410 Persons;

1411 ( \* \* \*p) A representative of the Mississippi Dietetic  
1412 Association;

1413 ( \* \* \*q) A representative of the Mississippi  
1414 Restaurant Association;

1415 ( \* \* \*r) The President of the Mississippi Physical  
1416 Therapy Association, or his designee;

1417 ( \* \* \*s) A member appointed by the Mississippi  
1418 Commissioner of Insurance;

1419 ( \* \* \*t) A representative from a food processor or  
1420 food manufacturer; and

1421 ( \* \* \*u) A representative from the Mississippi Soft  
1422 Drink Association.

1423 (4) The council shall meet upon call of the Governor not  
1424 later than August 1, 2001, and shall organize for business by  
1425 selecting a chairman who shall serve for a one-year term and may  
1426 be selected for subsequent terms. The council shall adopt  
1427 internal organizational procedures necessary for efficient  
1428 operation of the council. Council procedures shall include duties



1429 of officers, a process for selecting officers, quorum requirements  
1430 for conducting business and policies for any council staff. Each  
1431 member of the council shall designate necessary staff of their  
1432 departments to assist the council in performing its duties and  
1433 responsibilities. The council shall meet and conduct business at  
1434 least quarterly. Meetings of the council shall be open to the  
1435 public and opportunity for public comment shall be made available  
1436 at each such meeting. The chairman of the council shall notify  
1437 all persons who request that notice as to the date, time and place  
1438 of each meeting.

1439 (5) Members of the council shall receive no compensation for  
1440 their services.

1441 (6) The council shall submit a report, including proposed  
1442 legislation if necessary, to the Governor and to the House and  
1443 Senate Health and Welfare Committees before the convening of the  
1444 2004 legislative session. The report shall include a  
1445 comprehensive state plan for implementation of services and  
1446 programs in the State of Mississippi to increase prevention and  
1447 management of obesity in adults and children and an estimate of  
1448 the cost of implementation of such a plan.

1449 (7) All departments, boards, agencies, officers and  
1450 institutions of the state and all subdivisions thereof shall  
1451 cooperate with the council in carrying out its purposes under this  
1452 section.



1453           **SECTION 29.** Section 43-1-9, Mississippi Code of 1972, is  
1454 amended as follows:

1455           43-1-9. There shall be created in each county of the state a  
1456 county department of \* \* \* human services which shall consist of a  
1457 county director of \* \* \* human services, and such other personnel  
1458 as may be necessary for the efficient performance of the duties of  
1459 the county department. It shall be the duty of the board of  
1460 supervisors of each county to provide office space for the county  
1461 department.

1462           County director. The \* \* \* Executive Director of Human  
1463 Services shall designate, in accordance with the rules and  
1464 regulations of the State Personnel Board, with the approval of the  
1465 Governor, a county director of \* \* \* human services who shall  
1466 serve as the executive and administrative officer of the county  
1467 department and shall be responsible to the state department for  
1468 its management. Such director shall be a resident citizen of the  
1469 county and shall not hold any political office of the state,  
1470 county, municipality or subdivision thereof. However, in cases of  
1471 emergency, the \* \* \* executive director may appoint a director  
1472 of \* \* \* human services who is a nonresident of such county, to  
1473 serve during the period of emergency only.

1474           The county department of \* \* \* human services shall  
1475 administer within the county all forms of public assistance and  
1476 welfare services, with the exception of child welfare services  
1477 administered by the Department of Child Protection Services. The



1478 county department shall comply with such regulations and submit  
1479 such reports as may be established or required by the state  
1480 department. Subject to the approval of the state department, the  
1481 county department may cooperate with other departments, agencies  
1482 and institutions, state and local, when so requested, in  
1483 performing services in conformity with the provisions of this  
1484 chapter.

1485 In counties having two (2) judicial districts, the \* \* \*  
1486 Executive Director of Human Services may create and establish in  
1487 each of the judicial districts a separate county department  
1488 of \* \* \* human services which shall consist of a director of \* \* \*  
1489 human services and such other personnel as may be necessary for  
1490 the efficient performance of the duties of the department thus  
1491 established. In such cases the two (2) departments so established  
1492 shall be dealt with as though each is a separate and distinct  
1493 county department of \* \* \* human services, and each of the  
1494 departments and each of the directors shall operate and have  
1495 jurisdiction coextensive with the boundaries of the judicial  
1496 district in which it is established; and, also, in such cases the  
1497 words "county" and "director of \* \* \* human services" when used in  
1498 this chapter shall, where applicable, mean each judicial district,  
1499 and the director of \* \* \* human services appointed therefor; and  
1500 where the board of supervisors is authorized to appropriate funds  
1501 or provide office space or like assistance for one (1)  
1502 county \* \* \* department or director, such board may, as the case



1503 may be, appropriate the amount specified by law or render the  
1504 assistance required by law to each of the departments or  
1505 directors. \* \* \* However, \* \* \* the \* \* \* Executive Director of  
1506 Human Services shall not create and establish a separate county  
1507 department of \* \* \* human services pursuant to this paragraph in  
1508 any county in which such separate county department of \* \* \* human  
1509 services is not in existence on January 1, 1983. \* \* \* In  
1510 addition, in any county having two (2) county departments of \* \* \*  
1511 human services on January 1, 1983, but only one (1) county  
1512 director of \* \* \* on \* \* \* that date, the \* \* \* Executive Director  
1513 of Human Services shall not authorize and establish the second  
1514 position of county director of \* \* \* human services in such  
1515 county.

1516 In any county not having two (2) judicial districts which is  
1517 greater than fifty (50) miles in length, the \* \* \* Executive  
1518 Director of Human Services may establish one (1) branch office of  
1519 the county department of \* \* \* human services which shall be  
1520 staffed with existing employees and administrative staff of such  
1521 county department for not less than four (4) days per week.

1522 **SECTION 30.** Section 43-1-101, Mississippi Code of 1972, is  
1523 amended as follows:

1524 43-1-101. (1) There is created the Mississippi Interagency  
1525 Council on Homelessness. The purpose of the council is to  
1526 establish, develop and implement a plan to reduce homelessness  
1527 that includes a strong focus on the needs of homeless children,



1528 youth and families, as well as individuals and veterans who are  
1529 homeless.

1530 (2) In addition to the duties prescribed in subsection (1)  
1531 the council shall annually make a report to the Governor, the  
1532 House of Representatives, the Senate and the public regarding the  
1533 council's progress in meeting its goals and objectives.

1534 (3) The council shall be composed of the following members:

1535 (a) A representative from the Office of the Governor,  
1536 appointed by the Governor;

1537 (b) The Chairperson or his designee of the Youth and  
1538 Family Affairs Committee of the House of Representatives and the  
1539 Chairperson or his designee of the Housing Committee of the  
1540 Senate;

1541 (c) The Executive Director of the Department of \* \* \*  
1542 Human Services or his designee;

1543 (d) The Executive Director of the Department of Mental  
1544 Health or his designee;

1545 (e) The Executive Director of the Mississippi  
1546 Development Authority or his designee;

1547 (f) The Commissioner of Child Protection Services or  
1548 his designee;

1549 ( \* \* \*g) The State Superintendent of the Department of  
1550 Education or his designee;

1551 ( \* \* \*h) A representative of Partners to End  
1552 Homelessness, appointed by the Governor;



1553 ( \* \* \*i) A representative of Mississippi United to End  
1554 Homelessness, appointed by the Governor;

1555 ( \* \* \*j) A representative of Open Doors Counseling  
1556 Center, appointed by the Governor;

1557 ( \* \* \*k) A representative of a school district that is  
1558 working on the McKinney-Vento Homeless Education Assistance Act,  
1559 appointed by the State Superintendent of Education;

1560 ( \* \* \*l) A representative of the Mississippi Campaign  
1561 to End Child Homelessness, appointed by the Governor;

1562 ( \* \* \*m) Two (2) directors from homeless and domestic  
1563 violence emergency shelters, appointed by the Governor;

1564 ( \* \* \*n) A youth who is or has been homeless,  
1565 appointed by the State Superintendent of Education;

1566 ( \* \* \*o) A representative of the Oakley Youth  
1567 Development Center, appointed by the Governor;

1568 ( \* \* \*p) The Executive Director of the State Veterans  
1569 Affairs Board or his designee;

1570 ( \* \* \*q) The Executive Director of Hope Enterprises,  
1571 or his designee; and

1572 ( \* \* \*r) A representative from a community action  
1573 agency appointed by the Governor.

1574 (4) Appointments shall be made within thirty (30) days after  
1575 July 1, 2013. Within fifteen (15) days thereafter on a day to be  
1576 designated jointly by the Speaker of the House and the Lieutenant  
1577 Governor, the council shall meet and organize by selecting from



1578 its membership a chairperson and a vice chairperson. The vice  
1579 chairperson shall also serve as secretary and shall be responsible  
1580 for keeping all records of the council. A majority of the members  
1581 of the council shall constitute a quorum. In the selection of its  
1582 officers and the adoption of rules, resolutions and reports, an  
1583 affirmative vote of a majority of the council shall be required.  
1584 All members shall be notified in writing of all meetings, and  
1585 those notices shall be mailed at least fifteen (15) days before  
1586 the date on which a meeting is to be held.

1587 (5) Members of the council shall serve without compensation  
1588 for their services, and the council shall perform its duties  
1589 without legislative appropriation or the use of any state funds  
1590 for that purpose; however, the council, by approval of a majority  
1591 of the appointed members of the council, is authorized to accept  
1592 funds that may be donated or provided in the form of financial  
1593 grants from public or private sources. In addition, any  
1594 department, division, board, bureau, commission or agency of the  
1595 state, or of any political subdivision thereof, shall provide, at  
1596 the request of the chair of the council, such facilities,  
1597 assistance and data as will enable the council to carry out its  
1598 duties.

1599 **SECTION 31.** Section 43-14-1, Mississippi Code of 1972, is  
1600 amended as follows:

1601 43-14-1. (1) The purpose of this chapter is to provide for  
1602 the development, implementation and oversight of a coordinated





1603 interagency system of necessary services and care for children and  
1604 youth, called the Mississippi Statewide System of Care, up to age  
1605 twenty-one (21) with serious emotional/behavioral disorders  
1606 including, but not limited to, conduct disorders, or mental  
1607 illness who require services from a multiple services and multiple  
1608 programs system, and who can be successfully diverted from  
1609 inappropriate institutional placement. The Mississippi Statewide  
1610 System of Care is to be conducted in the most fiscally responsible  
1611 (cost-efficient) manner possible, based on an individualized plan  
1612 of care which takes into account other available interagency  
1613 programs, including, but not limited to, Early Intervention Act of  
1614 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic  
1615 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),  
1616 waived program for home- and community-based services for  
1617 developmentally disabled people, Section 43-13-117(A) (29), and  
1618 waived program for targeted case management services for  
1619 children with special needs, Section 43-13-117(A) (31), those  
1620 children identified through the federal Individuals with  
1621 Disabilities Education Act of 1997 as having a serious emotional  
1622 disorder (EMD), the Mississippi Children's Health Insurance  
1623 Program and waived programs for children with serious emotional  
1624 disturbances, Section 43-13-117(A) (46), and is tied to clinically  
1625 and functionally appropriate outcomes. Some of the outcomes are  
1626 to reduce the number of inappropriate out-of-home placements  
1627 inclusive of those out-of-state and to reduce the number of



1628 inappropriate school suspensions and expulsions for this  
1629 population of children. This coordinated interagency system of  
1630 necessary services and care shall be named the Mississippi  
1631 Statewide System of Care. Children to be served by this chapter  
1632 who are eligible for Medicaid shall be screened through the  
1633 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)  
1634 and their needs for medically necessary services shall be  
1635 certified through the EPSDT process. For purposes of this  
1636 chapter, the Mississippi Statewide System of Care is defined as a  
1637 coordinated network of agencies and providers working as a team to  
1638 make a full range of mental health and other necessary services  
1639 available as needed by children with mental health problems and  
1640 their families. The Mississippi Statewide System of Care shall  
1641 be:

1642 (a) Child centered, family focused, family driven and  
1643 youth guided;

1644 (b) Community based;

1645 (c) Culturally competent and responsive; and shall  
1646 provide for:

1647 (i) Service coordination or case management;

1648 (ii) Prevention and early identification and  
1649 intervention;

1650 (iii) Smooth transitions among agencies and  
1651 providers, and to the transition-age and adult service systems;

1652 (iv) Human rights protection and advocacy;



- 1653 (v) Nondiscrimination in access to services;
- 1654 (vi) A comprehensive array of services composed of  
1655 treatment and informal supports that are identified as best  
1656 practices and/or evidence-based practices;
- 1657 (vii) Individualized service planning that uses a  
1658 strengths-based, wraparound process;
- 1659 (viii) Services in the least restrictive  
1660 environment;
- 1661 (ix) Family participation in all aspects of  
1662 planning, service delivery and evaluation; and
- 1663 (x) Integrated services with coordinated planning  
1664 across child-serving agencies.

1665 Mississippi Statewide System of Care services shall be  
1666 timely, intensive, coordinated and delivered in the community.  
1667 Mississippi Statewide System of Care services shall include, but  
1668 not be limited to, the following:

- 1669 (a) Comprehensive crisis and emergency response  
1670 services;
- 1671 (b) Intensive case management;
- 1672 (c) Day treatment;
- 1673 (d) Alcohol and drug abuse group services for youth;
- 1674 (e) Individual, group and family therapy;
- 1675 (f) Respite services;
- 1676 (g) Supported employment services for youth;
- 1677 (h) Family education and support and family partners;



1678 (i) Youth development and support and youth partners;  
1679 (j) Positive behavioral supports (PBIS) in schools;  
1680 (k) Transition-age supported and independent living  
1681 services; and  
1682 (l) Vocational/technical education services for youth.  
1683 (2) There is established the Interagency Coordinating  
1684 Council for Children and Youth (hereinafter referred to as the  
1685 "ICCCY"). The ICCCY shall consist of the following membership:  
1686 (a) The State Superintendent of Public Education;  
1687 (b) The Executive Director of the Mississippi  
1688 Department of Mental Health;  
1689 (c) The Executive Director of the State Department of  
1690 Health;  
1691 (d) The Executive Director of the Department of Human  
1692 Services;  
1693 (e) The Executive Director of the Division of Medicaid,  
1694 Office of the Governor;  
1695 (f) The Executive Director of the State Department of  
1696 Rehabilitation Services;  
1697 (g) The Executive Director of Mississippi Families as  
1698 Allies for Children's Mental Health, Inc. ;  
1699 (h) The Commissioner of Child Protection Services;  
1700 ( \* \* \*i) The Attorney General;



1701 ( \* \* \*j) A family member of a child or youth in the  
1702 population named in this chapter designated by Mississippi  
1703 Families as Allies;

1704 ( \* \* \*k) A youth or young adult in the population  
1705 named in this chapter designated by Mississippi Families as  
1706 Allies;

1707 ( \* \* \*l) A local MAP team coordinator designated by  
1708 the Department of Mental Health;

1709 ( \* \* \*m) A child psychiatrist experienced in the  
1710 public mental health system designated by the Mississippi  
1711 Psychiatric Association;

1712 ( \* \* \*n) An individual with expertise and experience  
1713 in early childhood education designated jointly by the Department  
1714 of Mental Health and Mississippi Families as Allies;

1715 ( \* \* \*o) A representative of an organization that  
1716 advocates on behalf of disabled citizens in Mississippi designated  
1717 by the Department of Mental Health; and

1718 ( \* \* \*p) A faculty member or dean from a Mississippi  
1719 university specializing in training professionals who work in the  
1720 Mississippi Statewide System of Care designated by the Board of  
1721 Trustees of State Institutions of Higher Learning.

1722 If a member of the council designates a representative to  
1723 attend council meetings, the designee shall bring full  
1724 decision-making authority of the member to the meeting. The  
1725 council shall select a chairman, who shall serve for a one-year



1726 term and may not serve consecutive terms. The council shall adopt  
1727 internal organizational procedures necessary for efficient  
1728 operation of the council. Each member of the council shall  
1729 designate necessary staff of their departments to assist the ICCCY  
1730 in performing its duties and responsibilities. The ICCCY shall  
1731 meet and conduct business at least twice annually. The chairman  
1732 of the ICCCY shall notify all ICCCY members and all other persons  
1733 who request such notice as to the date, time, place and draft  
1734 agenda items for each meeting.

1735 (3) The Interagency System of Care Council (ISCC) is created  
1736 to serve as the state management team for the ICCCY, with the  
1737 responsibility of collecting and analyzing data and funding  
1738 strategies necessary to improve the operation of the Mississippi  
1739 Statewide System of Care, and to make recommendations to the ICCCY  
1740 and to the Legislature concerning such strategies on, at a  
1741 minimum, an annual basis. The System of Care Council also has the  
1742 responsibility of coordinating the local Multidisciplinary  
1743 Assessment and Planning (MAP) teams and "A" teams and may apply  
1744 for grants from public and private sources necessary to carry out  
1745 its responsibilities. The Interagency System of Care Council  
1746 shall be comprised of one (1) member from each of the appropriate  
1747 child-serving divisions or sections of the State Department of  
1748 Health, the Department of Human Services ( \* \* \*Division of Youth  
1749 Services), the Department of Child Protection Services, the State  
1750 Department of Mental Health (Division of Children and Youth,



1751 Bureau of Alcohol and Drug Abuse, and Bureau of Intellectual and  
1752 Developmental Disabilities), the State Department of Education  
1753 (Office of Special Education and Office of Healthy Schools), the  
1754 Division of Medicaid of the Governor's Office, the Department of  
1755 Rehabilitation Services, and the Attorney General's office.  
1756 Additional members shall include a family member of a child, youth  
1757 or transition-age youth representing a family education and  
1758 support 501(c)(3) organization, working with the population named  
1759 in this chapter designated by Mississippi Families as Allies, an  
1760 individual with expertise and experience in early childhood  
1761 education designated jointly by the Department of Mental Health  
1762 and Mississippi Families as Allies, a local MAP team  
1763 representative and a local "A" team representative designated by  
1764 the Department of Mental Health, a probation officer designated by  
1765 the Department of Corrections, a family member and youth or young  
1766 adult designated by Mississippi Families as Allies for Children's  
1767 Mental Health, Inc., (MSFAA), and a family member other than a  
1768 MSFAA representative to be designated by the Department of Mental  
1769 Health and the Director of the Compulsory School Attendance  
1770 Enforcement of the State Department of Education. Appointments to  
1771 the Interagency System of Care Council shall be made within sixty  
1772 (60) days after June 30, 2010. The council shall organize by  
1773 selecting a chairman from its membership to serve on an annual  
1774 basis, and the chairman may not serve consecutive terms.



1775           (4)   (a)   As part of the Mississippi Statewide System of  
1776 Care, there is established a statewide system of local  
1777 Multidisciplinary Assessment, Planning and Resource (MAP) teams.  
1778 The MAP teams shall be comprised of one (1) representative each at  
1779 the county level from the major child-serving public agencies for  
1780 education, human services, health, mental health and  
1781 rehabilitative services approved by respective state agencies of  
1782 the Department of Education, the Department of Human Services, the  
1783 Department of Child Protection Services, the Department of Health,  
1784 the Department of Mental Health and the Department of  
1785 Rehabilitation Services. These agencies shall, by policy,  
1786 contract or regulation require participation on MAP teams and "A"  
1787 teams at the county level by the appropriate staff. Three (3)  
1788 additional members may be added to each team, one (1) of which may  
1789 be a representative of a family education/support 501(c)(3)  
1790 organization with statewide recognition and specifically  
1791 established for the population of children defined in Section  
1792 43-14-1. The remaining members will be representatives of  
1793 significant community-level stakeholders with resources that can  
1794 benefit the population of children defined in Section 43-14-1.  
1795 The Department of Education shall assist in recruiting and  
1796 identifying parents to participate on MAP teams and "A" teams.  
1797           (b)   For each local existing MAP team that is  
1798 established pursuant to paragraph (a) of this subsection, there





1799 shall also be established an "A" (Adolescent) team which shall  
1800 work with a MAP team. The "A" teams shall provide System of Care  
1801 services for youthful offenders who have serious behavioral or  
1802 emotional disorders. Each "A" team shall be comprised of, at a  
1803 minimum, the following five (5) members:

1804 (i) A school counselor, mental health therapist or  
1805 social worker;

1806 (ii) A community mental health professional;

1807 (iii) A social services/child welfare  
1808 professional;

1809 (iv) A youth court counselor; and

1810 (v) A parent who had a child in the juvenile  
1811 justice system.

1812 (c) The Interagency Coordinating Council for Children  
1813 and Youth and the Interagency System of Care Council shall work to  
1814 develop MAP teams statewide that will serve to become the single  
1815 point of entry for children and youth about to be placed in  
1816 out-of-home care for reasons other than parental abuse/neglect.

1817 (5) The Interagency Coordinating Council for Children and  
1818 Youth may provide input to one another and to the ISCC relative to  
1819 how each agency utilizes its federal and state statutes, policy  
1820 requirements and funding streams to identify and/or serve children  
1821 and youth in the population defined in this section. The ICCCY  
1822 shall support the implementation of the plans of the respective



1823 state agencies for comprehensive, community-based,  
1824 multidisciplinary care, treatment and placement of these children.

1825 (6) The ICCCY shall oversee a pool of state funds that may  
1826 be contributed by each participating state agency and additional  
1827 funds from the Mississippi Tobacco Health Care Expenditure Fund,  
1828 subject to specific appropriation therefor by the Legislature.  
1829 Part of this pool of funds shall be available for increasing the  
1830 present funding levels by matching Medicaid funds in order to  
1831 increase the existing resources available for necessary  
1832 community-based services for Medicaid beneficiaries.

1833 (7) The local interagency coordinating care MAP team or "A"  
1834 team will facilitate the development of the individualized System  
1835 of Care programs for the population targeted in this section.

1836 (8) Each local MAP team and "A" team shall serve as the  
1837 single point of entry and re-entry to ensure that comprehensive  
1838 diagnosis and assessment occur and shall coordinate needed  
1839 services through the local MAP team and "A" team members and local  
1840 service providers for the children named in subsection (1). Local  
1841 children in crisis shall have first priority for access to the MAP  
1842 team and "A" team processes and local System of Care services.

1843 (9) The Interagency Coordinating Council for Children and  
1844 Youth shall facilitate monitoring of the performance of local MAP  
1845 teams.

1846 (10) Each ICCCY member named in subsection (2) of this  
1847 section shall enter into a binding memorandum of understanding to



1848 participate in the further development and oversight of the  
1849 Mississippi Statewide System of Care for the children and youth  
1850 described in this section. The agreement shall outline the system  
1851 responsibilities in all operational areas, including ensuring  
1852 representation on MAP teams, funding, data collection, referral of  
1853 children to MAP teams and "A" teams, and training. The agreement  
1854 shall be signed and in effect by July 1 of each year.

1855 **SECTION 32.** Section 43-14-5, Mississippi Code of 1972, is  
1856 amended as follows:

1857 43-14-5. There is created in the State Treasury a special  
1858 fund into which shall be deposited all funds contributed by the  
1859 Department of Human Services, Department of Child Protection  
1860 Services, State Department of Health, Department of Mental  
1861 Health \* \* \* and State Department of Rehabilitation Services  
1862 insofar as recipients are otherwise eligible under the  
1863 Rehabilitation Act of 1973, as amended, and State Department of  
1864 Education for the operation of a statewide System of Care by MAP  
1865 teams and "A" teams utilizing such funds as may be made available  
1866 to those MAP teams through a Request for Proposal (RFP) approved  
1867 by the ICCCY.

1868 **SECTION 33.** Section 43-15-3, Mississippi Code of 1972, is  
1869 amended as follows:

1870 43-15-3. The Department of Human Services \* \* \* and the  
1871 Department of Child Protection Services are authorized, empowered  
1872 and directed to cooperate fully with the United States Children's



1873 Bureau and Secretary of Labor in establishing, extending and  
1874 strengthening "child welfare services" for the protection and care  
1875 of homeless, dependent and neglected children and children in  
1876 danger of becoming delinquent. \* \* \* Those departments \* \* \* are  
1877 further authorized, empowered and directed to cooperate with the  
1878 United States Children's Bureau and Secretary of Labor in  
1879 developing plans for \* \* \* those "child welfare services" and  
1880 extending any other cooperation necessary under Section 521 of  
1881 Public Law No. 271-74th Congress of the United States.

1882 In furtherance of the "child welfare services" referred to in  
1883 the first paragraph hereof the State Treasurer is \* \* \* authorized  
1884 and directed to receive on behalf of the state, and to execute all  
1885 instruments incidental thereto, federal or other funds to be used  
1886 for "child welfare services," and to place such funds in a special  
1887 account to the credit of the "child welfare services," which \* \* \*  
1888 funds shall be expended by the Department of Human Services and  
1889 the Department of Child Protection Services for the purposes and  
1890 under the provisions of this article and Section 521 of Public Law  
1891 No. 271-74th Congress of the United States. It shall be paid out  
1892 by the State Treasurer as funds appropriated to carry out the  
1893 provisions of \* \* \* those laws.

1894 The Department of Human Services or the Department of Child  
1895 Protection Services shall issue all checks on \* \* \* the "child  
1896 welfare services" fund to persons entitled to payment from \* \* \*  
1897 the fund. All such sums shall be drawn upon the "child welfare



1898 services" fund upon requisition of the Director of the Department  
1899 of Human Services or the Commissioner of Child Protection  
1900 Services.

1901 The money in the "child welfare services" fund shall be  
1902 expended in accordance with the rules and regulations of the  
1903 United States Children's Bureau and Secretary of Labor and in  
1904 accordance with the plan developed by the Department of Human  
1905 Services or Department of Child Protection Services and the United  
1906 States Children's Bureau under Section 521 of Public Law No.  
1907 271-74th Congress of the United States, and shall not be used for  
1908 any other purpose.

1909 If a claim for foster care and/or adoption assistance under  
1910 Title IV-E of the federal Social Security Act is not acted upon  
1911 within a reasonable time after the filing of the claim, or is  
1912 denied in whole or in part, the claimant may appeal to the \* \* \*  
1913 Commissioner of Child Protection Services in the manner and form  
1914 prescribed by the Department of \* \* \* Child Protection Services.  
1915 The \* \* \* Commissioner of Child Protection Services shall, upon  
1916 receipt of such an appeal, give the claimant reasonable notice and  
1917 opportunity for a fair hearing. The \* \* \* Commissioner of Child  
1918 Protection Services may also, upon his or her own motion, review  
1919 any decision regarding a claim, and may consider any claim upon  
1920 which a decision has not been made within a reasonable time. All  
1921 decisions of the \* \* \* Commissioner of Child Protection Services  
1922 shall be final and binding.



1923           **SECTION 34.** Section 43-15-5, Mississippi Code of 1972, is  
1924 amended as follows:  
1925           43-15-5. (1) The Department of \* \* \* Child Protection  
1926 Services shall have authority and it shall be its duty to  
1927 administer or supervise all public child welfare services,  
1928 including those services, responsibilities, duties and powers with  
1929 which the \* \* \* local offices of child protection services are  
1930 charged and empowered in this article; administer and supervise  
1931 the licensing and inspection of all private child placing  
1932 agencies; provide for the care of dependent and neglected children  
1933 in foster family homes or in institutions, supervise the care of  
1934 such children and those of illegitimate birth; supervise the  
1935 importation of children; and supervise the operation of all state  
1936 institutions for children. The Department of \* \* \* Child  
1937 Protection Services shall be authorized to purchase hospital and  
1938 medical insurance coverage for those children placed in foster  
1939 care by the state or \* \* \* local offices of child protection  
1940 services who are not otherwise eligible for medical assistance  
1941 under the Mississippi Medicaid Law. The Department of \* \* \* Child  
1942 Protection Services shall be further authorized to purchase burial  
1943 or life insurance not exceeding One Thousand Five Hundred Dollars  
1944 (\$1,500.00) for those children placed in foster care by the state  
1945 or \* \* \* local offices of child protection services. All  
1946 insurance coverage authorized herein may be purchased with any  
1947 funds other than state funds available to the Department of \* \* \*



1948 Child Protection Services, including those funds available to the  
1949 child which are administered by the department.

1950 (2) Any person, partnership, group, corporation,  
1951 organization or association desiring to operate a child  
1952 residential home, as defined in Section 43-16-3, may make  
1953 application for a license for such a facility to the Department  
1954 of \* \* \* Child Protection Services on the application forms  
1955 furnished for this purpose by the department. If an applicant  
1956 meets the published rules and regulations of the department  
1957 regarding minimum standards for a child residential home, then the  
1958 applicant shall be granted a license by the department.

1959 **SECTION 35.** Section 43-15-6, Mississippi Code of 1972, is  
1960 amended as follows:

1961 43-15-6. (1) Any person, institution, facility, clinic,  
1962 organization or other entity that provides services to children in  
1963 a residential setting where care, lodging, maintenance, and  
1964 counseling or therapy for alcohol or controlled substance abuse or  
1965 for any other emotional disorder or mental illness is provided for  
1966 children, whether for compensation or not, that holds himself,  
1967 herself, or itself out to the public as providing such services,  
1968 and that is entrusted with the care of the children to whom he,  
1969 she, or it provides services, because of the nature of the  
1970 services and the setting in which the services are provided shall  
1971 be subject to the provisions of this section.



1972           (2) Each entity to which this section applies shall  
1973 complete, through the appropriate governmental authority, a  
1974 national criminal history record information check and a child  
1975 abuse registry check for each owner, operator, employee,  
1976 prospective employee, volunteer or prospective volunteer of the  
1977 entity and/or any other that has or may have unsupervised access  
1978 to a child served by the entity. In order to determine the  
1979 applicant's suitability for employment, the entity shall ensure  
1980 that the applicant be fingerprinted by local law enforcement, and  
1981 the results forwarded to the Department of Public Safety. If no  
1982 disqualifying record is identified at the state level, the  
1983 fingerprints shall be forwarded by the Department of Public Safety  
1984 to the FBI for a national criminal history record check.

1985           (3) An owner, operator, employee, prospective employee,  
1986 volunteer or prospective volunteer of the entity and/or any other  
1987 that has or may have unsupervised access to a child who has a  
1988 criminal history of conviction or pending indictment of a crime,  
1989 whether a misdemeanor or a felony, that bears upon an individual's  
1990 fitness to have responsibility for the safety and well-being of  
1991 children as set forth in this chapter may not provide child care  
1992 or operate, or be licensed as, a residential child care program,  
1993 foster parent, or foster home.

1994           (4) All fees incurred in compliance with this section shall  
1995 be borne by the individual or entity to which subsection (1)  
1996 applies.





1997 (5) The Department of Human Services and the Department of  
1998 Child Protection Services shall have the authority to set fees, to  
1999 exclude a particular crime or crimes or a substantiated finding of  
2000 child abuse and/or neglect as disqualifying individuals or  
2001 entities from providing foster care or residential child care, and  
2002 adopt such other rules and regulations as may be required to carry  
2003 out the provisions of this section.

2004 (6) Any entity that violates the provisions of this section  
2005 by failure to complete sex offense criminal history record  
2006 information and felony conviction record information checks, as  
2007 required under subsection (3) of this section, shall be subject to  
2008 a penalty of up to Ten Thousand Dollars (\$10,000.00) for each such  
2009 violation and may be enjoined from further operation until it  
2010 complies with this section in actions maintained by the Attorney  
2011 General.

2012 (7) The Department of Human Services and the Department of  
2013 Child Protection Services and/or \* \* \* their officers, employees,  
2014 attorneys, agents and representatives shall not be held civilly  
2015 liable for any findings, recommendations or actions taken pursuant  
2016 to this section.

2017 **SECTION 36.** Section 43-15-7, Mississippi Code of 1972, is  
2018 amended as follows:

2019 43-15-7. \* \* \* Any local office of child protection services  
2020 is authorized to provide protective services for children as will  
2021 conserve home life; assume responsibility for the care and support



2022 of dependent children needing public care away from their homes;  
2023 place children found by the \* \* \* local office to be dependent or  
2024 without proper care in suitable institutions or private homes, and  
2025 cooperate with public and private institutions and agencies in  
2026 placing such children in suitable institutions or private homes;  
2027 accept custody or guardianship, through one of its designated  
2028 employees, of any child, when appointed as custodian or guardian  
2029 in the manner provided by law.

2030 The board of supervisors in each county is \* \* \* empowered,  
2031 in its discretion, to set aside and appropriate out of the tax  
2032 levied and collected to support the poor of the county or out of  
2033 the county general fund necessary monies to be administered by  
2034 the \* \* \* local office of child protection services to carry out  
2035 the provisions of this section.

2036 **SECTION 37.** Section 43-15-11, Mississippi Code of 1972, is  
2037 amended as follows:

2038 43-15-11. (1) The board of supervisors of any county and/or  
2039 the mayor and board of commissioners of any city and/or the mayor  
2040 and board of aldermen of any municipality in this state are \* \* \*  
2041 authorized and empowered, in their discretion, to expend out of  
2042 any \* \* \* monies in their respective treasuries, to be drawn by  
2043 warrant thereon, a sum or sums of money not exceeding a total of  
2044 Twenty-five Dollars (\$25.00) annually per One Million Dollars  
2045 (\$1,000,000.00) of the assessed valuation of the real and personal  
2046 property thereof for the purpose of providing for the care,



2047 support and maintenance of homeless or destitute children of any  
2048 county or municipality of this state who are supported, cared for,  
2049 maintained and placed for adoption by any children's home society  
2050 which operates over and serves the entire State of Mississippi,  
2051 and which is approved and licensed by the Mississippi Department  
2052 of \* \* \* Child Protection Services.

2053 (2) The authority granted in this section is supplemental of  
2054 and in addition to all existing authority for the expenditure of  
2055 funds by such boards of supervisors and municipal governing  
2056 authorities.

2057 **SECTION 38.** Section 43-15-15, Mississippi Code of 1972, is  
2058 amended as follows:

2059 43-15-15. The \* \* \* Department of \* \* \* Child Protection  
2060 Services shall maintain a registry of children whose custody lies  
2061 with them and private or public agencies licensed by the  
2062 department. \* \* \* The registry shall contain classifications of  
2063 children as:

2064 (a) Temporary custody for evaluation, not to exceed  
2065 three (3) months;

2066 (b) Temporary custody not to exceed one (1) year with  
2067 the plan to return custody to the natural parents;

2068 (c) Temporary custody, not to exceed two (2) years,  
2069 with a plan to free for adoption;

2070 (d) Children freed for adoption;



2071 (e) Children ages fourteen (14) and above who have  
2072 voluntarily chosen not to be adopted and cannot be returned to  
2073 their own homes; and

2074 (f) Children who are institutionalized and for whom  
2075 placement in an adoptive home is not feasible.

2076 **SECTION 39.** Section 43-15-19, Mississippi Code of 1972, is  
2077 amended as follows:

2078 43-15-19. (1) The \* \* \* Department of \* \* \* Child  
2079 Protection Services shall maintain a Mississippi Adoption Resource  
2080 Exchange registry, which shall contain a total listing of all  
2081 children freed for adoption as well as a listing of all persons  
2082 who wish to adopt children and who are approved by a licensed  
2083 adoption agency in the State of Mississippi. \* \* \* The registry  
2084 shall be distributed to all county \* \* \* offices of child  
2085 protection services and licensed adoption agencies within the  
2086 state and shall be updated at least quarterly. The \* \* \*  
2087 Department of \* \* \* Child Protection Services shall establish  
2088 regulations for listing descriptive characteristics while  
2089 protecting the privacy of the children's names. Listed names  
2090 shall be removed when adoption placement plans are made for a  
2091 child or when a person withdraws an application for adoption.

2092 (2) Adoptive parents shall be given the option of having  
2093 their names placed in the registry. To be placed in the registry,  
2094 they shall be required to give written authority to the \* \* \*  
2095 Department of Child Protection Services.



2096           **SECTION 40.** Section 43-15-21, Mississippi Code of 1972, is  
2097 amended as follows:

2098           43-15-21. Anyone violating or releasing information of a  
2099 confidential nature without the approval of the court with  
2100 jurisdiction or the \* \* \* Department of \* \* \* Child Protection  
2101 Services, upon being found guilty, shall be guilty of a  
2102 misdemeanor and subject to a fine of no more than One Thousand  
2103 Dollars (\$1,000.00) or imprisonment of six (6) months, or both.

2104           **SECTION 41.** Section 43-15-23, Mississippi Code of 1972, is  
2105 amended as follows:

2106           43-15-23. (1) As used in this section the term "placing  
2107 out" means to arrange for the free care of a child in a family,  
2108 other than that of the child's parent, stepparent, grandparent,  
2109 brother, sister, uncle or aunt or legal guardian, for the purpose  
2110 of adoption or for the purpose of providing care.

2111           (2) No person, agency, association, corporation,  
2112 institution, society or other organization, except a child  
2113 placement agency licensed by the Department of \* \* \* Child  
2114 Protection Services under Section 43-15-5, shall request, receive  
2115 or accept any compensation or thing of value, directly or  
2116 indirectly, for placing out of a child.

2117           (3) No person shall pay or give any compensation or thing of  
2118 value, directly or indirectly, for placing out of a child to any  
2119 person, agency, association, corporation, institution, society or



2120 other organization except a child placement agency licensed by the  
2121 Department of \* \* \* Child Protection Services.

2122 (4) The provisions of this section shall not be construed to  
2123 (a) prevent the payment of salaries or other compensation by a  
2124 child placement agency licensed by the Department of \* \* \* Child  
2125 Protection Services to the officers or employees thereof; (b)  
2126 prevent the payment of legal fees, which have been approved by the  
2127 chancery court, to an attorney for services performed in regard to  
2128 adoption proceedings; (c) prevent the payment of reasonable and  
2129 actual medical fees or hospital charges for services rendered in  
2130 connection with the birth or medical treatment of such child to  
2131 the physician or hospital which rendered the services; or (d)  
2132 prevent the receipt of such payments by such attorney, physician  
2133 or hospital.

2134 (5) Any person, agency, association, corporation,  
2135 institution, society or other organization violating the  
2136 provisions of this section shall be guilty of illegal placement of  
2137 children and shall be punished by a fine not to exceed Five  
2138 Thousand Dollars (\$5,000.00) or by imprisonment not more than five  
2139 (5) years, or both such fine and imprisonment.

2140 **SECTION 42.** Section 43-15-103, Mississippi Code of 1972, is  
2141 amended as follows:

2142 43-15-103. As used in this article:

2143 (a) "Agency" means a residential child-caring agency or  
2144 a child-placing agency.



2145 (b) "Child" or "children" mean(s) any unmarried person  
2146 or persons under the age of eighteen (18) years.

2147 (c) "Child placing" means receiving, accepting or  
2148 providing custody or care for any child under eighteen (18) years  
2149 of age, temporarily or permanently, for the purpose of:

2150 (i) Finding a person to adopt the child;

2151 (ii) Placing the child temporarily or permanently  
2152 in a home for adoption; or

2153 (iii) Placing a child in a foster home or  
2154 residential child-caring agency.

2155 (d) "Child-placing agency" means any entity or person  
2156 which places children in foster boarding homes or foster homes for  
2157 temporary care or for adoption or any other entity or person or  
2158 group of persons who are engaged in providing adoption studies or  
2159 foster care studies or placement services as defined by the rules  
2160 of the department.

2161 (e) "Department" means the Mississippi Department  
2162 of \* \* \* Child Protection Services.

2163 \* \* \*

2164 ( \* \* \* f) "Family boarding home" or "foster home" means  
2165 a home (occupied residence) operated by any entity or person which  
2166 provides residential child care to at least one (1) child but not  
2167 more than six (6) children who are not related to the primary  
2168 caregivers.



2169 ( \* \* \*g) "Group care home" means any place or facility  
2170 operated by any entity or person which provides residential child  
2171 care for at least seven (7) children but not more than twelve (12)  
2172 children who are not related to the primary caregivers.

2173 ( \* \* \*h) "Licensee" means any person, agency or entity  
2174 licensed under this article.

2175 ( \* \* \*i) "Maternity home" means any place or facility  
2176 operated by any entity or person which receives, treats or cares  
2177 for more than one (1) child or adult who is pregnant out of  
2178 wedlock, either before, during or within two (2) weeks after  
2179 childbirth; provided, that the licensed child-placing agencies and  
2180 licensed maternity homes may use a family boarding home approved  
2181 and supervised by the agency or home, as a part of their work, for  
2182 as many as three (3) children or adults who are pregnant out of  
2183 wedlock, and provided further, that the provisions of this  
2184 definition shall not include children or women who receive  
2185 maternity care in the home of a person to whom they are kin within  
2186 the sixth degree of kindred computed according to civil law, nor  
2187 does it apply to any maternity care provided by general or special  
2188 hospitals licensed according to law and in which maternity  
2189 treatment and care are part of the medical services performed and  
2190 the care of children is brief and incidental.

2191 \* \* \*





2192 ( \* \* \*j) "Person associated with a licensee" means an  
2193 owner, director, member of the governing body, employee, provider  
2194 of care and volunteer of a human services licensee.

2195 ( \* \* \*k) "Related" means children, step-children,  
2196 grandchildren, step-grandchildren, siblings of the whole or  
2197 half-blood, step-siblings, nieces or nephews of the primary care  
2198 provider.

2199 ( \* \* \*l) "Residential child care" means the provision  
2200 of supervision, and/or protection, and meeting the basic needs of  
2201 a child for twenty-four (24) hours per day, which may include  
2202 services to children in a residential setting where care, lodging,  
2203 maintenance and counseling or therapy for alcohol or controlled  
2204 substance abuse or for any other emotional disorder or mental  
2205 illness is provided for children, whether for compensation or not.

2206 ( \* \* \*m) "Residential child-caring agency" means any  
2207 place or facility operated by any entity or person, public or  
2208 private, providing residential child care, regardless of whether  
2209 operated for profit or whether a fee is charged. Such residential  
2210 child-caring agencies include, but are not limited to, maternity  
2211 homes, runaway shelters, group homes that are administered by an  
2212 agency, and emergency shelters that are not in private residence.

2213 **SECTION 43.** Section 43-15-105, Mississippi Code of 1972, is  
2214 amended as follows:

2215 43-15-105. (1) The \* \* \* Department of Child Protection  
2216 Services shall be the licensing authority \* \* \* under this



2217 article, and is vested with all the powers, duties and  
2218 responsibilities described in this article. The \* \* \* department  
2219 shall make and establish rules and regulations regarding:

2220 (a) Approving, extending, denying, suspending and  
2221 revoking licenses for foster homes, residential child-caring  
2222 agencies and child-placing agencies;

2223 (b) Conditional licenses, variances from department  
2224 rules and exclusions;

2225 (c) Basic health and safety standards for licensees;  
2226 and

2227 (d) Minimum administration and financial requirements  
2228 for licensees.

2229 (2) The \* \* \* department shall:

2230 (a) Define information that shall be submitted to  
2231 the \* \* \* department with an application for a license;

2232 (b) Establish guidelines for the administration and  
2233 maintenance of client and service records, including staff  
2234 qualifications, staff to client ratios;

2235 (c) Issue licenses in accordance with this article;

2236 (d) Conduct surveys and inspections of licensees and  
2237 facilities;

2238 (e) Establish and collect licensure fees;

2239 (f) Investigate complaints regarding any licensee or  
2240 facility;



2241 (g) Have access to all records, correspondence and  
2242 financial data required to be maintained by a licensee or  
2243 facility;  
2244 (h) Have authority to interview any client, family  
2245 member of a client, employee or officer of a licensee or facility;  
2246 and  
2247 (i) Have authority to revoke, suspend or extend any  
2248 license issued by the \* \* \* department.

2249 **SECTION 44.** Section 43-15-107, Mississippi Code of 1972, is  
2250 amended as follows:

2251 43-15-107. (1) Except as provided in Section 43-15-111, no  
2252 person, agency, firm, corporation, association or other entity,  
2253 acting individually or jointly with any other person or entity,  
2254 may establish, conduct or maintain foster homes, residential  
2255 child-caring agencies and child-placing agencies or facility  
2256 and/or engage in child placing in this state without a valid and  
2257 current license issued by and under the authority of the \* \* \*  
2258 department as provided by this article and the rules of the \* \* \*  
2259 department. Any out-of-state child-placing agency that provides a  
2260 full range of services, including, but not limited to, adoptions,  
2261 foster family homes, adoption counseling services or financial  
2262 aid, in this state must be licensed by the \* \* \* department under  
2263 this article.

2264 (2) No license issued under this article is assignable or  
2265 transferable.



2266 (3) A current license shall at all times be posted in each  
2267 licensee's facility, in a place that is visible and readily  
2268 accessible to the public.

2269 (4) (a) Except as otherwise provided in paragraph (b) of  
2270 this subsection, each license issued under this article expires at  
2271 midnight (Central Standard Time) twelve (12) months from the date  
2272 of issuance unless it has been:

2273 (i) Previously revoked by the \* \* \* department; or  
2274 (ii) Voluntarily returned to the \* \* \* department  
2275 by the licensee.

2276 (b) (i) For any child-placing agency located in  
2277 Mississippi that remains in good standing, the license issued  
2278 under this article expires at midnight (Central Standard Time)  
2279 twenty-four (24) months from the date of issuance unless it has  
2280 been:

2281 1. Previously revoked by the \* \* \*  
2282 department; or

2283 2. Voluntarily returned to the \* \* \*  
2284 department by the licensee.

2285 (ii) Any child-placing agency whose license is  
2286 governed by this paragraph (b) shall submit the following  
2287 information to the \* \* \* department annually:

2288 1. A copy of an audit report and IRS Form 990  
2289 for the agency;

2290 2. The agency's fee schedule; and



2291 3. The agency's client list.

2292 (c) A license may be renewed upon application and  
2293 payment of the applicable fee, provided that the licensee meets  
2294 the license requirements established by this article and the rules  
2295 and regulations of the \* \* \* department.

2296 (5) Any licensee or facility which is in operation at the  
2297 time rules are made in accordance with this article shall be given  
2298 a reasonable time for compliance as determined by the rules of  
2299 the \* \* \* department.

2300 **SECTION 45.** Section 43-15-109, Mississippi Code of 1972, is  
2301 amended as follows:

2302 43-15-109. (1) An application for a license under this  
2303 article shall be made to the \* \* \* department and shall contain  
2304 information that the \* \* \* department determines is necessary in  
2305 accordance with established rules.

2306 (2) Information received by the office through reports,  
2307 complaints, investigations and inspections shall be classified as  
2308 public in accordance with Title 25, Chapter 61, Mississippi Code  
2309 of 1972, Mississippi Public Records Act.

2310 **SECTION 46.** Section 43-15-113, Mississippi Code of 1972, is  
2311 amended as follows:

2312 43-15-113. (1) If a license is revoked, the \* \* \*  
2313 department may grant a new license after:



2314 (a) Satisfactory evidence is submitted to the \* \* \*  
2315 department, evidencing that the conditions upon which revocation  
2316 was based have been corrected; and

2317 (b) Inspection and compliance with all provisions of  
2318 this article and applicable rules.

2319 (2) The \* \* \* department may only suspend a license for a  
2320 period of time which does not exceed the current expiration date  
2321 of that license.

2322 (3) When a license has been suspended, the \* \* \* department  
2323 may completely or partially restore the suspended license upon a  
2324 determination that the:

2325 (a) Conditions upon which the suspension was based have  
2326 been completely or partially corrected; and

2327 (b) Interests of the public will not be jeopardized by  
2328 restoration of the license.

2329 **SECTION 47.** Section 43-15-115, Mississippi Code of 1972, is  
2330 amended as follows:

2331 43-15-115. (1) The \* \* \* department may, for the purpose of  
2332 ascertaining compliance with the provisions of this article and  
2333 its rules and regulations, enter and inspect on a routine basis  
2334 the facility of a licensee.

2335 (2) Before conducting an inspection under subsection (1),  
2336 the \* \* \* department shall, after identifying the person in  
2337 charge:

2338 (a) Give proper identification;



2339 (b) Request to see the applicable license;  
2340 (c) Describe the nature and purpose of the inspection;  
2341 and  
2342 (d) If necessary, explain the authority of the \* \* \*  
2343 department to conduct the inspection and the penalty for refusing  
2344 to permit the inspection.

2345 (3) In conducting an inspection under subsection (1),  
2346 the \* \* \* department may, after meeting the requirements of  
2347 subsection (2):

2348 (a) Inspect the physical facilities;  
2349 (b) Inspect records and documents;  
2350 (c) Interview directors, employees, clients, family  
2351 members of clients and others; and  
2352 (d) Observe the licensee in operation.

2353 (4) An inspection conducted under subsection (1) shall be  
2354 during regular business hours and may be announced or unannounced.

2355 (5) The licensee shall make copies of inspection reports  
2356 available to the public upon request.

2357 (6) The provisions of this section apply to on-site  
2358 inspections and do not restrict the \* \* \* department from  
2359 contacting family members, neighbors or other individuals, or from  
2360 seeking information from other sources to determine compliance  
2361 with the provisions of this article.

2362 **SECTION 48.** Section 43-15-117, Mississippi Code of 1972, is  
2363 amended as follows:



2364 43-15-117. (1) Except as provided in this article, no  
2365 person, agency, firm, corporation, association or group children's  
2366 home may engage in child placing, or solicit money or other  
2367 assistance for child placing, without a valid license issued by  
2368 the \* \* \* department. No out-of-state child-placing agency that  
2369 provides a full range of services, including, but not limited to,  
2370 adoptions, foster family homes, adoption counseling services or  
2371 financial aid, may operate in this state without a valid license  
2372 issued by the \* \* \* department. No child-placing agency shall  
2373 advertise in the media markets in Mississippi seeking birth  
2374 mothers or their children for adoption purposes unless the agency  
2375 holds a valid and current license issued either by the \* \* \*  
2376 department or the authorized governmental licensing agency of  
2377 another state that regulates child-placing agencies. Any  
2378 child-placing agency, physician or attorney who advertises for  
2379 child placing or adoption services in Mississippi shall be  
2380 required by the \* \* \* department to show their principal office  
2381 location on all media advertising for adoption services.

2382 (2) An attorney who provides legal services to a client in  
2383 connection with proceedings for the adoption of a child by the  
2384 client, who does not receive, accept or provide custody or care  
2385 for the child for the purposes specified in Section 43-15-103(c),  
2386 shall not be required to have a license under this article to  
2387 provide those legal services.





2388 (3) An attorney, physician or other person may assist a  
2389 parent in identifying or locating a person interested in adopting  
2390 the parent's child, or in identifying or locating a child to be  
2391 adopted. However, no payment, charge, fee, reimbursement of  
2392 expense, or exchange of value of any kind, or promise or agreement  
2393 to make the same, may be made for that assistance.

2394 (4) Nothing in this section precludes payment of reasonable  
2395 fees for medical, legal or other lawful services rendered in  
2396 connection with the care of a mother, delivery and care of a child  
2397 including, but not limited to, the mother's living expenses, or  
2398 counseling for the parents and/or the child, and for the legal  
2399 proceedings related to lawful adoption proceedings; and no  
2400 provision of this section abrogates the right of procedures for  
2401 independent adoption as provided by law.

2402 (5) The \* \* \* department is specifically authorized to  
2403 promulgate rules under the Administrative Procedures Law, Title  
2404 25, Chapter 43, Mississippi Code of 1972, to regulate fees charged  
2405 by licensed child-placing agencies, if it determines that the  
2406 practices of those licensed child-placing agencies demonstrates  
2407 that the fees charged are excessive or that any of the agency's  
2408 practices are deceptive or misleading; however, those rules  
2409 regarding fees shall take into account the use of any sliding fee  
2410 by an agency that uses a sliding fee procedure to permit  
2411 prospective adoptive parents of varying income levels to utilize  
2412 the services of those agencies or persons.



2413 (6) The \* \* \* department shall promulgate rules under the  
2414 Administrative Procedures Law, Title 25, Chapter 43, Mississippi  
2415 Code of 1972, to require that all licensed child-placing agencies  
2416 provide written disclosures to all prospective adoptive parents of  
2417 any fees or other charges for each service performed by the agency  
2418 or person, and file an annual report with the \* \* \* department  
2419 that states the fees and charges for those services, and to  
2420 require them to inform the \* \* \* department in writing thirty (30)  
2421 days in advance of any proposed changes to the fees or charges for  
2422 those services.

2423 (7) The \* \* \* department is specifically authorized to  
2424 disclose to prospective adoptive parents or other interested  
2425 persons any fees charged by any licensed child-placing agency,  
2426 attorney or counseling service or counselor for all legal and  
2427 counseling services provided by that licensed child-placing  
2428 agency, attorney or counseling service or counselor.

2429 **SECTION 49.** Section 43-15-119, Mississippi Code of 1972, is  
2430 amended as follows:

2431 43-15-119. (1) If the \* \* \* department finds that a  
2432 violation has occurred under this article or the rules and  
2433 regulations of the \* \* \* department, it may:

2434 (a) Deny, suspend or revoke a license or place the  
2435 licensee on probation, if the \* \* \* department discovers that a  
2436 licensee is not in compliance with the laws, standards or  
2437 regulations governing its operation, and/or it finds evidence of



2438 aiding, abetting or permitting the commission of any illegal act;  
2439 or

2440 (b) Restrict or prohibit new admissions to the  
2441 licensee's program or facility, if the \* \* \* department discovers  
2442 that a licensee is not in compliance with the laws, standards or  
2443 regulations governing its operation, and/or it finds evidence of  
2444 aiding, abetting or permitting the commission of any illegal act.

2445 (2) If placed on probation, the agency or licensee shall  
2446 post a copy of the notice in a conspicuous place as directed by  
2447 the \* \* \* department and with the agency's or individual's  
2448 license, and the agency shall notify the custodians of each of the  
2449 children in its care in writing of the agency's status and the  
2450 basis for the probation.

2451 **SECTION 50.** Section 43-15-121, Mississippi Code of 1972, is  
2452 amended as follows:

2453 43-15-121. In addition to, and notwithstanding, any other  
2454 remedy provided by law, the \* \* \* department may, in a manner  
2455 provided by law and upon the advice of the Attorney General who,  
2456 except as otherwise authorized in Section 7-5-39, shall represent  
2457 the \* \* \* department in the proceedings, maintain an action in the  
2458 name of the state for injunction or other process against any  
2459 person or entity to restrain or prevent the establishment,  
2460 management or operation of a program or facility or performance of  
2461 services in violation of this article or rules of the \* \* \*  
2462 department.



2463           **SECTION 51.** Section 43-15-125, Mississippi Code of 1972, is  
2464 amended as follows:

2465           43-15-125. The department \* \* \* and/or its officers,  
2466 employees, attorneys and representatives shall not be held civilly  
2467 liable for any findings, recommendations or actions taken pursuant  
2468 to this article.

2469           **SECTION 52.** Section 43-15-201, Mississippi Code of 1972, is  
2470 amended as follows:

2471           43-15-201. (1) An emergency medical services provider,  
2472 without a court order, shall take possession of a child who is  
2473 seven (7) days old or younger if the child is voluntarily  
2474 delivered to the provider by the child's parent and the parent did  
2475 not express an intent to return for the child.

2476           (2) The parent who surrenders the baby shall not be required  
2477 to provide any information pertaining to his or her identity, nor  
2478 shall the emergency medical services provider inquire as to same.  
2479 If the identity of the parent is known to the emergency medical  
2480 services provider, the emergency medical services provider shall  
2481 keep the identity confidential.

2482           (3) A female presenting herself to a hospital through the  
2483 emergency room or otherwise, who is subsequently admitted for  
2484 purposes of labor and delivery, does not give up the legal  
2485 protections or anonymity guaranteed under this section. If the  
2486 mother clearly expresses a desire to voluntarily surrender custody  
2487 of the newborn after birth, the emergency medical services



2488 provider can take possession of the child, without further action  
2489 by the mother, as if the child had been presented to the emergency  
2490 medical services provider in the same manner outlined above in  
2491 subsection (1) of this section.

2492 (a) If the mother expresses a desire to remain  
2493 anonymous, identifying information may be obtained for purposes of  
2494 securing payment of labor and delivery costs only. If the birth  
2495 mother is a minor, the hospital may use the identifying  
2496 information to secure payment through Medicaid, but shall not  
2497 notify the minor's parent or guardian without the minor's consent.

2498 (b) The identity of the birth mother shall not be  
2499 placed on the birth certificate or disclosed to the Department  
2500 of \* \* \* Child Protection Services.

2501 (4) There is a presumption that by relinquishing a child in  
2502 accordance with this section, the parent consents to the  
2503 termination of his or her parental rights with respect to the  
2504 child. As such, the parent waives the right to notification  
2505 required by subsequent court proceedings.

2506 (5) An emergency medical services provider who takes  
2507 possession of a child under this section shall perform any act  
2508 necessary to protect the physical health or safety of the child.

2509 **SECTION 53.** Section 43-15-203, Mississippi Code of 1972, is  
2510 amended as follows:

2511 43-15-203. (1) No later than the close of the first  
2512 business day after the date on which an emergency medical services



2513 provider takes possession of a child pursuant to Section  
2514 43-15-201, the provider shall notify the Department of \* \* \* Child  
2515 Protection Services that the provider has taken possession of the  
2516 child.

2517 (2) The department shall assume the care, control and  
2518 custody of the child immediately on receipt of notice pursuant to  
2519 subsection (1). The department shall be responsible for all  
2520 medical and other costs associated with the child and shall  
2521 reimburse the hospital for any costs incurred prior to the child  
2522 being placed in the care of the department.

2523 **SECTION 54.** Section 43-15-207, Mississippi Code of 1972, is  
2524 amended as follows:

2525 43-15-207. For the purposes of this article, an emergency  
2526 medical services provider shall mean a licensed hospital, as  
2527 defined in Section 41-9-3, which operates an emergency department,  
2528 an adoption agency duly licensed by the Department of \* \* \* Child  
2529 Protection Services, or fire station or mobile ambulance staffed  
2530 with full-time firefighters, emergency medical technicians or  
2531 paramedics. An emergency medical services provider does not  
2532 include the offices, clinics, surgeries or treatment facilities of  
2533 private physicians or dentists. No individual licensed healthcare  
2534 provider, including physicians, dentists, nurses, physician  
2535 assistants or other health professionals shall be deemed to be an  
2536 emergency medical services provider under this article unless such



2537 individual voluntarily assumes responsibility for the custody of  
2538 the child.

2539 **SECTION 55.** Section 43-16-3, Mississippi Code of 1972, is  
2540 amended as follows:

2541 43-16-3. As used in this chapter, the following definitions  
2542 shall apply unless the context clearly provides otherwise:

2543 (a) "Child" means a person who has not reached the age  
2544 of eighteen (18) years or who has not otherwise been legally  
2545 emancipated.

2546 (b) "Child residential home" means any place, facility  
2547 or home operated by any person which receives children who are not  
2548 related to the operators and whose parents or guardians are not  
2549 residents of the same facility for supervision, care, lodging and  
2550 maintenance for twenty-four (24) hours a day, with or without  
2551 transfer of custody. This term does not include:

2552 (i) Residential homes licensed by the Department  
2553 of \* \* \* Child Protection Services under Section 43-15-5;

2554 (ii) Any public school;

2555 (iii) Any home operated by a state agency;

2556 (iv) Child care facilities as defined in Section  
2557 43-20-5;

2558 (v) Youth camps as defined in Section 75-74-3;

2559 (vi) Health care facilities licensed by the State  
2560 Department of Health; or



2561 (vii) The home of an attorney-in-fact operating  
2562 under a power of attorney executed under Section 93-31-1 et seq.

2563 (c) "Department" shall mean the State Department of  
2564 Health.

2565 (d) "Person" shall include an individual, partnership,  
2566 organization, association or corporation.

2567 **SECTION 56.** Section 43-16-7, Mississippi Code of 1972, is  
2568 amended as follows:

2569 43-16-7. \* \* \* The operator of any child residential home  
2570 shall provide notification in accordance with this chapter within  
2571 sixty (60) days of beginning operation.

2572 \* \* \*

2573 **SECTION 57.** Section 43-18-3, Mississippi Code of 1972, is  
2574 amended as follows:

2575 43-18-3. The "appropriate public authorities" as used in  
2576 Article III of the Interstate Compact on the Placement of Children  
2577 shall, with reference to this state, means the \* \* \* Department of  
2578 Child Protection Services, or with the approval of the  
2579 Commissioner of Child Protection Services, any regional or local  
2580 office of the Department of Child Protection Services shall be  
2581 authorized to receive and act with reference to notices required  
2582 by \* \* \* Article III.

2583 **SECTION 58.** Section 43-18-5, Mississippi Code of 1972, is  
2584 amended as follows:





2585 43-18-5. As used in paragraph (a) of Article V of the  
2586 Interstate Compact on the Placement of Children, the phrase  
2587 "appropriate authority in the receiving state" with reference to  
2588 this state shall mean the \* \* \* Department of \* \* \* Child  
2589 Protection Services, or \* \* \* with the approval of the  
2590 Commissioner of \* \* \* Child Protection Services, any regional or  
2591 local office of the department.

2592 **SECTION 59.** Section 43-21-351, Mississippi Code of 1972, is  
2593 amended as follows:

2594 43-21-351. (1) Any person or agency having knowledge that a  
2595 child residing or being within the county is within the  
2596 jurisdiction of the youth court may make a written report to the  
2597 intake unit alleging facts sufficient to establish the  
2598 jurisdiction of the youth court. The report shall bear a  
2599 permanent number that will be assigned by the court in accordance  
2600 with the standards established by the Administrative Office of  
2601 Courts pursuant to Section 9-21-9(d), and shall be preserved until  
2602 destroyed on order of the court.

2603 (2) There shall be in each youth court of the state an  
2604 intake officer who shall be responsible for the accurate and  
2605 timely entering of all intake and case information into the  
2606 Mississippi Youth Court Information Delivery System (MYCIDS) for  
2607 the Department of Human Services - Division of Youth Services,  
2608 truancy matters, and the \* \* \* Department of Child Protection  
2609 Services. It shall be the responsibility of the youth court judge



2610 or referee of each county to ensure that the intake officer is  
2611 carrying out the responsibility of this section.

2612         **SECTION 60.** Section 43-21-354, Mississippi Code of 1972, is  
2613 amended as follows:

2614         43-21-354. The statewide incoming wide area telephone  
2615 service established pursuant to Section 43-21-353 \* \* \* shall be  
2616 maintained by the Department of \* \* \* Child Protection Services,  
2617 or its successor, on a twenty-four-hour seven (7) days a week  
2618 basis.

2619         **SECTION 61.** Section 43-21-357, Mississippi Code of 1972, is  
2620 amended as follows:

2621         43-21-357. (1) After receiving a report, the youth court  
2622 intake unit shall promptly make a preliminary inquiry to determine  
2623 whether the interest of the child, other children in the same  
2624 environment or the public requires the youth court to take further  
2625 action. As part of the preliminary inquiry, the youth court  
2626 intake unit may request or the youth court may order the  
2627 Department of \* \* \* Child Protection Services, the Department of  
2628 Human Services - Division of Youth Services, any successor agency  
2629 or any other qualified public employee to make an investigation or  
2630 report concerning the child and any other children in the same  
2631 environment, and present the findings thereof to the youth court  
2632 intake unit. If the youth court intake unit receives a neglect or  
2633 abuse report, the youth court intake unit shall immediately  
2634 forward the complaint to the Department of \* \* \* Child Protection



2635 Services to promptly make an investigation or report concerning  
2636 the child and any other children in the same environment and  
2637 promptly present the findings thereof to the youth court intake  
2638 unit. If it appears from the preliminary inquiry that the child  
2639 or other children in the same environment are within the  
2640 jurisdiction of the court, the youth court intake unit shall  
2641 recommend to the youth court:

2642 (a) That the youth court take no action;

2643 (b) That an informal adjustment be made;

2644 (c) That the Department of \* \* \* Child Protection

2645 Services \* \* \* monitor the child, family and other children in the  
2646 same environment;

2647 (d) That the child is warned or counseled informally;

2648 (e) That the child be referred to the youth court  
2649 intervention court; or

2650 (f) That a petition be filed.

2651 (2) The youth court shall then, without a hearing:

2652 (a) Order that no action be taken;

2653 (b) Order that an informal adjustment be made;

2654 (c) Order that the Department of \* \* \* Child Protection

2655 Services \* \* \* monitor the child, family and other children in the  
2656 same environment;

2657 (d) Order that the child is warned or counseled  
2658 informally;



2659 (e) That the child be referred to the youth  
2660 intervention court; or

2661 (f) Order that a petition be filed.

2662 (3) If the preliminary inquiry discloses that a child needs  
2663 emergency medical treatment, the judge may order the necessary  
2664 treatment.

2665 **SECTION 62.** Section 43-21-405, Mississippi Code of 1972, is  
2666 amended as follows:

2667 43-21-405. (1) The informal adjustment process shall be  
2668 initiated with an informal adjustment conference conducted by an  
2669 informal adjustment counselor appointed by the judge or his  
2670 designee.

2671 (2) If the child and his parent, guardian or custodian  
2672 appear at the informal adjustment conference without counsel, the  
2673 informal adjustment counselor shall, at the commencement of the  
2674 conference, inform them of their right to counsel, the child's  
2675 right to appointment of counsel and the right of the child to  
2676 remain silent. If either the child or his parent, guardian or  
2677 custodian indicates a desire to be represented by counsel, the  
2678 informal adjustment counselor shall adjourn the conference to  
2679 afford an opportunity to secure counsel.

2680 (3) At the beginning of the informal adjustment conference,  
2681 the informal adjustment counselor shall inform the child and his  
2682 parent, guardian or custodian:



2683           (a) That information has been received concerning the  
2684 child which appears to establish jurisdiction of the youth court;  
2685           (b) The purpose of the informal adjustment conference;  
2686           (c) That during the informal adjustment process no  
2687 petition will be filed;  
2688           (d) That the informal adjustment process is voluntary  
2689 with the child and his parent, guardian or custodian and that they  
2690 may withdraw from the informal adjustment at any time; and  
2691           (e) The circumstances under which the informal  
2692 adjustment process can be terminated under Section 43-21-407.  
2693       (4) The informal adjustment counselor shall then discuss  
2694 with the child and his parent, guardian or custodian:  
2695           (a) Recommendations for actions or conduct in the  
2696 interest of the child to correct the conditions of behavior or  
2697 environment which may exist;  
2698           (b) Continuing conferences and contacts with the child  
2699 and his parent, guardian or custodian by the informal adjustment  
2700 counselor or other authorized persons; and  
2701           (c) The child's general behavior, his home and school  
2702 environment and other factors bearing upon the proposed informal  
2703 adjustment.  
2704       (5) After the parties have agreed upon the appropriate terms  
2705 and conditions of informal adjustment, the informal adjustment  
2706 counselor and the child and his parent, guardian or custodian  
2707 shall sign a written informal adjustment agreement setting forth



2708 the terms and conditions of the informal adjustment. The informal  
2709 adjustment agreement may be modified at any time upon the consent  
2710 of all parties to the informal adjustment conference.

2711 (6) The informal adjustment process shall not continue  
2712 beyond a period of six (6) months from its commencement unless  
2713 extended by the youth court for an additional period not to exceed  
2714 six (6) months by court authorization prior to the expiration of  
2715 the original six-month period. In no event shall the custody or  
2716 supervision of a child which has been placed with the Department  
2717 of \* \* \* Human Services - Division of Youth Services or the  
2718 Department of Child Protection Services be continued or extended  
2719 except upon a written finding by the youth court judge or referee  
2720 that reasonable efforts have been made to maintain the child  
2721 within his own home, but that the circumstances warrant his  
2722 removal and there is no reasonable alternative to custody, and  
2723 that reasonable efforts will continue to be made towards  
2724 reunification of the family.

2725 **SECTION 63.** Section 43-21-603, Mississippi Code of 1972, is  
2726 amended as follows:

2727 43-21-603. (1) At the beginning of each disposition  
2728 hearing, the judge shall inform the parties of the purpose of the  
2729 hearing.

2730 (2) All testimony shall be under oath unless waived by all  
2731 parties and may be in narrative form. The court may consider any  
2732 evidence that is material and relevant to the disposition of the



2733 cause, including hearsay and opinion evidence. At the conclusion  
2734 of the evidence, the youth court shall give the parties an  
2735 opportunity to present oral argument.

2736 (3) If the child has been adjudicated a delinquent child,  
2737 before entering a disposition order, the youth court should  
2738 consider, among others, the following relevant factors:

2739 (a) The nature of the offense;

2740 (b) The manner in which the offense was committed;

2741 (c) The nature and number of a child's prior  
2742 adjudicated offenses;

2743 (d) The child's need for care and assistance;

2744 (e) The child's current medical history, including  
2745 medication and diagnosis;

2746 (f) The child's mental health history, which may  
2747 include, but not be limited to, the Massachusetts Youth Screening  
2748 Instrument version 2 (MAYSI-2);

2749 (g) Copies of the child's cumulative record from the  
2750 last school of record, including special education records, if  
2751 applicable;

2752 (h) Recommendation from the school of record based on  
2753 areas of remediation needed;

2754 (i) Disciplinary records from the school of record; and

2755 (j) Records of disciplinary actions outside of the  
2756 school setting.



2757 (4) If the child has been adjudicated a child in need of  
2758 supervision, before entering a disposition order, the youth court  
2759 should consider, among others, the following relevant factors:

2760 (a) The nature and history of the child's conduct;

2761 (b) The family and home situation; and

2762 (c) The child's need of care and assistance.

2763 (5) If the child has been adjudicated a neglected child or  
2764 an abused child, before entering a disposition order, the youth  
2765 court shall consider, among others, the following relevant  
2766 factors:

2767 (a) The child's physical and mental conditions;

2768 (b) The child's or family's need of assistance;

2769 (c) The manner in which the parent, guardian or  
2770 custodian participated in, tolerated or condoned the abuse,  
2771 neglect or abandonment of the child;

2772 (d) The ability of a child's parent, guardian or  
2773 custodian to provide proper supervision and care of a child; and

2774 (e) Relevant testimony and recommendations, where  
2775 available, from the foster parent of the child, the grandparents  
2776 of the child, the guardian ad litem of the child, representatives  
2777 of any private care agency that has cared for the child, the  
2778 family protection worker or family protection specialist assigned  
2779 to the case, and any other relevant testimony pertaining to the  
2780 case.





2781           (6) After consideration of all the evidence and the relevant  
2782 factors, the youth court shall enter a disposition order that  
2783 shall not recite any of the facts or circumstances upon which the  
2784 disposition is based, nor shall it recite that a child has been  
2785 found guilty; but it shall recite that a child is found to be a  
2786 delinquent child, a child in need of supervision, a neglected  
2787 child or an abused child.

2788           (7) If the youth court orders that the custody or  
2789 supervision of a child who has been adjudicated abused or  
2790 neglected be placed with the Department of \* \* \* Child Protection  
2791 Services or any other person or public or private agency, other  
2792 than the child's parent, guardian or custodian, the youth court  
2793 shall find and the disposition order shall recite that:

2794           (a) (i) Reasonable efforts have been made to maintain  
2795 the child within his own home, but that the circumstances warrant  
2796 his removal and there is no reasonable alternative to custody; or

2797                       (ii) The circumstances are of such an emergency  
2798 nature that no reasonable efforts have been made to maintain the  
2799 child within his own home, and that there is no reasonable  
2800 alternative to custody; and

2801           (b) That the effect of the continuation of the child's  
2802 residence within his own home would be contrary to the welfare of  
2803 the child and that the placement of the child in foster care is in  
2804 the best interests of the child; or



2805 (c) Reasonable efforts to maintain the child within his  
2806 home shall not be required if the court determines that:

2807 (i) The parent has subjected the child to  
2808 aggravated circumstances, including, but not limited to,  
2809 abandonment, torture, chronic abuse and sexual abuse; or

2810 (ii) The parent has been convicted of murder of  
2811 another child of that parent, voluntary manslaughter of another  
2812 child of that parent, aided or abetted, attempted, conspired or  
2813 solicited to commit that murder or voluntary manslaughter, or a  
2814 felony assault that results in the serious bodily injury to the  
2815 surviving child or another child of that parent; or

2816 (iii) The parental rights of the parent to a  
2817 sibling have been terminated involuntarily; and

2818 (iv) That the effect of the continuation of the  
2819 child's residence within his own home would be contrary to the  
2820 welfare of the child and that placement of the child in foster  
2821 care is in the best interests of the child.

2822 Once the reasonable efforts requirement is bypassed, the  
2823 court shall have a permanency hearing under Section 43-21-613  
2824 within thirty (30) days of the finding.

2825 (8) Upon a written motion by a party, the youth court shall  
2826 make written findings of fact and conclusions of law upon which it  
2827 relies for the disposition order. If the disposition ordered by  
2828 the youth court includes placing the child in the custody of a



2829 training school, an admission packet shall be prepared for the  
2830 child that contains the following information:

2831 (a) The child's current medical history, including  
2832 medications and diagnosis;

2833 (b) The child's mental health history;

2834 (c) Copies of the child's cumulative record from the  
2835 last school of record, including special education records, if  
2836 reasonably available;

2837 (d) Recommendation from the school of record based on  
2838 areas of remediation needed;

2839 (e) Disciplinary records from the school of record; and

2840 (f) Records of disciplinary actions outside of the  
2841 school setting, if reasonably available.

2842 Only individuals who are permitted under the Health Insurance  
2843 Portability and Accountability Act of 1996 (HIPAA) shall have  
2844 access to a child's medical records which are contained in an  
2845 admission packet. The youth court shall provide the admission  
2846 packet to the training school at or before the child's arrival at  
2847 the training school. The admittance of any child to a training  
2848 school shall take place between the hours of 8:00 a.m. and 3:00  
2849 p.m. on designated admission days.

2850 (9) When a child in the jurisdiction of the Youth Court is  
2851 committed to the custody of the Mississippi Department of Human  
2852 Services or the Department of Child Protection Services and is  
2853 believed to be in need of treatment for a mental or emotional



2854 disability or infirmity, the Department of Human Services or the  
2855 Department of Child Protection Services shall file an affidavit  
2856 alleging that the child is in need of mental health services with  
2857 the Youth Court. The Youth Court shall refer the child to the  
2858 appropriate community mental health center for evaluation pursuant  
2859 to Section 41-21-67. If the prescreening evaluation recommends  
2860 residential care, the Youth Court shall proceed with civil  
2861 commitment pursuant to Sections 41-21-61 et seq., 43-21-315 and  
2862 43-21-611, and the Department of Mental Health, once commitment is  
2863 ordered, shall provide appropriate care, treatment and services  
2864 for at least as many adolescents as were provided services in  
2865 fiscal year 2004 in its facilities.

2866 (10) Any screening and assessment examinations ordered by  
2867 the court may aid in dispositions related to delinquency, but no  
2868 statements or admissions made during the course thereof may be  
2869 admitted into evidence against the child on the issue of whether  
2870 the child committed a delinquent act.

2871 **SECTION 64.** Section 43-21-609, Mississippi Code of 1972, as  
2872 amended by House Bill No. 1115, 2023 Regular Session, is amended  
2873 as follows:

2874 43-21-609. In neglect and abuse cases, the disposition order  
2875 may include any of the following alternatives, giving precedence  
2876 in the following sequence:

2877 (a) Release the child without further action;



2878           (b) Place the child in the custody of his parents, a  
2879 relative or other person subject to any conditions and limitations  
2880 as the court may prescribe. If the court finds that temporary  
2881 relative placement, adoption or foster care placement is  
2882 inappropriate, unavailable or otherwise not in the best interest  
2883 of the child, durable legal custody may be granted by the court to  
2884 any person subject to any limitations and conditions the court may  
2885 prescribe; such durable legal custody will not take effect unless  
2886 the child or children have been in the physical custody of the  
2887 proposed durable custodians for at least six (6) months under the  
2888 supervision of the Department of \* \* \* Child Protection Services.  
2889 After granting durable legal custody of a minor child, the youth  
2890 court shall retain original and exclusive jurisdiction of all  
2891 matters related to durable legal custody, including, but not  
2892 limited to, petitions to modify the durable legal custody. The  
2893 requirements of Section 43-21-613 as to disposition review  
2894 hearings do not apply to those matters in which the court has  
2895 granted durable legal custody. In such cases, the Department  
2896 of \* \* \* Child Protection Services shall be released from any  
2897 oversight or monitoring responsibilities;

2898           (c) (i) Grant durable legal relative guardianship to a  
2899 relative or fictive kin licensed as a foster parent if the  
2900 licensed relative foster parent or licensed fictive kin foster  
2901 parent exercised physical custody of the child for at least six  
2902 (6) months before the grant of durable legal relative guardianship



2903 and the Department of Child Protection Services had legal custody  
2904 or exercised supervision of the child for at least six (6) months.  
2905 In order to establish durable legal relative guardianship, the  
2906 youth court must find the following:

2907                   1. That reunification has been determined to  
2908 be inappropriate;

2909                   2. That the relative guardian or fictive kin  
2910 guardian shows full commitment to the care, shelter, education,  
2911 nurture, and reasonable medical care of the child; and

2912                   3. That the youth court consulted with any  
2913 child twelve (12) years of age or older before granting durable  
2914 legal relative guardianship.

2915                   (ii) The requirements of Section 43-21-613 as to  
2916 disposition review hearings do not apply to a hearing concerning  
2917 durable legal relative guardianship. However, the Department of  
2918 Child Protection Services must conduct an annual review and  
2919 recertification of the durable legal relative guardianship to  
2920 determine whether it remains in the best interest of the child.

2921 If a material change in circumstances occurs adverse to the best  
2922 interest of the child, the parent, relative guardian, fictive kin  
2923 guardian, or Department of Child Protection Services may petition  
2924 the court to review the durable legal relative guardianship;

2925                   (d) Order terms of treatment calculated to assist the  
2926 child and the child's parent, guardian or custodian which are



2927 within the ability of the parent, guardian or custodian to  
2928 perform;

2929 (e) Order youth court personnel, the Department of  
2930 Child Protection Services or child care agencies to assist the  
2931 child and the child's parent, guardian or custodian to secure  
2932 social or medical services to provide proper supervision and care  
2933 of the child;

2934 (f) Give legal custody of the child to any of the  
2935 following but in no event to any state training school:

2936 (i) The Department of Child Protection Services  
2937 for appropriate placement; or

2938 (ii) Any private or public organization,  
2939 preferably community-based, able to assume the education, care and  
2940 maintenance of the child, which has been found suitable by the  
2941 court. Prior to assigning the custody of any child to any private  
2942 institution or agency, the youth court through its designee shall  
2943 first inspect the physical facilities to determine that they  
2944 provide a reasonable standard of health and safety for the child;

2945 (g) If the court makes a finding that custody is  
2946 necessary as defined in Section 43-21-301(3)(b), and that the  
2947 child, in the action pending before the youth court had not  
2948 previously been taken into custody, the disposition order shall  
2949 recite that the effect of the continuation of the child's residing  
2950 within his or her own home would be contrary to the welfare of the  
2951 child, that the placement of the child in foster care is in the



2952 best interests of the child, and unless the reasonable efforts  
2953 requirement is bypassed under Section 43-21-603(7)(c), the order  
2954 also must state:

2955                   (i) That reasonable efforts have been made to  
2956 maintain the child within his or her own home, but that the  
2957 circumstances warrant his or her removal, and there is no  
2958 reasonable alternative to custody; or

2959                   (ii) The circumstances are of such an emergency  
2960 nature that no reasonable efforts have been made to maintain the  
2961 child within his or her own home, and there is no reasonable  
2962 alternative to custody; or

2963                   (iii) If the court makes a finding in accordance  
2964 with subparagraph (ii) of this paragraph, the court shall order  
2965 that reasonable efforts be made towards the reunification of the  
2966 child with his or her family; or

2967                   (h) If the court had, before the disposition hearing in  
2968 the action pending before the court, taken the child into custody,  
2969 the judge or referee shall determine, and the youth court order  
2970 shall recite that reasonable efforts were made by the Department  
2971 of Child Protection Services to finalize the child's permanency  
2972 plan that was in effect on the date of the disposition hearing.

2973                   **SECTION 65.** Section 43-21-801, Mississippi Code of 1972, is  
2974 amended as follows:

2975                   43-21-801. (1) There is established the Youth Court Support  
2976 Program. The purpose of the program shall be to ensure that all





2977 youth courts have sufficient support funds to carry on the  
2978 business of the youth court. The Administrative Office of Courts  
2979 shall establish a formula consistent with this section for  
2980 providing state support payable from the Youth Court Support Fund  
2981 for the support of the youth courts.

2982 (a) (i) Each regular youth court referee is eligible  
2983 for youth court support funds so long as the senior chancellor  
2984 does not elect to employ a youth court administrator as set forth  
2985 in paragraph (b); a municipal youth court judge is also eligible.  
2986 The Administrative Office of Courts shall direct any funds to the  
2987 appropriate county or municipality. The funds shall be utilized  
2988 to compensate an intake officer who shall be responsible for  
2989 ensuring that all intake and case information for the Department  
2990 of Human Services - Division of Youth Services, truancy matters,  
2991 and the \* \* \* Department of Child Protection Services is entered  
2992 into the Mississippi Youth Court Information Delivery System  
2993 (MYCIDS) in an accurate and timely manner. If the court already  
2994 has an intake officer responsible for entering all cases of the  
2995 Department of Human Services - Division of Youth Services, truancy  
2996 matters, and the \* \* \* Department of Child Protection Services  
2997 into MYCIDS, the regular youth court referee or municipal court  
2998 judge may certify to the Administrative Office of Courts that such  
2999 a person is already on staff. In such a case, each regular youth  
3000 court referee or municipal youth court judge shall have the sole  
3001 individual discretion to appropriate those funds as expense monies



3002 to assist in hiring secretarial staff and acquiring materials and  
3003 equipment incidental to carrying on the business of the court  
3004 within the private practice of law of the referee or judge, or may  
3005 direct the use of those funds through the county or municipal  
3006 budget for court support supplies or services. The regular youth  
3007 court referee and municipal youth court judge shall be accountable  
3008 for assuring through private, county or municipal employees the  
3009 proper preparation and filing of all necessary tracking and other  
3010 documentation attendant to the administration of the youth court.

3011 (ii) Title to all tangible property, excepting  
3012 stamps, stationery and minor expendable office supplies, procured  
3013 with funds authorized by this section, shall be and forever remain  
3014 in the county or municipality to be used by the judge or referee  
3015 during the term of his office and thereafter by his successors.

3016 (b) (i) When permitted by the Administrative Office of  
3017 Courts and as funds are available, the senior chancellor for  
3018 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
3019 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
3020 administrator for the district whose responsibility will be to  
3021 perform all reporting, tracking and other duties of a court  
3022 administrator for all youth courts in the district that are under  
3023 the chancery court system. Any chancery district listed in this  
3024 paragraph in which a chancellor appoints a referee or special  
3025 master to hear any youth court matter is ineligible for funding  
3026 under this paragraph (b). The Administrative Office of Courts may



3027 allocate to an eligible chancery district a sum not to exceed  
3028 Thirty Thousand Dollars (\$30,000.00) per year for the salary,  
3029 fringe benefits and equipment of the youth court administrator,  
3030 and an additional sum not to exceed One Thousand Nine Hundred  
3031 Dollars (\$1,900.00) for the administrator's travel expenses.

3032 (ii) The appointment of a youth court  
3033 administrator shall be evidenced by the entry of an order on the  
3034 minutes of the court. The person appointed shall serve at the  
3035 will and pleasure of the senior chancellor but shall be an  
3036 employee of the Administrative Office of Courts.

3037 (iii) The Administrative Office of Courts must  
3038 approve the position, job description and salary before the  
3039 position can be filled. The Administrative Office of Courts shall  
3040 not approve any plan that does not first require the expenditure  
3041 of the funds from the Youth Court Support Fund before expenditure  
3042 of county funds is authorized for that purpose.

3043 (iv) Title to any tangible property procured with  
3044 funds authorized under this paragraph shall be and forever remain  
3045 in the State of Mississippi.

3046 (c) (i) Each county court is eligible for youth court  
3047 support funds. The funds shall be utilized to provide  
3048 compensation to an intake officer who shall be responsible for  
3049 ensuring that all intake and case information for the Department  
3050 of Human Services - Division of Youth Services, truancy matters,  
3051 and the \* \* \* Department of Child Protection Services is entered



3052 into the Mississippi Youth Court Information Delivery System  
3053 (MYCIDS) in an accurate and timely manner. If the county court  
3054 already has an intake officer or other staff person responsible  
3055 for entering all cases of the Department of Human Services -  
3056 Division of Youth Services, truancy matters and the \* \* \*  
3057 Department of Child Protection Services into MYCIDS, the senior  
3058 county court judge may certify that such a person is already on  
3059 staff. In such a case, the senior county court judge shall have  
3060 discretion to direct the expenditure of those funds in hiring  
3061 other support staff to carry on the business of the court.

3062 (ii) For the purposes of this paragraph, "support  
3063 staff" means court administrators, law clerks, legal research  
3064 assistants, secretaries, resource administrators or case managers  
3065 appointed by a youth court judge, or any combination thereof, but  
3066 shall not mean school attendance officers.

3067 (iii) The appointment of support staff shall be  
3068 evidenced by the entry of an order on the minutes of the court.  
3069 The support staff so appointed shall serve at the will and  
3070 pleasure of the senior county court judge but shall be an employee  
3071 of the county.

3072 (iv) The Administrative Office of Courts must  
3073 approve the positions, job descriptions and salaries before the  
3074 positions may be filled. The Administrative Office of Courts  
3075 shall not approve any plan that does not first require the



3076 expenditure of funds from the Youth Court Support Fund before  
3077 expenditure of county funds is authorized for that purpose.

3078 (v) The Administrative Office of Courts may  
3079 approve expenditure from the fund for additional equipment for  
3080 support staff appointed pursuant to this paragraph if the  
3081 additional expenditure falls within the formula. Title to any  
3082 tangible property procured with funds authorized under this  
3083 paragraph shall be and forever remain in the county to be used by  
3084 the youth court and support staff.

3085 (2) (a) (i) The formula developed by the Administrative  
3086 Office of Courts for providing youth court support funds shall be  
3087 devised so as to distribute appropriated funds proportional to  
3088 caseload and other appropriate factors as set forth in regulations  
3089 promulgated by the Administrative Office of Courts. The formula  
3090 will determine a reasonable maximum amount per judge or referee  
3091 per annum that will not be exceeded in allocating funds under this  
3092 section.

3093 (ii) The formula shall be reviewed by the  
3094 Administrative Office of Courts every two (2) years to ensure that  
3095 the youth court support funds provided herein are proportional to  
3096 each youth court's caseload and other specified factors.

3097 (iii) The Administrative Office of Courts shall  
3098 have wide latitude in the first two-year cycle to implement a  
3099 formula designed to maximize caseload data collection.



3100           (b) Application to receive funds under this section  
3101 shall be submitted in accordance with procedures established by  
3102 the Administrative Office of Courts.

3103           (c) Approval of the use of any of the youth court  
3104 support funds distributed under this section shall be made by the  
3105 Administrative Office of Courts in accordance with procedures  
3106 established by the Administrative Office of Courts.

3107           (3) (a) There is created in the State Treasury a special  
3108 fund to be designated as the "Youth Court Support Fund," which  
3109 shall consist of funds appropriated or otherwise made available by  
3110 the Legislature in any manner and funds from any other source  
3111 designated for deposit into such fund. Unexpended amounts  
3112 remaining in the fund at the end of a fiscal year shall not lapse  
3113 into the State General Fund, and any investment earnings or  
3114 interest earned on amounts in the fund shall be deposited to the  
3115 credit of the fund. Monies in the fund shall be distributed to  
3116 the youth courts by the Administrative Office of Courts for the  
3117 purposes described in this section.

3118           (b) (i) During the regular legislative session held in  
3119 calendar year 2007, the Legislature may appropriate an amount not  
3120 to exceed Two Million Five Hundred Thousand Dollars  
3121 (\$2,500,000.00) to the Youth Court Support Fund.

3122           (ii) During each regular legislative session  
3123 subsequent to the 2007 Regular Session, the Legislature shall



3124 appropriate Two Million Five Hundred Thousand Dollars  
3125 (\$2,500,000.00) to the Youth Court Support Fund.

3126 (c) No youth court judge or youth court referee shall  
3127 be eligible to receive funding from the Youth Court Support Fund  
3128 who has not received annual continuing education in the field of  
3129 juvenile justice in an amount to conform with the requirements of  
3130 the Rules and Regulations for Mandatory Continuing Judicial  
3131 Education promulgated by the Supreme Court. The Administrative  
3132 Office of Courts shall maintain records of all referees and youth  
3133 court judges regarding such training and shall not disburse funds  
3134 to any county or municipality for the budget of a youth court  
3135 judge or referee who is not in compliance with the judicial  
3136 training requirements.

3137 (4) Any recipient of funds from the Youth Court Support Fund  
3138 shall not be eligible for continuing disbursement of funds if the  
3139 recipient is not in compliance with the terms, conditions and  
3140 reporting requirements set forth in the procedures promulgated by  
3141 the Administrative Office of Courts.

3142 **SECTION 66.** Section 43-27-101, Mississippi Code of 1972, is  
3143 amended as follows:

3144 43-27-101. For purposes of Sections 43-27-101 and 43-27-103,  
3145 the following words shall have the meanings ascribed in this  
3146 section, unless the context requires otherwise:

3147 (a) "Child or youth in the custody of the Department of  
3148 Human Services" means an individual:



3149 (i) Who has not yet reached his eighteenth  
3150 birthday;

3151 (ii) Who has been legally placed in the custody of  
3152 the Department of Human Services by the youth court and for whom  
3153 custody with the Department of Human Services was not sought by  
3154 the parents or legal custodians or guardians for the parents' or  
3155 legal custodians' or guardians' legal responsibilities to relieve  
3156 themselves of the responsibility for paying for treatment for a  
3157 child or youth; and

3158 (iii) Who is unable to be maintained with the  
3159 family or legal guardians or custodians due to his or her need for  
3160 specialized care.

3161 (b) "Child or youth under the supervision of the  
3162 Department of \* \* \* Child Protection Services" means an  
3163 individual:

3164 (i) Who has not yet reached his eighteenth  
3165 birthday; and

3166 (ii) Who has been referred for abuse or neglect  
3167 and for whom a case has been opened and is active in the \* \* \*  
3168 Department of Child Protection Services.

3169 (c) "Plan of care" means a written plan of services  
3170 needed to be provided for a child or youth and his or her family  
3171 in order to provide the special care or services required.

3172 (d) "Special needs crisis" means:





3173 (i) Conduct or behavioral problems of such a  
3174 severe nature and level that family or parental violence, abuse,  
3175 and/or neglect pose an imminent threat or are present; or

3176 (ii) Conduct or behavioral problems of such a  
3177 severe nature and level that family or parental violence, abuse,  
3178 and/or neglect pose an imminent threat or are present.

3179 (e) "Specialized care" means:

3180 (i) "Self care," which means the ability to  
3181 provide, sustain and protect himself or herself at a level  
3182 appropriate to his or her age;

3183 (ii) "Interpersonal relationships," which means  
3184 the ability to build and maintain satisfactory relationships with  
3185 peers and adults;

3186 (iii) "Family life," which means the capacity to  
3187 live in a family or family-type environment;

3188 (iv) "Self direction," which means the child's  
3189 ability to control his or her behavior and to make decisions in a  
3190 manner appropriate to his or her age;

3191 (v) "Education," which means the ability to learn  
3192 social and intellectual skill from teachers in an available  
3193 educational setting.

3194 (f) "Special needs child" means a child with a variety  
3195 of handicapping conditions or disabilities, including emotional or  
3196 severely emotional disorders. These conditions or disabilities



3197 present the need for special medical attention, supervision and  
3198 therapy on a very regimented basis.

3199         **SECTION 67.** Section 43-27-103, Mississippi Code of 1972, is  
3200 amended as follows:

3201         43-27-103. (1) Sections 43-27-101 and 43-27-103 shall  
3202 enable the development by the Department of Human Services or the  
3203 Department of Child Protection Services of a system of services  
3204 for children or youth in the custody of the Department of Human  
3205 Services or under the supervision of the Department of \* \* \* Child  
3206 Protection Services, if funds are appropriated to \* \* \* either  
3207 department for that purpose. The system of services may consist  
3208 of emergency response services, an early intervention and  
3209 treatment unit, respite care, crisis nurseries, specialized  
3210 outpatient or inpatient treatment services, special needs foster  
3211 care, therapeutic foster care, emergency foster homes, and  
3212 Medicaid targeted case management for abused and neglected  
3213 children and youth as well as children adjudicated delinquent or  
3214 in need of supervision. Any of these services that are provided  
3215 shall be arranged by and coordinated through the Department of  
3216 Human Services or the Department of Child Protection Services,  
3217 and \* \* \* each department may contract with public or private  
3218 agencies or entities to provide any of the services or may provide  
3219 any of the services itself. All of the services shall be provided  
3220 in facilities that meet the standards set by the Department of  
3221 Human Services or the Department of Child Protection Services for



3222 the particular type of facility involved. None of the services  
3223 provided shall duplicate existing services except where there is a  
3224 documented need for expansion of the services.

3225 (2) A description of the services that may be provided under  
3226 Sections 43-27-101 and 43-27-103 are as follows:

3227 (a) "Emergency response services" means services to  
3228 respond to children or youth in severe crisis and include:

3229 (i) Emergency single-point phone lines;

3230 (ii) Crisis care coordinators staffing shifts that  
3231 enable twenty-four-hour per day response as "frontline"  
3232 professionals when crisis calls are received, assist with  
3233 decision-making, family support, initiate plan of action and  
3234 remain "on call" for the first seventy-two (72) hours for other  
3235 service professionals to get in place and insure development of a  
3236 plan of care;

3237 (iii) Acute care/emergency medical response  
3238 through contracted services with up to five (5) regional hospitals  
3239 providing emergency room services and hospitalization for up to  
3240 seventy-two (72) hours with a maximum of One Hundred Dollars  
3241 (\$100.00) per day;

3242 (iv) Case managers;

3243 (v) Respite services; and

3244 (vi) Assessment services contracted with social  
3245 workers, psychologists, psychiatrists and other health  
3246 professionals.



3247 (b) "Early intervention and treatment unit" means a  
3248 unique, nonhospital crisis service in a residential context that  
3249 is able to provide the level of support and intervention needed to  
3250 resolve the crisis and as an alternative to hospitalization. This  
3251 unit shall provide specialized assessment, including a variety of  
3252 treatment options and services to best intervene in a child or  
3253 youth's crisis, and provide an appropriate plan for further  
3254 services upon returning to the home and community. Staff-to-child  
3255 or youth ratio shall be high, with multidisciplinary, specialized  
3256 services for up to six (6) children or youths at one (1) time, and  
3257 with the maximum assessment and treatment planning and services  
3258 being ninety (90) days for most children or youths.

3259 (c) "Respite care" means planned temporary care for a  
3260 period of time ranging from a few hours within a twenty-four-hour  
3261 period to an overnight or weekend stay to a maximum of ten (10)  
3262 days. Care may be provided in-home or out-of-home with trained  
3263 respite parents or counselors and is designed to provide a planned  
3264 break for the parents from the caretaking role with the child.

3265 (d) "Crisis nurseries" means a program providing  
3266 therapeutic nursery treatment services to preschool aged children  
3267 who as preschoolers demonstrate significant behavioral or  
3268 emotional disorders. These services shall be to therapeutically  
3269 address developmental and emotional behavioral difficulties  
3270 through direct intervention with the child in a nursery school



3271 environment and to intervene with parents to provide education,  
3272 support and therapeutic services.

3273 (e) "Specialized outpatient or inpatient treatment  
3274 services," such as sex offender treatment, means specialized  
3275 treatment for perpetrators of sexual offenses with children.

3276 (f) "Special needs foster care" means foster care for  
3277 those children with a variety of handicapping conditions or  
3278 disabilities, including serious emotional disturbance.

3279 (g) "Therapeutic foster care" means residential mental  
3280 health services provided to children and adolescents in a family  
3281 setting, utilizing specially trained foster parents. Therapeutic  
3282 foster care essentially involves the following features:

3283 (i) Placement with foster parents who have been  
3284 carefully selected by knowledgeable, well-trained mental health  
3285 and social service professionals to work with children with an  
3286 emotional disturbance;

3287 (ii) Provision of special training to the foster  
3288 parents to assist them in working with children with an emotional  
3289 disturbance;

3290 (iii) Low staff-to-child ratio, allowing the  
3291 therapeutic staff to work very closely with each child, the foster  
3292 parents and the biological parents, if available;

3293 (iv) Creation of a support system among these  
3294 specially trained foster parents; and



3295 (v) Payment of a special foster care payment to  
3296 the foster parents.

3297 (h) "Emergency foster homes" means those homes used on  
3298 a short-term basis for (i) children who are temporarily removed  
3299 from the home in response to a crisis situation, or (ii) youth who  
3300 exhibit special behavioral or emotional problems for whom removal  
3301 from the existing home situation is necessary. In some cases they  
3302 may provide an emergency placement for infants and toddlers for  
3303 whom no regular foster home is available, rather than placement  
3304 into an emergency shelter where older and larger groups of  
3305 children are placed. Foster parents are trained to deal with the  
3306 special needs of children placed in these emergency homes.

3307 (i) "Medicaid targeted case management" means  
3308 activities that are related to assuring the completion of proper  
3309 client evaluations; arranging and supporting treatment plans,  
3310 monitoring services, coordinating service delivery and other  
3311 related actions.

3312 **SECTION 68.** Section 43-27-109, Mississippi Code of 1972, is  
3313 amended as follows:

3314 43-27-109. The Department of Human Services or the  
3315 Department of Child Protection Services may employ a sufficient  
3316 number of new family protection specialists, youth counselors and  
3317 clerical staff to reduce the caseload sizes for social workers and  
3318 youth counselors of \* \* \* each department and to reduce the



3319 workload on clerical staff, if funds are appropriated to the  
3320 department for that purpose.

3321         **SECTION 69.** Section 43-27-113, Mississippi Code of 1972, is  
3322 amended as follows:

3323         43-27-113. In any investigation by the Department of \* \* \*  
3324 Child Protection Services of a report made under Section 43-21-101  
3325 et seq. of the abuse or neglect of a child as defined in Section  
3326 43-21-105, the department may request the appropriate law  
3327 enforcement officer with jurisdiction to accompany the department  
3328 in its investigation, and in such cases the law enforcement  
3329 officer shall comply with such request.

3330         **SECTION 70.** Section 43-27-115, Mississippi Code of 1972, is  
3331 amended as follows:

3332         43-27-115. The Department of Human Services \* \* \* and the  
3333 Department of Child Protection Services are each authorized to  
3334 employ one (1) program manager for each department region, if  
3335 funds are appropriated to \* \* \* either department for that  
3336 purpose, whose duties shall be to develop an ongoing public  
3337 education program to inform Mississippi citizens about the needs  
3338 of the state's children, youth and families, the work of the  
3339 department in addressing these needs and how citizens might become  
3340 involved. The Department of Human Services and the Department of  
3341 Child Protection Services shall develop formal agreements of  
3342 cooperation and protocol between \* \* \* each department and other  
3343 providers of services to children and families including school



3344 districts, hospitals, law enforcement agencies, mental health  
3345 centers and others.

3346       **SECTION 71.** Section 43-27-117, Mississippi Code of 1972, is  
3347 amended as follows:

3348       43-27-117. The Department of \* \* \* Child Protection Services  
3349 is authorized to establish an online automated child welfare  
3350 information system, if funds are appropriated to the department  
3351 for that purpose, to give the department the capability to supply  
3352 foster care, adoption and child abuse and neglect data to the  
3353 federal Department of Health and Human Services in a specified  
3354 format as required, and to help the department in tracking child  
3355 abuse and neglect referrals and the number of children affected in  
3356 those referrals.

3357       **SECTION 72.** Section 43-27-119, Mississippi Code of 1972, is  
3358 amended as follows:

3359       43-27-119. There is created a joint task force of the  
3360 Department of Human Services, the Department of Child Protection  
3361 Services and the Attorney General's Office consisting of the  
3362 executive directors of the departments, the Attorney General, any  
3363 staff persons designated by the executive directors and the  
3364 Attorney General, and any other persons designated by the  
3365 executive directors and the Attorney General. The joint task  
3366 force shall research the issue of when \* \* \* each department  
3367 should consider appealing court decisions that are contrary to the  
3368 department's recommendations in child welfare and juvenile





3369 offender cases, and shall issue a protocol for determining the  
3370 type of cases that should be appealed. The protocol shall  
3371 establish the following:

3372 (a) General guidelines to be considered for appealing a  
3373 case;

3374 (b) The type of information from case records and court  
3375 records that should be entered into the appeal file; and

3376 (c) The individuals who have authority to set the  
3377 appeals process in motion and who can make final decisions about  
3378 whether an appeal should be filed or not.

3379 Not later than November 30, 1994, the joint task force shall  
3380 complete its research, issue the protocol, and make  
3381 recommendations to the Legislature for any administrative and  
3382 legislative action necessary to properly and sufficiently address  
3383 this issue.

3384 **SECTION 73.** Section 43-43-5, Mississippi Code of 1972, is  
3385 amended as follows:

3386 43-43-5. All purchase of service contracts between the \* \* \*  
3387 Department of \* \* \* Human Services or the Department of Child  
3388 Protection Services and individuals, associations or corporations  
3389 other than state agencies shall be for the reimbursement of actual  
3390 costs incurred in providing services. However, the \* \* \*  
3391 Department of \* \* \* Human Services or the Department of Child  
3392 Protection Services, in accordance with policy established  
3393 by \* \* \* either department, may advance one-twelfth (1/12) of the



3394 total estimated cost for providing services under the twelve-month  
3395 contractual agreement, upon written request of a contractor, to  
3396 give the contractor a better cash flow. Any funds so advanced  
3397 shall be withheld from the contract reimbursement payments and in  
3398 no case shall the final reimbursement payment to the contractor  
3399 exceed the actual cost incurred in providing services. Any  
3400 contractor receiving such advance payments shall be strictly  
3401 liable to ensure that same is adjusted to actual cost, including  
3402 repayment of excess cash advances if necessary, prior to the final  
3403 closeout of the purchase of service contract.

3404       **SECTION 74.** Section 43-51-3, Mississippi Code of 1972, is  
3405 amended as follows:

3406       43-51-3. As used in this chapter, unless the context clearly  
3407 requires otherwise, the following words and phrases shall have the  
3408 meanings respectively ascribed to them in this section:

3409       (a) "Child at imminent risk of placement" means a minor  
3410 who may be reasonably expected to face, in the near future,  
3411 commitment to the care or custody of the state as a result of:

- 3412               (i) Dependency, abuse or neglect;
- 3413               (ii) Emotional disturbance;
- 3414               (iii) Family conflict so extensive that reasonable  
3415 control of the child is not exercised; or
- 3416               (iv) Delinquency adjudication.

3417       \* \* \*



3418 ( \* \* \*b) "Family preservation services" means services  
3419 designed to help families alleviate risks or crises that might  
3420 lead to out-of-home placement of children. The services may  
3421 include procedures to maintain the safety of children in their own  
3422 homes, support to families preparing to reunify or adopt and  
3423 assistance to families in obtaining services and other sources of  
3424 support necessary to address their multiple needs in a culturally  
3425 sensitive environment.

3426 ( \* \* \*c) "Family support services" means preventive  
3427 community-based activities designed to alleviate stress and to  
3428 promote parental competencies and behaviors that will increase the  
3429 ability of families to successfully nurture their children and  
3430 will enable families to use other resources and opportunities  
3431 available in the community. These services may include supportive  
3432 networks designed to enhance child-rearing abilities of parents  
3433 and to help compensate for the increased social isolation and  
3434 vulnerability of families. Examples of these services and  
3435 activities include: respite care for parents and other  
3436 caregivers; early developmental screening of children to assess  
3437 the needs of these children and assistance in obtaining specific  
3438 services to meet their needs; mentoring, tutoring and health  
3439 education for youth; and a range of center-based activities, such  
3440 as informal interactions in drop-in centers and parent support  
3441 groups, and home visiting programs.



3442           **SECTION 75.** Section 43-51-5, Mississippi Code of 1972, is  
3443 amended as follows:

3444           43-51-5. (1) The \* \* \* Department of \* \* \* Child Protection  
3445 Services \* \* \* shall engage in a comprehensive planning  
3446 process \* \* \* to develop, coordinate and implement a meaningful  
3447 and responsive program of family support and family preservation  
3448 services. The scope of planning shall address child welfare,  
3449 housing, mental health, primary health, education, juvenile  
3450 justice, community-based programs providing family support and  
3451 family preservation services and other social programs that  
3452 service children at imminent risk of placement and their families.  
3453 In developing the plan, the department, in its discretion, may  
3454 invite active participation from local consumers, practitioners,  
3455 researchers, foundations, mayors, members of the Legislature and  
3456 any available federal regional staff.

3457           \* \* \*

3458           ( \* \* \*2) In addition to the family preservation and family  
3459 support services defined in Section 41-51-3, the \* \* \* Department  
3460 of Child Protection Services shall offer a wide range of services,  
3461 included, but not limited to, the following: crisis resolution;  
3462 teaching measures to prevent the repeated occurrence of abuse,  
3463 neglect and/or family conflict; education in parenting skills,  
3464 child development, communication, negotiations and home  
3465 maintenance skills; child and family advocacy; and job-readiness  
3466 training.



3467           **SECTION 76.** Section 43-51-7, Mississippi Code of 1972, is  
3468 amended as follows:

3469           43-51-7. The \* \* \* Department of \* \* \* Child Protection  
3470 Services shall apply annually for any available federal funds that  
3471 may be used to defray the planning and service expenses, in all or  
3472 in part, of \* \* \* this chapter, including, but not limited to,  
3473 funds available under the \* \* \* Family First Prevention Services  
3474 Act.

3475           **SECTION 77.** Section 45-33-36, Mississippi Code of 1972, is  
3476 amended as follows:

3477           45-33-36. (1) Upon receipt of sex offender registration or  
3478 change of registration information, the Department of Public  
3479 Safety shall immediately provide the information to:

3480                   (a) The National Sex Offender Registry or other  
3481 appropriate databases;

3482                   (b) The sheriff of the county and the chief law  
3483 enforcement officer of any other jurisdiction where the offender  
3484 resides, lodges, is an employee or is a student or intends to  
3485 reside, work, attend school or volunteer;

3486                   (c) The sheriff of the county and the chief law  
3487 enforcement officer of any other jurisdiction from which or to  
3488 which a change of residence, employment or student status occurs;

3489                   (d) The Department of Human Services, the Department of  
3490 Child Protection Services, and any other social service entities  
3491 responsible for protecting minors in the child welfare system;



3492 (e) The probation agency that is currently supervising  
3493 the sex offender;

3494 (f) Any agency responsible for conducting  
3495 employment-related background checks under Section 3 of the  
3496 National Child Protection Act of 1993 (42 USC 5119(a));

3497 (g) Each school and public housing agency in each  
3498 jurisdiction in which the sex offender resides, is an employee or  
3499 is a student;

3500 (h) All prosecutor offices in each jurisdiction in  
3501 which the sex offender resides, is an employee, or is a student;  
3502 and

3503 (i) Any other agencies with criminal investigation,  
3504 prosecution or sex offender supervision functions in each  
3505 jurisdiction in which the sex offender resides, is an employee, or  
3506 is a student.

3507 (2) The Department of Public Safety shall post changes to  
3508 the public registry website within three (3) business days.  
3509 Electronic notification will be available via the Internet to all  
3510 law enforcement agencies, to any volunteer organizations in which  
3511 contact with minors or vulnerable adults might occur and any  
3512 organization, company or individual who requests notification  
3513 pursuant to procedures established by the Department of Public  
3514 Safety. This provision shall take effect upon the state's receipt  
3515 and implementation of the Department of Justice software in  
3516 compliance with the provisions of the Adam Walsh Act.



3517 (3) From and after July 1, 2015, local jurisdictions  
3518 receiving notification and that have the ability may notify  
3519 residents when a sex offender begins residing, lodges, becomes  
3520 employed, volunteers or attends school or intends to reside,  
3521 lodge, work, attend school or volunteer in the area by using a  
3522 website, social media, print media, email or may provide a link to  
3523 the Department of Public Safety website.

3524 **SECTION 78.** Section 57-13-23, Mississippi Code of 1972, is  
3525 amended as follows:

3526 57-13-23. (1) There is \* \* \* created and established the  
3527 Mississippi Automated Resource Information System (MARIS),  
3528 (heretofore created by Executive Order No. 459, dated May 26,  
3529 1983, as amended by Executive Order No. 562, dated January 15,  
3530 1986), which shall be the mechanism within state government for  
3531 the storing, processing, extracting and disseminating of useful  
3532 data and information relating to the state's resources.

3533 (2) The goal of MARIS shall be to facilitate the achievement  
3534 of state agencies' responsibilities as they relate to the  
3535 development, management, conservation, protection and utilization  
3536 of the resources of Mississippi by making usable resource data and  
3537 information more readily available and in a format that is  
3538 consistent throughout state departments, agencies and  
3539 institutions, and, to the extent possible, with federal and  
3540 privately generated resource data banks.



3541 (3) MARIS shall be under the supervision and general policy  
3542 formulations of a policy committee as the cooperative effort of  
3543 state departments, agencies and institutions for the sharing of  
3544 useful data acquired and generated by state agencies in  
3545 discharging their individual responsibilities.

3546 (4) There is \* \* \* created and established the MARIS Policy  
3547 Committee composed of the directors or their designees of the  
3548 following departments, agencies and institutions:

3549 Center for Population Studies, University of Mississippi

3550 \* \* \* Department of Information Technology Services

3551 Department of Agriculture and Commerce

3552 Department of Archives and History

3553 \* \* \* Mississippi Development Authority

3554 Department of Human Services

3555 Department of Child Protection Services

3556 Department of Environmental Quality

3557 Department of Wildlife, Fisheries and Parks

3558 Mississippi Department of Transportation

3559 Mississippi Emergency Management Agency

3560 Mississippi Mineral Resources Institute, University of

3561 Mississippi

3562 Department of Finance and Administration

3563 Office of the Secretary of State

3564 Public Service Commission

3565 Remote Sensing Center, Mississippi State University





3566 State Forestry Commission  
3567 State Department of Health  
3568 State Oil and Gas Board  
3569 State Soil and Water Conservation Commission

3570 \* \* \* Department of Revenue

3571 University Research Center  
3572 Water Management Council.

3573 (5) The MARIS Policy Committee shall elect a chairman, vice  
3574 chairman and secretary, and it shall elect an executive committee  
3575 from the membership of the policy committee to be composed of not  
3576 less than five (5) nor more than nine (9) members, including the  
3577 aforesaid officers. The policy committee may elect to the  
3578 executive committee one (1) person other than from its membership.  
3579 The policy committee shall determine the authority and  
3580 responsibility to be exercised by the executive committee.

3581 (6) There is \* \* \* created and established the MARIS Task  
3582 Force which shall be composed of at least one (1) representative  
3583 from each of the aforesaid agencies with knowledge in computer  
3584 applications to natural, cultural, industrial or economic  
3585 resources to be appointed by the respective directors thereof, and  
3586 any other persons deemed advisable by the policy committee.

3587 (7) The University Research Center shall house the MARIS  
3588 equipment and staff and shall provide administrative support for  
3589 the policy committee and technical support to all member agencies.



3590 (8) It shall be the duty of every department, agency, office  
3591 and institution of the State of Mississippi, and the officers  
3592 thereof, to cooperate with and assist the MARIS Policy Committee  
3593 in every reasonable way.

3594 **SECTION 79.** Section 93-5-23, Mississippi Code of 1972, is  
3595 amended as follows:

3596 93-5-23. When a divorce shall be decreed from the bonds of  
3597 matrimony, the court may, in its discretion, having regard to the  
3598 circumstances of the parties and the nature of the case, as may  
3599 seem equitable and just, make all orders touching the care,  
3600 custody and maintenance of the children of the marriage, and also  
3601 touching the maintenance and alimony of the wife or the husband,  
3602 or any allowance to be made to her or him, and shall, if need be,  
3603 require bond, sureties or other guarantee for the payment of the  
3604 sum so allowed. Orders touching on the custody of the children of  
3605 the marriage shall be made in accordance with the provisions of  
3606 Section 93-5-24. For the purposes of orders touching the  
3607 maintenance and alimony of the wife or husband, "property" and "an  
3608 asset of a spouse" shall not include any interest a party may have  
3609 as an heir at law of a living person or any interest under a  
3610 third-party will, nor shall any such interest be considered as an  
3611 economic circumstance or other factor. The court may afterwards,  
3612 on petition, change the decree, and make from time to time such  
3613 new decrees as the case may require. However, where proof shows  
3614 that both parents have separate incomes or estates, the court may



3615 require that each parent contribute to the support and maintenance  
3616 of the children of the marriage in proportion to the relative  
3617 financial ability of each. In the event a legally responsible  
3618 parent has health insurance available to him or her through an  
3619 employer or organization that may extend benefits to the  
3620 dependents of such parent, any order of support issued against  
3621 such parent may require him or her to exercise the option of  
3622 additional coverage in favor of such children as he or she is  
3623 legally responsible to support.

3624 Whenever the court has ordered a party to make periodic  
3625 payments for the maintenance or support of a child, but no bond,  
3626 sureties or other guarantee has been required to secure such  
3627 payments, and whenever such payments as have become due remain  
3628 unpaid for a period of at least thirty (30) days, the court may,  
3629 upon petition of the person to whom such payments are owing, or  
3630 such person's legal representative, enter an order requiring that  
3631 bond, sureties or other security be given by the person obligated  
3632 to make such payments, the amount and sufficiency of which shall  
3633 be approved by the court. The obligor shall, as in other civil  
3634 actions, be served with process and shall be entitled to a hearing  
3635 in such case.

3636 At the discretion of the court, any person found in contempt  
3637 for failure to pay child support and imprisoned therefor may be  
3638 referred for placement in a state, county or municipal  
3639 restitution, house arrest or restorative justice center or



3640 program, provided such person meets the qualifications prescribed  
3641 in Section 99-37-19.

3642 Whenever in any proceeding in the chancery court concerning  
3643 the custody of a child a party alleges that the child whose  
3644 custody is at issue has been the victim of sexual or physical  
3645 abuse by the other party, the court may, on its own motion, grant  
3646 a continuance in the custody proceeding only until such allegation  
3647 has been investigated by the Department of \* \* \* Child Protection  
3648 Services. At the time of ordering such continuance, the court may  
3649 direct the party and his attorney making such allegation of child  
3650 abuse to report in writing and provide all evidence touching on  
3651 the allegation of abuse to the Department of \* \* \* Child  
3652 Protection Services. The Department of \* \* \* Child Protection  
3653 Services shall investigate such allegation and take such action as  
3654 it deems appropriate and as provided in such cases under the Youth  
3655 Court Law (being Chapter 21 of Title 43, Mississippi Code of 1972)  
3656 or under the laws establishing family courts (being Chapter 23 of  
3657 Title 43, Mississippi Code of 1972).

3658 If after investigation by the Department of \* \* \* Child  
3659 Protection Services or final disposition by the youth court or  
3660 family court allegations of child abuse are found to be without  
3661 foundation, the chancery court shall order the alleging party to  
3662 pay all court costs and reasonable attorney's fees incurred by the  
3663 defending party in responding to such allegation.



3664           The court may investigate, hear and make a determination in a  
3665 custody action when a charge of abuse and/or neglect arises in the  
3666 course of a custody action as provided in Section 43-21-151, and  
3667 in such cases the court shall appoint a guardian ad litem for the  
3668 child as provided under Section 43-21-121, who shall be an  
3669 attorney. Unless the chancery court's jurisdiction has been  
3670 terminated, all disposition orders in such cases for placement  
3671 with the Department of \* \* \* Child Protection Services shall be  
3672 reviewed by the court or designated authority at least annually to  
3673 determine if continued placement with the department is in the  
3674 best interest of the child or public.

3675           The duty of support of a child terminates upon the  
3676 emancipation of the child. The court may determine that  
3677 emancipation has occurred pursuant to Section 93-11-65.

3678           Custody and visitation upon military temporary duty,  
3679 deployment or mobilization shall be governed by Section 93-5-34.

3680           **SECTION 80.** Section 93-17-5, Mississippi Code of 1972, is  
3681 amended as follows:

3682           93-17-5. (1) There shall be made parties to the proceeding  
3683 by process or by the filing therein of a consent to the adoption  
3684 proposed in the petition, which consent shall be duly sworn to or  
3685 acknowledged and executed only by the following persons, but not  
3686 before seventy-two (72) hours after the birth of the child:

3687           (a) The parents, or parent, if only one (1) parent,  
3688 though either be under the age of twenty-one (21) years;



3689           (b) If both parents are dead, then any two (2) adult  
3690 kin of the child within the third degree computed according to the  
3691 civil law; if one of such kin is in possession of the child, he or  
3692 she shall join in the petition or be made a party to the suit; or

3693           (c) The guardian ad litem of an abandoned child, upon  
3694 petition showing that the names of the parents of the child are  
3695 unknown after diligent search and inquiry by the petitioners. In  
3696 addition to the above, there shall be made parties to any  
3697 proceeding to adopt a child, either by process or by the filing of  
3698 a consent to the adoption proposed in the petition, the following:

3699           (i) Those persons having physical custody of the  
3700 child, except persons who are acting as foster parents as a result  
3701 of placement with them by the Department of \* \* \* Child Protection  
3702 Services of the State of Mississippi.

3703           (ii) Any person to whom custody of the child may  
3704 have been awarded by a court of competent jurisdiction of the  
3705 State of Mississippi.

3706           (iii) The agent of the \* \* \* Department of \* \* \*  
3707 Child Protection Services of the State of Mississippi that has  
3708 placed a child in foster care, either by agreement or by court  
3709 order.

3710           (2) The consent may also be executed and filed by the duly  
3711 authorized officer or representative of a home to whose care the  
3712 child has been delivered. The child shall join the petition by  
3713 the child's next friend.



3714 (3) If consent is not filed, process shall be had upon the  
3715 parties as provided by law for process in person or by  
3716 publication, if they are nonresidents of the state or are not  
3717 found therein after diligent search and inquiry, the court or  
3718 chancellor in vacation may fix a date in termtime or in vacation  
3719 to which process may be returnable and shall have power to proceed  
3720 in termtime or vacation. In any event, if the child is more than  
3721 fourteen (14) years of age, a consent to the adoption, sworn to or  
3722 acknowledged by the child, shall also be required or personal  
3723 service of process shall be had upon the child in the same manner  
3724 and in the same effect as if the child were an adult.

3725 **SECTION 81.** Section 93-17-8, Mississippi Code of 1972, is  
3726 amended as follows:

3727 93-17-8. (1) Whenever an adoption becomes a contested  
3728 matter, whether after a hearing on a petition for determination of  
3729 rights under Section 93-17-6 or otherwise, the court:

3730 (a) Shall, on motion of any party or on its own motion,  
3731 issue an order for immediate blood or tissue sampling in  
3732 accordance with the provisions of Section 93-9-21 et seq., if  
3733 paternity is at issue. The court shall order an expedited report  
3734 of such testing and shall hold the hearing resolving this matter  
3735 at the earliest time possible.

3736 (b) Shall appoint a guardian ad litem to represent the  
3737 child. Such guardian ad litem shall be an attorney, however his  
3738 duties are as guardian ad litem and not as attorney for the child.



3739 The reasonable costs of the guardian ad litem shall be taxed as  
3740 costs of court. Neither the child nor anyone purporting to act on  
3741 his behalf may waive the appointment of a guardian ad litem.

3742 (c) Shall determine first whether or not the objecting  
3743 parent is entitled to so object under the criteria of Section  
3744 93-17-7 and then shall determine the custody of the child in  
3745 accord with the best interests of the child and the rights of the  
3746 parties as established by the hearings and judgments.

3747 (d) Shall schedule all hearings concerning the  
3748 contested adoption as expeditiously as possible for prompt  
3749 conclusion of the matter.

3750 (2) In determining the custody of the child after a finding  
3751 that the adoption will not be granted, the fact of the surrender  
3752 of the child for adoption by a parent shall not be taken as any  
3753 evidence of that parent's abandonment or desertion of the child or  
3754 of that parent's unfitness as a parent.

3755 (3) In contested adoptions arising through petitions for  
3756 determination of rights where the prospective adopting parents  
3757 were not parties to that proceeding, they need not be made parties  
3758 to the contested adoption until there has been a ruling that the  
3759 objecting parent is not entitled to enter a valid objection to the  
3760 adoption. At that point the prospective adopting parents shall be  
3761 made parties by joinder which shall show their suitability to be  
3762 adopting parents as would a petition for adoption. The identity  
3763 and suitability of the prospective adopting parents shall be made





3764 known to the court and the guardian ad litem, but shall not be  
3765 made known to other parties to the proceeding unless the court  
3766 determines that the interests of justice or the best interests of  
3767 the child require it.

3768 (4) No birth parent or alleged parent shall be permitted to  
3769 contradict statements given in a proceeding for the adoption of  
3770 their child in any other proceeding concerning that child or his  
3771 ancestry.

3772 (5) Appointment of a guardian ad litem is not required in  
3773 any proceeding under this chapter except as provided in subsection  
3774 (1)(b) above and except for the guardian ad litem needed for an  
3775 abandoned child. It shall not be necessary for a guardian ad  
3776 litem to be appointed where the chancery judge presiding in the  
3777 adoption proceeding deems it unnecessary and no adoption agency is  
3778 involved in the proceeding. No final decree of adoption  
3779 heretofore granted shall be set aside or modified because a  
3780 guardian ad litem was not appointed unless as the result of a  
3781 direct appeal not now barred.

3782 (6) The provisions of Chapter 15 of this Title 93,  
3783 Mississippi Code of 1972, are not applicable to proceedings under  
3784 this chapter except as specifically provided by reference herein.

3785 (7) The court may order a child's birth father, identified  
3786 as such in the proceedings, to reimburse the Department of \* \* \*  
3787 Child Protection Services, the foster parents, the adopting  
3788 parents, the home, any other agency or person who has assumed



3789 liability for such child, all or part of the costs of the medical  
3790 expenses incurred for the mother and the child in connection with  
3791 the birth of the child, as well as reasonable support for the  
3792 child after his birth.

3793           **SECTION 82.** Section 93-17-11, Mississippi Code of 1972, is  
3794 amended as follows:

3795           93-17-11. At any time after the filing of the petition for  
3796 adoption and completion of process thereon, and before the  
3797 entering of a final decree, the court may, in its discretion, of  
3798 its own motion or on motion of any party to the proceeding,  
3799 require an investigation and report to the court to be made by any  
3800 person, officer or home as the court may designate and direct  
3801 concerning the child, and shall require in adoptions, other than  
3802 those in which the petitioner or petitioners are a relative or  
3803 stepparent of the child, that a home study be performed of the  
3804 petitioner or petitioners by a licensed adoption agency or by the  
3805 Department of \* \* \* Child Protection Services, at the petitioner's  
3806 or petitioners' sole expense and at no cost to the state or  
3807 county. The investigation and report shall give the material  
3808 facts upon which the court may determine whether the child is a  
3809 proper subject for adoption, whether the petitioner or petitioners  
3810 are suitable parents for the child, whether the adoption is to its  
3811 best interest, and any other facts or circumstances that may be  
3812 material to the proposed adoption. The home study shall be  
3813 considered by the court in determining whether the petitioner or



3814 petitioners are suitable parents for the child. The court, when  
3815 an investigation and report are required by the court or by this  
3816 section, shall stay the proceedings in the cause for such  
3817 reasonable time as may be necessary or required in the opinion of  
3818 the court for the completion of the investigation and report by  
3819 the person, officer or home designated and authorized to make the  
3820 same.

3821       Upon the filing of that consent or the completion of the  
3822 process and the filing of the investigation and report, if  
3823 required by the court or by this section, and the presentation of  
3824 such other evidence as may be desired by the court, if the court  
3825 determines that it is to the best interests of the child that an  
3826 interlocutory decree of adoption be entered, the court may  
3827 thereupon enter an interlocutory decree upon such terms and  
3828 conditions as may be determined by the court, in its discretion,  
3829 but including therein that the complete care, custody and control  
3830 of the child shall be vested in the petitioner or petitioners  
3831 until further orders of the court and that during such time the  
3832 child shall be and remain a ward of the court. If the court  
3833 determines by decree at any time during the pendency of the  
3834 proceeding that it is not to the best interests of the child that  
3835 the adoption proceed, the petitioners shall be entitled to at  
3836 least five (5) days' notice upon their attorneys of record and a  
3837 hearing with the right of appeal as provided by law from a  
3838 dismissal of the petition; however, the bond perfecting the appeal



3839 shall be filed within ten (10) days from the entry of the decree  
3840 of dismissal and the bond shall be in such amount as the  
3841 chancellor may determine and supersedeas may be granted by the  
3842 chancellor or as otherwise provided by law for appeal from final  
3843 decrees.

3844 After the entry of the interlocutory decree and before entry  
3845 of the final decree, the court may require such further and  
3846 additional investigation and reports as it may deem proper. The  
3847 rights of the parties filing the consent or served with process  
3848 shall be subject to the decree but shall not be divested until  
3849 entry of the final decree.

3850 **SECTION 83.** Section 93-17-12, Mississippi Code of 1972, is  
3851 amended as follows:

3852 93-17-12. In any child custody matter hereafter filed in any  
3853 chancery or county court in which temporary or permanent custody  
3854 has already been placed with a parent or guardian and in all  
3855 adoptions, the court shall impose a fee for any court-ordered home  
3856 study performed by the Department of \* \* \* Child Protection  
3857 Services or any other entity. The fee shall be assessed upon  
3858 either party or upon both parties in the court's discretion. The  
3859 minimum fee imposed shall be not less than Three Hundred Fifty  
3860 Dollars (\$350.00) for each household on which a home study is  
3861 performed. The fee shall be paid directly to the Mississippi  
3862 Department of \* \* \* Child Protection Services prior to the home  
3863 study being conducted by the department or to the entity if the



3864 study is performed by another entity. The judge may order the fee  
3865 be paid by one or both of the parents or guardian. If the court  
3866 determines that both parents or the guardian are unable to pay the  
3867 fee, the judge shall waive the fee and the cost of the home study  
3868 shall be defrayed by the Department of \* \* \* Child Protection  
3869 Services.

3870 **SECTION 84.** Section 93-17-53, Mississippi Code of 1972, is  
3871 amended as follows:

3872 93-17-53. The purpose of Sections 93-17-51 through 93-17-67  
3873 is to supplement the Mississippi adoption law by making possible  
3874 through public supplemental benefits the most appropriate adoption  
3875 of each child certified by the \* \* \* Department of \* \* \* Child  
3876 Protection Services as requiring a supplemental benefit to assure  
3877 adoption.

3878 **SECTION 85.** Section 93-17-57, Mississippi Code of 1972, is  
3879 amended as follows:

3880 93-17-57. The \* \* \* Department of \* \* \* Child Protection  
3881 Services shall establish and administer an on-going program of  
3882 supplemental benefits for adoption. Supplemental benefits and  
3883 services for children under this program shall be provided out of  
3884 such funds as may be appropriated to the \* \* \* Division of  
3885 Medicaid \* \* \* for the medical services for children in foster  
3886 care, or made available to the department from other sources.

3887 **SECTION 86.** Section 93-17-59, Mississippi Code of 1972, is  
3888 amended as follows:



3889 93-17-59. Any child meeting criteria specified in Section  
3890 93-17-55 for whom the \* \* \* Department of \* \* \* Child Protection  
3891 Services feels supplemental benefits are necessary to improve  
3892 opportunities for adoption will be eligible for the program. The  
3893 adoption agency shall document that reasonable efforts have been  
3894 made to place the child in adoption without supplemental benefits  
3895 through the use of adoption resource exchanges, recruitment and  
3896 referral to appropriate specialized adoption agencies.

3897 **SECTION 87.** Section 93-17-61, Mississippi Code of 1972, is  
3898 amended as follows:

3899 93-17-61. (1) When parents are found and approved for  
3900 adoption of a child certified as eligible for supplemental  
3901 benefits, and before the final decree of adoption is issued, there  
3902 shall be executed a written agreement between the family entering  
3903 into the adoption and the Department of \* \* \* Child Protection  
3904 Services. In individual cases, supplemental benefits may commence  
3905 with the adoptive placement or at the appropriate time after the  
3906 adoption decree and will vary with the needs of the child as well  
3907 as the availability of other resources to meet the child's needs.  
3908 The supplemental benefits may be for special services only or for  
3909 money payments as allowed under Section 43-13-115, \* \* \* and  
3910 either for a limited period, for a long-term not exceeding the  
3911 child's eighteenth birthday, or for any combination of the  
3912 foregoing. The amount of the time-limited, long-term supplemental



3913 benefits may in no case exceed that which would be currently  
3914 allowable for such child under the Mississippi Medicaid Law.

3915 (2) When supplemental benefits last for more than one (1)  
3916 year, the adoptive parents shall present an annual written  
3917 certification that the child remains under the parents' care and  
3918 that the child's need for supplemental benefits continues. Based  
3919 on investigation by the agency and available funds, the agency may  
3920 approve continued supplemental benefits. These benefits shall be  
3921 extended so long as the parents remain legally responsible for and  
3922 are providing support for the child. The agency shall continue  
3923 paying benefits until a child reaches twenty-one (21) years of age  
3924 if the child meets the criteria stated in Section 93-17-67(1) for  
3925 continuation of Medicaid coverage.

3926 (3) A child who is a resident of Mississippi when  
3927 eligibility for supplemental benefits is certified shall remain  
3928 eligible and receive supplemental benefits, if necessary for  
3929 adoption, regardless of the domicile or residence of the adopting  
3930 parents at the time of application for adoption, placement, legal  
3931 decree of adoption or thereafter.

3932 **SECTION 88.** Section 93-17-63, Mississippi Code of 1972, is  
3933 amended as follows:

3934 93-17-63. All records regarding such adoption shall be  
3935 confidential. Anyone violating or releasing information of a  
3936 confidential nature, as contemplated by Sections 93-17-51 through  
3937 93-17-67 without the approval of the court with jurisdiction or



3938 the \* \* \* Department of \* \* \* Child Protection Services unless  
3939 such release is made pursuant to Sections 93-17-201 through  
3940 93-17-223 shall be guilty of a misdemeanor and subject to a fine  
3941 not exceeding One Thousand Dollars (\$1,000.00) or imprisonment of  
3942 six (6) months, or both.

3943 **SECTION 89.** Section 93-17-65, Mississippi Code of 1972, is  
3944 amended as follows:

3945 93-17-65. The \* \* \* Department of \* \* \* Child Protection  
3946 Services shall promulgate rules and regulations necessary to  
3947 implement the provisions of Sections 93-17-51 through 93-17-67.

3948 **SECTION 90.** Section 93-17-101, Mississippi Code of 1972, is  
3949 amended as follows:

3950 93-17-101. (1) The Legislature finds that:

3951 (a) Locating adoptive families for children for whom  
3952 state assistance is desirable, pursuant to the Mississippi  
3953 adoption assistance law, and assuring the protection of the  
3954 interests of the children affected during the entire assistance  
3955 period, require special measures when the adoptive parents move to  
3956 other states or are residents of another state; and

3957 (b) Providing medical and other necessary services for  
3958 children, with state assistance, encounters special difficulties  
3959 when the providing of services takes place in other states.

3960 (2) The purposes of Sections 93-17-101 through 93-17-109 are  
3961 to:





3962 (a) Authorize the Mississippi Department of \* \* \* Child  
3963 Protection Services to enter into interstate agreements with  
3964 agencies of other states for the protection of children on behalf  
3965 of whom adoption assistance is being provided by the Mississippi  
3966 Department of \* \* \* Child Protection Services; and

3967 (b) Provide procedures for interstate children's  
3968 adoption assistance payments, including medical payments.

3969 **SECTION 91.** Section 93-17-103, Mississippi Code of 1972, is  
3970 amended as follows:

3971 93-17-103. (1) The Mississippi Department of \* \* \* Child  
3972 Protection Services is authorized to develop, participate in the  
3973 development of, negotiate and enter into one or more interstate  
3974 compacts on behalf of this state with other states to implement  
3975 one or more of the purposes set forth in Sections 93-17-101  
3976 through 93-17-109. When so entered into, and for so long as it  
3977 shall remain in force, such a compact shall have the force and  
3978 effect of law.

3979 (2) For the purposes of Sections 93-17-101 through  
3980 93-17-109, the term "state" shall mean a state of the United  
3981 States, the District of Columbia, the Commonwealth of Puerto Rico,  
3982 the Virgin Islands, Guam, the Commonwealth of the Northern Mariana  
3983 Islands or a territory or possession of or administered by the  
3984 United States.

3985 (3) For the purposes of Sections 93-17-101 through  
3986 93-17-109, the term "adoption assistance state" means the state



3987 that is signatory to an adoption assistance agreement in a  
3988 particular case.

3989 (4) For the purposes of Sections 93-17-101 through  
3990 93-17-109, the term "residence state" means the state of which the  
3991 child is a resident by virtue of the residence of the adoptive  
3992 parents.

3993 **SECTION 92.** Section 93-17-107, Mississippi Code of 1972, is  
3994 amended as follows:

3995 93-17-107. (1) A child with special needs resident in this  
3996 state who is the subject of an adoption assistance agreement with  
3997 another state and who has been determined eligible for Medicaid in  
3998 that state shall be entitled to receive a medical assistance  
3999 identification from this state upon filing with the Mississippi  
4000 Department of \* \* \* Child Protection Services a certified copy of  
4001 the adoption assistance agreement obtained from the adoption  
4002 assistance state which certifies to the eligibility of the child  
4003 for Medicaid. In accordance with regulations of the Mississippi  
4004 Department of \* \* \* Child Protection Services, the adoptive  
4005 parents shall be required, at least annually, to show that the  
4006 agreement is still in force or has been renewed.

4007 (2) The Division of Medicaid, Office of the Governor, shall  
4008 consider the holder of a medical assistance identification  
4009 pursuant to this section as any other holder of a medical  
4010 assistance identification under the laws of this state and shall  
4011 process and make payment on claims on account of such holder in



4012 the same manner and pursuant to the same conditions and procedures  
4013 as for other recipients of medical assistance.

4014 (3) The submission of any claim for payment or reimbursement  
4015 for services or benefits pursuant to this section or the making of  
4016 any statement in connection therewith, which claim or statement  
4017 the maker knows or should know to be false, misleading or  
4018 fraudulent shall be punishable as perjury and shall also be  
4019 subject to a fine not to exceed Ten Thousand Dollars (\$10,000.00),  
4020 or imprisonment for not to exceed two (2) years, or both.

4021 (4) The provisions of this section shall apply only to  
4022 medical assistance for children under adoption assistance  
4023 agreements from states that have entered into a compact with this  
4024 state under which the other state provides medical assistance to  
4025 children with special needs under adoption assistance agreements  
4026 made by this state. All other children entitled to medical  
4027 assistance pursuant to adoption assistance agreements entered into  
4028 by this state shall be eligible to receive it in accordance with  
4029 the laws and procedures applicable thereto.

4030 **SECTION 93.** Section 93-17-109, Mississippi Code of 1972, is  
4031 amended as follows:

4032 93-17-109. Consistent with federal law, the Mississippi  
4033 Department of \* \* \* Child Protection Services and the Division of  
4034 Medicaid, Office of the Governor of the State of Mississippi, in  
4035 connection with the administration of Sections 93-17-101 through  
4036 93-17-109 and any compact entered into pursuant hereto, shall



4037 include in any state plan made pursuant to the Adoption Assistance  
4038 and Child Welfare Act of 1980 (P.L. 96-272), Titles IV(e) and XIX  
4039 of the Social Security Act, and any other applicable federal laws,  
4040 the provision of adoption assistance and medical assistance for  
4041 which the federal government pays some or all of the cost provided  
4042 such authority is granted under the provisions of some law of this  
4043 state other than the provisions of Sections 93-17-101 through  
4044 93-17-109. Such departments shall apply for and administer all  
4045 relevant federal aid in accordance with law.

4046       **SECTION 94.** Section 93-17-203, Mississippi Code of 1972, is  
4047 amended as follows:

4048       93-17-203. The following words and phrases shall have the  
4049 meanings ascribed herein unless the context clearly indicates  
4050 otherwise:

4051           (a) "Agency" means a county \* \* \* department of human  
4052 services, the Department of Child Protection Services, a licensed  
4053 or nonlicensed adoption agency or any other individual or entity  
4054 assisting in the finalization of an adoption.

4055           (b) "Adoptee" means a person who is or has been adopted  
4056 in this state at any time.

4057           (c) "Birth parent" means either:

4058                   (i) The mother designated on the adoptee's  
4059 original birth certificate; or



4060 (ii) The person named by the mother designated on  
4061 the adoptee's original birth certificate as the father of the  
4062 adoptee.

4063 (d) "Board" means the Mississippi State Board of  
4064 Health.

4065 (e) "Bureau" means the Bureau of Vital Records of the  
4066 Mississippi State Board of Health.

4067 (f) "Licensed adoption agency" means any agency or  
4068 organization performing adoption services and duly licensed by the  
4069 Mississippi Department of \* \* \* Child Protection Services.

4070 **SECTION 95.** Section 93-17-209, Mississippi Code of 1972, is  
4071 amended as follows:

4072 93-17-209. (1) Whenever any person specified under Section  
4073 93-17-207 wishes to obtain medical, social or genetic background  
4074 information about an adoptee or nonidentifying information about  
4075 the birth parents of such adoptee, and the information is not on  
4076 file with the bureau and the birth parents have not filed  
4077 affidavits prohibiting a search to be conducted for them under the  
4078 provisions of Sections 93-17-201 through 93-17-223, the person may  
4079 request a licensed adoption agency to locate the birth parents to  
4080 obtain the information.

4081 (2) Employees of any agency conducting a search under this  
4082 section may not inform any person other than the birth parents of  
4083 the purpose of the search.



4084 (3) The agency may charge the requester a reasonable fee for  
4085 the cost of the search. When the agency determines that the fee  
4086 will exceed One Hundred Dollars (\$100.00) for either birth parent,  
4087 it shall notify the requester. No fee in excess of One Hundred  
4088 Dollars (\$100.00) per birth parent may be charged unless the  
4089 requester, after receiving notification under this subsection, has  
4090 given consent to proceed with the search.

4091 (4) The agency conducting the search shall, upon locating a  
4092 birth parent, notify him or her of the request and of the need for  
4093 medical, social and genetic information.

4094 (5) The agency shall release to the requester any medical or  
4095 genetic information provided by a birth parent under this section  
4096 without disclosing the birth parent's identity or location.

4097 (6) If a birth parent is located but refuses to provide the  
4098 information requested, the agency shall notify the requester,  
4099 without disclosing the birth parent's identity or location, and  
4100 the requester may petition the chancery court to order the birth  
4101 parent to disclose the nonidentifying information. The court  
4102 shall grant the motion for good cause shown.

4103 (7) The Mississippi Department of \* \* \* Child Protection  
4104 Services shall provide the bureau each year with a list of  
4105 licensed adoption agencies in this state capable of performing the  
4106 types of searches described in this section.

4107 **SECTION 96.** Section 93-21-305, Mississippi Code of 1972, is  
4108 amended as follows:



4109           93-21-305. (1) There is \* \* \* established in the State  
4110 Treasury a special fund to be known as the "Mississippi Children's  
4111 Trust Fund."

4112           (2) The fund shall consist of any monies appropriated to the  
4113 fund by the Legislature, any donations, gifts and grants from any  
4114 source, receipts from the birth certificate fees as provided by  
4115 subsection (2) of Section 41-57-11, and any other monies which may  
4116 be received from any other source or which may be hereafter  
4117 provided by law.

4118           (3) Monies in the fund shall be used only for the purposes  
4119 set forth in Sections 93-21-301 through 93-21-311. Interest  
4120 earned on the investment of monies in the fund shall be returned  
4121 and deposited to the credit of the fund.

4122           (4) Disbursements of money from the fund shall be on the  
4123 authorization of the \* \* \* Department of Child Protection  
4124 Services.

4125           (5) The primary purpose of the fund is to encourage and  
4126 provide financial assistance in the provision of direct services  
4127 to prevent child abuse and neglect.

4128           **SECTION 97.** Section 93-21-307, Mississippi Code of 1972, is  
4129 amended as follows:

4130           93-21-307. The administration of the Mississippi Children's  
4131 Trust Fund shall be vested in the \* \* \* Department of Child  
4132 Protection Services. In carrying out the provisions of Sections



4133 93-21-301 through 93-21-311, the \* \* \* Department of Child  
4134 Protection Services shall have the following powers and duties:

4135 (a) To assist in developing programs aimed at  
4136 discovering and preventing the many factors causing child abuse  
4137 and neglect;

4138 (b) To prepare and disseminate, including the  
4139 presentation of, educational programs and materials on child abuse  
4140 and neglect;

4141 (c) To provide educational programs for professionals  
4142 required by law to make reports of child abuse and neglect;

4143 (d) To help coordinate child protective services at the  
4144 state, regional and local levels with the efforts of other state  
4145 and voluntary social, medical and legal agencies;

4146 (e) To provide advocacy for children in public and  
4147 private state and local agencies affecting children;

4148 (f) To encourage citizen and community awareness as to  
4149 the needs and problems of children;

4150 (g) To facilitate the exchange of information between  
4151 groups concerned with families and children;

4152 (h) To consult with state departments, agencies,  
4153 commissions and boards to help determine the probable  
4154 effectiveness, fiscal soundness and need for proposed educational  
4155 and service programs for the prevention of child abuse and  
4156 neglect;





4157 (i) To adopt rules and regulations \* \* \* in accordance  
4158 with the Administrative Procedures Law to discharge its  
4159 responsibilities;

4160 (j) To report annually, through the annual report of  
4161 the \* \* \* Department of \* \* \* Child Protection Services, to the  
4162 Governor and the Legislature concerning the \* \* \* department's  
4163 activities under Sections 93-21-301 through 93-21-311 and the  
4164 effectiveness of those activities in fostering the prevention of  
4165 child abuse and neglect;

4166 (k) To recommend to the Governor and the Legislature  
4167 changes in state programs, statutes, policies and standards which  
4168 will reduce child abuse and neglect, improve coordination among  
4169 state agencies which provide services to prevent abuse and  
4170 neglect, improve the condition of children and assist parents and  
4171 guardians;

4172 (l) To evaluate and strengthen all local, regional and  
4173 state programs dealing with child abuse and neglect;

4174 (m) To prepare and submit annually to the Governor and  
4175 the Legislature reports evaluating the level and quality of all  
4176 programs, services and facilities provided to children by state  
4177 agencies;

4178 (n) To contract with public or private nonprofit  
4179 institutions, organizations, agencies or schools or with qualified  
4180 individuals for the establishment of community-based educational



4181 and service programs designed to reduce the occurrence of child  
4182 abuse and neglect;

4183 (o) To determine the eligibility of programs applying  
4184 for financial assistance and to make grants and loans from the  
4185 fund for the purposes set forth in Sections 93-21-301 through  
4186 93-21-311;

4187 (p) To develop, within one (1) year after July 1, 1989,  
4188 a state plan for the distribution of funds from the trust fund  
4189 which shall assure that an equal opportunity exists for  
4190 establishment of prevention programs and for receipt of trust  
4191 fund \* \* \* monies among all geographic areas in this state, and to  
4192 submit the plan to the Governor and the Legislature and annually  
4193 thereafter submit revisions thereto as needed;

4194 (q) To provide for the coordination and exchange of  
4195 information on the establishment and maintenance of local  
4196 prevention programs;

4197 (r) To develop and publicize criteria for the receipt  
4198 of trust fund \* \* \* monies by eligible local prevention programs;

4199 (s) To enter into contracts with public or private  
4200 agencies to fulfill the requirements of Sections 93-21-301 through  
4201 93-21-311; and

4202 (t) Review, monitor and approve the expenditure of  
4203 trust fund \* \* \* monies by eligible local programs.

4204 **SECTION 98.** Section 93-21-309, Mississippi Code of 1972, is  
4205 amended as follows:



4206 93-21-309. (1) The \* \* \* Department of Child Protection  
4207 Services may authorize the disbursement of money in the trust fund  
4208 in the form of grants or loans for the following purposes, which  
4209 are listed in order of preference for expenditure:

4210 (a) To assist a community private, nonprofit  
4211 organization or a local public organization or agency in the  
4212 establishment and operation of a program or service for the  
4213 prevention of child abuse and neglect;

4214 (b) To assist in the expansion of an existing community  
4215 program or service for the prevention of child abuse and neglect;

4216 (c) To assist a community private, nonprofit  
4217 organization or a local public organization or agency in the  
4218 establishment and operation of an educational program regarding  
4219 the problems of child abuse and neglect and the problems of  
4220 families and children;

4221 (d) To assist in the expansion of an existing community  
4222 educational program regarding the problems of child abuse and  
4223 neglect and the problems of families and children;

4224 (e) To study and evaluate community-based prevention  
4225 programs, projects or services and educational programs for the  
4226 problems of families and children; and

4227 (f) Any other similar and related programs, projects,  
4228 services and educational programs that the \* \* \* department  
4229 declares will implement the purposes and provisions of Sections  
4230 93-21-301 through 93-21-311.



4231           (2) For the purposes of this section, the term "educational  
4232 programs" includes instructional and demonstration projects the  
4233 main purpose of which is to disseminate information and techniques  
4234 for the prevention of child abuse and neglect and the prevention  
4235 of problems of families and children.

4236           (3) No money in the trust fund shall be expended to provide  
4237 services, counseling or direct assistance for the voluntary  
4238 termination of any pregnancy.

4239           **SECTION 99.** Section 93-21-311, Mississippi Code of 1972, is  
4240 amended as follows:

4241           93-21-311. In making grants or loans from the trust fund,  
4242 the \* \* \* Department of Child Protection Services shall consider  
4243 the degree to which the applicant's proposal meets the following  
4244 criteria:

4245           (a) Has as its primary purpose the development and  
4246 facilitation of a community-based prevention program in a specific  
4247 geographical area, which program shall utilize trained volunteers  
4248 and existing community resources where practicable;

4249           (b) Is administered by an organization or group which  
4250 is composed of or has participation by the county department  
4251 of \* \* \* human services, the county health department, the youth  
4252 court or chancery court, the office of the district attorney,  
4253 county or municipal law enforcement personnel, county or municipal  
4254 school officials, local public or private organizations or  
4255 agencies which provide programs or services for the prevention of



4256 child abuse and neglect and educational programs for the  
4257 prevention of problems of families and children; and

4258 (c) Demonstrates a willingness and ability and has a  
4259 plan to provide prevention program models and consultations to  
4260 appropriate organizations within the community regarding  
4261 prevention program development and maintenance.

4262 **SECTION 100.** Section 93-31-3, Mississippi Code of 1972, is  
4263 amended as follows:

4264 93-31-3. (1) (a) A parent or legal custodian of a child,  
4265 by means of a properly executed power of attorney as provided in  
4266 Section 93-31-5, may delegate to another willing person or persons  
4267 as attorney-in-fact any of the powers regarding the care and  
4268 custody of the child other than the following:

4269 (i) The power to consent to marriage or adoption  
4270 of the child;

4271 (ii) The performance or inducement of an abortion  
4272 on or for the child; or

4273 (iii) The termination of parental rights to the  
4274 child.

4275 (b) A delegation of powers under this section does not:

4276 (i) Change or modify any parental or legal rights,  
4277 obligations, or authority established by an existing court order;

4278 (ii) Deprive any custodial or noncustodial parent  
4279 or legal guardian of any parental or legal rights, obligations, or



4280 authority regarding the custody, visitation, or support of the  
4281 child; or

4282 (iii) Affect a court's ability to determine the  
4283 best interests of a child.

4284 (c) If both parents are living and neither parent's  
4285 parental rights have been terminated, both parents must execute  
4286 the power of attorney. If a noncustodial parent is absent or  
4287 unknown, the custodial parent must complete the affidavit  
4288 contemplated under Section 93-31-5 and attach it to the power of  
4289 attorney.

4290 (d) A power of attorney under this chapter must be  
4291 facilitated by either a child welfare agency that is licensed to  
4292 place children for adoption and that is operating under the Safe  
4293 Families for Children model or another charitable organization  
4294 that is operating under the Safe Families for Children model. A  
4295 full criminal history and child abuse and neglect background check  
4296 must be conducted on any person who is not a grandparent, aunt,  
4297 uncle, or sibling of the child if the person is:

4298 (i) Designated or proposed to be designated as the  
4299 attorney-in-fact; or

4300 (ii) Is a person over the age of fifteen (15) who  
4301 resides in the home of the designated attorney-in-fact.

4302 (2) A power of attorney executed under this chapter shall  
4303 not be used for the sole purposes of enrolling a child in a school  
4304 to participate in the academic or interscholastic athletic



4305 programs provided by that school or for any other unlawful  
4306 purposes, except as may be permitted by the federal Every Student  
4307 Succeeds Act (Public Law 114-95).

4308 (3) The parent or legal custodian of the child has the  
4309 authority to revoke or withdraw the power of attorney authorized  
4310 by this section at any time. Upon the termination, expiration, or  
4311 revocation of the power of attorney, the child must be returned to  
4312 the custody of the parent or legal custodian.

4313 (4) Until the authority expires or is revoked or withdrawn  
4314 by the parent or legal custodian, the attorney-in-fact shall  
4315 exercise parental or legal authority on a continuous basis without  
4316 compensation for the duration of the power of attorney.

4317 (5) The execution of a power of attorney by a parent or  
4318 legal custodian does not, in the absence of other evidence,  
4319 constitute abandonment, desertion, abuse, neglect, or any evidence  
4320 of unfitness as a parent unless the parent or legal custodian  
4321 fails to take custody of the child or execute a new power of  
4322 attorney after the one-year time limit, or after a longer time  
4323 period as allowed for a serving parent, has elapsed. Nothing in  
4324 this subsection prevents the Department of \* \* \* Child Protection  
4325 Services or law enforcement from investigating allegations of  
4326 abuse, abandonment, desertion, neglect or other mistreatment of a  
4327 child.

4328 (6) When the custody of a child is transferred by a power of  
4329 attorney under this chapter, the child is not considered to have



4330 been placed in foster care and the attorney-in-fact will not be  
4331 subject to any of the requirements or licensing regulations for  
4332 foster care or other regulations relating to out-of-home care for  
4333 children and will not be subject to any statutes or regulations  
4334 dealing with the licensing or regulation of foster care homes.

4335 (7) (a) "Serving parent" means a parent who is a member of  
4336 the Armed Forces of the United States, including any reserve  
4337 component thereof, or the National Oceanic and Atmospheric  
4338 Administration Commissioned Officer Corps or the Public Health  
4339 Service of the United States Department of Health and Human  
4340 Services detailed by proper authority for duty with the Armed  
4341 Forces of the United States, or who is required to enter or serve  
4342 in the active military service of the United States under a call  
4343 or order of the President of the United States or to serve on  
4344 state active duty.

4345 (b) A serving parent may delegate the powers designated  
4346 in subsection (1) of this section for longer than one (1) year if  
4347 on active-duty service or if scheduled to be on active-duty  
4348 service. The term of delegation, however, may not exceed the term  
4349 of active-duty service plus thirty (30) days.

4350 (8) (a) A power of attorney under this chapter must be  
4351 filed in the youth court of the county where the minor child or  
4352 children reside at the time the form is completed, and the clerk  
4353 of the youth court will not impose or collect a filing fee. The





4354 filing is informational only, and no judicial intervention shall  
4355 result at the time of filing.

4356 (b) The power of attorney must be entered into the  
4357 Mississippi Youth Court Information Delivery System (MYCIDS) under  
4358 Section 43-21-351, and must be administratively reviewed by the  
4359 youth court judge or referee, or a person designated by the youth  
4360 court judge or referee, to ensure the safety of the child or  
4361 children who are the subjects of the power of attorney one (1)  
4362 year after the date of execution.

4363 **SECTION 101.** Section 97-5-24, Mississippi Code of 1972, is  
4364 amended as follows:

4365 97-5-24. If any person eighteen (18) years or older who is  
4366 employed by any public school district or private school in this  
4367 state is accused of fondling or having any type of sexual  
4368 involvement with any child under the age of eighteen (18) years  
4369 who is enrolled in such school, the principal of such school and  
4370 the superintendent of such school district shall timely notify the  
4371 district attorney with jurisdiction where the school is located of  
4372 such accusation, the Mississippi Department of Education and the  
4373 Department of \* \* \* Child Protection Services, provided that such  
4374 accusation is reported to the principal and to the school  
4375 superintendent and that there is a reasonable basis to believe  
4376 that such accusation is true. Any superintendent, or his  
4377 designee, who fails to make a report required by this section  
4378 shall be subject to the penalties provided in Section 37-11-35.



4379 Any superintendent, principal, teacher or other school personnel  
4380 participating in the making of a required report pursuant to this  
4381 section or participating in any judicial proceeding resulting  
4382 therefrom shall be presumed to be acting in good faith. Any  
4383 person reporting in good faith shall be immune from any civil  
4384 liability that might otherwise be incurred or imposed.

4385 **SECTION 102.** Section 97-5-39, Mississippi Code of 1972, is  
4386 amended as follows:

4387 97-5-39. (1) (a) Except as otherwise provided in this  
4388 section, any parent, guardian or other person who intentionally,  
4389 knowingly or recklessly commits any act or omits the performance  
4390 of any duty, which act or omission contributes to or tends to  
4391 contribute to the neglect or delinquency of any child or which act  
4392 or omission results in the abuse of any child, as defined in  
4393 Section 43-21-105(m) of the Youth Court Law, or who knowingly aids  
4394 any child in escaping or absenting himself from the guardianship  
4395 or custody of any person, agency or institution, or knowingly  
4396 harbors or conceals, or aids in harboring or concealing, any child  
4397 who has absented himself without permission from the guardianship  
4398 or custody of any person, agency or institution to which the child  
4399 shall have been committed by the youth court shall be guilty of a  
4400 misdemeanor, and upon conviction shall be punished by a fine not  
4401 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not  
4402 to exceed one (1) year in jail, or by both such fine and  
4403 imprisonment.



4404           (b) For the purpose of this section, a child is a  
4405 person who has not reached his eighteenth birthday. A child who  
4406 has not reached his eighteenth birthday and is on active duty for  
4407 a branch of the armed services, or who is married, is not  
4408 considered a child for the purposes of this statute.

4409           (c) If a child commits one (1) of the proscribed acts  
4410 in subsection (2) (a), (b) or (c) of this section upon another  
4411 child, then original jurisdiction of all such offenses shall be in  
4412 youth court.

4413           (d) If the child's deprivation of necessary clothing,  
4414 shelter, health care or supervision appropriate to the child's age  
4415 results in substantial harm to the child's physical, mental or  
4416 emotional health, the person may be sentenced to imprisonment in  
4417 custody of the Department of Corrections for not more than five  
4418 (5) years or to payment of a fine of not more than Five Thousand  
4419 Dollars (\$5,000.00), or both.

4420           (e) A parent, legal guardian or other person who  
4421 knowingly permits the continuing physical or sexual abuse of a  
4422 child is guilty of neglect of a child and may be sentenced to  
4423 imprisonment in the custody of the Department of Corrections for  
4424 not more than ten (10) years or to payment of a fine of not more  
4425 than Ten Thousand Dollars (\$10,000.00), or both.

4426           (2) Any person shall be guilty of felonious child abuse in  
4427 the following circumstances:



4428           (a) Whether bodily harm results or not, if the person  
4429 shall intentionally, knowingly or recklessly:  
4430           (i) Burn any child;  
4431           (ii) Physically torture any child;  
4432           (iii) Strangle, choke, smother or in any way  
4433 interfere with any child's breathing;  
4434           (iv) Poison a child;  
4435           (v) Starve a child of nourishments needed to  
4436 sustain life or growth;  
4437           (vi) Use any type of deadly weapon upon any child;  
4438           (b) If some bodily harm to any child actually occurs,  
4439 and if the person shall intentionally, knowingly or recklessly:  
4440           (i) Throw, kick, bite, or cut any child;  
4441           (ii) Strike a child under the age of fourteen (14)  
4442 about the face or head with a closed fist;  
4443           (iii) Strike a child under the age of five (5) in  
4444 the face or head;  
4445           (iv) Kick, bite, cut or strike a child's genitals;  
4446 circumcision of a male child is not a violation under this  
4447 subparagraph (iv);  
4448           (c) If serious bodily harm to any child actually  
4449 occurs, and if the person shall intentionally, knowingly or  
4450 recklessly:  
4451           (i) Strike any child on the face or head;  
4452           (ii) Disfigure or scar any child;



4453 (iii) Whip, strike or otherwise abuse any child;  
4454 (d) Any person, upon conviction under paragraph (a) or  
4455 (c) of this subsection, shall be sentenced by the court to  
4456 imprisonment in the custody of the Department of Corrections for a  
4457 term of not less than five (5) years and up to life, as determined  
4458 by the court. Any person, upon conviction under paragraph (b) of  
4459 this subsection shall be sentenced by the court to imprisonment in  
4460 the custody of the Department of Corrections for a term of not  
4461 less than two (2) years nor more than ten (10) years, as  
4462 determined by the court. For any second or subsequent conviction  
4463 under this subsection (2), the person shall be sentenced to  
4464 imprisonment for life.

4465 (e) For the purposes of this subsection (2), "bodily  
4466 harm" means any bodily injury to a child and includes, but is not  
4467 limited to, bruising, bleeding, lacerations, soft tissue swelling,  
4468 and external or internal swelling of any body organ.

4469 (f) For the purposes of this subsection (2), "serious  
4470 bodily harm" means any serious bodily injury to a child and  
4471 includes, but is not limited to, the fracture of a bone, permanent  
4472 disfigurement, permanent scarring, or any internal bleeding or  
4473 internal trauma to any organ, any brain damage, any injury to the  
4474 eye or ear of a child or other vital organ, and impairment of any  
4475 bodily function.

4476 (g) Nothing contained in paragraph (c) of this  
4477 subsection shall preclude a parent or guardian from disciplining a



4478 child of that parent or guardian, or shall preclude a person in  
4479 loco parentis to a child from disciplining that child, if done in  
4480 a reasonable manner, and reasonable corporal punishment or  
4481 reasonable discipline as to that parent or guardian's child or  
4482 child to whom a person stands in loco parentis shall be a defense  
4483 to any violation charged under paragraph (c) of this subsection.

4484 (h) Reasonable discipline and reasonable corporal  
4485 punishment shall not be a defense to acts described in paragraphs  
4486 (a) and (b) of this subsection or if a child suffers serious  
4487 bodily harm as a result of any act prohibited under paragraph (c)  
4488 of this subsection.

4489 (3) Nothing contained in this section shall prevent  
4490 proceedings against the parent, guardian or other person under any  
4491 statute of this state or any municipal ordinance defining any act  
4492 as a crime or misdemeanor. Nothing in the provisions of this  
4493 section shall preclude any person from having a right to trial by  
4494 jury when charged with having violated the provisions of this  
4495 section.

4496 (4) (a) A parent, legal guardian or caretaker who endangers  
4497 a child's person or health by knowingly causing or permitting the  
4498 child to be present where any person is selling, manufacturing or  
4499 possessing immediate precursors or chemical substances with intent  
4500 to manufacture, sell or possess a controlled substance as  
4501 prohibited under Section 41-29-139 or 41-29-313, is guilty of  
4502 child endangerment and may be sentenced to imprisonment for not



4503 more than ten (10) years or to payment of a fine of not more than  
4504 Ten Thousand Dollars (\$10,000.00), or both.

4505 (b) If the endangerment results in substantial harm to  
4506 the child's physical, mental or emotional health, the person may  
4507 be sentenced to imprisonment for not more than twenty (20) years  
4508 or to payment of a fine of not more than Twenty Thousand Dollars  
4509 (\$20,000.00), or both.

4510 (5) Nothing contained in this section shall prevent  
4511 proceedings against the parent, guardian or other person under any  
4512 statute of this state or any municipal ordinance defining any act  
4513 as a crime or misdemeanor. Nothing in the provisions of this  
4514 section shall preclude any person from having a right to trial by  
4515 jury when charged with having violated the provisions of this  
4516 section.

4517 (6) After consultation with the Department of \* \* \* Child  
4518 Protection Services, a regional mental health center or an  
4519 appropriate professional person, a judge may suspend imposition or  
4520 execution of a sentence provided in subsections (1) and (2) of  
4521 this section and in lieu thereof require treatment over a  
4522 specified period of time at any approved public or private  
4523 treatment facility. A person may be eligible for treatment in  
4524 lieu of criminal penalties no more than one (1) time.

4525 (7) In any proceeding resulting from a report made pursuant  
4526 to Section 43-21-353 of the Youth Court Law, the testimony of the  
4527 physician making the report regarding the child's injuries or



4528 condition or cause thereof shall not be excluded on the ground  
4529 that the physician's testimony violates the physician-patient  
4530 privilege or similar privilege or rule against disclosure. The  
4531 physician's report shall not be considered as evidence unless  
4532 introduced as an exhibit to his testimony.

4533 (8) Any criminal prosecution arising from a violation of  
4534 this section shall be tried in the circuit, county, justice or  
4535 municipal court having jurisdiction; provided, however, that  
4536 nothing herein shall abridge or dilute the contempt powers of the  
4537 youth court.

4538 **SECTION 103.** Section 99-41-17, Mississippi Code of 1972, is  
4539 amended as follows:

4540 99-41-17. (1) Compensation shall not be awarded under this  
4541 chapter:

4542 (a) Unless the criminally injurious conduct occurred  
4543 after July 1, 1991;

4544 (b) Unless the claim has been filed with the director  
4545 within thirty-six (36) months after the crime occurred, or in  
4546 cases of child sexual abuse, within thirty-six (36) months after  
4547 the crime was reported to law enforcement or the Department  
4548 of \* \* \* Child Protection Services, but in no event later than the  
4549 victim's twenty-fifth birthday. For good cause, the director may  
4550 extend the time period allowed for filing a claim for an  
4551 additional period not to exceed twelve (12) months;





4552           (c) To a claimant or victim who was the offender or an  
4553 accomplice to the offender, or, except in cases of children under  
4554 the age of consent as specified in Section 97-3-65, 97-3-97 or  
4555 97-5-23, Mississippi Code of 1972, who encouraged or in any way  
4556 knowingly participated in criminally injurious conduct;

4557           (d) To another person, if the award would unjustly  
4558 benefit the offender or accomplice;

4559           (e) Unless the criminally injurious conduct resulting  
4560 in injury or death was reported to a law enforcement officer  
4561 within seventy-two (72) hours after its occurrence or unless it is  
4562 found that there was good cause for the failure to report within  
4563 such time;

4564           (f) To any claimant or victim when the injury or death  
4565 occurred while the victim was confined in any federal, state,  
4566 county or city jail or correctional facility;

4567           (g) If the victim was injured as a result of the  
4568 operation of a motor vehicle, boat or airplane, unless the vehicle  
4569 was used by the offender (i) while under the influence of alcohol  
4570 or drugs, (ii) as a weapon in the deliberate attempt to injure or  
4571 cause the death of the victim, (iii) in a hit-and-run accident by  
4572 leaving the scene of an accident as specified in Section 63-3-401,  
4573 (iv) to flee apprehension by law enforcement as specified in  
4574 Sections 97-9-72 and 97-9-73, or (v) causes any injury to a child  
4575 who is in the process of boarding or exiting a school bus in the  
4576 course of a violation of Section 63-3-615;



4577           (h) If, following the filing of an application, the  
4578 claimant failed to take further steps as required by the division  
4579 to support the application within forty-five (45) days of such  
4580 request made by the director or failed to otherwise cooperate with  
4581 requests of the director to determine eligibility, unless failure  
4582 to provide information was beyond the control of the claimant;

4583           (i) To a claimant or victim who, subsequent to the  
4584 injury for which application is made, is convicted of any felony,  
4585 and the conviction becomes known to the director;

4586           (j) To any claimant or victim who has been under the  
4587 actual or constructive supervision of a department of corrections  
4588 for a felony conviction within five (5) years prior to the injury  
4589 or death for which application has been made;

4590           (k) To any claimant or victim who, at the time of the  
4591 criminally injurious conduct upon which the claim for compensation  
4592 is based, engaged in conduct unrelated to the crime upon which the  
4593 claim for compensation is based that either was (i) a felony, or  
4594 (ii) a delinquent act which, if committed by an adult, would  
4595 constitute a felony;

4596           (l) To any claimant or victim who knowingly furnishes  
4597 any false or misleading information or knowingly fails or omits to  
4598 disclose a material fact or circumstance.

4599           (2) Compensation otherwise payable to a claimant shall be  
4600 diminished to the extent:



4601 (a) That the economic loss is recouped from other  
4602 sources, including collateral sources; and

4603 (b) Of the degree of responsibility for the cause of  
4604 injury or death attributable to the victim or claimant.

4605 (3) Upon a finding that the claimant or victim has not fully  
4606 cooperated with appropriate law enforcement agencies and  
4607 prosecuting attorneys, an award of compensation may be denied,  
4608 withdrawn or reduced.

4609 (4) Compensation otherwise payable to a claimant or victim  
4610 may be denied or reduced to a claimant or victim who, at the time  
4611 of the crime upon which the claim for compensation is based, was  
4612 engaging in or attempting to engage in other unlawful activity  
4613 unrelated to the crime upon which the claim for compensation is  
4614 based.

4615 **SECTION 104.** Section 93-17-11, Mississippi Code of 1972, is  
4616 amended as follows:

4617 93-17-11. (1) At any time after the filing of the petition  
4618 for adoption and completion of process thereon, and before the  
4619 entering of a final decree, the court may, in its discretion, of  
4620 its own motion or on motion of any party to the proceeding,  
4621 require an investigation and report to the court to be made by any  
4622 person, officer or home as the court may designate and direct  
4623 concerning the child, and shall require in adoptions except as  
4624 provided in subsection (4) of this section, other than those in  
4625 which the petitioner or petitioners are a relative or stepparent



4626 of the child, that a home study be performed of the petitioner or  
4627 petitioners by a licensed adoption agency or by the Department of  
4628 Human Services, at the petitioner's or petitioners' sole expense  
4629 and at no cost to the state or county. The investigation and  
4630 report shall give the material facts upon which the court may  
4631 determine whether the child is a proper subject for adoption,  
4632 whether the petitioner or petitioners are suitable parents for the  
4633 child, whether the adoption is to its best interest, and any other  
4634 facts or circumstances that may be material to the proposed  
4635 adoption. The home study shall be considered by the court in  
4636 determining whether the petitioner or petitioners are suitable  
4637 parents for the child. The court, when an investigation and  
4638 report are required by the court or by this section, shall stay  
4639 the proceedings in the cause for such reasonable time as may be  
4640 necessary or required in the opinion of the court for the  
4641 completion of the investigation and report by the person, officer  
4642 or home designated and authorized to make the same.

4643       (2) Upon the filing of that consent or the completion of the  
4644 process and the filing of the investigation and report, if  
4645 required by the court or by this section, and the presentation of  
4646 such other evidence as may be desired by the court, if the court  
4647 determines that it is to the best interests of the child that an  
4648 interlocutory decree of adoption be entered, the court may  
4649 thereupon enter an interlocutory decree upon such terms and  
4650 conditions as may be determined by the court, in its discretion,



4651 but including therein that the complete care, custody and control  
4652 of the child shall be vested in the petitioner or petitioners  
4653 until further orders of the court and that during such time the  
4654 child shall be and remain a ward of the court. If the court  
4655 determines by decree at any time during the pendency of the  
4656 proceeding that it is not to the best interests of the child that  
4657 the adoption proceed, the petitioners shall be entitled to at  
4658 least five (5) days' notice upon their attorneys of record and a  
4659 hearing with the right of appeal as provided by law from a  
4660 dismissal of the petition; however, the bond perfecting the appeal  
4661 shall be filed within ten (10) days from the entry of the decree  
4662 of dismissal and the bond shall be in such amount as the  
4663 chancellor may determine and supersedeas may be granted by the  
4664 chancellor or as otherwise provided by law for appeal from final  
4665 decrees.

4666 (3) After the entry of the interlocutory decree and before  
4667 entry of the final decree, the court may require such further and  
4668 additional investigation and reports as it may deem proper. The  
4669 rights of the parties filing the consent or served with process  
4670 shall be subject to the decree but shall not be divested until  
4671 entry of the final decree.

4672 (4) The court may determine that a home study in an adoption  
4673 is not necessary in the case of an adoption by a stepparent or a  
4674 relative or in the case of an adoption in a foster-to-adopt  
4675 placement.



4676           **SECTION 105.** Section 93-17-25, Mississippi Code of 1972, is  
4677 amended as follows:

4678           93-17-25. All proceedings under this chapter shall be  
4679 confidential and shall be held in closed court without admittance  
4680 of any person other than the interested parties, except upon order  
4681 of the court. All pleadings, reports, files, testimony, exhibits  
4682 and records pertaining to \* \* \* adoption proceedings shall be  
4683 confidential and shall not be public records and shall be withheld  
4684 from inspection or examination by any person, and shall not be  
4685 disclosed by any person except upon order of the court in which  
4686 the proceeding was had on good cause shown.

4687           Upon motion of any interested person, the files of adoption  
4688 proceedings, heretofore had may be placed in the confidential  
4689 files upon order of the court or chancellor and shall be subject  
4690 to the provisions of this chapter.

4691           Provided, however, that notwithstanding the confidential  
4692 nature of said proceedings, said record shall be available for use  
4693 in any court or administrative proceedings under a subpoena duces  
4694 tecum addressed to the custodian of said records and portions of  
4695 such record may be released pursuant to Sections 93-17-201 through  
4696 93-17-223.

4697           **SECTION 106.** The appropriate court, through its clerk, shall  
4698 notify the Office of the Attorney General within seven (7)  
4699 business days whenever a permanency plan changes to termination of  
4700 parental rights or an adoption.



4701           **SECTION 107.** Sections 43-1-51, 43-1-53, 43-1-57, 43-1-59,  
4702 43-1-63, 43-51-1 and 43-51-9, Mississippi Code of 1972, which  
4703 created the Division of Family and Children's Services within the  
4704 Department of Human Services, provides the title for the Family  
4705 Preservation Act, and requires an ongoing evaluation and report on  
4706 family preservation services, are repealed.

4707           **SECTION 108.** This act shall take effect and be in force from  
4708 and after July 1, 2023.

