

By: Senator(s) Boyd, Branning, Parker

To: Judiciary, Division A

SENATE BILL NO. 2384
(As Sent to Governor)

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 Judiciary, Division A
19 Committee or a designee;

20 (e) The Chair of the House Judiciary A Committee or a
21 designee;



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

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

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

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

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

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

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

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

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



46 (o) The Executive Director, or his or her designee of
47 the Joint Legislative Committee on Performance Evaluation and
48 Expenditure Review.

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

55 (4) The Chairpersons of the House and Senate Judiciary A
56 Committees shall serve as co-chair of the task force. The task
57 force must meet within sixty (60) days of the effective date of
58 this act upon the call of the Chairpersons of the House and Senate
59 Judiciary A Committees, and at its first meeting shall elect any
60 officers from among its membership as it deems necessary for the
61 efficient discharge of the task force's duties.

62 (5) The task force shall adopt rules and regulations
63 governing times and places for meetings and governing the manner
64 of conducting its business. A majority of the members shall
65 constitute a quorum for the purpose of conducting any business of
66 the task force, and a majority vote of all members present shall
67 be required for any recommendations to the Legislature.

68 (6) Members of the task force shall receive a per diem in
69 the amount provided in Section 25-3-69 for each day engaged in the
70 business of the task force. Members of the task force other than



71 the legislative members shall receive reimbursement for travel
72 expenses incurred while engaged in official business of the task
73 force in accordance with Section 25-3-41 and the legislative
74 members of the task force shall receive the expense allowance
75 provided for in Section 5-1-47.

76 (7) The Mississippi Judicial College shall provide necessary
77 clerical support for the meetings of the task force and the
78 preparation of the report, with assistance from the clerical and
79 legal staff of the Mississippi House of Representatives and the
80 Senate.

81 (8) The task force is authorized to apply for and accept
82 gifts, grants, subsidies and other funds from persons,
83 corporations, foundations, the United States government or other
84 entities, and the receipt of any gifts, grants, subsidies and
85 funds shall be reported and otherwise accounted for in the manner
86 provided by law. If financial subsidies are sufficient, the task
87 force may hire additional contract staff to support its work.

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

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

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



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

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

102 (e) Review of the Guardian Ad Litem role in the foster
103 care system and termination of parental rights process, including
104 the proper responsibility for payment of Guardians Ad Litem, how
105 much they should be paid, whether more Guardians Ad Litem are
106 needed, and whether Title IV-E funds can be used for that purpose;

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

110 (g) Review of the timeframes and guidelines followed
111 once a child comes into Child Protection Services' custody and how
112 to balance the length of these timeframes, the best interests of
113 the child, and the interest of the biological parent(s);

114 (h) Review of the requirement to have concurrent
115 permanency plans, whether this is currently taking place, and, if
116 so, whether it is effective, and, if not effective, what needs to
117 happened to ensure the courts and Child Protection Services are
118 pursuing concurrent plans;



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

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

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

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

134 (m) To review laws, policies and procedures in other
135 states;

136 (n) To review fatherhood initiative proposals and
137 develop proposed policies to increase fatherhood participation of
138 absent fathers; and

139 (o) Any other issues related to the Mississippi foster
140 care system or adoption that the task force finds appropriate to
141 address.

142 (10) The task force may request the assistance of the
143 University of Mississippi School of Law and the Mississippi



144 College School of Law, the Mississippi Judicial College, the
145 Mississippi Administrative Office of Courts and the proper section
146 of the Mississippi Bar Association, or any other related
147 organization with expertise in domestic relations.

148 (11) The task force shall report its findings and
149 recommendations to the Legislature annually not later than
150 December 1 each year.

151 (12) The task force shall stand dissolved on December 1,
152 2023.

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

