

By: Senator(s) Boyd, Branning, Parker

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2384

1 AN ACT TO ESTABLISH THE MISSISSIPPI TASK FORCE ON FOSTER CARE
2 AND ADOPTION; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE
3 TASK FORCE; TO PROVIDE THAT THE TASK FORCE WILL STUDY
4 MISSISSIPPI'S LAWS REGARDING FOSTER CARE AND ADOPTION AND RELATED
5 AREAS OF INQUIRY; TO PROVIDE FOR THE TASK FORCE TO CONDUCT ITS
6 BUSINESS; TO REQUIRE THAT THE TASK FORCE WILL REPORT ITS FINDINGS
7 AND ANY RECOMMENDATIONS TO THE LEGISLATURE; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** (1) There is hereby established the Mississippi
11 Task Force on Foster Care and Adoption.

12 (2) The members of the task force are as follows:

13 (a) The Chief Justice of the Mississippi Supreme Court
14 or a designee;

15 (b) The Executive Director of Child Protection Services
16 or a designee;

17 (c) The Attorney General or a designee;

18 (d) The Chair of the Senate Study Group on Women,
19 Children and Families or a designee;



20 (e) A member appointed by the Speaker of the House of
21 Representatives from the Speaker's Task Force on Life or a
22 designee;

23 (f) Two (2) sitting Chancery Court judges appointed by
24 the Chief Justice of the Mississippi Supreme Court;

25 (g) Two (2) sitting Youth Court judges, one (1) of whom
26 is a County Court judge, and one (1) of whom is a Youth Court
27 referee, appointed by the Chief Justice of the Mississippi Supreme
28 Court;

29 (h) Two (2) practicing attorneys with expertise in
30 youth court matters and adoptions to be named by the Mississippi
31 Board of Bar Commissioners;

32 (i) A Guardian Ad Litem to be named by the Mississippi
33 Board of Bar Commissioners;

34 (j) A member of the Office of State Public Defender
35 appointed by the State Public Defender to represent the interests
36 of biological parents;

37 (k) A person appointed by the Speaker of the House to
38 represent the interests of foster parents;

39 (l) An adult who spent time in state custody as a
40 foster child to be appointed by the Governor;

41 (m) A Court-Appointed Special Advocate (CASA) volunteer
42 to represent the interests of foster children to be appointed by
43 the Lieutenant Governor; and



44 (n) A representative from the Mississippi Association
45 of Child Care Agencies, Inc., to be appointed by the president of
46 the association.

47 (3) The members must be appointed to the task force within
48 fifteen (15) days of the effective date of this act. Vacancies on
49 the task force shall be filled in the manner of the original
50 appointment. Members are eligible for reappointment if upon
51 reappointment they meet the qualifications required of a new
52 appointee.

53 (4) The task force must meet within sixty (60) days of the
54 effective date of this act upon the call of the Chief Justice of
55 the Supreme Court, and at its first meeting shall elect any
56 officers from among its membership as it deems necessary for the
57 efficient discharge of the task force's duties.

58 (5) The task force shall adopt rules and regulations
59 governing times and places for meetings and governing the manner
60 of conducting its business. Ten (10) or more members shall
61 constitute a quorum for the purpose of conducting any business of
62 the task force, but a vote of not less than twelve (12) members is
63 required for any recommendations to the Legislature.

64 (6) Members of the task force shall receive a per diem in
65 the amount provided in Section 25-3-69 for each day engaged in the
66 business of the task force. Members of the task force other than
67 the legislative members shall receive reimbursement for travel
68 expenses incurred while engaged in official business of the task



69 force in accordance with Section 25-3-41 and the legislative
70 members of the task force shall receive the expense allowance
71 provided for in Section 5-1-47.

72 (7) The Mississippi Judicial College will staff the task
73 force and will perform the duties which the task force directs.

74 (8) The task force is authorized to apply for and accept
75 gifts, grants, subsidies and other funds from persons,
76 corporations, foundations, the United States government or other
77 entities, and the receipt of any gifts, grants, subsidies and
78 funds shall be reported and otherwise accounted for in the manner
79 provided by law. If financial subsidies are sufficient, the task
80 force may hire additional contract staff to support its work.

81 (9) The duties of the task force shall be as follows:

82 (a) Perform a comprehensive review and draft any
83 necessary proposed revision of adoption statutes;

84 (b) Review the use of "reasonable efforts" and
85 "diligent search" in the Child Protection Services statutes and
86 determine whether a uniform definition is needed for each term,
87 and, if so, to draft recommended language;

88 (c) Draft a definition (or examples through a
89 nonexhaustive list) of what constitutes "compelling and
90 extraordinary reasons why termination of parental rights would not
91 be in the best interests of the child";



92 (d) Draft definitions of neglect as "willful" or
93 "nonwillful" with a proposal for different courses of action
94 depending on the type of neglect;

95 (e) Review of the Guardian Ad Litem role in the Foster
96 Care system and Termination of Parental Rights process, including
97 the proper responsibility for payment of Guardians Ad Litem, how
98 much they should be paid, whether more Guardians Ad Litem are
99 needed, and whether Title IV-E funds can be used for that purpose;

100 (f) Review whether parent representatives should be
101 provided, and if so, how to pay them and whether Title IV-E funds
102 could be used to pay them;

103 (g) Review of the timeframes and guidelines followed
104 once a child comes into Child Protection Services custody and how
105 to balance the length of these timeframes, the best interests of
106 the child, and the interest of the biological parent(s);

107 (h) Review of the requirement to have concurrent
108 permanency plans, whether this is currently taking place, and, if
109 so, whether it is effective, and, if not effective, what needs to
110 happened to ensure the courts and Child Protection Services are
111 pursuing concurrent plans;

112 (i) Review of the requirement for a psychological
113 assessment or evaluation for each child coming into custody,
114 whether this is necessary in every case, and, if so, how to
115 address the major shortage of medical providers that will be able
116 to provide the services;



117 (j) Review of the diagnostic and evaluation shelters,
118 whether the number is sufficient, and whether children are staying
119 in these facilities too long before placement;

120 (k) Review of the course of action when a parent tests
121 positive for drugs or alcohol, including when a mother tests
122 positive for drugs during labor and delivery;

123 (l) Review of Title IV-E funding, whether these funds
124 are being legally maximized, how they are being used and whether
125 there are changes that need to be made to get the most out of
126 these federal funds;

127 (m) To review laws, policies and procedures in other
128 states;

129 (n) To review fatherhood initiative proposals and
130 develop proposed policies to increase fatherhood participation of
131 absent fathers; and

132 (o) Any other issues related to the Mississippi foster
133 care system or adoption that the task force finds appropriate to
134 address.

135 (10) The Task Force may request the assistance of the
136 University of Mississippi School of Law and the Mississippi
137 College School of Law, the Mississippi Judicial College, the
138 Mississippi Administrative Office of Courts and the proper section
139 of the Mississippi Bar Association, or any other related
140 organization with expertise in domestic relations.



141 (11) The task force shall report its findings and
142 recommendations to the Legislature annually not later than
143 December 1st each year.

144 (12) This section shall stand repealed on July 1, 2027.

145 **SECTION 2.** This act shall take effect and be in force from
146 and after its passage.

