

By: Senator(s) Wiggins, Hopson, Boyd,
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To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2678

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2023, THE
2 DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE A STATE AGENCY
3 SEPARATE AND APART FROM THE DEPARTMENT OF HUMAN SERVICES AND NOT A
4 SUBAGENCY HOUSED WITHIN THE DEPARTMENT OF HUMAN SERVICES, AND
5 SHALL HAVE SUCH POWERS AND DUTIES AND PERFORM SUCH FUNCTIONS THAT
6 ARE ASSIGNED TO THE DEPARTMENT OF CHILD PROTECTION SERVICES BY
7 STATE LAW; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, AND
8 TO CREATE NEW SECTIONS 43-26-5, 43-26-7, 43-26-9, 43-26-11,
9 43-26-13, 43-26-15, 43-26-17, 43-26-19, 43-26-21 AND 43-26-23,
10 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND DUTIES OF
11 THE DEPARTMENT OF CHILD PROTECTION SERVICES AND THE COMMISSIONER
12 OF CHILD PROTECTION SERVICES; TO AMEND SECTIONS 11-46-1, 11-46-8,
13 25-1-109, 27-104-203, 37-31-107, 37-106-69, 37-115-43, 41-3-18,
14 41-67-12, 41-87-5, 41-101-1, 43-1-9, 43-1-101, 43-14-1, 43-14-5,
15 43-15-3, 43-15-5, 43-15-6, 43-15-7, 43-15-11, 43-15-15, 43-15-19,
16 43-15-21, 43-15-23, 43-15-103, 43-15-105, 43-15-107, 43-15-109,
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18 43-15-201, 43-15-203, 43-15-207, 43-16-3, 43-16-7, 43-17-7,
19 43-18-3, 43-18-5, 43-21-351, 43-21-354, 43-21-357, 43-21-405,
20 43-21-603, 43-21-609, 43-21-701, 43-21-801, 43-27-101, 43-27-103,
21 43-27-109, 43-27-113, 43-27-115, 43-27-117, 43-27-119, 43-43-5,
22 43-43-7, 43-51-3, 43-51-5, 43-51-7, 45-33-36, 57-13-23, 93-5-23,
23 93-17-3, 93-17-5, 93-17-8, 93-17-11, 93-17-12, 93-17-53, 93-17-57,
24 93-17-59, 93-17-61, 93-17-63, 93-17-65, 93-17-101, 93-17-103,
25 93-17-107, 93-17-109, 93-17-203, 93-17-209, 93-21-305, 93-21-307,
26 93-21-309, 93-21-311, 93-31-3, 97-5-24, 97-5-39 AND 99-41-17,
27 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
28 TO REPEAL SECTIONS 43-1-30, 43-1-51, 43-1-53, 43-1-57, 43-1-59,
29 43-1-63, 43-51-1 AND 43-51-9, MISSISSIPPI CODE OF 1972, WHICH
30 CREATED THE MISSISSIPPI TANF IMPLEMENTATION COUNCIL, CREATED THE
31 DIVISION OF FAMILY AND CHILDREN'S SERVICES WITHIN THE DEPARTMENT
32 OF HUMAN SERVICES, PROVIDES THE TITLE FOR THE FAMILY PRESERVATION
33 ACT, AND REQUIRES AN ONGOING EVALUATION AND REPORT ON FAMILY
34 PRESERVATION SERVICES; AND FOR RELATED PURPOSES.



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

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

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

54 43-26-1. (1) There is * * * created a Mississippi
55 Department of Child Protection Services.

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



59 the advice and consent of the Senate. The commissioner shall
60 possess the following qualifications:

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

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

67 * * *

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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



158 publish the rules and regulations of the department pertaining to
159 such programs;

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

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

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

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

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



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

187 (ii) To identify victims of human trafficking and
188 commercial sexual exploitation;

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

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

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

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

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



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

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

213 **SECTION 3.** The following shall be codified as Section
214 43-26-5, Mississippi Code of 1972:

215 43-26-5. (1) The Department of Child Protection Services
216 shall establish a record-keeping procedure to ensure that all
217 referrals of neglect and/or abuse are accurately and adequately
218 maintained for future or cross-reference.

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

225 **SECTION 4.** The following shall be codified as Section
226 43-26-7, Mississippi Code of 1972:

227 43-26-7. The Department of Child Protection Services shall
228 have the authority to use the services and resources of the State
229 Department of Education, the State Department of Health, the State
230 Department of Human Services, the State Department of Mental
231 Health, Division of Medicaid, and all other appropriate state
232 departments, agencies, institutions or political subdivisions as



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

241 **SECTION 5.** The following shall be codified as Section
242 43-26-9, Mississippi Code of 1972:

243 43-26-9. It is the intent of the Legislature that the
244 resources devoted to family and children's services and to public
245 assistance programs be clearly delineated and that all resources
246 intended for child protection and other related purposes be
247 expended in service of that goal.

248 **SECTION 6.** The following shall be codified as Section
249 43-26-11, Mississippi Code of 1972:

250 43-26-11. (1) There shall be created local offices of the
251 Department of Child Protection Services in those locations
252 throughout the state as determined by the commissioner. It shall
253 be the duty of the board of supervisors of each county in which a
254 local office is located to provide office space for the local
255 offices.

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



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

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

279 **SECTION 7.** The following shall be codified as Section
280 43-26-13, Mississippi Code of 1972:

281 43-26-13. The governing authority of any municipality or
282 county in this state is authorized and empowered, in its



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

289 **SECTION 8.** The following shall be codified as Section
290 43-26-15, Mississippi Code of 1972:

291 43-26-15. The Department of Finance and Administration shall
292 furnish office space for the Department of Child Protection
293 Services in the City of Jackson and is authorized to rent suitable
294 quarters in the city if there is not sufficient room in one (1) of
295 the state office buildings.

296 **SECTION 9.** The following shall be codified as Section
297 43-26-17, Mississippi Code of 1972:

298 43-26-17. The Department of Child Protection Services shall
299 cooperate with the federal government, its agencies and
300 instrumentalities, in carrying out the provisions of any federal
301 acts concerning public welfare for children, and in other matters
302 of mutual concern pertaining to public welfare for children,
303 including the adoption of such methods of administration as are
304 found by the federal government to be necessary for the efficient
305 operation of plans for public assistance and welfare services for
306 children in accordance with the provisions of the federal Social
307 Security Act, as amended. It shall also cooperate with other



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

311 **SECTION 10.** The following shall be codified as Section
312 43-26-19, Mississippi Code of 1972:

313 43-26-19. The Department of Child Protection Services may,
314 in its discretion, destroy or cause to be destroyed, or otherwise
315 disposed of, any and all abandoned applications, closed case
316 files, communications, information, memoranda, records, reports,
317 paid checks, and files, in the office of the Department of Child
318 Protection Services when and as they become three (3) or more
319 completed fiscal years old and which, in the opinion of the
320 department, are no longer useful or necessary.

321 **SECTION 11.** The following shall be codified as Section
322 43-26-21, Mississippi Code of 1972:

323 43-26-21. All political subdivisions of the state, or
324 combinations of political subdivisions, are authorized to employ
325 assistant prosecutors to prosecute for the crimes under Section
326 97-19-71 and the Department of Child Protection Services is
327 authorized to contract with any political subdivision to subsidize
328 payment for the reasonable and necessary cost of prosecutions and
329 investigations in any program where federal matching funds are
330 available.

331 **SECTION 12.** The following shall be codified as Section
332 43-26-23, Mississippi Code of 1972:



333 43-26-23. (1) Any sums paid to or on behalf of any person,
334 entity or subgrantee or the value of any aid or benefit or
335 services obtained or received under any state or federally funded
336 assistance program for children as a result of any false
337 statement, misrepresentation, concealment of a material fact,
338 failure to disclose assets, or by whatever means, becomes a debt
339 due to the Department of Child Protection Services. The amount of
340 value of any assistance shall be recoverable from the recipient or
341 his or her estate in a civil action brought in the name of the
342 Department of Child Protection Services pursuant to this section.
343 If such action is brought, the department shall be entitled to
344 recover, in addition to the amount of assistance, a reasonable
345 amount of attorney's fees and its cost incurred therein. Where an
346 attorney from the county attorney's office represents the
347 department in such action, the attorney's fee awarded shall be for
348 the use and benefit of that particular office and shall be
349 forwarded to that office upon receipt by the department.

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



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

359 **SECTION 13.** Section 11-46-1, Mississippi Code of 1972, is
360 amended as follows:

361 11-46-1. As used in this chapter, the following terms shall
362 have the meanings ascribed unless the context otherwise requires:

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

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

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

369 (d) "Department" means the Department of Finance and
370 Administration.

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

373 (f) "Employee" means any officer, employee or servant
374 of the State of Mississippi or a political subdivision of the
375 state, including elected or appointed officials and persons acting
376 on behalf of the state or a political subdivision in any official
377 capacity, temporarily or permanently, in the service of the state
378 or a political subdivision whether with or without compensation,
379 including firefighters who are members of a volunteer fire
380 department that is a political subdivision. The term "employee"



381 shall not mean a person or other legal entity while acting in the
382 capacity of an independent contractor under contract to the state
383 or a political subdivision; and

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

387 1. Physicians under contract to provide
388 health services with the State Board of Health, the State Board of
389 Mental Health or any county or municipal jail facility while
390 rendering services under the contract;

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

398 3. Any physician, dentist or other health
399 care practitioner employed by any university under the control of
400 the Board of Trustees of State Institutions of Higher Learning who
401 practices only on the campus of any university under the control
402 of the Board of Trustees of State Institutions of Higher Learning;

403 4. Any physician, dentist or other health
404 care practitioner employed by the State Veterans Affairs Board and



405 who provides health care services for patients for the State
406 Veterans Affairs Board;

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

411 (iii) The term "employee" also shall include any
412 employee or member of the governing board of a charter school but
413 shall not include any person or entity acting in the capacity of
414 an independent contractor to provide goods or services under a
415 contract with a charter school.

416 (g) "Governmental entity" means the state and political
417 subdivisions.

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

421 (i) "Political subdivision" means any body politic or
422 body corporate other than the state responsible for governmental
423 activities only in geographic areas smaller than that of the
424 state, including, but not limited to, any county, municipality,
425 school district, charter school, volunteer fire department that is
426 a chartered nonprofit corporation providing emergency services
427 under contract with a county or municipality, community hospital
428 as defined in Section 41-13-10, airport authority, or other
429 instrumentality of the state, whether or not the body or



430 instrumentality has the authority to levy taxes or to sue or be
431 sued in its own name.

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

438 (k) "Law" means all species of law, including, but not
439 limited to, any and all constitutions, statutes, case law, common
440 law, customary law, court order, court rule, court decision, court
441 opinion, court judgment or mandate, administrative rule or
442 regulation, executive order, or principle or rule of equity.

443 **SECTION 14.** Section 11-46-8, Mississippi Code of 1972, is
444 amended as follows:

445 11-46-8. Mississippi Department of * * * Child Protection
446 Services licensed foster parents shall be covered under this
447 chapter for claims made by parties other than the foster child
448 which are based on inadequate supervision or inadequate care of
449 the foster child on the part of the foster parent.

450 **SECTION 15.** Section 25-1-109, Mississippi Code of 1972, is
451 amended as follows:

452 25-1-109. No law enforcement agency shall disclose the name
453 of any person arrested for any misdemeanor, issued a citation, or
454 being held for any misdemeanor unless such person shall be



455 formally charged and arrested for the offense, except to other law
456 enforcement agencies or to the Mississippi Department of Human
457 Services, the Mississippi Department of Child Protection Services
458 or child day care providers where such information is used to help
459 determine suitability of persons to serve as child care providers
460 or child service workers. No political subdivision nor any
461 employee thereof shall be held liable for the disclosure of any
462 information prohibited by this section.

463 **SECTION 16.** Section 27-104-203, Mississippi Code of 1972, is
464 amended as follows:

465 27-104-203. From and after July 1, 2016, no state agency
466 shall charge another state agency a fee, assessment, rent, audit
467 fee, personnel fee or other charge for services or resources
468 received. The provisions of this section shall not apply (a) to
469 grants, contracts, pass-through funds, project fees or other
470 charges for services between state agencies and the Board of
471 Trustees of State Institutions of Higher Learning, any public
472 university, the Mississippi Community College Board, any public
473 community or junior college, and the State Department of
474 Education, nor (b) to charges for services between the Board of
475 Trustees of State Institutions of Higher Learning, any public
476 university, the Mississippi Community College Board, any public
477 community or junior college, and the State Department of
478 Education, nor (c) to federal grants, pass-through funds, cost
479 allocation charges, surplus property charges or project fees



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



505 expenditures that they deemed nonrecurring in nature by the State
506 Fiscal Officer.

507 **SECTION 17.** Section 37-31-107, Mississippi Code of 1972, is
508 amended as follows:

509 37-31-107. Qualified students for the classes or courses may
510 be accepted by the schools from any source, but priority of
511 enrollment will be given referrals from the * * * Department of
512 Child Protection Services, state employment service, vocational
513 rehabilitation, and nonretired veterans. The state employment
514 service will assist with student job placement and referral
515 whenever possible.

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

519 Students will not be eligible if they have dropped out of
520 regular school for the specific purpose of enrolling in the
521 manpower programs.

522 **SECTION 18.** Section 37-106-69, Mississippi Code of 1972, is
523 amended as follows:

524 37-106-69. (1) There is established a forgivable loan
525 program to encourage family protection workers employed by the
526 Department of * * * Child Protection Services to obtain the
527 college education necessary to become licensed as a social worker,
528 master social worker or certified social worker and become a
529 family protection specialist for the department.



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

543 (3) Forgivable loans made under the program shall be
544 available to both full-time and part-time students. Students
545 enrolling on a full-time basis may receive a maximum of two (2)
546 annual awards. The maximum number of forgivable loans that may be
547 made to students attending school on a part-time basis, and the
548 maximum time period for part-time students to complete the number
549 of academic hours necessary to obtain the necessary degree, shall
550 be established by rules and regulations of the board. Forgivable
551 loans made under the program shall not be based upon an
552 applicant's financial need. A student must maintain a "C" average
553 or higher in his or her college coursework in order to continue
554 receiving the forgivable loan.



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

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

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

574 (5) It is the intent of the Legislature that the pursuit of
575 necessary college education by family protection workers through
576 the forgivable loan program shall not interfere with the duties of
577 the family protection workers with the Department of * * * Child
578 Protection Services. The department shall promulgate regulations
579 regarding family protection workers who participate in the



580 forgivable loan program to ensure that such participation does not
581 interfere with their duties with the department.

582 (6) The board shall promulgate rules and regulations
583 necessary for the proper administration of the forgivable loan
584 program established under this section. The board shall be the
585 administering agency of the program.

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

589 **SECTION 19.** Section 37-115-43, Mississippi Code of 1972, is
590 amended as follows:

591 37-115-43. (1) The University of Mississippi Medical
592 Center, in collaboration with the Mississippi Department of * * *
593 Child Protection Services and the Office of the Attorney General,
594 is authorized and empowered to establish a Center of Excellence
595 (Center) * * * to provide care for abused and neglected children
596 at the Blair E. Batson Hospital for Children located in Jackson,
597 Mississippi, where suspected victims of child maltreatment
598 referred by the Department of * * * Child Protection Services or
599 law enforcement will receive comprehensive physical examinations
600 conducted by medical professionals who specialize in child
601 maltreatment. The University of Mississippi Medical Center shall
602 promulgate such policies as may be necessary and desirable to
603 carry out the programs of the Center. The Center shall serve as a
604 resource for the assessment, investigation and prosecution of



605 child maltreatment. The Center shall work in collaboration with
606 the Office of the Attorney General, the Mississippi Department
607 of * * * Child Protection Services, and other such state agencies
608 and entities that provide services to children * * * to ensure
609 that CARE Clinic services are provided in a uniform fashion
610 throughout the state.

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

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

623 (4) There is created in the State Treasury a special fund to
624 be known as the Children's Safe Center Fund. The University of
625 Mississippi Medical Center shall expend funds pursuant to
626 appropriation therefor by the Legislature for the support and
627 maintenance of the Children's Safe Center. The University of
628 Mississippi Medical Center is authorized to accept any and all
629 grants, donations or matching funds from private, public or



630 federal sources in order to add to, improve and enlarge the
631 physical facilities of the Center and to expend any such funds for
632 the support and maintenance of the Center. Assessments from
633 Section 99-19-73 designated for the Children's Safe Center Fund
634 shall be deposited into the fund. Monies remaining in the fund at
635 the end of a fiscal year shall not lapse into the State General
636 Fund, and any interest earned from the investment of monies in the
637 fund shall be deposited to the credit of the fund.

638 **SECTION 20.** Section 41-3-18, Mississippi Code of 1972, is
639 amended as follows:

640 41-3-18. (1) The board shall assess fees in the following
641 amounts and for the following purposes:

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

644	Assessment Category 1.....	\$ 30.00
645	Assessment Category 2.....	100.00
646	Assessment Category 3.....	150.00
647	Assessment Category 4.....	200.00

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

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

651 Assessment categories shall be based upon the factors to the
652 public health implications of the category and type of food
653 preparation being utilized by the food establishment, utilizing



654 the model Food Code of 1995, or as may be amended by the federal
655 Food and Drug Administration.

656 Any increase in the fees charged by the board under this
657 subsection shall be in accordance with the provisions of Section
658 41-3-65.

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

661 (a) Food establishments operated by public schools,
662 public junior and community colleges, or state agencies or
663 institutions, including, without limitation, the state
664 institutions of higher learning and the State Penitentiary; and

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

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

673 **SECTION 21.** Section 41-67-12, Mississippi Code of 1972, is
674 amended as follows:

675 41-67-12. (1) The department shall assess fees in the
676 following amounts for the following purposes:

677 (a) A fee of One Hundred Dollars (\$100.00) shall be
678 levied for soil and site evaluation and recommendation of



679 individual on-site wastewater disposal systems. The department
680 may increase the amount of the fee authorized in this paragraph
681 (a) not more than two (2) times during the period from July 1,
682 2016, through June 30, 2020, with the percentage of each increase
683 being not more than five percent (5%) of the amount of the fee in
684 effect at the time of the increase.

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

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

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

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

699 (3) No fee authorized under this section shall be assessed
700 by the department for state agencies or institutions, including,
701 without limitation, foster homes licensed by the Mississippi
702 Department of * * * Child Protection Services.



703 **SECTION 22.** Section 41-87-5, Mississippi Code of 1972, is
704 amended as follows:

705 41-87-5. Unless the context requires otherwise, the
706 following definitions in this section apply throughout this
707 chapter:

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

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

714 (A) Cognitive development;

715 (B) Physical development, including vision or
716 hearing;

717 (C) Communication development;

718 (D) Social or emotional development;

719 (E) Adaptive development;

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

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



728 (b) "Early intervention services" are developmental
729 services that:

730 (i) Are provided under public supervision;

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

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

737 (A) Physical development;

738 (B) Cognitive development;

739 (C) Communication development;

740 (D) Social or emotional development; or

741 (E) Adaptive development;

742 (iv) Meet the requirements of Part C of the
743 Individuals with Disabilities Education Act (IDEA) and the early
744 intervention standards of the State of Mississippi;

745 (v) Include, but are not limited to, the following
746 services:

747 (A) Assistive technology devices and
748 assistive technology services;

749 (B) Audiology;

750 (C) Family training, counseling and home
751 visits;



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



777 (H) Physical therapists;
778 (I) Psychologists;
779 (J) Social workers;
780 (K) Special educators;
781 (L) Speech and language pathologists;
782 (vii) Are provided, to the maximum extent
783 appropriate, in natural environments, including the home, and
784 community settings in which children without disabilities would
785 participate;
786 (viii) Are provided in conformity with an
787 individualized family service plan.
788 (c) "Council" means the State Interagency Coordinating
789 Council established under Section 41-87-7.
790 (d) "Lead agency" means the State Department of Health.
791 (e) "Participating agencies" includes, but is not
792 limited to, the State Department of Education, the Department of
793 Human Services, the Department of Child Protection Services, the
794 State Department of Health, the Division of Medicaid, the State
795 Department of Mental Health, the University Medical Center, the
796 Board of Trustees of State Institutions of Higher Learning and the
797 Mississippi Community College Board.
798 (f) "Local community" means a county either jointly,
799 severally, or a portion thereof, participating in the provision of
800 early intervention services.



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

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

809 (i) Assessing the developmental needs of an infant
810 or toddler;

811 (ii) Developing the individualized family service
812 plan; and

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

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

819 (j) "Early intervention standards" means those
820 standards established by any agency or agencies statutorily
821 designated the responsibility to establish standards for infants
822 and toddlers with disabilities, in coordination with the council
823 and in accordance with Part C of IDEA.



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

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

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

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

845 **SECTION 23.** Section 41-101-1, Mississippi Code of 1972, is
846 amended as follows:

847 41-101-1. (1) There is created the Mississippi Council on
848 Obesity Prevention and Management, hereinafter referred to as the



849 "council," within the State Department of Health to be in
850 existence for the period from July 1, 2001, until July 1, 2006, or
851 until the council is established as a nonprofit corporation,
852 whichever is the earlier date. The council may accept and expend
853 grants and private donations from any source, including federal,
854 state, public and private entities, to assist it to carry out its
855 functions.

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

858 (a) The collection and analysis of data regarding the
859 extent to which children and adults in Mississippi suffer from
860 obesity, and the programs and services currently available to meet
861 the needs of overweight children and adults, and the funds
862 dedicated by the state to maintain those programs and services.

863 (b) The collection and analysis of data to demonstrate
864 the economic impact on the state of treating obesity and the
865 estimated cost savings of implementing a comprehensive statewide
866 obesity prevention and management model.

867 (c) The establishment and maintenance of a resources
868 data bank containing information about obesity and related
869 subjects accessible to educational and research institutions, as
870 well as members of the general public.

871 (d) Consideration of the feasibility of awarding tax
872 incentives for work sites that promote activities to reduce
873 obesity in the work force.



874 (e) The establishment of recommendations to enhance
875 funding for effective prevention and management programs and
876 services, including Medicaid, private health insurance programs,
877 and other state and federal funds.

878 (f) The establishment of recommendations designed to
879 assure that children of school age who may have early indicators
880 of obesity have access to affordable, effective prevention and
881 management services.

882 (g) The establishment of recommendations for changes to
883 statewide elementary and secondary education curricula to
884 implement comprehensive, coordinated obesity awareness and
885 education programs.

886 (h) Recommendations to enhance clinical education
887 curricula in medical, nursing and other schools of higher
888 education to implement comprehensive, coordinated obesity
889 awareness and education courses.

890 (i) Recommendations to increase education and awareness
891 among primary care physicians and other health professionals
892 regarding the recognition, prevention and effective management of
893 obesity.

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



897 (i) A broad-based public education campaign
898 outlining health risks associated with failure to receive
899 treatment for obesity.

900 (ii) A health professional training campaign.

901 (iii) A targeted public education campaign
902 directed toward high risk populations.

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

910 (l) Coordination with the State Departments of
911 Education, Health, Human Services and Child Protection Services
912 and the Division of Medicaid to share resources and information in
913 order to ensure a comprehensive approach to obesity and
914 obesity-related conditions.

915 (m) Identification of and recommendations to reduce
916 cultural, environmental and socioeconomic barriers to prevention
917 and management of obesity in Mississippi.

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

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



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

923 (c) The State Superintendent of Education, or his
924 designee;

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

927 (e) The Commissioner of Child Protection Services, or
928 his designee;

929 (* * *f) A representative of the Office of the
930 Governor, to be appointed by the Governor;

931 (* * *g) A member of the House of Representatives,
932 appointed by the Speaker of the House of Representatives;

933 (* * *h) A member of the Senate, appointed by the
934 Lieutenant Governor;

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

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

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

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

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



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

948 (* * *o) A representative appointed from the
949 Mississippi state office of the American Association of Retired
950 Persons;

951 (* * *p) A representative of the Mississippi Dietetic
952 Association;

953 (* * *q) A representative of the Mississippi
954 Restaurant Association;

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

957 (* * *s) A member appointed by the Mississippi
958 Commissioner of Insurance;

959 (* * *t) A representative from a food processor or
960 food manufacturer; and

961 (* * *u) A representative from the Mississippi Soft
962 Drink Association.

963 (4) The council shall meet upon call of the Governor not
964 later than August 1, 2001, and shall organize for business by
965 selecting a chairman who shall serve for a one-year term and may
966 be selected for subsequent terms. The council shall adopt
967 internal organizational procedures necessary for efficient
968 operation of the council. Council procedures shall include duties
969 of officers, a process for selecting officers, quorum requirements
970 for conducting business and policies for any council staff. Each



971 member of the council shall designate necessary staff of their
972 departments to assist the council in performing its duties and
973 responsibilities. The council shall meet and conduct business at
974 least quarterly. Meetings of the council shall be open to the
975 public and opportunity for public comment shall be made available
976 at each such meeting. The chairman of the council shall notify
977 all persons who request that notice as to the date, time and place
978 of each meeting.

979 (5) Members of the council shall receive no compensation for
980 their services.

981 (6) The council shall submit a report, including proposed
982 legislation if necessary, to the Governor and to the House and
983 Senate Health and Welfare Committees before the convening of the
984 2004 legislative session. The report shall include a
985 comprehensive state plan for implementation of services and
986 programs in the State of Mississippi to increase prevention and
987 management of obesity in adults and children and an estimate of
988 the cost of implementation of such a plan.

989 (7) All departments, boards, agencies, officers and
990 institutions of the state and all subdivisions thereof shall
991 cooperate with the council in carrying out its purposes under this
992 section.

993 **SECTION 24.** Section 43-1-9, Mississippi Code of 1972, is
994 amended as follows:



995 43-1-9. There shall be created in each county of the state a
996 county department of * * * human services which shall consist of a
997 county director of * * * human services, and such other personnel
998 as may be necessary for the efficient performance of the duties of
999 the county department. It shall be the duty of the board of
1000 supervisors of each county to provide office space for the county
1001 department.

1002 County director. The * * * Executive Director of Human
1003 Services shall designate, in accordance with the rules and
1004 regulations of the State Personnel Board, with the approval of the
1005 Governor, a county director of * * * human services who shall
1006 serve as the executive and administrative officer of the county
1007 department and shall be responsible to the state department for
1008 its management. Such director shall be a resident citizen of the
1009 county and shall not hold any political office of the state,
1010 county, municipality or subdivision thereof. However, in cases of
1011 emergency, the * * * executive director may appoint a director
1012 of * * * human services who is a nonresident of such county, to
1013 serve during the period of emergency only.

1014 The county department of * * * human services shall
1015 administer within the county all forms of public assistance and
1016 welfare services, with the exception of child welfare services
1017 administered by the Department of Child Protection Services. The
1018 county department shall comply with such regulations and submit
1019 such reports as may be established or required by the state



1020 department. Subject to the approval of the state department, the
1021 county department may cooperate with other departments, agencies
1022 and institutions, state and local, when so requested, in
1023 performing services in conformity with the provisions of this
1024 chapter.

1025 In counties having two (2) judicial districts, the * * *
1026 Executive Director of Human Services may create and establish in
1027 each of the judicial districts a separate county department
1028 of * * * human services which shall consist of a director of * * *
1029 human services and such other personnel as may be necessary for
1030 the efficient performance of the duties of the department thus
1031 established. In such cases the two (2) departments so established
1032 shall be dealt with as though each is a separate and distinct
1033 county department of * * * human services, and each of the
1034 departments and each of the directors shall operate and have
1035 jurisdiction coextensive with the boundaries of the judicial
1036 district in which it is established; and, also, in such cases the
1037 words "county" and "director of * * * human services" when used in
1038 this chapter shall, where applicable, mean each judicial district,
1039 and the director of * * * human services appointed therefor; and
1040 where the board of supervisors is authorized to appropriate funds
1041 or provide office space or like assistance for one (1)
1042 county * * * department or director, such board may, as the case
1043 may be, appropriate the amount specified by law or render the
1044 assistance required by law to each of the departments or



1045 directors. * * * However, * * * the * * * Executive Director of
1046 Human Services shall not create and establish a separate county
1047 department of * * * human services pursuant to this paragraph in
1048 any county in which such separate county department of * * * human
1049 services is not in existence on January 1, 1983. * * * In
1050 addition, in any county having two (2) county departments of * * *
1051 human services on January 1, 1983, but only one (1) county
1052 director of * * * on * * * that date, the * * * Executive Director
1053 of Human Services shall not authorize and establish the second
1054 position of county director of * * * human services in such
1055 county.

1056 In any county not having two (2) judicial districts which is
1057 greater than fifty (50) miles in length, the * * * Executive
1058 Director of Human Services may establish one (1) branch office of
1059 the county department of * * * human services which shall be
1060 staffed with existing employees and administrative staff of such
1061 county department for not less than four (4) days per week.

1062 **SECTION 25.** Section 43-1-101, Mississippi Code of 1972, is
1063 amended as follows:

1064 43-1-101. (1) There is created the Mississippi Interagency
1065 Council on Homelessness. The purpose of the council is to
1066 establish, develop and implement a plan to reduce homelessness
1067 that includes a strong focus on the needs of homeless children,
1068 youth and families, as well as individuals and veterans who are
1069 homeless.



1070 (2) In addition to the duties prescribed in subsection (1)
1071 the council shall annually make a report to the Governor, the
1072 House of Representatives, the Senate and the public regarding the
1073 council's progress in meeting its goals and objectives.

1074 (3) The council shall be composed of the following members:

1075 (a) A representative from the Office of the Governor,
1076 appointed by the Governor;

1077 (b) The Chairperson or his designee of the Youth and
1078 Family Affairs Committee of the House of Representatives and the
1079 Chairperson or his designee of the Housing Committee of the
1080 Senate;

1081 (c) The Executive Director of the Department of * * *
1082 Human Services or his designee;

1083 (d) The Executive Director of the Department of Mental
1084 Health or his designee;

1085 (e) The Executive Director of the Mississippi
1086 Development Authority or his designee;

1087 (f) The Commissioner of Child Protection Services or
1088 his designee;

1089 (* * *g) The State Superintendent of the Department of
1090 Education or his designee;

1091 (* * *h) A representative of Partners to End
1092 Homelessness, appointed by the Governor;

1093 (* * *i) A representative of Mississippi United to End
1094 Homelessness, appointed by the Governor;



1095 (* * *j) A representative of Open Doors Counseling
1096 Center, appointed by the Governor;

1097 (* * *k) A representative of a school district that is
1098 working on the McKinney-Vento Homeless Education Assistance Act,
1099 appointed by the State Superintendent of Education;

1100 (* * *l) A representative of the Mississippi Campaign
1101 to End Child Homelessness, appointed by the Governor;

1102 (* * *m) Two (2) directors from homeless and domestic
1103 violence emergency shelters, appointed by the Governor;

1104 (* * *n) A youth who is or has been homeless,
1105 appointed by the State Superintendent of Education;

1106 (* * *o) A representative of the Oakley Youth
1107 Development Center, appointed by the Governor;

1108 (* * *p) The Executive Director of the State Veterans
1109 Affairs Board or his designee;

1110 (* * *q) The Executive Director of Hope Enterprises,
1111 or his designee; and

1112 (* * *r) A representative from a community action
1113 agency appointed by the Governor.

1114 (4) Appointments shall be made within thirty (30) days after
1115 July 1, 2013. Within fifteen (15) days thereafter on a day to be
1116 designated jointly by the Speaker of the House and the Lieutenant
1117 Governor, the council shall meet and organize by selecting from
1118 its membership a chairperson and a vice chairperson. The vice
1119 chairperson shall also serve as secretary and shall be responsible



1120 for keeping all records of the council. A majority of the members
1121 of the council shall constitute a quorum. In the selection of its
1122 officers and the adoption of rules, resolutions and reports, an
1123 affirmative vote of a majority of the council shall be required.
1124 All members shall be notified in writing of all meetings, and
1125 those notices shall be mailed at least fifteen (15) days before
1126 the date on which a meeting is to be held.

1127 (5) Members of the council shall serve without compensation
1128 for their services, and the council shall perform its duties
1129 without legislative appropriation or the use of any state funds
1130 for that purpose; however, the council, by approval of a majority
1131 of the appointed members of the council, is authorized to accept
1132 funds that may be donated or provided in the form of financial
1133 grants from public or private sources. In addition, any
1134 department, division, board, bureau, commission or agency of the
1135 state, or of any political subdivision thereof, shall provide, at
1136 the request of the chair of the council, such facilities,
1137 assistance and data as will enable the council to carry out its
1138 duties.

1139 **SECTION 26.** Section 43-14-1, Mississippi Code of 1972, is
1140 amended as follows:

1141 43-14-1. (1) The purpose of this chapter is to provide for
1142 the development, implementation and oversight of a coordinated
1143 interagency system of necessary services and care for children and
1144 youth, called the Mississippi Statewide System of Care, up to age



1145 twenty-one (21) with serious emotional/behavioral disorders
1146 including, but not limited to, conduct disorders, or mental
1147 illness who require services from a multiple services and multiple
1148 programs system, and who can be successfully diverted from
1149 inappropriate institutional placement. The Mississippi Statewide
1150 System of Care is to be conducted in the most fiscally responsible
1151 (cost-efficient) manner possible, based on an individualized plan
1152 of care which takes into account other available interagency
1153 programs, including, but not limited to, Early Intervention Act of
1154 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic
1155 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),
1156 waived program for home- and community-based services for
1157 developmentally disabled people, Section 43-13-117(A) (29), and
1158 waived program for targeted case management services for
1159 children with special needs, Section 43-13-117(A) (31), those
1160 children identified through the federal Individuals with
1161 Disabilities Education Act of 1997 as having a serious emotional
1162 disorder (EMD), the Mississippi Children's Health Insurance
1163 Program and waived programs for children with serious emotional
1164 disturbances, Section 43-13-117(A) (46), and is tied to clinically
1165 and functionally appropriate outcomes. Some of the outcomes are
1166 to reduce the number of inappropriate out-of-home placements
1167 inclusive of those out-of-state and to reduce the number of
1168 inappropriate school suspensions and expulsions for this
1169 population of children. This coordinated interagency system of



1170 necessary services and care shall be named the Mississippi
1171 Statewide System of Care. Children to be served by this chapter
1172 who are eligible for Medicaid shall be screened through the
1173 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
1174 and their needs for medically necessary services shall be
1175 certified through the EPSDT process. For purposes of this
1176 chapter, the Mississippi Statewide System of Care is defined as a
1177 coordinated network of agencies and providers working as a team to
1178 make a full range of mental health and other necessary services
1179 available as needed by children with mental health problems and
1180 their families. The Mississippi Statewide System of Care shall
1181 be:

1182 (a) Child centered, family focused, family driven and
1183 youth guided;

1184 (b) Community based;

1185 (c) Culturally competent and responsive; and shall
1186 provide for:

1187 (i) Service coordination or case management;

1188 (ii) Prevention and early identification and
1189 intervention;

1190 (iii) Smooth transitions among agencies and
1191 providers, and to the transition-age and adult service systems;

1192 (iv) Human rights protection and advocacy;

1193 (v) Nondiscrimination in access to services;



1194 (vi) A comprehensive array of services composed of
1195 treatment and informal supports that are identified as best
1196 practices and/or evidence-based practices;

1197 (vii) Individualized service planning that uses a
1198 strengths-based, wraparound process;

1199 (viii) Services in the least restrictive
1200 environment;

1201 (ix) Family participation in all aspects of
1202 planning, service delivery and evaluation; and

1203 (x) Integrated services with coordinated planning
1204 across child-serving agencies.

1205 Mississippi Statewide System of Care services shall be
1206 timely, intensive, coordinated and delivered in the community.
1207 Mississippi Statewide System of Care services shall include, but
1208 not be limited to, the following:

1209 (a) Comprehensive crisis and emergency response
1210 services;

1211 (b) Intensive case management;

1212 (c) Day treatment;

1213 (d) Alcohol and drug abuse group services for youth;

1214 (e) Individual, group and family therapy;

1215 (f) Respite services;

1216 (g) Supported employment services for youth;

1217 (h) Family education and support and family partners;

1218 (i) Youth development and support and youth partners;



1219 (j) Positive behavioral supports (PBIS) in schools;
1220 (k) Transition-age supported and independent living
1221 services; and
1222 (l) Vocational/technical education services for youth.
1223 (2) There is established the Interagency Coordinating
1224 Council for Children and Youth (hereinafter referred to as the
1225 "ICCCY"). The ICCCY shall consist of the following membership:
1226 (a) The State Superintendent of Public Education;
1227 (b) The Executive Director of the Mississippi
1228 Department of Mental Health;
1229 (c) The Executive Director of the State Department of
1230 Health;
1231 (d) The Executive Director of the Department of Human
1232 Services;
1233 (e) The Executive Director of the Division of Medicaid,
1234 Office of the Governor;
1235 (f) The Executive Director of the State Department of
1236 Rehabilitation Services;
1237 (g) The Executive Director of Mississippi Families as
1238 Allies for Children's Mental Health, Inc.;;
1239 (h) The Commissioner of Child Protection Services;
1240 (* * *i) The Attorney General;
1241 (* * *j) A family member of a child or youth in the
1242 population named in this chapter designated by Mississippi
1243 Families as Allies;



1244 (* * *k) A youth or young adult in the population
1245 named in this chapter designated by Mississippi Families as
1246 Allies;

1247 (* * *l) A local MAP team coordinator designated by
1248 the Department of Mental Health;

1249 (* * *m) A child psychiatrist experienced in the
1250 public mental health system designated by the Mississippi
1251 Psychiatric Association;

1252 (* * *n) An individual with expertise and experience
1253 in early childhood education designated jointly by the Department
1254 of Mental Health and Mississippi Families as Allies;

1255 (* * *o) A representative of an organization that
1256 advocates on behalf of disabled citizens in Mississippi designated
1257 by the Department of Mental Health; and

1258 (* * *p) A faculty member or dean from a Mississippi
1259 university specializing in training professionals who work in the
1260 Mississippi Statewide System of Care designated by the Board of
1261 Trustees of State Institutions of Higher Learning.

1262 If a member of the council designates a representative to
1263 attend council meetings, the designee shall bring full
1264 decision-making authority of the member to the meeting. The
1265 council shall select a chairman, who shall serve for a one-year
1266 term and may not serve consecutive terms. The council shall adopt
1267 internal organizational procedures necessary for efficient
1268 operation of the council. Each member of the council shall



1269 designate necessary staff of their departments to assist the ICCCY
1270 in performing its duties and responsibilities. The ICCCY shall
1271 meet and conduct business at least twice annually. The chairman
1272 of the ICCCY shall notify all ICCCY members and all other persons
1273 who request such notice as to the date, time, place and draft
1274 agenda items for each meeting.

1275 (3) The Interagency System of Care Council (ISCC) is created
1276 to serve as the state management team for the ICCCY, with the
1277 responsibility of collecting and analyzing data and funding
1278 strategies necessary to improve the operation of the Mississippi
1279 Statewide System of Care, and to make recommendations to the ICCCY
1280 and to the Legislature concerning such strategies on, at a
1281 minimum, an annual basis. The System of Care Council also has the
1282 responsibility of coordinating the local Multidisciplinary
1283 Assessment and Planning (MAP) teams and "A" teams and may apply
1284 for grants from public and private sources necessary to carry out
1285 its responsibilities. The Interagency System of Care Council
1286 shall be comprised of one (1) member from each of the appropriate
1287 child-serving divisions or sections of the State Department of
1288 Health, the Department of Human Services (* * *Division of Youth
1289 Services), the Department of Child Protection Services, the State
1290 Department of Mental Health (Division of Children and Youth,
1291 Bureau of Alcohol and Drug Abuse, and Bureau of Intellectual and
1292 Developmental Disabilities), the State Department of Education
1293 (Office of Special Education and Office of Healthy Schools), the



1294 Division of Medicaid of the Governor's Office, the Department of
1295 Rehabilitation Services, and the Attorney General's office.
1296 Additional members shall include a family member of a child, youth
1297 or transition-age youth representing a family education and
1298 support 501(c)(3) organization, working with the population named
1299 in this chapter designated by Mississippi Families as Allies, an
1300 individual with expertise and experience in early childhood
1301 education designated jointly by the Department of Mental Health
1302 and Mississippi Families as Allies, a local MAP team
1303 representative and a local "A" team representative designated by
1304 the Department of Mental Health, a probation officer designated by
1305 the Department of Corrections, a family member and youth or young
1306 adult designated by Mississippi Families as Allies for Children's
1307 Mental Health, Inc., (MSFAA), and a family member other than a
1308 MSFAA representative to be designated by the Department of Mental
1309 Health and the Director of the Compulsory School Attendance
1310 Enforcement of the State Department of Education. Appointments to
1311 the Interagency System of Care Council shall be made within sixty
1312 (60) days after June 30, 2010. The council shall organize by
1313 selecting a chairman from its membership to serve on an annual
1314 basis, and the chairman may not serve consecutive terms.

1315 (4) (a) As part of the Mississippi Statewide System of
1316 Care, there is established a statewide system of local
1317 Multidisciplinary Assessment, Planning and Resource (MAP) teams.
1318 The MAP teams shall be comprised of one (1) representative each at



1319 the county level from the major child-serving public agencies for
1320 education, human services, health, mental health and
1321 rehabilitative services approved by respective state agencies of
1322 the Department of Education, the Department of Human Services, the
1323 Department of Child Protection Services, the Department of Health,
1324 the Department of Mental Health and the Department of
1325 Rehabilitation Services. These agencies shall, by policy,
1326 contract or regulation require participation on MAP teams and "A"
1327 teams at the county level by the appropriate staff. Three (3)
1328 additional members may be added to each team, one (1) of which may
1329 be a representative of a family education/support 501(c)(3)
1330 organization with statewide recognition and specifically
1331 established for the population of children defined in Section
1332 43-14-1. The remaining members will be representatives of
1333 significant community-level stakeholders with resources that can
1334 benefit the population of children defined in Section 43-14-1.
1335 The Department of Education shall assist in recruiting and
1336 identifying parents to participate on MAP teams and "A" teams.

1337 (b) For each local existing MAP team that is
1338 established pursuant to paragraph (a) of this subsection, there
1339 shall also be established an "A" (Adolescent) team which shall
1340 work with a MAP team. The "A" teams shall provide System of Care
1341 services for youthful offenders who have serious behavioral or
1342 emotional disorders. Each "A" team shall be comprised of, at a
1343 minimum, the following five (5) members:



1344 (i) A school counselor, mental health therapist or
1345 social worker;
1346 (ii) A community mental health professional;
1347 (iii) A social services/child welfare
1348 professional;
1349 (iv) A youth court counselor; and
1350 (v) A parent who had a child in the juvenile
1351 justice system.

1352 (c) The Interagency Coordinating Council for Children
1353 and Youth and the Interagency System of Care Council shall work to
1354 develop MAP teams statewide that will serve to become the single
1355 point of entry for children and youth about to be placed in
1356 out-of-home care for reasons other than parental abuse/neglect.

1357 (5) The Interagency Coordinating Council for Children and
1358 Youth may provide input to one another and to the ISCC relative to
1359 how each agency utilizes its federal and state statutes, policy
1360 requirements and funding streams to identify and/or serve children
1361 and youth in the population defined in this section. The ICCCY
1362 shall support the implementation of the plans of the respective
1363 state agencies for comprehensive, community-based,
1364 multidisciplinary care, treatment and placement of these children.

1365 (6) The ICCCY shall oversee a pool of state funds that may
1366 be contributed by each participating state agency and additional
1367 funds from the Mississippi Tobacco Health Care Expenditure Fund,
1368 subject to specific appropriation therefor by the Legislature.



1369 Part of this pool of funds shall be available for increasing the
1370 present funding levels by matching Medicaid funds in order to
1371 increase the existing resources available for necessary
1372 community-based services for Medicaid beneficiaries.

1373 (7) The local interagency coordinating care MAP team or "A"
1374 team will facilitate the development of the individualized System
1375 of Care programs for the population targeted in this section.

1376 (8) Each local MAP team and "A" team shall serve as the
1377 single point of entry and re-entry to ensure that comprehensive
1378 diagnosis and assessment occur and shall coordinate needed
1379 services through the local MAP team and "A" team members and local
1380 service providers for the children named in subsection (1). Local
1381 children in crisis shall have first priority for access to the MAP
1382 team and "A" team processes and local System of Care services.

1383 (9) The Interagency Coordinating Council for Children and
1384 Youth shall facilitate monitoring of the performance of local MAP
1385 teams.

1386 (10) Each ICCCY member named in subsection (2) of this
1387 section shall enter into a binding memorandum of understanding to
1388 participate in the further development and oversight of the
1389 Mississippi Statewide System of Care for the children and youth
1390 described in this section. The agreement shall outline the system
1391 responsibilities in all operational areas, including ensuring
1392 representation on MAP teams, funding, data collection, referral of



1393 children to MAP teams and "A" teams, and training. The agreement
1394 shall be signed and in effect by July 1 of each year.

1395 **SECTION 27.** Section 43-14-5, Mississippi Code of 1972, is
1396 amended as follows:

1397 43-14-5. There is created in the State Treasury a special
1398 fund into which shall be deposited all funds contributed by the
1399 Department of Human Services, Department of Child Protection
1400 Services, State Department of Health, Department of Mental
1401 Health * * * and State Department of Rehabilitation Services
1402 insofar as recipients are otherwise eligible under the
1403 Rehabilitation Act of 1973, as amended, and State Department of
1404 Education for the operation of a statewide System of Care by MAP
1405 teams and "A" teams utilizing such funds as may be made available
1406 to those MAP teams through a Request for Proposal (RFP) approved
1407 by the ICCCY.

1408 **SECTION 28.** Section 43-15-3, Mississippi Code of 1972, is
1409 amended as follows:

1410 43-15-3. The Department of Human Services * * * and the
1411 Department of Child Protection Services are authorized, empowered
1412 and directed to cooperate fully with the United States Children's
1413 Bureau and Secretary of Labor in establishing, extending and
1414 strengthening "child welfare services" for the protection and care
1415 of homeless, dependent and neglected children and children in
1416 danger of becoming delinquent. * * * Those departments * * * are
1417 further authorized, empowered and directed to cooperate with the



1418 United States Children's Bureau and Secretary of Labor in
1419 developing plans for * * * those "child welfare services" and
1420 extending any other cooperation necessary under Section 521 of
1421 Public Law No. 271-74th Congress of the United States.

1422 In furtherance of the "child welfare services" referred to in
1423 the first paragraph hereof the State Treasurer is * * * authorized
1424 and directed to receive on behalf of the state, and to execute all
1425 instruments incidental thereto, federal or other funds to be used
1426 for "child welfare services," and to place such funds in a special
1427 account to the credit of the "child welfare services," which * * *
1428 funds shall be expended by the Department of Human Services and
1429 the Department of Child Protection Services for the purposes and
1430 under the provisions of this article and Section 521 of Public Law
1431 No. 271-74th Congress of the United States. It shall be paid out
1432 by the State Treasurer as funds appropriated to carry out the
1433 provisions of * * * those laws.

1434 The Department of Human Services or the Department of Child
1435 Protection Services shall issue all checks on * * * the "child
1436 welfare services" fund to persons entitled to payment from * * *
1437 the fund. All such sums shall be drawn upon the "child welfare
1438 services" fund upon requisition of the Director of the Department
1439 of Human Services or the Commissioner of Child Protection
1440 Services.

1441 The money in the "child welfare services" fund shall be
1442 expended in accordance with the rules and regulations of the



1443 United States Children's Bureau and Secretary of Labor and in
1444 accordance with the plan developed by the Department of Human
1445 Services or Department of Child Protection Services and the United
1446 States Children's Bureau under Section 521 of Public Law No.
1447 271-74th Congress of the United States, and shall not be used for
1448 any other purpose.

1449 If a claim for foster care and/or adoption assistance under
1450 Title IV-E of the federal Social Security Act is not acted upon
1451 within a reasonable time after the filing of the claim, or is
1452 denied in whole or in part, the claimant may appeal to the * * *
1453 Commissioner of Child Protection Services in the manner and form
1454 prescribed by the Department of * * * Child Protection Services.
1455 The * * * Commissioner of Child Protection Services shall, upon
1456 receipt of such an appeal, give the claimant reasonable notice and
1457 opportunity for a fair hearing. The * * * Commissioner of Child
1458 Protection Services may also, upon his or her own motion, review
1459 any decision regarding a claim, and may consider any claim upon
1460 which a decision has not been made within a reasonable time. All
1461 decisions of the * * * Commissioner of Child Protection Services
1462 shall be final and binding.

1463 **SECTION 29.** Section 43-15-5, Mississippi Code of 1972, is
1464 amended as follows:

1465 43-15-5. (1) The Department of * * * Child Protection
1466 Services shall have authority and it shall be its duty to
1467 administer or supervise all public child welfare services,



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

1490 (2) Any person, partnership, group, corporation,
1491 organization or association desiring to operate a child
1492 residential home, as defined in Section 43-16-3, may make



1493 application for a license for such a facility to the Department
1494 of * * * Child Protection Services on the application forms
1495 furnished for this purpose by the department. If an applicant
1496 meets the published rules and regulations of the department
1497 regarding minimum standards for a child residential home, then the
1498 applicant shall be granted a license by the department.

1499 **SECTION 30.** Section 43-15-6, Mississippi Code of 1972, is
1500 amended as follows:

1501 43-15-6. (1) Any person, institution, facility, clinic,
1502 organization or other entity that provides services to children in
1503 a residential setting where care, lodging, maintenance, and
1504 counseling or therapy for alcohol or controlled substance abuse or
1505 for any other emotional disorder or mental illness is provided for
1506 children, whether for compensation or not, that holds himself,
1507 herself, or itself out to the public as providing such services,
1508 and that is entrusted with the care of the children to whom he,
1509 she, or it provides services, because of the nature of the
1510 services and the setting in which the services are provided shall
1511 be subject to the provisions of this section.

1512 (2) Each entity to which this section applies shall
1513 complete, through the appropriate governmental authority, a
1514 national criminal history record information check and a child
1515 abuse registry check for each owner, operator, employee,
1516 prospective employee, volunteer or prospective volunteer of the
1517 entity and/or any other that has or may have unsupervised access



1518 to a child served by the entity. In order to determine the
1519 applicant's suitability for employment, the entity shall ensure
1520 that the applicant be fingerprinted by local law enforcement, and
1521 the results forwarded to the Department of Public Safety. If no
1522 disqualifying record is identified at the state level, the
1523 fingerprints shall be forwarded by the Department of Public Safety
1524 to the FBI for a national criminal history record check.

1525 (3) An owner, operator, employee, prospective employee,
1526 volunteer or prospective volunteer of the entity and/or any other
1527 that has or may have unsupervised access to a child who has a
1528 criminal history of conviction or pending indictment of a crime,
1529 whether a misdemeanor or a felony, that bears upon an individual's
1530 fitness to have responsibility for the safety and well-being of
1531 children as set forth in this chapter may not provide child care
1532 or operate, or be licensed as, a residential child care program,
1533 foster parent, or foster home.

1534 (4) All fees incurred in compliance with this section shall
1535 be borne by the individual or entity to which subsection (1)
1536 applies.

1537 (5) The Department of Human Services and the Department of
1538 Child Protection Services shall have the authority to set fees, to
1539 exclude a particular crime or crimes or a substantiated finding of
1540 child abuse and/or neglect as disqualifying individuals or
1541 entities from providing foster care or residential child care, and



1542 adopt such other rules and regulations as may be required to carry
1543 out the provisions of this section.

1544 (6) Any entity that violates the provisions of this section
1545 by failure to complete sex offense criminal history record
1546 information and felony conviction record information checks, as
1547 required under subsection (3) of this section, shall be subject to
1548 a penalty of up to Ten Thousand Dollars (\$10,000.00) for each such
1549 violation and may be enjoined from further operation until it
1550 complies with this section in actions maintained by the Attorney
1551 General.

1552 (7) The Department of Human Services and the Department of
1553 Child Protection Services and/or * * * their officers, employees,
1554 attorneys, agents and representatives shall not be held civilly
1555 liable for any findings, recommendations or actions taken pursuant
1556 to this section.

1557 **SECTION 31.** Section 43-15-7, Mississippi Code of 1972, is
1558 amended as follows:

1559 43-15-7. * * * Any local office of child protection services
1560 is authorized to provide protective services for children as will
1561 conserve home life; assume responsibility for the care and support
1562 of dependent children needing public care away from their homes;
1563 place children found by the * * * local office to be dependent or
1564 without proper care in suitable institutions or private homes, and
1565 cooperate with public and private institutions and agencies in
1566 placing such children in suitable institutions or private homes;



1567 accept custody or guardianship, through one of its designated
1568 employees, of any child, when appointed as custodian or guardian
1569 in the manner provided by law.

1570 The board of supervisors in each county is * * * empowered,
1571 in its discretion, to set aside and appropriate out of the tax
1572 levied and collected to support the poor of the county or out of
1573 the county general fund necessary monies to be administered by
1574 the * * * local office of child protection services to carry out
1575 the provisions of this section.

1576 **SECTION 32.** Section 43-15-11, Mississippi Code of 1972, is
1577 amended as follows:

1578 43-15-11. (1) The board of supervisors of any county and/or
1579 the mayor and board of commissioners of any city and/or the mayor
1580 and board of aldermen of any municipality in this state are * * *
1581 authorized and empowered, in their discretion, to expend out of
1582 any * * * monies in their respective treasuries, to be drawn by
1583 warrant thereon, a sum or sums of money not exceeding a total of
1584 Twenty-five Dollars (\$25.00) annually per One Million Dollars
1585 (\$1,000,000.00) of the assessed valuation of the real and personal
1586 property thereof for the purpose of providing for the care,
1587 support and maintenance of homeless or destitute children of any
1588 county or municipality of this state who are supported, cared for,
1589 maintained and placed for adoption by any children's home society
1590 which operates over and serves the entire State of Mississippi,



1591 and which is approved and licensed by the Mississippi Department
1592 of * * * Child Protection Services.

1593 (2) The authority granted in this section is supplemental of
1594 and in addition to all existing authority for the expenditure of
1595 funds by such boards of supervisors and municipal governing
1596 authorities.

1597 **SECTION 33.** Section 43-15-15, Mississippi Code of 1972, is
1598 amended as follows:

1599 43-15-15. The * * * Department of * * * Child Protection
1600 Services shall maintain a registry of children whose custody lies
1601 with them and private or public agencies licensed by the
1602 department. * * * The registry shall contain classifications of
1603 children as:

1604 (a) Temporary custody for evaluation, not to exceed
1605 three (3) months;

1606 (b) Temporary custody not to exceed one (1) year with
1607 the plan to return custody to the natural parents;

1608 (c) Temporary custody, not to exceed two (2) years,
1609 with a plan to free for adoption;

1610 (d) Children freed for adoption;

1611 (e) Children ages fourteen (14) and above who have
1612 voluntarily chosen not to be adopted and cannot be returned to
1613 their own homes; and

1614 (f) Children who are institutionalized and for whom
1615 placement in an adoptive home is not feasible.



1616 **SECTION 34.** Section 43-15-19, Mississippi Code of 1972, is
1617 amended as follows:

1618 43-15-19. (1) The * * * Department of * * * Child
1619 Protection Services shall maintain a Mississippi Adoption Resource
1620 Exchange registry, which shall contain a total listing of all
1621 children freed for adoption as well as a listing of all persons
1622 who wish to adopt children and who are approved by a licensed
1623 adoption agency in the State of Mississippi. * * * The registry
1624 shall be distributed to all county * * * offices of child
1625 protection services and licensed adoption agencies within the
1626 state and shall be updated at least quarterly. The * * *
1627 Department of * * * Child Protection Services shall establish
1628 regulations for listing descriptive characteristics while
1629 protecting the privacy of the children's names. Listed names
1630 shall be removed when adoption placement plans are made for a
1631 child or when a person withdraws an application for adoption.

1632 (2) Adoptive parents shall be given the option of having
1633 their names placed in the registry. To be placed in the registry,
1634 they shall be required to give written authority to the * * *
1635 Department of Child Protection Services.

1636 **SECTION 35.** Section 43-15-21, Mississippi Code of 1972, is
1637 amended as follows:

1638 43-15-21. Anyone violating or releasing information of a
1639 confidential nature without the approval of the court with
1640 jurisdiction or the * * * Department of * * * Child Protection



1641 Services, upon being found guilty, shall be guilty of a
1642 misdemeanor and subject to a fine of no more than One Thousand
1643 Dollars (\$1,000.00) or imprisonment of six (6) months, or both.

1644 **SECTION 36.** Section 43-15-23, Mississippi Code of 1972, is
1645 amended as follows:

1646 43-15-23. (1) As used in this section the term "placing
1647 out" means to arrange for the free care of a child in a family,
1648 other than that of the child's parent, stepparent, grandparent,
1649 brother, sister, uncle or aunt or legal guardian, for the purpose
1650 of adoption or for the purpose of providing care.

1651 (2) No person, agency, association, corporation,
1652 institution, society or other organization, except a child
1653 placement agency licensed by the Department of * * * Child
1654 Protection Services under Section 43-15-5, shall request, receive
1655 or accept any compensation or thing of value, directly or
1656 indirectly, for placing out of a child.

1657 (3) No person shall pay or give any compensation or thing of
1658 value, directly or indirectly, for placing out of a child to any
1659 person, agency, association, corporation, institution, society or
1660 other organization except a child placement agency licensed by the
1661 Department of * * * Child Protection Services.

1662 (4) The provisions of this section shall not be construed to
1663 (a) prevent the payment of salaries or other compensation by a
1664 child placement agency licensed by the Department of * * * Child
1665 Protection Services to the officers or employees thereof; (b)



1666 prevent the payment of legal fees, which have been approved by the
1667 chancery court, to an attorney for services performed in regard to
1668 adoption proceedings; (c) prevent the payment of reasonable and
1669 actual medical fees or hospital charges for services rendered in
1670 connection with the birth or medical treatment of such child to
1671 the physician or hospital which rendered the services; or (d)
1672 prevent the receipt of such payments by such attorney, physician
1673 or hospital.

1674 (5) Any person, agency, association, corporation,
1675 institution, society or other organization violating the
1676 provisions of this section shall be guilty of illegal placement of
1677 children and shall be punished by a fine not to exceed Five
1678 Thousand Dollars (\$5,000.00) or by imprisonment not more than five
1679 (5) years, or both such fine and imprisonment.

1680 **SECTION 37.** Section 43-15-103, Mississippi Code of 1972, is
1681 amended as follows:

1682 43-15-103. As used in this article:

1683 (a) "Agency" means a residential child-caring agency or
1684 a child-placing agency.

1685 (b) "Child" or "children" mean(s) any unmarried person
1686 or persons under the age of eighteen (18) years.

1687 (c) "Child placing" means receiving, accepting or
1688 providing custody or care for any child under eighteen (18) years
1689 of age, temporarily or permanently, for the purpose of:

1690 (i) Finding a person to adopt the child;



1691 (ii) Placing the child temporarily or permanently
1692 in a home for adoption; or

1693 (iii) Placing a child in a foster home or
1694 residential child-caring agency.

1695 (d) "Child-placing agency" means any entity or person
1696 which places children in foster boarding homes or foster homes for
1697 temporary care or for adoption or any other entity or person or
1698 group of persons who are engaged in providing adoption studies or
1699 foster care studies or placement services as defined by the rules
1700 of the department.

1701 (e) "Department" means the Mississippi Department
1702 of * * * Child Protection Services.

1703 * * *

1704 (* * * f) "Family boarding home" or "foster home" means
1705 a home (occupied residence) operated by any entity or person which
1706 provides residential child care to at least one (1) child but not
1707 more than six (6) children who are not related to the primary
1708 caregivers.

1709 (* * * g) "Group care home" means any place or facility
1710 operated by any entity or person which provides residential child
1711 care for at least seven (7) children but not more than twelve (12)
1712 children who are not related to the primary caregivers.

1713 (* * * h) "Licensee" means any person, agency or entity
1714 licensed under this article.



1715 (* * *i) "Maternity home" means any place or facility
1716 operated by any entity or person which receives, treats or cares
1717 for more than one (1) child or adult who is pregnant out of
1718 wedlock, either before, during or within two (2) weeks after
1719 childbirth; provided, that the licensed child-placing agencies and
1720 licensed maternity homes may use a family boarding home approved
1721 and supervised by the agency or home, as a part of their work, for
1722 as many as three (3) children or adults who are pregnant out of
1723 wedlock, and provided further, that the provisions of this
1724 definition shall not include children or women who receive
1725 maternity care in the home of a person to whom they are kin within
1726 the sixth degree of kindred computed according to civil law, nor
1727 does it apply to any maternity care provided by general or special
1728 hospitals licensed according to law and in which maternity
1729 treatment and care are part of the medical services performed and
1730 the care of children is brief and incidental.

1731 * * *

1732 (* * *j) "Person associated with a licensee" means an
1733 owner, director, member of the governing body, employee, provider
1734 of care and volunteer of a human services licensee.

1735 (* * *k) "Related" means children, step-children,
1736 grandchildren, step-grandchildren, siblings of the whole or
1737 half-blood, step-siblings, nieces or nephews of the primary care
1738 provider.



1739 (* * *l) "Residential child care" means the provision
1740 of supervision, and/or protection, and meeting the basic needs of
1741 a child for twenty-four (24) hours per day, which may include
1742 services to children in a residential setting where care, lodging,
1743 maintenance and counseling or therapy for alcohol or controlled
1744 substance abuse or for any other emotional disorder or mental
1745 illness is provided for children, whether for compensation or not.

1746 (* * *m) "Residential child-caring agency" means any
1747 place or facility operated by any entity or person, public or
1748 private, providing residential child care, regardless of whether
1749 operated for profit or whether a fee is charged. Such residential
1750 child-caring agencies include, but are not limited to, maternity
1751 homes, runaway shelters, group homes that are administered by an
1752 agency, and emergency shelters that are not in private residence.

1753 **SECTION 38.** Section 43-15-105, Mississippi Code of 1972, is
1754 amended as follows:

1755 43-15-105. (1) The * * * Department of Child Protection
1756 Services shall be the licensing authority * * * under this
1757 article, and is vested with all the powers, duties and
1758 responsibilities described in this article. The * * * department
1759 shall make and establish rules and regulations regarding:

1760 (a) Approving, extending, denying, suspending and
1761 revoking licenses for foster homes, residential child-caring
1762 agencies and child-placing agencies;



1763 (b) Conditional licenses, variances from department
1764 rules and exclusions;
1765 (c) Basic health and safety standards for licensees;
1766 and
1767 (d) Minimum administration and financial requirements
1768 for licensees.
1769 (2) The * * * department shall:
1770 (a) Define information that shall be submitted to
1771 the * * * department with an application for a license;
1772 (b) Establish guidelines for the administration and
1773 maintenance of client and service records, including staff
1774 qualifications, staff to client ratios;
1775 (c) Issue licenses in accordance with this article;
1776 (d) Conduct surveys and inspections of licensees and
1777 facilities;
1778 (e) Establish and collect licensure fees;
1779 (f) Investigate complaints regarding any licensee or
1780 facility;
1781 (g) Have access to all records, correspondence and
1782 financial data required to be maintained by a licensee or
1783 facility;
1784 (h) Have authority to interview any client, family
1785 member of a client, employee or officer of a licensee or facility;
1786 and



1787 (i) Have authority to revoke, suspend or extend any
1788 license issued by the * * * department.

1789 **SECTION 39.** Section 43-15-107, Mississippi Code of 1972, is
1790 amended as follows:

1791 43-15-107. (1) Except as provided in Section 43-15-111, no
1792 person, agency, firm, corporation, association or other entity,
1793 acting individually or jointly with any other person or entity,
1794 may establish, conduct or maintain foster homes, residential
1795 child-caring agencies and child-placing agencies or facility
1796 and/or engage in child placing in this state without a valid and
1797 current license issued by and under the authority of the * * *
1798 department as provided by this article and the rules of the * * *
1799 department. Any out-of-state child-placing agency that provides a
1800 full range of services, including, but not limited to, adoptions,
1801 foster family homes, adoption counseling services or financial
1802 aid, in this state must be licensed by the * * * department under
1803 this article.

1804 (2) No license issued under this article is assignable or
1805 transferable.

1806 (3) A current license shall at all times be posted in each
1807 licensee's facility, in a place that is visible and readily
1808 accessible to the public.

1809 (4) (a) Except as otherwise provided in paragraph (b) of
1810 this subsection, each license issued under this article expires at



1811 midnight (Central Standard Time) twelve (12) months from the date
1812 of issuance unless it has been:

1813 (i) Previously revoked by the * * * department; or
1814 (ii) Voluntarily returned to the * * * department
1815 by the licensee.

1816 (b) (i) For any child-placing agency located in
1817 Mississippi that remains in good standing, the license issued
1818 under this article expires at midnight (Central Standard Time)
1819 twenty-four (24) months from the date of issuance unless it has
1820 been:

1821 1. Previously revoked by the * * *
1822 department; or

1823 2. Voluntarily returned to the * * *
1824 department by the licensee.

1825 (ii) Any child-placing agency whose license is
1826 governed by this paragraph (b) shall submit the following
1827 information to the * * * department annually:

1828 1. A copy of an audit report and IRS Form 990
1829 for the agency;

1830 2. The agency's fee schedule; and

1831 3. The agency's client list.

1832 (c) A license may be renewed upon application and
1833 payment of the applicable fee, provided that the licensee meets
1834 the license requirements established by this article and the rules
1835 and regulations of the * * * department.



1836 (5) Any licensee or facility which is in operation at the
1837 time rules are made in accordance with this article shall be given
1838 a reasonable time for compliance as determined by the rules of
1839 the * * * department.

1840 **SECTION 40.** Section 43-15-109, Mississippi Code of 1972, is
1841 amended as follows:

1842 43-15-109. (1) An application for a license under this
1843 article shall be made to the * * * department and shall contain
1844 information that the * * * department determines is necessary in
1845 accordance with established rules.

1846 (2) Information received by the office through reports,
1847 complaints, investigations and inspections shall be classified as
1848 public in accordance with Title 25, Chapter 61, Mississippi Code
1849 of 1972, Mississippi Public Records Act.

1850 **SECTION 41.** Section 43-15-113, Mississippi Code of 1972, is
1851 amended as follows:

1852 43-15-113. (1) If a license is revoked, the * * *
1853 department may grant a new license after:

1854 (a) Satisfactory evidence is submitted to the * * *
1855 department, evidencing that the conditions upon which revocation
1856 was based have been corrected; and

1857 (b) Inspection and compliance with all provisions of
1858 this article and applicable rules.



1859 (2) The * * * department may only suspend a license for a
1860 period of time which does not exceed the current expiration date
1861 of that license.

1862 (3) When a license has been suspended, the * * * department
1863 may completely or partially restore the suspended license upon a
1864 determination that the:

1865 (a) Conditions upon which the suspension was based have
1866 been completely or partially corrected; and

1867 (b) Interests of the public will not be jeopardized by
1868 restoration of the license.

1869 **SECTION 42.** Section 43-15-115, Mississippi Code of 1972, is
1870 amended as follows:

1871 43-15-115. (1) The * * * department may, for the purpose of
1872 ascertaining compliance with the provisions of this article and
1873 its rules and regulations, enter and inspect on a routine basis
1874 the facility of a licensee.

1875 (2) Before conducting an inspection under subsection (1),
1876 the * * * department shall, after identifying the person in
1877 charge:

1878 (a) Give proper identification;

1879 (b) Request to see the applicable license;

1880 (c) Describe the nature and purpose of the inspection;

1881 and



1882 (d) If necessary, explain the authority of the * * *
1883 department to conduct the inspection and the penalty for refusing
1884 to permit the inspection.

1885 (3) In conducting an inspection under subsection (1),
1886 the * * * department may, after meeting the requirements of
1887 subsection (2):

1888 (a) Inspect the physical facilities;

1889 (b) Inspect records and documents;

1890 (c) Interview directors, employees, clients, family
1891 members of clients and others; and

1892 (d) Observe the licensee in operation.

1893 (4) An inspection conducted under subsection (1) shall be
1894 during regular business hours and may be announced or unannounced.

1895 (5) The licensee shall make copies of inspection reports
1896 available to the public upon request.

1897 (6) The provisions of this section apply to on-site
1898 inspections and do not restrict the * * * department from
1899 contacting family members, neighbors or other individuals, or from
1900 seeking information from other sources to determine compliance
1901 with the provisions of this article.

1902 **SECTION 43.** Section 43-15-117, Mississippi Code of 1972, is
1903 amended as follows:

1904 43-15-117. (1) Except as provided in this article, no
1905 person, agency, firm, corporation, association or group children's
1906 home may engage in child placing, or solicit money or other



1907 assistance for child placing, without a valid license issued by
1908 the * * * department. No out-of-state child-placing agency that
1909 provides a full range of services, including, but not limited to,
1910 adoptions, foster family homes, adoption counseling services or
1911 financial aid, may operate in this state without a valid license
1912 issued by the * * * department. No child-placing agency shall
1913 advertise in the media markets in Mississippi seeking birth
1914 mothers or their children for adoption purposes unless the agency
1915 holds a valid and current license issued either by the * * *
1916 department or the authorized governmental licensing agency of
1917 another state that regulates child-placing agencies. Any
1918 child-placing agency, physician or attorney who advertises for
1919 child placing or adoption services in Mississippi shall be
1920 required by the * * * department to show their principal office
1921 location on all media advertising for adoption services.

1922 (2) An attorney who provides legal services to a client in
1923 connection with proceedings for the adoption of a child by the
1924 client, who does not receive, accept or provide custody or care
1925 for the child for the purposes specified in Section 43-15-103(c),
1926 shall not be required to have a license under this article to
1927 provide those legal services.

1928 (3) An attorney, physician or other person may assist a
1929 parent in identifying or locating a person interested in adopting
1930 the parent's child, or in identifying or locating a child to be
1931 adopted. However, no payment, charge, fee, reimbursement of



1932 expense, or exchange of value of any kind, or promise or agreement
1933 to make the same, may be made for that assistance.

1934 (4) Nothing in this section precludes payment of reasonable
1935 fees for medical, legal or other lawful services rendered in
1936 connection with the care of a mother, delivery and care of a child
1937 including, but not limited to, the mother's living expenses, or
1938 counseling for the parents and/or the child, and for the legal
1939 proceedings related to lawful adoption proceedings; and no
1940 provision of this section abrogates the right of procedures for
1941 independent adoption as provided by law.

1942 (5) The * * * department is specifically authorized to
1943 promulgate rules under the Administrative Procedures Law, Title
1944 25, Chapter 43, Mississippi Code of 1972, to regulate fees charged
1945 by licensed child-placing agencies, if it determines that the
1946 practices of those licensed child-placing agencies demonstrates
1947 that the fees charged are excessive or that any of the agency's
1948 practices are deceptive or misleading; however, those rules
1949 regarding fees shall take into account the use of any sliding fee
1950 by an agency that uses a sliding fee procedure to permit
1951 prospective adoptive parents of varying income levels to utilize
1952 the services of those agencies or persons.

1953 (6) The * * * department shall promulgate rules under the
1954 Administrative Procedures Law, Title 25, Chapter 43, Mississippi
1955 Code of 1972, to require that all licensed child-placing agencies
1956 provide written disclosures to all prospective adoptive parents of



1957 any fees or other charges for each service performed by the agency
1958 or person, and file an annual report with the * * * department
1959 that states the fees and charges for those services, and to
1960 require them to inform the * * * department in writing thirty (30)
1961 days in advance of any proposed changes to the fees or charges for
1962 those services.

1963 (7) The * * * department is specifically authorized to
1964 disclose to prospective adoptive parents or other interested
1965 persons any fees charged by any licensed child-placing agency,
1966 attorney or counseling service or counselor for all legal and
1967 counseling services provided by that licensed child-placing
1968 agency, attorney or counseling service or counselor.

1969 **SECTION 44.** Section 43-15-119, Mississippi Code of 1972, is
1970 amended as follows:

1971 43-15-119. (1) If the * * * department finds that a
1972 violation has occurred under this article or the rules and
1973 regulations of the * * * department, it may:

1974 (a) Deny, suspend or revoke a license or place the
1975 licensee on probation, if the * * * department discovers that a
1976 licensee is not in compliance with the laws, standards or
1977 regulations governing its operation, and/or it finds evidence of
1978 aiding, abetting or permitting the commission of any illegal act;
1979 or

1980 (b) Restrict or prohibit new admissions to the
1981 licensee's program or facility, if the * * * department discovers



1982 that a licensee is not in compliance with the laws, standards or
1983 regulations governing its operation, and/or it finds evidence of
1984 aiding, abetting or permitting the commission of any illegal act.

1985 (2) If placed on probation, the agency or licensee shall
1986 post a copy of the notice in a conspicuous place as directed by
1987 the * * * department and with the agency's or individual's
1988 license, and the agency shall notify the custodians of each of the
1989 children in its care in writing of the agency's status and the
1990 basis for the probation.

1991 **SECTION 45.** Section 43-15-121, Mississippi Code of 1972, is
1992 amended as follows:

1993 43-15-121. In addition to, and notwithstanding, any other
1994 remedy provided by law, the * * * department may, in a manner
1995 provided by law and upon the advice of the Attorney General who,
1996 except as otherwise authorized in Section 7-5-39, shall represent
1997 the * * * department in the proceedings, maintain an action in the
1998 name of the state for injunction or other process against any
1999 person or entity to restrain or prevent the establishment,
2000 management or operation of a program or facility or performance of
2001 services in violation of this article or rules of the * * *
2002 department.

2003 **SECTION 46.** Section 43-15-125, Mississippi Code of 1972, is
2004 amended as follows:

2005 43-15-125. The department * * * and/or its officers,
2006 employees, attorneys and representatives shall not be held civilly



2007 liable for any findings, recommendations or actions taken pursuant
2008 to this article.

2009 **SECTION 47.** Section 43-15-201, Mississippi Code of 1972, is
2010 amended as follows:

2011 43-15-201. (1) An emergency medical services provider,
2012 without a court order, shall take possession of a child who is
2013 seven (7) days old or younger if the child is voluntarily
2014 delivered to the provider by the child's parent and the parent did
2015 not express an intent to return for the child.

2016 (2) The parent who surrenders the baby shall not be required
2017 to provide any information pertaining to his or her identity, nor
2018 shall the emergency medical services provider inquire as to same.
2019 If the identity of the parent is known to the emergency medical
2020 services provider, the emergency medical services provider shall
2021 keep the identity confidential.

2022 (3) A female presenting herself to a hospital through the
2023 emergency room or otherwise, who is subsequently admitted for
2024 purposes of labor and delivery, does not give up the legal
2025 protections or anonymity guaranteed under this section. If the
2026 mother clearly expresses a desire to voluntarily surrender custody
2027 of the newborn after birth, the emergency medical services
2028 provider can take possession of the child, without further action
2029 by the mother, as if the child had been presented to the emergency
2030 medical services provider in the same manner outlined above in
2031 subsection (1) of this section.



2032 (a) If the mother expresses a desire to remain
2033 anonymous, identifying information may be obtained for purposes of
2034 securing payment of labor and delivery costs only. If the birth
2035 mother is a minor, the hospital may use the identifying
2036 information to secure payment through Medicaid, but shall not
2037 notify the minor's parent or guardian without the minor's consent.

2038 (b) The identity of the birth mother shall not be
2039 placed on the birth certificate or disclosed to the Department
2040 of * * * Child Protection Services.

2041 (4) There is a presumption that by relinquishing a child in
2042 accordance with this section, the parent consents to the
2043 termination of his or her parental rights with respect to the
2044 child. As such, the parent waives the right to notification
2045 required by subsequent court proceedings.

2046 (5) An emergency medical services provider who takes
2047 possession of a child under this section shall perform any act
2048 necessary to protect the physical health or safety of the child.

2049 **SECTION 48.** Section 43-15-203, Mississippi Code of 1972, is
2050 amended as follows:

2051 43-15-203. (1) No later than the close of the first
2052 business day after the date on which an emergency medical services
2053 provider takes possession of a child pursuant to Section
2054 43-15-201, the provider shall notify the Department of * * * Child
2055 Protection Services that the provider has taken possession of the
2056 child.



2057 (2) The department shall assume the care, control and
2058 custody of the child immediately on receipt of notice pursuant to
2059 subsection (1). The department shall be responsible for all
2060 medical and other costs associated with the child and shall
2061 reimburse the hospital for any costs incurred prior to the child
2062 being placed in the care of the department.

2063 **SECTION 49.** Section 43-15-207, Mississippi Code of 1972, is
2064 amended as follows:

2065 43-15-207. For the purposes of this article, an emergency
2066 medical services provider shall mean a licensed hospital, as
2067 defined in Section 41-9-3, which operates an emergency department,
2068 an adoption agency duly licensed by the Department of * * * Child
2069 Protection Services, or fire station or mobile ambulance staffed
2070 with full-time firefighters, emergency medical technicians or
2071 paramedics. An emergency medical services provider does not
2072 include the offices, clinics, surgeries or treatment facilities of
2073 private physicians or dentists. No individual licensed healthcare
2074 provider, including physicians, dentists, nurses, physician
2075 assistants or other health professionals shall be deemed to be an
2076 emergency medical services provider under this article unless such
2077 individual voluntarily assumes responsibility for the custody of
2078 the child.

2079 **SECTION 50.** Section 43-16-3, Mississippi Code of 1972, is
2080 amended as follows:



2081 43-16-3. As used in this chapter, the following definitions
2082 shall apply unless the context clearly provides otherwise:

2083 (a) "Child" means a person who has not reached the age
2084 of eighteen (18) years or who has not otherwise been legally
2085 emancipated.

2086 (b) "Child residential home" means any place, facility
2087 or home operated by any person which receives children who are not
2088 related to the operators and whose parents or guardians are not
2089 residents of the same facility for supervision, care, lodging and
2090 maintenance for twenty-four (24) hours a day, with or without
2091 transfer of custody. This term does not include:

2092 (i) Residential homes licensed by the Department
2093 of * * * Child Protection Services under Section 43-15-5;

2094 (ii) Any public school;

2095 (iii) Any home operated by a state agency;

2096 (iv) Child care facilities as defined in Section
2097 43-20-5;

2098 (v) Youth camps as defined in Section 75-74-3;

2099 (vi) Health care facilities licensed by the State
2100 Department of Health; or

2101 (vii) The home of an attorney-in-fact operating
2102 under a power of attorney executed under Section 93-31-1 et seq.

2103 (c) "Department" shall mean the State Department of
2104 Health.



2105 (d) "Person" shall include an individual, partnership,
2106 organization, association or corporation.

2107 **SECTION 51.** Section 43-16-7, Mississippi Code of 1972, is
2108 amended as follows:

2109 43-16-7. * * * The operator of any child residential home
2110 shall provide notification in accordance with this chapter within
2111 sixty (60) days of beginning operation.

2112 * * *

2113 **SECTION 52.** Section 43-17-7, Mississippi Code of 1972, is
2114 amended as follows:

2115 43-17-7. (1) The state department shall:

2116 (a) Supervise the administration of the Temporary
2117 Assistance to Needy Families (TANF) program under this chapter by
2118 the county departments;

2119 (b) Make such rules and regulations and take such
2120 action as may be necessary or desirable for carrying out the
2121 provisions of this chapter. All rules and regulations made by the
2122 state department shall be binding on the counties and shall be
2123 complied with by the respective county departments;

2124 (c) Prescribe the form of, and print and supply to the
2125 county departments such forms as it may deem necessary and
2126 advisable;

2127 (d) Cooperate with the federal government in matters of
2128 mutual concern pertaining to the TANF program;



2129 (e) Make such reports in such form and containing such
2130 information as the federal government may from time to time
2131 require, and comply with such provisions as the federal government
2132 may from time to time find necessary to assure the correctness and
2133 verification of such reports;

2134 (f) Publish an annual report and such interim reports
2135 as may be necessary;

2136 (g) Establish rules and regulations restricting the use
2137 or disclosure of information, records, papers, files and
2138 communications concerning applicants and recipients to purposes
2139 directly connected with the administration of the TANF program, in
2140 compliance with federal law;

2141 (h) When the state agency has reason to believe that
2142 the home in which a relative and child receiving TANF assistance
2143 reside is unsuitable for the child because of the neglect, abuse
2144 or exploitation of such child, the state department shall bring
2145 such condition to the attention of the appropriate court or law
2146 enforcement agencies, and provide such data with respect to the
2147 situation as the department may have;

2148 (i) As required by federal law, to provide for the
2149 development and implementation of a program under which the
2150 department will undertake, in the case of a child born out of
2151 wedlock who is receiving TANF assistance authorized herein, to
2152 establish the paternity of such child and secure support for him;
2153 and, in the case of any child receiving TANF assistance from the



2154 department who has been deserted or abandoned by his parent, to
2155 secure support for such child from such parent (or from any other
2156 person legally liable for such support), utilizing any reciprocal
2157 arrangements adopted with other states to obtain or enforce court
2158 orders for support;

2159 (j) Provide for entering into cooperative arrangements
2160 with appropriate courts and law enforcement officials to assist
2161 the department in administering the program referred to in
2162 paragraph (i), including the entering into of financial
2163 arrangements with such courts and officials in order to assure
2164 optimum results under such program, and with respect to any other
2165 matters of common concern to such courts or officials in the
2166 department.

2167 (2) The Department of Human Services shall include the
2168 following agencies currently providing services to TANF and food
2169 stamp recipients in any planning activities with respect thereto,
2170 and those agencies shall cooperate with the department and provide
2171 information as necessary in order to ensure the full utilization
2172 of all economic assistance programs: the State Department of
2173 Mental Health, the State Department of Rehabilitation Services,
2174 the Mississippi Department of Corrections, the Mississippi
2175 Department of Transportation, the State Department of Public
2176 Safety, the Division of Medicaid, the State Department of Health,
2177 the State Department of Child Protection Services and the State
2178 Department of Education.



2179 **SECTION 53.** Section 43-18-3, Mississippi Code of 1972, is
2180 amended as follows:

2181 43-18-3. The "appropriate public authorities" as used in
2182 Article III of the Interstate Compact on the Placement of Children
2183 shall, with reference to this state, means the * * * Department of
2184 Child Protection Services, or with the approval of the
2185 Commissioner of Child Protection Services, any regional or local
2186 office of the Department of Child Protection Services shall be
2187 authorized to receive and act with reference to notices required
2188 by * * * Article III.

2189 **SECTION 54.** Section 43-18-5, Mississippi Code of 1972, is
2190 amended as follows:

2191 43-18-5. As used in paragraph (a) of Article V of the
2192 Interstate Compact on the Placement of Children, the phrase
2193 "appropriate authority in the receiving state" with reference to
2194 this state shall mean the * * * Department of * * * Child
2195 Protection Services, or * * * with the approval of the
2196 Commissioner of * * * Child Protection Services, any regional or
2197 local office of the department.

2198 **SECTION 55.** Section 43-21-351, Mississippi Code of 1972, is
2199 amended as follows:

2200 43-21-351. (1) Any person or agency having knowledge that a
2201 child residing or being within the county is within the
2202 jurisdiction of the youth court may make a written report to the
2203 intake unit alleging facts sufficient to establish the



2204 jurisdiction of the youth court. The report shall bear a
2205 permanent number that will be assigned by the court in accordance
2206 with the standards established by the Administrative Office of
2207 Courts pursuant to Section 9-21-9(d), and shall be preserved until
2208 destroyed on order of the court.

2209 (2) There shall be in each youth court of the state an
2210 intake officer who shall be responsible for the accurate and
2211 timely entering of all intake and case information into the
2212 Mississippi Youth Court Information Delivery System (MYCIDS) for
2213 the Department of Human Services - Division of Youth Services,
2214 truancy matters, and the * * * Department of Child Protection
2215 Services. It shall be the responsibility of the youth court judge
2216 or referee of each county to ensure that the intake officer is
2217 carrying out the responsibility of this section.

2218 **SECTION 56.** Section 43-21-354, Mississippi Code of 1972, is
2219 amended as follows:

2220 43-21-354. The statewide incoming wide area telephone
2221 service established pursuant to Section 43-21-353 * * * shall be
2222 maintained by the Department of * * * Child Protection Services,
2223 or its successor, on a twenty-four-hour seven (7) days a week
2224 basis.

2225 **SECTION 57.** Section 43-21-357, Mississippi Code of 1972, is
2226 amended as follows:

2227 43-21-357. (1) After receiving a report, the youth court
2228 intake unit shall promptly make a preliminary inquiry to determine



2229 whether the interest of the child, other children in the same
2230 environment or the public requires the youth court to take further
2231 action. As part of the preliminary inquiry, the youth court
2232 intake unit may request or the youth court may order the
2233 Department of * * * Child Protection Services, the Department of
2234 Human Services - Division of Youth Services, any successor agency
2235 or any other qualified public employee to make an investigation or
2236 report concerning the child and any other children in the same
2237 environment, and present the findings thereof to the youth court
2238 intake unit. If the youth court intake unit receives a neglect or
2239 abuse report, the youth court intake unit shall immediately
2240 forward the complaint to the Department of * * * Child Protection
2241 Services to promptly make an investigation or report concerning
2242 the child and any other children in the same environment and
2243 promptly present the findings thereof to the youth court intake
2244 unit. If it appears from the preliminary inquiry that the child
2245 or other children in the same environment are within the
2246 jurisdiction of the court, the youth court intake unit shall
2247 recommend to the youth court:

- 2248 (a) That the youth court take no action;
- 2249 (b) That an informal adjustment be made;
- 2250 (c) That the Department of * * * Child Protection
2251 Services * * * monitor the child, family and other children in the
2252 same environment;
- 2253 (d) That the child is warned or counseled informally;



2254 (e) That the child be referred to the youth court
2255 intervention court; or
2256 (f) That a petition be filed.
2257 (2) The youth court shall then, without a hearing:
2258 (a) Order that no action be taken;
2259 (b) Order that an informal adjustment be made;
2260 (c) Order that the Department of * * * Child Protection
2261 Services * * * monitor the child, family and other children in the
2262 same environment;
2263 (d) Order that the child is warned or counseled
2264 informally;
2265 (e) That the child be referred to the youth
2266 intervention court; or
2267 (f) Order that a petition be filed.
2268 (3) If the preliminary inquiry discloses that a child needs
2269 emergency medical treatment, the judge may order the necessary
2270 treatment.

2271 **SECTION 58.** Section 43-21-405, Mississippi Code of 1972, is
2272 amended as follows:

2273 43-21-405. (1) The informal adjustment process shall be
2274 initiated with an informal adjustment conference conducted by an
2275 informal adjustment counselor appointed by the judge or his
2276 designee.

2277 (2) If the child and his parent, guardian or custodian
2278 appear at the informal adjustment conference without counsel, the



2279 informal adjustment counselor shall, at the commencement of the
2280 conference, inform them of their right to counsel, the child's
2281 right to appointment of counsel and the right of the child to
2282 remain silent. If either the child or his parent, guardian or
2283 custodian indicates a desire to be represented by counsel, the
2284 informal adjustment counselor shall adjourn the conference to
2285 afford an opportunity to secure counsel.

2286 (3) At the beginning of the informal adjustment conference,
2287 the informal adjustment counselor shall inform the child and his
2288 parent, guardian or custodian:

2289 (a) That information has been received concerning the
2290 child which appears to establish jurisdiction of the youth court;

2291 (b) The purpose of the informal adjustment conference;

2292 (c) That during the informal adjustment process no
2293 petition will be filed;

2294 (d) That the informal adjustment process is voluntary
2295 with the child and his parent, guardian or custodian and that they
2296 may withdraw from the informal adjustment at any time; and

2297 (e) The circumstances under which the informal
2298 adjustment process can be terminated under Section 43-21-407.

2299 (4) The informal adjustment counselor shall then discuss
2300 with the child and his parent, guardian or custodian:

2301 (a) Recommendations for actions or conduct in the
2302 interest of the child to correct the conditions of behavior or
2303 environment which may exist;



2304 (b) Continuing conferences and contacts with the child
2305 and his parent, guardian or custodian by the informal adjustment
2306 counselor or other authorized persons; and

2307 (c) The child's general behavior, his home and school
2308 environment and other factors bearing upon the proposed informal
2309 adjustment.

2310 (5) After the parties have agreed upon the appropriate terms
2311 and conditions of informal adjustment, the informal adjustment
2312 counselor and the child and his parent, guardian or custodian
2313 shall sign a written informal adjustment agreement setting forth
2314 the terms and conditions of the informal adjustment. The informal
2315 adjustment agreement may be modified at any time upon the consent
2316 of all parties to the informal adjustment conference.

2317 (6) The informal adjustment process shall not continue
2318 beyond a period of six (6) months from its commencement unless
2319 extended by the youth court for an additional period not to exceed
2320 six (6) months by court authorization prior to the expiration of
2321 the original six-month period. In no event shall the custody or
2322 supervision of a child which has been placed with the Department
2323 of * * * Human Services - Division of Youth Services or the
2324 Department of Child Protection Services be continued or extended
2325 except upon a written finding by the youth court judge or referee
2326 that reasonable efforts have been made to maintain the child
2327 within his own home, but that the circumstances warrant his
2328 removal and there is no reasonable alternative to custody, and



2329 that reasonable efforts will continue to be made towards
2330 reunification of the family.

2331 **SECTION 59.** Section 43-21-603, Mississippi Code of 1972, is
2332 amended as follows:

2333 43-21-603. (1) At the beginning of each disposition
2334 hearing, the judge shall inform the parties of the purpose of the
2335 hearing.

2336 (2) All testimony shall be under oath unless waived by all
2337 parties and may be in narrative form. The court may consider any
2338 evidence that is material and relevant to the disposition of the
2339 cause, including hearsay and opinion evidence. At the conclusion
2340 of the evidence, the youth court shall give the parties an
2341 opportunity to present oral argument.

2342 (3) If the child has been adjudicated a delinquent child,
2343 before entering a disposition order, the youth court should
2344 consider, among others, the following relevant factors:

- 2345 (a) The nature of the offense;
- 2346 (b) The manner in which the offense was committed;
- 2347 (c) The nature and number of a child's prior
2348 adjudicated offenses;
- 2349 (d) The child's need for care and assistance;
- 2350 (e) The child's current medical history, including
2351 medication and diagnosis;



2352 (f) The child's mental health history, which may
2353 include, but not be limited to, the Massachusetts Youth Screening
2354 Instrument version 2 (MAYSI-2);

2355 (g) Copies of the child's cumulative record from the
2356 last school of record, including special education records, if
2357 applicable;

2358 (h) Recommendation from the school of record based on
2359 areas of remediation needed;

2360 (i) Disciplinary records from the school of record; and

2361 (j) Records of disciplinary actions outside of the
2362 school setting.

2363 (4) If the child has been adjudicated a child in need of
2364 supervision, before entering a disposition order, the youth court
2365 should consider, among others, the following relevant factors:

2366 (a) The nature and history of the child's conduct;

2367 (b) The family and home situation; and

2368 (c) The child's need of care and assistance.

2369 (5) If the child has been adjudicated a neglected child or
2370 an abused child, before entering a disposition order, the youth
2371 court shall consider, among others, the following relevant
2372 factors:

2373 (a) The child's physical and mental conditions;

2374 (b) The child's or family's need of assistance;



2375 (c) The manner in which the parent, guardian or
2376 custodian participated in, tolerated or condoned the abuse,
2377 neglect or abandonment of the child;

2378 (d) The ability of a child's parent, guardian or
2379 custodian to provide proper supervision and care of a child; and

2380 (e) Relevant testimony and recommendations, where
2381 available, from the foster parent of the child, the grandparents
2382 of the child, the guardian ad litem of the child, representatives
2383 of any private care agency that has cared for the child, the
2384 family protection worker or family protection specialist assigned
2385 to the case, and any other relevant testimony pertaining to the
2386 case.

2387 (6) After consideration of all the evidence and the relevant
2388 factors, the youth court shall enter a disposition order that
2389 shall not recite any of the facts or circumstances upon which the
2390 disposition is based, nor shall it recite that a child has been
2391 found guilty; but it shall recite that a child is found to be a
2392 delinquent child, a child in need of supervision, a neglected
2393 child or an abused child.

2394 (7) If the youth court orders that the custody or
2395 supervision of a child who has been adjudicated abused or
2396 neglected be placed with the Department of * * * Child Protection
2397 Services or any other person or public or private agency, other
2398 than the child's parent, guardian or custodian, the youth court
2399 shall find and the disposition order shall recite that:



2400 (a) (i) Reasonable efforts have been made to maintain
2401 the child within his own home, but that the circumstances warrant
2402 his removal and there is no reasonable alternative to custody; or

2403 (ii) The circumstances are of such an emergency
2404 nature that no reasonable efforts have been made to maintain the
2405 child within his own home, and that there is no reasonable
2406 alternative to custody; and

2407 (b) That the effect of the continuation of the child's
2408 residence within his own home would be contrary to the welfare of
2409 the child and that the placement of the child in foster care is in
2410 the best interests of the child; or

2411 (c) Reasonable efforts to maintain the child within his
2412 home shall not be required if the court determines that:

2413 (i) The parent has subjected the child to
2414 aggravated circumstances, including, but not limited to,
2415 abandonment, torture, chronic abuse and sexual abuse; or

2416 (ii) The parent has been convicted of murder of
2417 another child of that parent, voluntary manslaughter of another
2418 child of that parent, aided or abetted, attempted, conspired or
2419 solicited to commit that murder or voluntary manslaughter, or a
2420 felony assault that results in the serious bodily injury to the
2421 surviving child or another child of that parent; or

2422 (iii) The parental rights of the parent to a
2423 sibling have been terminated involuntarily; and



2424 (iv) That the effect of the continuation of the
2425 child's residence within his own home would be contrary to the
2426 welfare of the child and that placement of the child in foster
2427 care is in the best interests of the child.

2428 Once the reasonable efforts requirement is bypassed, the
2429 court shall have a permanency hearing under Section 43-21-613
2430 within thirty (30) days of the finding.

2431 (8) Upon a written motion by a party, the youth court shall
2432 make written findings of fact and conclusions of law upon which it
2433 relies for the disposition order. If the disposition ordered by
2434 the youth court includes placing the child in the custody of a
2435 training school, an admission packet shall be prepared for the
2436 child that contains the following information:

2437 (a) The child's current medical history, including
2438 medications and diagnosis;

2439 (b) The child's mental health history;

2440 (c) Copies of the child's cumulative record from the
2441 last school of record, including special education records, if
2442 reasonably available;

2443 (d) Recommendation from the school of record based on
2444 areas of remediation needed;

2445 (e) Disciplinary records from the school of record; and

2446 (f) Records of disciplinary actions outside of the
2447 school setting, if reasonably available.



2448 Only individuals who are permitted under the Health Insurance
2449 Portability and Accountability Act of 1996 (HIPAA) shall have
2450 access to a child's medical records which are contained in an
2451 admission packet. The youth court shall provide the admission
2452 packet to the training school at or before the child's arrival at
2453 the training school. The admittance of any child to a training
2454 school shall take place between the hours of 8:00 a.m. and 3:00
2455 p.m. on designated admission days.

2456 (9) When a child in the jurisdiction of the Youth Court is
2457 committed to the custody of the Mississippi Department of * * *
2458 Child Protection Services and is believed to be in need of
2459 treatment for a mental or emotional disability or infirmity, the
2460 Department of * * * Child Protection Services shall file an
2461 affidavit alleging that the child is in need of mental health
2462 services with the Youth Court. The Youth Court shall refer the
2463 child to the appropriate community mental health center for
2464 evaluation pursuant to Section 41-21-67. If the prescreening
2465 evaluation recommends residential care, the Youth Court shall
2466 proceed with civil commitment pursuant to Sections 41-21-61 et
2467 seq., 43-21-315 and 43-21-611, and the Department of Mental
2468 Health, once commitment is ordered, shall provide appropriate
2469 care, treatment and services for at least as many adolescents as
2470 were provided services in fiscal year 2004 in its facilities.

2471 (10) Any screening and assessment examinations ordered by
2472 the court may aid in dispositions related to delinquency, but no



2473 statements or admissions made during the course thereof may be
2474 admitted into evidence against the child on the issue of whether
2475 the child committed a delinquent act.

2476 **SECTION 60.** Section 43-21-609, Mississippi Code of 1972, is
2477 amended as follows:

2478 43-21-609. In neglect and abuse cases, the disposition order
2479 may include any of the following alternatives, giving precedence
2480 in the following sequence:

2481 (a) Release the child without further action;

2482 (b) Place the child in the custody of his parents, a
2483 relative or other person subject to any conditions and limitations
2484 as the court may prescribe. If the court finds that temporary
2485 relative placement, adoption or foster care placement is
2486 inappropriate, unavailable or otherwise not in the best interest
2487 of the child, durable legal custody may be granted by the court to
2488 any person subject to any limitations and conditions the court may
2489 prescribe; such durable legal custody will not take effect unless
2490 the child or children have been in the physical custody of the
2491 proposed durable custodians for at least six (6) months under the
2492 supervision of the Department of * * * Child Protection Services.
2493 The requirements of Section 43-21-613 as to disposition review
2494 hearings do not apply to those matters in which the court has
2495 granted durable legal custody. In such cases, the Department
2496 of * * * Child Protection Services shall be released from any
2497 oversight or monitoring responsibilities;



2498 (c) (i) Grant durable legal relative guardianship to a
2499 relative or fictive kin licensed as a foster parent if the
2500 licensed relative foster parent or licensed fictive kin foster
2501 parent exercised physical custody of the child for at least six
2502 (6) months before the grant of durable legal relative guardianship
2503 and the Department of Child Protection Services had legal custody
2504 or exercised supervision of the child for at least six (6) months.
2505 In order to establish durable legal relative guardianship, the
2506 youth court must find the following:

2507 1. That reunification has been determined to
2508 be inappropriate;

2509 2. That the relative guardian or fictive kin
2510 guardian shows full commitment to the care, shelter, education,
2511 nurture, and reasonable medical care of the child; and

2512 3. That the youth court consulted with any
2513 child twelve (12) years of age or older before granting durable
2514 legal relative guardianship.

2515 (ii) The requirements of Section 43-21-613 as to
2516 disposition review hearings do not apply to a hearing concerning
2517 durable legal relative guardianship. However, the Department of
2518 Child Protection Services must conduct an annual review and
2519 recertification of the durable legal relative guardianship to
2520 determine whether it remains in the best interest of the child.
2521 If a material change in circumstances occurs adverse to the best
2522 interest of the child, the parent, relative guardian, fictive kin



2523 guardian, or Department of Child Protection Services may petition
2524 the court to review the durable legal relative guardianship;

2525 (d) Order terms of treatment calculated to assist the
2526 child and the child's parent, guardian or custodian which are
2527 within the ability of the parent, guardian or custodian to
2528 perform;

2529 (e) Order youth court personnel, the Department of
2530 Child Protection Services or child care agencies to assist the
2531 child and the child's parent, guardian or custodian to secure
2532 social or medical services to provide proper supervision and care
2533 of the child;

2534 (f) Give legal custody of the child to any of the
2535 following but in no event to any state training school:

2536 (i) The Department of Child Protection Services
2537 for appropriate placement; or

2538 (ii) Any private or public organization,
2539 preferably community-based, able to assume the education, care and
2540 maintenance of the child, which has been found suitable by the
2541 court. Prior to assigning the custody of any child to any private
2542 institution or agency, the youth court through its designee shall
2543 first inspect the physical facilities to determine that they
2544 provide a reasonable standard of health and safety for the child;

2545 (g) If the court makes a finding that custody is
2546 necessary as defined in Section 43-21-301(3)(b), and that the
2547 child, in the action pending before the youth court had not



2548 previously been taken into custody, the disposition order shall
2549 recite that the effect of the continuation of the child's residing
2550 within his or her own home would be contrary to the welfare of the
2551 child, that the placement of the child in foster care is in the
2552 best interests of the child, and unless the reasonable efforts
2553 requirement is bypassed under Section 43-21-603(7)(c), the order
2554 also must state:

2555 (i) That reasonable efforts have been made to
2556 maintain the child within his or her own home, but that the
2557 circumstances warrant his or her removal, and there is no
2558 reasonable alternative to custody; or

2559 (ii) The circumstances are of such an emergency
2560 nature that no reasonable efforts have been made to maintain the
2561 child within his or her own home, and there is no reasonable
2562 alternative to custody; or

2563 (iii) If the court makes a finding in accordance
2564 with subparagraph (ii) of this paragraph, the court shall order
2565 that reasonable efforts be made towards the reunification of the
2566 child with his or her family; or

2567 (h) If the court had, before the disposition hearing in
2568 the action pending before the court, taken the child into custody,
2569 the judge or referee shall determine, and the youth court order
2570 shall recite that reasonable efforts were made by the Department
2571 of Child Protection Services to finalize the child's permanency
2572 plan that was in effect on the date of the disposition hearing.



2573 **SECTION 61.** Section 43-21-701, Mississippi Code of 1972, is
2574 amended as follows:

2575 43-21-701. (1) There is * * * established the Mississippi
2576 Commission on a Uniform Youth Court System and Procedures. The
2577 commission shall consist of the following nineteen (19) members:

2578 (a) One (1) circuit court judge appointed by the Chief
2579 Justice of the Mississippi Supreme Court;

2580 (b) One (1) chancery court judge, appointed by the
2581 Chief Justice of the Mississippi Supreme Court;

2582 (c) The President of the Mississippi Council of Youth
2583 Court Judges, or his designee;

2584 (d) Two (2) who may be either family court judges or
2585 county court judges, appointed by the President of the Mississippi
2586 Council of Youth Court Judges;

2587 (e) Two (2) youth court referees, appointed by the
2588 President of the Mississippi Council of Youth Court Judges;

2589 (f) One (1) member of the Mississippi House of
2590 Representatives to be appointed by the Speaker of the House;

2591 (g) One (1) member of the Mississippi Senate to be
2592 appointed by the Lieutenant Governor;

2593 (h) The directors of the following state agencies or
2594 their designated representatives: the Mississippi Department
2595 of * * * Human Services and the Mississippi Department of * * *
2596 Child Protection Services;



2597 (i) The director or his designated representative of
2598 the Governor's Office of Federal-State Programs;
2599 (j) One (1) employee, other than the * * * Commissioner
2600 of the Department of * * * Child Protection Services who is a
2601 supervisor of social workers primarily assigned to youth cases,
2602 appointed by the Governor;
2603 (k) One (1) municipal police chief, appointed by the
2604 Governor;
2605 (l) One (1) county sheriff, appointed by the Governor;
2606 (m) Two (2) lawyers experienced in youth court work,
2607 appointed by the Governor; and
2608 (n) Two (2) prosecuting attorneys who prosecute cases
2609 in youth court, appointed by the Governor.
2610 (2) The members shall be appointed to the commission within
2611 fifteen (15) days of the effective date of Sections 43-21-701 and
2612 43-21-703 and shall serve until the end of their respective terms
2613 of office, if applicable, or until October 1, 1989, whichever
2614 occurs first. Vacancies on the commission shall be filled in the
2615 manner of the original appointment. Members shall be eligible for
2616 reappointment provided that upon such reappointment they meet the
2617 qualifications required of a new appointee.
2618 (3) The commission may elect any officers from among its
2619 membership as it deems necessary for the efficient discharge of
2620 the commission's duties.



2621 (4) The commission shall adopt rules and regulations
2622 governing times and places for meetings and governing the manner
2623 of conducting its business. Ten (10) or more members shall
2624 constitute a quorum for the purpose of conducting any business of
2625 the commission; provided, however, a vote of not less than twelve
2626 (12) members shall be required for any recommendations to the
2627 Legislature.

2628 (5) Members of the commission shall serve without
2629 compensation, except that state and county employees and officers
2630 shall receive any per diem as authorized by law from
2631 appropriations available to their respective agencies or political
2632 subdivisions. All commission members shall be entitled to receive
2633 reimbursement for any actual and reasonable expenses incurred as a
2634 necessary incident to service on the commission, including mileage
2635 as provided by law.

2636 (6) The commission may select and employ a research director
2637 who shall perform the duties which the commission directs, which
2638 duties shall include the hiring of such other employees for the
2639 commission as the commission may approve. The research director
2640 and all other employees of the commission shall be in the state
2641 service and their salaries shall be established by the commission
2642 subject to approval by the State Personnel Board. Employees of
2643 the commission shall be reimbursed for the expenses necessarily
2644 incurred in the performance of their official duties in the same
2645 manner as other state employees. The commission may also employ



2646 any consultants it deems necessary, including consultants to
2647 compile any demographic data needed to accomplish the duties of
2648 the commission.

2649 (7) The Governor's Office of Federal-State Programs shall
2650 support the Commission on a Uniform Youth Court System and shall
2651 act as agent for any funds made available to the commission for
2652 its use. In order to expedite the implementation of the
2653 Commission on a Uniform Youth Court System, any funds available to
2654 the Governor's Office of Federal-State Programs for the 1988-1989
2655 fiscal year may be expended for the purpose of defraying the
2656 expenses of the commission created herein.

2657 (8) The commission may contract for suitable office space in
2658 accordance with the provisions of Section 29-5-2, Mississippi Code
2659 of 1972. In addition, the commission may utilize, with their
2660 consent, the services, equipment, personnel, information and
2661 resources of other state agencies; and may accept voluntary and
2662 uncompensated services, contract with individuals, public and
2663 private agencies, and request information, reports and data from
2664 any agency of the state, or any of its political subdivisions, to
2665 the extent authorized by law.

2666 (9) In order to conduct and carry out its purposes, duties
2667 and related activities as provided for in this section and Section
2668 43-21-703, the commission is authorized to apply for and accept
2669 gifts, grants, subsidies and other funds from persons,
2670 corporations, foundations, the United States government or other



2671 entities, provided that the receipt of such gifts, grants,
2672 subsidies and funds shall be reported and otherwise accounted for
2673 in the manner provided by law.

2674 **SECTION 62.** Section 43-21-801, Mississippi Code of 1972, is
2675 amended as follows:

2676 43-21-801. (1) There is established the Youth Court Support
2677 Program. The purpose of the program shall be to ensure that all
2678 youth courts have sufficient support funds to carry on the
2679 business of the youth court. The Administrative Office of Courts
2680 shall establish a formula consistent with this section for
2681 providing state support payable from the Youth Court Support Fund
2682 for the support of the youth courts.

2683 (a) (i) Each regular youth court referee is eligible
2684 for youth court support funds so long as the senior chancellor
2685 does not elect to employ a youth court administrator as set forth
2686 in paragraph (b); a municipal youth court judge is also eligible.
2687 The Administrative Office of Courts shall direct any funds to the
2688 appropriate county or municipality. The funds shall be utilized
2689 to compensate an intake officer who shall be responsible for
2690 ensuring that all intake and case information for the Department
2691 of Human Services - Division of Youth Services, truancy matters,
2692 and the * * * Department of Child Protection Services is entered
2693 into the Mississippi Youth Court Information Delivery System
2694 (MYCIDS) in an accurate and timely manner. If the court already
2695 has an intake officer responsible for entering all cases of the



2696 Department of Human Services - Division of Youth Services, truancy
2697 matters, and the * * * Department of Child Protection Services
2698 into MYCIDS, the regular youth court referee or municipal court
2699 judge may certify to the Administrative Office of Courts that such
2700 a person is already on staff. In such a case, each regular youth
2701 court referee or municipal youth court judge shall have the sole
2702 individual discretion to appropriate those funds as expense monies
2703 to assist in hiring secretarial staff and acquiring materials and
2704 equipment incidental to carrying on the business of the court
2705 within the private practice of law of the referee or judge, or may
2706 direct the use of those funds through the county or municipal
2707 budget for court support supplies or services. The regular youth
2708 court referee and municipal youth court judge shall be accountable
2709 for assuring through private, county or municipal employees the
2710 proper preparation and filing of all necessary tracking and other
2711 documentation attendant to the administration of the youth court.

2712 (ii) Title to all tangible property, excepting
2713 stamps, stationery and minor expendable office supplies, procured
2714 with funds authorized by this section, shall be and forever remain
2715 in the county or municipality to be used by the judge or referee
2716 during the term of his office and thereafter by his successors.

2717 (b) (i) When permitted by the Administrative Office of
2718 Courts and as funds are available, the senior chancellor for
2719 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
2720 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court



2721 administrator for the district whose responsibility will be to
2722 perform all reporting, tracking and other duties of a court
2723 administrator for all youth courts in the district that are under
2724 the chancery court system. Any chancery district listed in this
2725 paragraph in which a chancellor appoints a referee or special
2726 master to hear any youth court matter is ineligible for funding
2727 under this paragraph (b). The Administrative Office of Courts may
2728 allocate to an eligible chancery district a sum not to exceed
2729 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
2730 fringe benefits and equipment of the youth court administrator,
2731 and an additional sum not to exceed One Thousand Nine Hundred
2732 Dollars (\$1,900.00) for the administrator's travel expenses.

2733 (ii) The appointment of a youth court
2734 administrator shall be evidenced by the entry of an order on the
2735 minutes of the court. The person appointed shall serve at the
2736 will and pleasure of the senior chancellor but shall be an
2737 employee of the Administrative Office of Courts.

2738 (iii) The Administrative Office of Courts must
2739 approve the position, job description and salary before the
2740 position can be filled. The Administrative Office of Courts shall
2741 not approve any plan that does not first require the expenditure
2742 of the funds from the Youth Court Support Fund before expenditure
2743 of county funds is authorized for that purpose.



2744 (iv) Title to any tangible property procured with
2745 funds authorized under this paragraph shall be and forever remain
2746 in the State of Mississippi.

2747 (c) (i) Each county court is eligible for youth court
2748 support funds. The funds shall be utilized to provide
2749 compensation to an intake officer who shall be responsible for
2750 ensuring that all intake and case information for the Department
2751 of Human Services - Division of Youth Services, truancy matters,
2752 and the * * * Department of Child Protection Services is entered
2753 into the Mississippi Youth Court Information Delivery System
2754 (MYCIDS) in an accurate and timely manner. If the county court
2755 already has an intake officer or other staff person responsible
2756 for entering all cases of the Department of Human Services -
2757 Division of Youth Services, truancy matters and the * * *
2758 Department of Child Protection Services into MYCIDS, the senior
2759 county court judge may certify that such a person is already on
2760 staff. In such a case, the senior county court judge shall have
2761 discretion to direct the expenditure of those funds in hiring
2762 other support staff to carry on the business of the court.

2763 (ii) For the purposes of this paragraph, "support
2764 staff" means court administrators, law clerks, legal research
2765 assistants, secretaries, resource administrators or case managers
2766 appointed by a youth court judge, or any combination thereof, but
2767 shall not mean school attendance officers.



2768 (iii) The appointment of support staff shall be
2769 evidenced by the entry of an order on the minutes of the court.
2770 The support staff so appointed shall serve at the will and
2771 pleasure of the senior county court judge but shall be an employee
2772 of the county.

2773 (iv) The Administrative Office of Courts must
2774 approve the positions, job descriptions and salaries before the
2775 positions may be filled. The Administrative Office of Courts
2776 shall not approve any plan that does not first require the
2777 expenditure of funds from the Youth Court Support Fund before
2778 expenditure of county funds is authorized for that purpose.

2779 (v) The Administrative Office of Courts may
2780 approve expenditure from the fund for additional equipment for
2781 support staff appointed pursuant to this paragraph if the
2782 additional expenditure falls within the formula. Title to any
2783 tangible property procured with funds authorized under this
2784 paragraph shall be and forever remain in the county to be used by
2785 the youth court and support staff.

2786 (2) (a) (i) The formula developed by the Administrative
2787 Office of Courts for providing youth court support funds shall be
2788 devised so as to distribute appropriated funds proportional to
2789 caseload and other appropriate factors as set forth in regulations
2790 promulgated by the Administrative Office of Courts. The formula
2791 will determine a reasonable maximum amount per judge or referee



2792 per annum that will not be exceeded in allocating funds under this
2793 section.

2794 (ii) The formula shall be reviewed by the
2795 Administrative Office of Courts every two (2) years to ensure that
2796 the youth court support funds provided herein are proportional to
2797 each youth court's caseload and other specified factors.

2798 (iii) The Administrative Office of Courts shall
2799 have wide latitude in the first two-year cycle to implement a
2800 formula designed to maximize caseload data collection.

2801 (b) Application to receive funds under this section
2802 shall be submitted in accordance with procedures established by
2803 the Administrative Office of Courts.

2804 (c) Approval of the use of any of the youth court
2805 support funds distributed under this section shall be made by the
2806 Administrative Office of Courts in accordance with procedures
2807 established by the Administrative Office of Courts.

2808 (3) (a) There is created in the State Treasury a special
2809 fund to be designated as the "Youth Court Support Fund," which
2810 shall consist of funds appropriated or otherwise made available by
2811 the Legislature in any manner and funds from any other source
2812 designated for deposit into such fund. Unexpended amounts
2813 remaining in the fund at the end of a fiscal year shall not lapse
2814 into the State General Fund, and any investment earnings or
2815 interest earned on amounts in the fund shall be deposited to the
2816 credit of the fund. Monies in the fund shall be distributed to



2817 the youth courts by the Administrative Office of Courts for the
2818 purposes described in this section.

2819 (b) (i) During the regular legislative session held in
2820 calendar year 2007, the Legislature may appropriate an amount not
2821 to exceed Two Million Five Hundred Thousand Dollars
2822 (\$2,500,000.00) to the Youth Court Support Fund.

2823 (ii) During each regular legislative session
2824 subsequent to the 2007 Regular Session, the Legislature shall
2825 appropriate Two Million Five Hundred Thousand Dollars
2826 (\$2,500,000.00) to the Youth Court Support Fund.

2827 (c) No youth court judge or youth court referee shall
2828 be eligible to receive funding from the Youth Court Support Fund
2829 who has not received annual continuing education in the field of
2830 juvenile justice in an amount to conform with the requirements of
2831 the Rules and Regulations for Mandatory Continuing Judicial
2832 Education promulgated by the Supreme Court. The Administrative
2833 Office of Courts shall maintain records of all referees and youth
2834 court judges regarding such training and shall not disburse funds
2835 to any county or municipality for the budget of a youth court
2836 judge or referee who is not in compliance with the judicial
2837 training requirements.

2838 (4) Any recipient of funds from the Youth Court Support Fund
2839 shall not be eligible for continuing disbursement of funds if the
2840 recipient is not in compliance with the terms, conditions and



2841 reporting requirements set forth in the procedures promulgated by
2842 the Administrative Office of Courts.

2843 **SECTION 63.** Section 43-27-101, Mississippi Code of 1972, is
2844 amended as follows:

2845 43-27-101. For purposes of Sections 43-27-101 and 43-27-103,
2846 the following words shall have the meanings ascribed in this
2847 section, unless the context requires otherwise:

2848 (a) "Child or youth in the custody of the Department of
2849 Human Services" means an individual:

2850 (i) Who has not yet reached his eighteenth
2851 birthday;

2852 (ii) Who has been legally placed in the custody of
2853 the Department of Human Services by the youth court and for whom
2854 custody with the Department of Human Services was not sought by
2855 the parents or legal custodians or guardians for the parents' or
2856 legal custodians' or guardians' legal responsibilities to relieve
2857 themselves of the responsibility for paying for treatment for a
2858 child or youth; and

2859 (iii) Who is unable to be maintained with the
2860 family or legal guardians or custodians due to his or her need for
2861 specialized care.

2862 (b) "Child or youth under the supervision of the
2863 Department of * * * Child Protection Services" means an
2864 individual:



2865 (i) Who has not yet reached his eighteenth
2866 birthday; and

2867 (ii) Who has been referred for abuse or neglect
2868 and for whom a case has been opened and is active in the * * *
2869 Department of Child Protection Services.

2870 (c) "Plan of care" means a written plan of services
2871 needed to be provided for a child or youth and his or her family
2872 in order to provide the special care or services required.

2873 (d) "Special needs crisis" means:

2874 (i) Conduct or behavioral problems of such a
2875 severe nature and level that family or parental violence, abuse,
2876 and/or neglect pose an imminent threat or are present; or

2877 (ii) Conduct or behavioral problems of such a
2878 severe nature and level that family or parental violence, abuse,
2879 and/or neglect pose an imminent threat or are present.

2880 (e) "Specialized care" means:

2881 (i) "Self care," which means the ability to
2882 provide, sustain and protect himself or herself at a level
2883 appropriate to his or her age;

2884 (ii) "Interpersonal relationships," which means
2885 the ability to build and maintain satisfactory relationships with
2886 peers and adults;

2887 (iii) "Family life," which means the capacity to
2888 live in a family or family-type environment;



2889 (iv) "Self direction," which means the child's
2890 ability to control his or her behavior and to make decisions in a
2891 manner appropriate to his or her age;

2892 (v) "Education," which means the ability to learn
2893 social and intellectual skill from teachers in an available
2894 educational setting.

2895 (f) "Special needs child" means a child with a variety
2896 of handicapping conditions or disabilities, including emotional or
2897 severely emotional disorders. These conditions or disabilities
2898 present the need for special medical attention, supervision and
2899 therapy on a very regimented basis.

2900 **SECTION 64.** Section 43-27-103, Mississippi Code of 1972, is
2901 amended as follows:

2902 43-27-103. (1) Sections 43-27-101 and 43-27-103 shall
2903 enable the development by the Department of Human Services or the
2904 Department of Child Protection Services of a system of services
2905 for children or youth in the custody of the Department of Human
2906 Services or under the supervision of the Department of * * * Child
2907 Protection Services, if funds are appropriated to * * * either
2908 department for that purpose. The system of services may consist
2909 of emergency response services, an early intervention and
2910 treatment unit, respite care, crisis nurseries, specialized
2911 outpatient or inpatient treatment services, special needs foster
2912 care, therapeutic foster care, emergency foster homes, and
2913 Medicaid targeted case management for abused and neglected



2914 children and youth as well as children adjudicated delinquent or
2915 in need of supervision. Any of these services that are provided
2916 shall be arranged by and coordinated through the Department of
2917 Human Services or the Department of Child Protection Services,
2918 and * * * each department may contract with public or private
2919 agencies or entities to provide any of the services or may provide
2920 any of the services itself. All of the services shall be provided
2921 in facilities that meet the standards set by the Department of
2922 Human Services or the Department of Child Protection Services for
2923 the particular type of facility involved. None of the services
2924 provided shall duplicate existing services except where there is a
2925 documented need for expansion of the services.

2926 (2) A description of the services that may be provided under
2927 Sections 43-27-101 and 43-27-103 are as follows:

2928 (a) "Emergency response services" means services to
2929 respond to children or youth in severe crisis and include:

2930 (i) Emergency single-point phone lines;

2931 (ii) Crisis care coordinators staffing shifts that
2932 enable twenty-four-hour per day response as "frontline"
2933 professionals when crisis calls are received, assist with
2934 decision-making, family support, initiate plan of action and
2935 remain "on call" for the first seventy-two (72) hours for other
2936 service professionals to get in place and insure development of a
2937 plan of care;



2938 (iii) Acute care/emergency medical response
2939 through contracted services with up to five (5) regional hospitals
2940 providing emergency room services and hospitalization for up to
2941 seventy-two (72) hours with a maximum of One Hundred Dollars
2942 (\$100.00) per day;

2943 (iv) Case managers;

2944 (v) Respite services; and

2945 (vi) Assessment services contracted with social
2946 workers, psychologists, psychiatrists and other health
2947 professionals.

2948 (b) "Early intervention and treatment unit" means a
2949 unique, nonhospital crisis service in a residential context that
2950 is able to provide the level of support and intervention needed to
2951 resolve the crisis and as an alternative to hospitalization. This
2952 unit shall provide specialized assessment, including a variety of
2953 treatment options and services to best intervene in a child or
2954 youth's crisis, and provide an appropriate plan for further
2955 services upon returning to the home and community. Staff-to-child
2956 or youth ratio shall be high, with multidisciplinary, specialized
2957 services for up to six (6) children or youths at one (1) time, and
2958 with the maximum assessment and treatment planning and services
2959 being ninety (90) days for most children or youths.

2960 (c) "Respite care" means planned temporary care for a
2961 period of time ranging from a few hours within a twenty-four-hour
2962 period to an overnight or weekend stay to a maximum of ten (10)



2963 days. Care may be provided in-home or out-of-home with trained
2964 respite parents or counselors and is designed to provide a planned
2965 break for the parents from the caretaking role with the child.

2966 (d) "Crisis nurseries" means a program providing
2967 therapeutic nursery treatment services to preschool aged children
2968 who as preschoolers demonstrate significant behavioral or
2969 emotional disorders. These services shall be to therapeutically
2970 address developmental and emotional behavioral difficulties
2971 through direct intervention with the child in a nursery school
2972 environment and to intervene with parents to provide education,
2973 support and therapeutic services.

2974 (e) "Specialized outpatient or inpatient treatment
2975 services," such as sex offender treatment, means specialized
2976 treatment for perpetrators of sexual offenses with children.

2977 (f) "Special needs foster care" means foster care for
2978 those children with a variety of handicapping conditions or
2979 disabilities, including serious emotional disturbance.

2980 (g) "Therapeutic foster care" means residential mental
2981 health services provided to children and adolescents in a family
2982 setting, utilizing specially trained foster parents. Therapeutic
2983 foster care essentially involves the following features:

2984 (i) Placement with foster parents who have been
2985 carefully selected by knowledgeable, well-trained mental health
2986 and social service professionals to work with children with an
2987 emotional disturbance;



2988 (ii) Provision of special training to the foster
2989 parents to assist them in working with children with an emotional
2990 disturbance;

2991 (iii) Low staff-to-child ratio, allowing the
2992 therapeutic staff to work very closely with each child, the foster
2993 parents and the biological parents, if available;

2994 (iv) Creation of a support system among these
2995 specially trained foster parents; and

2996 (v) Payment of a special foster care payment to
2997 the foster parents.

2998 (h) "Emergency foster homes" means those homes used on
2999 a short-term basis for (i) children who are temporarily removed
3000 from the home in response to a crisis situation, or (ii) youth who
3001 exhibit special behavioral or emotional problems for whom removal
3002 from the existing home situation is necessary. In some cases they
3003 may provide an emergency placement for infants and toddlers for
3004 whom no regular foster home is available, rather than placement
3005 into an emergency shelter where older and larger groups of
3006 children are placed. Foster parents are trained to deal with the
3007 special needs of children placed in these emergency homes.

3008 (i) "Medicaid targeted case management" means
3009 activities that are related to assuring the completion of proper
3010 client evaluations; arranging and supporting treatment plans,
3011 monitoring services, coordinating service delivery and other
3012 related actions.



3013 **SECTION 65.** Section 43-27-109, Mississippi Code of 1972, is
3014 amended as follows:

3015 43-27-109. The Department of Human Services or the
3016 Department of Child Protection Services may employ a sufficient
3017 number of new family protection specialists, youth counselors and
3018 clerical staff to reduce the caseload sizes for social workers and
3019 youth counselors of * * * each department and to reduce the
3020 workload on clerical staff, if funds are appropriated to the
3021 department for that purpose.

3022 **SECTION 66.** Section 43-27-113, Mississippi Code of 1972, is
3023 amended as follows:

3024 43-27-113. In any investigation by the Department of * * *
3025 Child Protection Services of a report made under Section 43-21-101
3026 et seq. of the abuse or neglect of a child as defined in Section
3027 43-21-105, the department may request the appropriate law
3028 enforcement officer with jurisdiction to accompany the department
3029 in its investigation, and in such cases the law enforcement
3030 officer shall comply with such request.

3031 **SECTION 67.** Section 43-27-115, Mississippi Code of 1972, is
3032 amended as follows:

3033 43-27-115. The Department of Human Services * * * and the
3034 Department of Child Protection Services are each authorized to
3035 employ one (1) program manager for each department region, if
3036 funds are appropriated to * * * either department for that
3037 purpose, whose duties shall be to develop an ongoing public



3038 education program to inform Mississippi citizens about the needs
3039 of the state's children, youth and families, the work of the
3040 department in addressing these needs and how citizens might become
3041 involved. The Department of Human Services and the Department of
3042 Child Protection Services shall develop formal agreements of
3043 cooperation and protocol between * * * each department and other
3044 providers of services to children and families including school
3045 districts, hospitals, law enforcement agencies, mental health
3046 centers and others.

3047 **SECTION 68.** Section 43-27-117, Mississippi Code of 1972, is
3048 amended as follows:

3049 43-27-117. The Department of * * * Child Protection Services
3050 is authorized to establish an online automated child welfare
3051 information system, if funds are appropriated to the department
3052 for that purpose, to give the department the capability to supply
3053 foster care, adoption and child abuse and neglect data to the
3054 federal Department of Health and Human Services in a specified
3055 format as required, and to help the department in tracking child
3056 abuse and neglect referrals and the number of children affected in
3057 those referrals.

3058 **SECTION 69.** Section 43-27-119, Mississippi Code of 1972, is
3059 amended as follows:

3060 43-27-119. There is created a joint task force of the
3061 Department of Human Services, the Department of Child Protection
3062 Services and the Attorney General's Office consisting of the



3063 executive directors of the departments, the Attorney General, any
3064 staff persons designated by the executive directors and the
3065 Attorney General, and any other persons designated by the
3066 executive directors and the Attorney General. The joint task
3067 force shall research the issue of when * * * each department
3068 should consider appealing court decisions that are contrary to the
3069 department's recommendations in child welfare and juvenile
3070 offender cases, and shall issue a protocol for determining the
3071 type of cases that should be appealed. The protocol shall
3072 establish the following:

3073 (a) General guidelines to be considered for appealing a
3074 case;

3075 (b) The type of information from case records and court
3076 records that should be entered into the appeal file; and

3077 (c) The individuals who have authority to set the
3078 appeals process in motion and who can make final decisions about
3079 whether an appeal should be filed or not.

3080 Not later than November 30, 1994, the joint task force shall
3081 complete its research, issue the protocol, and make
3082 recommendations to the Legislature for any administrative and
3083 legislative action necessary to properly and sufficiently address
3084 this issue.

3085 **SECTION 70.** Section 43-43-5, Mississippi Code of 1972, is
3086 amended as follows:



3087 43-43-5. All purchase of service contracts between the * * *
3088 Department of * * * Human Services or the Department of Child
3089 Protection Services and individuals, associations or corporations
3090 other than state agencies shall be for the reimbursement of actual
3091 costs incurred in providing services. However, the * * *
3092 Department of * * * Human Services or the Department of Child
3093 Protection Services, in accordance with policy established
3094 by * * * either department, may advance one-twelfth (1/12) of the
3095 total estimated cost for providing services under the twelve-month
3096 contractual agreement, upon written request of a contractor, to
3097 give the contractor a better cash flow. Any funds so advanced
3098 shall be withheld from the contract reimbursement payments and in
3099 no case shall the final reimbursement payment to the contractor
3100 exceed the actual cost incurred in providing services. Any
3101 contractor receiving such advance payments shall be strictly
3102 liable to ensure that same is adjusted to actual cost, including
3103 repayment of excess cash advances if necessary, prior to the final
3104 closeout of the purchase of service contract.

3105 **SECTION 71.** Section 43-43-7, Mississippi Code of 1972, is
3106 amended as follows:

3107 43-43-7. The * * * Department of * * * Human Services or the
3108 Department of Child Protection Services in * * * the purchase of
3109 service budget request shall accurately reflect the comprehensive
3110 annual services program required under Section 2004 of Title XX.
3111 In submitting its annual budget recommendations to the



3112 Legislature, the Legislative Budget Office shall include all
3113 federal Title XX monies received or anticipated by agencies as a
3114 part of the budget request in order to indicate for each budget
3115 category the amount of state monies requested, the amount of
3116 federal monies anticipated or due, the amount of other nonstate
3117 monies requested or anticipated and the total anticipated
3118 expenditure from all sources for each respective category. A
3119 similar breakdown of funding sources shall be shown for current
3120 and preceding fiscal periods. All Title XX purchase of service
3121 contracts shall be subject to such auditing procedures by the
3122 State Department of Audit as are applicable to all state agencies.
3123 Upon the direction of the Legislative Budget Office, additional
3124 evaluation of the Title XX system may be performed by an
3125 independent group with expertise in cost analysis and the
3126 evaluation of human service programs.

3127 **SECTION 72.** Section 43-51-3, Mississippi Code of 1972, is
3128 amended as follows:

3129 43-51-3. As used in this chapter, unless the context clearly
3130 requires otherwise, the following words and phrases shall have the
3131 meanings respectively ascribed to them in this section:

3132 (a) "Child at imminent risk of placement" means a minor
3133 who may be reasonably expected to face, in the near future,
3134 commitment to the care or custody of the state as a result of:

3135 (i) Dependency, abuse or neglect;

3136 (ii) Emotional disturbance;



3137 (iii) Family conflict so extensive that reasonable
3138 control of the child is not exercised; or
3139 (iv) Delinquency adjudication.

3140 * * *

3141 (* * *b) "Family preservation services" means services
3142 designed to help families alleviate risks or crises that might
3143 lead to out-of-home placement of children. The services may
3144 include procedures to maintain the safety of children in their own
3145 homes, support to families preparing to reunify or adopt and
3146 assistance to families in obtaining services and other sources of
3147 support necessary to address their multiple needs in a culturally
3148 sensitive environment.

3149 (* * *c) "Family support services" means preventive
3150 community-based activities designed to alleviate stress and to
3151 promote parental competencies and behaviors that will increase the
3152 ability of families to successfully nurture their children and
3153 will enable families to use other resources and opportunities
3154 available in the community. These services may include supportive
3155 networks designed to enhance child-rearing abilities of parents
3156 and to help compensate for the increased social isolation and
3157 vulnerability of families. Examples of these services and
3158 activities include: respite care for parents and other
3159 caregivers; early developmental screening of children to assess
3160 the needs of these children and assistance in obtaining specific
3161 services to meet their needs; mentoring, tutoring and health



3162 education for youth; and a range of center-based activities, such
3163 as informal interactions in drop-in centers and parent support
3164 groups, and home visiting programs.

3165 **SECTION 73.** Section 43-51-5, Mississippi Code of 1972, is
3166 amended as follows:

3167 43-51-5. (1) The * * * Department of * * * Child Protection
3168 Services * * * shall engage in a comprehensive planning
3169 process * * * to develop, coordinate and implement a meaningful
3170 and responsive program of family support and family preservation
3171 services. The scope of planning shall address child welfare,
3172 housing, mental health, primary health, education, juvenile
3173 justice, community-based programs providing family support and
3174 family preservation services and other social programs that
3175 service children at imminent risk of placement and their families.
3176 In developing the plan, the department, in its discretion, may
3177 invite active participation from local consumers, practitioners,
3178 researchers, foundations, mayors, members of the Legislature and
3179 any available federal regional staff.

3180 * * *

3181 (* * *2) In addition to the family preservation and family
3182 support services defined in Section 41-51-3, the * * * Department
3183 of Child Protection Services shall offer a wide range of services,
3184 included, but not limited to, the following: crisis resolution;
3185 teaching measures to prevent the repeated occurrence of abuse,
3186 neglect and/or family conflict; education in parenting skills,



3187 child development, communication, negotiations and home
3188 maintenance skills; child and family advocacy; and job-readiness
3189 training.

3190 **SECTION 74.** Section 43-51-7, Mississippi Code of 1972, is
3191 amended as follows:

3192 43-51-7. The * * * Department of * * * Child Protection
3193 Services shall apply annually for any available federal funds that
3194 may be used to defray the planning and service expenses, in all or
3195 in part, of * * * this chapter, including, but not limited to,
3196 funds available under the * * * Family First Prevention Services
3197 Act.

3198 **SECTION 75.** Section 45-33-36, Mississippi Code of 1972, is
3199 amended as follows:

3200 45-33-36. (1) Upon receipt of sex offender registration or
3201 change of registration information, the Department of Public
3202 Safety shall immediately provide the information to:

3203 (a) The National Sex Offender Registry or other
3204 appropriate databases;

3205 (b) The sheriff of the county and the chief law
3206 enforcement officer of any other jurisdiction where the offender
3207 resides, lodges, is an employee or is a student or intends to
3208 reside, work, attend school or volunteer;

3209 (c) The sheriff of the county and the chief law
3210 enforcement officer of any other jurisdiction from which or to
3211 which a change of residence, employment or student status occurs;



3212 (d) The Department of Human Services, the Department of
3213 Child Protection Services, and any other social service entities
3214 responsible for protecting minors in the child welfare system;

3215 (e) The probation agency that is currently supervising
3216 the sex offender;

3217 (f) Any agency responsible for conducting
3218 employment-related background checks under Section 3 of the
3219 National Child Protection Act of 1993 (42 USC 5119(a));

3220 (g) Each school and public housing agency in each
3221 jurisdiction in which the sex offender resides, is an employee or
3222 is a student;

3223 (h) All prosecutor offices in each jurisdiction in
3224 which the sex offender resides, is an employee, or is a student;
3225 and

3226 (i) Any other agencies with criminal investigation,
3227 prosecution or sex offender supervision functions in each
3228 jurisdiction in which the sex offender resides, is an employee, or
3229 is a student.

3230 (2) The Department of Public Safety shall post changes to
3231 the public registry website within three (3) business days.
3232 Electronic notification will be available via the internet to all
3233 law enforcement agencies, to any volunteer organizations in which
3234 contact with minors or vulnerable adults might occur and any
3235 organization, company or individual who requests notification
3236 pursuant to procedures established by the Department of Public



3237 Safety. This provision shall take effect upon the state's receipt
3238 and implementation of the Department of Justice software in
3239 compliance with the provisions of the Adam Walsh Act.

3240 (3) From and after July 1, 2015, local jurisdictions
3241 receiving notification and that have the ability may notify
3242 residents when a sex offender begins residing, lodges, becomes
3243 employed, volunteers or attends school or intends to reside,
3244 lodge, work, attend school or volunteer in the area by using a
3245 website, social media, print media, email or may provide a link to
3246 the Department of Public Safety website.

3247 **SECTION 76.** Section 57-13-23, Mississippi Code of 1972, is
3248 amended as follows:

3249 57-13-23. (1) There is * * * created and established the
3250 Mississippi Automated Resource Information System (MARIS),
3251 (heretofore created by Executive Order No. 459, dated May 26,
3252 1983, as amended by Executive Order No. 562, dated January 15,
3253 1986), which shall be the mechanism within state government for
3254 the storing, processing, extracting and disseminating of useful
3255 data and information relating to the state's resources.

3256 (2) The goal of MARIS shall be to facilitate the achievement
3257 of state agencies' responsibilities as they relate to the
3258 development, management, conservation, protection and utilization
3259 of the resources of Mississippi by making usable resource data and
3260 information more readily available and in a format that is
3261 consistent throughout state departments, agencies and



3262 institutions, and, to the extent possible, with federal and
3263 privately generated resource data banks.

3264 (3) MARIS shall be under the supervision and general policy
3265 formulations of a policy committee as the cooperative effort of
3266 state departments, agencies and institutions for the sharing of
3267 useful data acquired and generated by state agencies in
3268 discharging their individual responsibilities.

3269 (4) There is * * * created and established the MARIS Policy
3270 Committee composed of the directors or their designees of the
3271 following departments, agencies and institutions:

3272 Center for Population Studies, University of Mississippi

3273 * * * Department of Information Technology Services

3274 Department of Agriculture and Commerce

3275 Department of Archives and History

3276 * * * Mississippi Development Authority

3277 Department of Human Services

3278 Department of Child Protection Services

3279 Department of Environmental Quality

3280 Department of Wildlife, Fisheries and Parks

3281 Mississippi Department of Transportation

3282 Mississippi Emergency Management Agency

3283 Mississippi Mineral Resources Institute, University of

3284 Mississippi

3285 Department of Finance and Administration

3286 Office of the Secretary of State



3287 Public Service Commission
3288 Remote Sensing Center, Mississippi State University
3289 State Forestry Commission
3290 State Department of Health
3291 State Oil and Gas Board
3292 State Soil and Water Conservation Commission
3293 * * *Department of Revenue
3294 University Research Center
3295 Water Management Council.

3296 (5) The MARIS Policy Committee shall elect a chairman, vice
3297 chairman and secretary, and it shall elect an executive committee
3298 from the membership of the policy committee to be composed of not
3299 less than five (5) nor more than nine (9) members, including the
3300 aforesaid officers. The policy committee may elect to the
3301 executive committee one (1) person other than from its membership.
3302 The policy committee shall determine the authority and
3303 responsibility to be exercised by the executive committee.

3304 (6) There is * * * created and established the MARIS Task
3305 Force which shall be composed of at least one (1) representative
3306 from each of the aforesaid agencies with knowledge in computer
3307 applications to natural, cultural, industrial or economic
3308 resources to be appointed by the respective directors thereof, and
3309 any other persons deemed advisable by the policy committee.



3310 (7) The University Research Center shall house the MARIS
3311 equipment and staff and shall provide administrative support for
3312 the policy committee and technical support to all member agencies.

3313 (8) It shall be the duty of every department, agency, office
3314 and institution of the State of Mississippi, and the officers
3315 thereof, to cooperate with and assist the MARIS Policy Committee
3316 in every reasonable way.

3317 **SECTION 77.** Section 93-5-23, Mississippi Code of 1972, is
3318 amended as follows:

3319 93-5-23. When a divorce shall be decreed from the bonds of
3320 matrimony, the court may, in its discretion, having regard to the
3321 circumstances of the parties and the nature of the case, as may
3322 seem equitable and just, make all orders touching the care,
3323 custody and maintenance of the children of the marriage, and also
3324 touching the maintenance and alimony of the wife or the husband,
3325 or any allowance to be made to her or him, and shall, if need be,
3326 require bond, sureties or other guarantee for the payment of the
3327 sum so allowed. Orders touching on the custody of the children of
3328 the marriage shall be made in accordance with the provisions of
3329 Section 93-5-24. For the purposes of orders touching the
3330 maintenance and alimony of the wife or husband, "property" and "an
3331 asset of a spouse" shall not include any interest a party may have
3332 as an heir at law of a living person or any interest under a
3333 third-party will, nor shall any such interest be considered as an
3334 economic circumstance or other factor. The court may afterwards,



3335 on petition, change the decree, and make from time to time such
3336 new decrees as the case may require. However, where proof shows
3337 that both parents have separate incomes or estates, the court may
3338 require that each parent contribute to the support and maintenance
3339 of the children of the marriage in proportion to the relative
3340 financial ability of each. In the event a legally responsible
3341 parent has health insurance available to him or her through an
3342 employer or organization that may extend benefits to the
3343 dependents of such parent, any order of support issued against
3344 such parent may require him or her to exercise the option of
3345 additional coverage in favor of such children as he or she is
3346 legally responsible to support.

3347 Whenever the court has ordered a party to make periodic
3348 payments for the maintenance or support of a child, but no bond,
3349 sureties or other guarantee has been required to secure such
3350 payments, and whenever such payments as have become due remain
3351 unpaid for a period of at least thirty (30) days, the court may,
3352 upon petition of the person to whom such payments are owing, or
3353 such person's legal representative, enter an order requiring that
3354 bond, sureties or other security be given by the person obligated
3355 to make such payments, the amount and sufficiency of which shall
3356 be approved by the court. The obligor shall, as in other civil
3357 actions, be served with process and shall be entitled to a hearing
3358 in such case.



3359 At the discretion of the court, any person found in contempt
3360 for failure to pay child support and imprisoned therefor may be
3361 referred for placement in a state, county or municipal
3362 restitution, house arrest or restorative justice center or
3363 program, provided such person meets the qualifications prescribed
3364 in Section 99-37-19.

3365 Whenever in any proceeding in the chancery court concerning
3366 the custody of a child a party alleges that the child whose
3367 custody is at issue has been the victim of sexual or physical
3368 abuse by the other party, the court may, on its own motion, grant
3369 a continuance in the custody proceeding only until such allegation
3370 has been investigated by the Department of * * * Child Protection
3371 Services. At the time of ordering such continuance, the court may
3372 direct the party and his attorney making such allegation of child
3373 abuse to report in writing and provide all evidence touching on
3374 the allegation of abuse to the Department of * * * Child
3375 Protection Services. The Department of * * * Child Protection
3376 Services shall investigate such allegation and take such action as
3377 it deems appropriate and as provided in such cases under the Youth
3378 Court Law (being Chapter 21 of Title 43, Mississippi Code of 1972)
3379 or under the laws establishing family courts (being Chapter 23 of
3380 Title 43, Mississippi Code of 1972).

3381 If after investigation by the Department of * * * Child
3382 Protection Services or final disposition by the youth court or
3383 family court allegations of child abuse are found to be without



3384 foundation, the chancery court shall order the alleging party to
3385 pay all court costs and reasonable attorney's fees incurred by the
3386 defending party in responding to such allegation.

3387 The court may investigate, hear and make a determination in a
3388 custody action when a charge of abuse and/or neglect arises in the
3389 course of a custody action as provided in Section 43-21-151, and
3390 in such cases the court shall appoint a guardian ad litem for the
3391 child as provided under Section 43-21-121, who shall be an
3392 attorney. Unless the chancery court's jurisdiction has been
3393 terminated, all disposition orders in such cases for placement
3394 with the Department of * * * Child Protection Services shall be
3395 reviewed by the court or designated authority at least annually to
3396 determine if continued placement with the department is in the
3397 best interest of the child or public.

3398 The duty of support of a child terminates upon the
3399 emancipation of the child. The court may determine that
3400 emancipation has occurred pursuant to Section 93-11-65.

3401 Custody and visitation upon military temporary duty,
3402 deployment or mobilization shall be governed by Section 93-5-34.

3403 **SECTION 78.** Section 93-17-3, Mississippi Code of 1972, is
3404 amended as follows:

3405 93-17-3. (1) Except as otherwise provided in this section,
3406 a court of this state has jurisdiction over a proceeding for the
3407 adoption or readoption of a minor commenced under this chapter if:



3408 (a) Immediately before commencement of the proceeding,
3409 the minor lived in this state with a parent, a guardian, a
3410 prospective adoptive parent or another person acting as parent,
3411 for at least six (6) consecutive months, excluding periods of
3412 temporary absence, or, in the case of a minor under six (6) months
3413 of age, lived in this state from soon after birth with any of
3414 those individuals and there is available in this state substantial
3415 evidence concerning the minor's present or future care;

3416 (b) Immediately before commencement of the proceeding,
3417 the prospective adoptive parent lived in this state for at least
3418 six (6) consecutive months, excluding periods of temporary
3419 absence, and there is available in this state substantial evidence
3420 concerning the minor's present or future care;

3421 (c) The agency that placed the minor for adoption is
3422 licensed in this state and it is in the best interest of the minor
3423 that a court of this state assume jurisdiction because:

3424 (i) The minor and the minor's parents, or the
3425 minor and the prospective adoptive parent, have a significant
3426 connection with this state; and

3427 (ii) There is available in this state substantial
3428 evidence concerning the minor's present or future care;

3429 (d) The minor and the prospective adoptive parent or
3430 parents are physically present in this state and the minor has
3431 been abandoned or it is necessary in an emergency to protect the
3432 minor because the minor has been subjected to or threatened with



3433 mistreatment or abuse or is otherwise neglected, and the
3434 prospective adoptive parent or parents, if not residing in
3435 Mississippi, have completed and provided the court with a
3436 satisfactory Interstate Compact for Placement of Children (ICPC)
3437 home study and accompanying forms;

3438 (e) It appears that no other state would have
3439 jurisdiction under prerequisites substantially in accordance with
3440 paragraphs (a) through (d), or another state has declined to
3441 exercise jurisdiction on the ground that this state is the more
3442 appropriate forum to hear a petition for adoption of the minor,
3443 and it is in the best interest of the minor that a court of this
3444 state assume jurisdiction; or

3445 (f) The child has been adopted in a foreign country,
3446 the agency that placed the minor for adoption is licensed in this
3447 state, and it is in the best interest of the child to be readopted
3448 in a court of this state having jurisdiction.

3449 (2) A court of this state may not exercise jurisdiction over
3450 a proceeding for adoption of a minor if, at the time the petition
3451 for adoption is filed, a proceeding concerning the custody or
3452 adoption of the minor is pending in a court of another state
3453 exercising jurisdiction substantially in conformity with the
3454 Uniform Child Custody Jurisdiction Act or this section unless the
3455 proceeding is stayed by the court of the other state.

3456 (3) If a court of another state has issued a decree or order
3457 concerning the custody of a minor who may be the subject of a



3458 proceeding for adoption in this state, a court of this state may
3459 not exercise jurisdiction over a proceeding for adoption of the
3460 minor unless:

3461 (a) The court of this state finds that the court of the
3462 state which issued the decree or order:

3463 (i) Does not have continuing jurisdiction to
3464 modify the decree or order under jurisdictional prerequisites
3465 substantially in accordance with the Uniform Child Custody
3466 Jurisdiction Act or has declined to assume jurisdiction to modify
3467 the decree or order; or

3468 (ii) Does not have jurisdiction over a proceeding
3469 for adoption substantially in conformity with subsection (1)(a)
3470 through (d) or has declined to assume jurisdiction over a
3471 proceeding for adoption; and

3472 (b) The court of this state has jurisdiction over the
3473 proceeding.

3474 (4) Any person may be adopted in accordance with the
3475 provisions of this chapter in term time or in vacation by an
3476 unmarried adult, by a married person whose spouse joins in the
3477 petition, by a married person whose spouse does not join in the
3478 petition because such spouse does not cohabit or reside with the
3479 petitioning spouse, and in any circumstances determined by the
3480 court that the adoption is in the best interest of the child.
3481 Only the consenting adult will be a legal parent of the child.
3482 The adoption shall be by sworn petition filed in the chancery



3483 court of the county in which the adopting petitioner or
3484 petitioners reside or in which the child to be adopted resides or
3485 was born, or was found when it was abandoned or deserted, or in
3486 which the home is located to which the child has been surrendered
3487 by a person authorized to so do. The petition shall be
3488 accompanied by a doctor's or nurse practitioner's certificate
3489 showing the physical and mental condition of the child to be
3490 adopted and a sworn statement of all property, if any, owned by
3491 the child. In addition, the petition shall be accompanied by
3492 affidavits of the petitioner or petitioners stating the amount of
3493 the service fees charged by any adoption agencies or adoption
3494 facilitators used by the petitioner or petitioners and any other
3495 expenses paid by the petitioner or petitioners in the adoption
3496 process as of the time of filing the petition. If the doctor's or
3497 nurse practitioner's certificate indicates any abnormal mental or
3498 physical condition or defect, the condition or defect shall not,
3499 in the discretion of the chancellor, bar the adoption of the child
3500 if the adopting parent or parents file an affidavit stating full
3501 and complete knowledge of the condition or defect and stating a
3502 desire to adopt the child, notwithstanding the condition or
3503 defect. The court shall have the power to change the name of the
3504 child as a part of the adoption proceedings. The word "child" in
3505 this section shall be construed to refer to the person to be
3506 adopted, though an adult.



3507 (5) No person may be placed in the home of or adopted by the
3508 prospective adopting parties before a court-ordered or voluntary
3509 home study is satisfactorily completed by a licensed adoption
3510 agency, a licensed, experienced social worker approved by the
3511 chancery court, a court-appointed guardian ad litem that has
3512 knowledge or training in conducting home studies if so directed by
3513 the court, or by the Department of * * * Child Protection Services
3514 on the prospective adoptive parties if required by Section
3515 93-17-11.

3516 (6) No person may be adopted by a person or persons who
3517 reside outside the State of Mississippi unless the provisions of
3518 the Interstate Compact for Placement of Children (Section 43-18-1
3519 et seq.) have been complied with. In such cases Forms 100A, 100B
3520 (if applicable) and evidence of Interstate Compact for Placement
3521 of Children approval shall be added to the permanent adoption
3522 record file within one (1) month of the placement, and a minimum
3523 of two (2) post-placement reports conducted by a licensed
3524 child-placing agency shall be provided to the Mississippi
3525 Department of Child Protection Services Interstate Compact for
3526 Placement of Children office.

3527 (7) No person may be adopted unless the provisions of the
3528 Indian Child Welfare Act (ICWA) have been complied with, if
3529 applicable. When applicable, proof of compliance shall be
3530 included in the court adoption file prior to finalization of the
3531 adoption. If not applicable, a written statement or paragraph in



3532 the petition for adoption shall be included in the adoption
3533 petition stating that the provisions of ICWA do not apply before
3534 finalization.

3535 (8) The readoption of a child who has automatically acquired
3536 United States citizenship following an adoption in a foreign
3537 country and who possesses a Certificate of Citizenship in
3538 accordance with the Child Citizenship Act, CAA, Public Law
3539 106-395, may be given full force and effect in a readoption
3540 proceeding conducted by a court of competent jurisdiction in this
3541 state by compliance with the Mississippi Registration of Foreign
3542 Adoptions Act, Article 9 of this chapter.

3543 (9) For adult adoptees who consent to the adoption, a
3544 chancellor may waive any of the petition requirements and
3545 procedural requirements within subsections (4), (5), (6) and (7)
3546 of this section.

3547 **SECTION 79.** Section 93-17-5, Mississippi Code of 1972, is
3548 amended as follows:

3549 93-17-5. (1) There shall be made parties to the proceeding
3550 by process or by the filing therein of a consent to the adoption
3551 proposed in the petition, which consent shall be duly sworn to or
3552 acknowledged and executed only by the following persons, but not
3553 before seventy-two (72) hours after the birth of the child:

3554 (a) The parents, or parent, if only one (1) parent,
3555 though either be under the age of twenty-one (21) years;



3556 (b) If both parents are dead, then any two (2) adult
3557 kin of the child within the third degree computed according to the
3558 civil law; if one of such kin is in possession of the child, he or
3559 she shall join in the petition or be made a party to the suit; or

3560 (c) The guardian ad litem of an abandoned child, upon
3561 petition showing that the names of the parents of the child are
3562 unknown after diligent search and inquiry by the petitioners. In
3563 addition to the above, there shall be made parties to any
3564 proceeding to adopt a child, either by process or by the filing of
3565 a consent to the adoption proposed in the petition, the following:

3566 (i) Those persons having physical custody of the
3567 child, except persons who are acting as foster parents as a result
3568 of placement with them by the Department of * * * Child Protection
3569 Services of the State of Mississippi.

3570 (ii) Any person to whom custody of the child may
3571 have been awarded by a court of competent jurisdiction of the
3572 State of Mississippi.

3573 (iii) The agent of the * * * Department of * * *
3574 Child Protection Services of the State of Mississippi that has
3575 placed a child in foster care, either by agreement or by court
3576 order.

3577 (2) The consent may also be executed and filed by the duly
3578 authorized officer or representative of a home to whose care the
3579 child has been delivered. The child shall join the petition by
3580 the child's next friend.



3581 (3) If consent is not filed, process shall be had upon the
3582 parties as provided by law for process in person or by
3583 publication, if they are nonresidents of the state or are not
3584 found therein after diligent search and inquiry, the court or
3585 chancellor in vacation may fix a date in termtime or in vacation
3586 to which process may be returnable and shall have power to proceed
3587 in termtime or vacation. In any event, if the child is more than
3588 fourteen (14) years of age, a consent to the adoption, sworn to or
3589 acknowledged by the child, shall also be required or personal
3590 service of process shall be had upon the child in the same manner
3591 and in the same effect as if the child were an adult.

3592 **SECTION 80.** Section 93-17-8, Mississippi Code of 1972, is
3593 amended as follows:

3594 93-17-8. (1) Whenever an adoption becomes a contested
3595 matter, whether after a hearing on a petition for determination of
3596 rights under Section 93-17-6 or otherwise, the court:

3597 (a) Shall, on motion of any party or on its own motion,
3598 issue an order for immediate blood or tissue sampling in
3599 accordance with the provisions of Section 93-9-21 et seq., if
3600 paternity is at issue. The court shall order an expedited report
3601 of such testing and shall hold the hearing resolving this matter
3602 at the earliest time possible.

3603 (b) Shall appoint a guardian ad litem to represent the
3604 child. Such guardian ad litem shall be an attorney, however his
3605 duties are as guardian ad litem and not as attorney for the child.



3606 The reasonable costs of the guardian ad litem shall be taxed as
3607 costs of court. Neither the child nor anyone purporting to act on
3608 his behalf may waive the appointment of a guardian ad litem.

3609 (c) Shall determine first whether or not the objecting
3610 parent is entitled to so object under the criteria of Section
3611 93-17-7 and then shall determine the custody of the child in
3612 accord with the best interests of the child and the rights of the
3613 parties as established by the hearings and judgments.

3614 (d) Shall schedule all hearings concerning the
3615 contested adoption as expeditiously as possible for prompt
3616 conclusion of the matter.

3617 (2) In determining the custody of the child after a finding
3618 that the adoption will not be granted, the fact of the surrender
3619 of the child for adoption by a parent shall not be taken as any
3620 evidence of that parent's abandonment or desertion of the child or
3621 of that parent's unfitness as a parent.

3622 (3) In contested adoptions arising through petitions for
3623 determination of rights where the prospective adopting parents
3624 were not parties to that proceeding, they need not be made parties
3625 to the contested adoption until there has been a ruling that the
3626 objecting parent is not entitled to enter a valid objection to the
3627 adoption. At that point the prospective adopting parents shall be
3628 made parties by joinder which shall show their suitability to be
3629 adopting parents as would a petition for adoption. The identity
3630 and suitability of the prospective adopting parents shall be made



3631 known to the court and the guardian ad litem, but shall not be
3632 made known to other parties to the proceeding unless the court
3633 determines that the interests of justice or the best interests of
3634 the child require it.

3635 (4) No birth parent or alleged parent shall be permitted to
3636 contradict statements given in a proceeding for the adoption of
3637 their child in any other proceeding concerning that child or his
3638 ancestry.

3639 (5) Appointment of a guardian ad litem is not required in
3640 any proceeding under this chapter except as provided in subsection
3641 (1)(b) above and except for the guardian ad litem needed for an
3642 abandoned child. It shall not be necessary for a guardian ad
3643 litem to be appointed where the chancery judge presiding in the
3644 adoption proceeding deems it unnecessary and no adoption agency is
3645 involved in the proceeding. No final decree of adoption
3646 heretofore granted shall be set aside or modified because a
3647 guardian ad litem was not appointed unless as the result of a
3648 direct appeal not now barred.

3649 (6) The provisions of Chapter 15 of this Title 93,
3650 Mississippi Code of 1972, are not applicable to proceedings under
3651 this chapter except as specifically provided by reference herein.

3652 (7) The court may order a child's birth father, identified
3653 as such in the proceedings, to reimburse the Department of * * *
3654 Child Protection Services, the foster parents, the adopting
3655 parents, the home, any other agency or person who has assumed



3656 liability for such child, all or part of the costs of the medical
3657 expenses incurred for the mother and the child in connection with
3658 the birth of the child, as well as reasonable support for the
3659 child after his birth.

3660 **SECTION 81.** Section 93-17-11, Mississippi Code of 1972, is
3661 amended as follows:

3662 93-17-11. At any time after the filing of the petition for
3663 adoption and completion of process thereon, and before the
3664 entering of a final decree, the court may, in its discretion, of
3665 its own motion or on motion of any party to the proceeding,
3666 require an investigation and report to the court to be made by any
3667 person, officer or home as the court may designate and direct
3668 concerning the child, and shall require in adoptions, other than
3669 those in which the petitioner or petitioners are a relative or
3670 stepparent of the child, that a home study be performed of the
3671 petitioner or petitioners by a licensed adoption agency or by the
3672 Department of * * * Child Protection Services, at the petitioner's
3673 or petitioners' sole expense and at no cost to the state or
3674 county. The investigation and report shall give the material
3675 facts upon which the court may determine whether the child is a
3676 proper subject for adoption, whether the petitioner or petitioners
3677 are suitable parents for the child, whether the adoption is to its
3678 best interest, and any other facts or circumstances that may be
3679 material to the proposed adoption. The home study shall be
3680 considered by the court in determining whether the petitioner or



3681 petitioners are suitable parents for the child. The court, when
3682 an investigation and report are required by the court or by this
3683 section, shall stay the proceedings in the cause for such
3684 reasonable time as may be necessary or required in the opinion of
3685 the court for the completion of the investigation and report by
3686 the person, officer or home designated and authorized to make the
3687 same.

3688 Upon the filing of that consent or the completion of the
3689 process and the filing of the investigation and report, if
3690 required by the court or by this section, and the presentation of
3691 such other evidence as may be desired by the court, if the court
3692 determines that it is to the best interests of the child that an
3693 interlocutory decree of adoption be entered, the court may
3694 thereupon enter an interlocutory decree upon such terms and
3695 conditions as may be determined by the court, in its discretion,
3696 but including therein that the complete care, custody and control
3697 of the child shall be vested in the petitioner or petitioners
3698 until further orders of the court and that during such time the
3699 child shall be and remain a ward of the court. If the court
3700 determines by decree at any time during the pendency of the
3701 proceeding that it is not to the best interests of the child that
3702 the adoption proceed, the petitioners shall be entitled to at
3703 least five (5) days' notice upon their attorneys of record and a
3704 hearing with the right of appeal as provided by law from a
3705 dismissal of the petition; however, the bond perfecting the appeal



3706 shall be filed within ten (10) days from the entry of the decree
3707 of dismissal and the bond shall be in such amount as the
3708 chancellor may determine and supersedeas may be granted by the
3709 chancellor or as otherwise provided by law for appeal from final
3710 decrees.

3711 After the entry of the interlocutory decree and before entry
3712 of the final decree, the court may require such further and
3713 additional investigation and reports as it may deem proper. The
3714 rights of the parties filing the consent or served with process
3715 shall be subject to the decree but shall not be divested until
3716 entry of the final decree.

3717 **SECTION 82.** Section 93-17-12, Mississippi Code of 1972, is
3718 amended as follows:

3719 93-17-12. In any child custody matter hereafter filed in any
3720 chancery or county court in which temporary or permanent custody
3721 has already been placed with a parent or guardian and in all
3722 adoptions, the court shall impose a fee for any court-ordered home
3723 study performed by the Department of * * * Child Protection
3724 Services or any other entity. The fee shall be assessed upon
3725 either party or upon both parties in the court's discretion. The
3726 minimum fee imposed shall be not less than Three Hundred Fifty
3727 Dollars (\$350.00) for each household on which a home study is
3728 performed. The fee shall be paid directly to the Mississippi
3729 Department of * * * Child Protection Services prior to the home
3730 study being conducted by the department or to the entity if the



3731 study is performed by another entity. The judge may order the fee
3732 be paid by one or both of the parents or guardian. If the court
3733 determines that both parents or the guardian are unable to pay the
3734 fee, the judge shall waive the fee and the cost of the home study
3735 shall be defrayed by the Department of * * * Child Protection
3736 Services.

3737 **SECTION 83.** Section 93-17-53, Mississippi Code of 1972, is
3738 amended as follows:

3739 93-17-53. The purpose of Sections 93-17-51 through 93-17-67
3740 is to supplement the Mississippi adoption law by making possible
3741 through public supplemental benefits the most appropriate adoption
3742 of each child certified by the * * * Department of * * * Child
3743 Protection Services as requiring a supplemental benefit to assure
3744 adoption.

3745 **SECTION 84.** Section 93-17-57, Mississippi Code of 1972, is
3746 amended as follows:

3747 93-17-57. The * * * Department of * * * Child Protection
3748 Services shall establish and administer an on-going program of
3749 supplemental benefits for adoption. Supplemental benefits and
3750 services for children under this program shall be provided out of
3751 such funds as may be appropriated to the * * * Division of
3752 Medicaid * * * for the medical services for children in foster
3753 care, or made available to the department from other sources.

3754 **SECTION 85.** Section 93-17-59, Mississippi Code of 1972, is
3755 amended as follows:



3756 93-17-59. Any child meeting criteria specified in Section
3757 93-17-55 for whom the * * * Department of * * * Child Protection
3758 Services feels supplemental benefits are necessary to improve
3759 opportunities for adoption will be eligible for the program. The
3760 adoption agency shall document that reasonable efforts have been
3761 made to place the child in adoption without supplemental benefits
3762 through the use of adoption resource exchanges, recruitment and
3763 referral to appropriate specialized adoption agencies.

3764 **SECTION 86.** Section 93-17-61, Mississippi Code of 1972, is
3765 amended as follows:

3766 93-17-61. (1) When parents are found and approved for
3767 adoption of a child certified as eligible for supplemental
3768 benefits, and before the final decree of adoption is issued, there
3769 shall be executed a written agreement between the family entering
3770 into the adoption and the Department of * * * Child Protection
3771 Services. In individual cases, supplemental benefits may commence
3772 with the adoptive placement or at the appropriate time after the
3773 adoption decree and will vary with the needs of the child as well
3774 as the availability of other resources to meet the child's needs.
3775 The supplemental benefits may be for special services only or for
3776 money payments as allowed under Section 43-13-115, * * * and
3777 either for a limited period, for a long-term not exceeding the
3778 child's eighteenth birthday, or for any combination of the
3779 foregoing. The amount of the time-limited, long-term supplemental



3780 benefits may in no case exceed that which would be currently
3781 allowable for such child under the Mississippi Medicaid Law.

3782 (2) When supplemental benefits last for more than one (1)
3783 year, the adoptive parents shall present an annual written
3784 certification that the child remains under the parents' care and
3785 that the child's need for supplemental benefits continues. Based
3786 on investigation by the agency and available funds, the agency may
3787 approve continued supplemental benefits. These benefits shall be
3788 extended so long as the parents remain legally responsible for and
3789 are providing support for the child. The agency shall continue
3790 paying benefits until a child reaches twenty-one (21) years of age
3791 if the child meets the criteria stated in Section 93-17-67(1) for
3792 continuation of Medicaid coverage.

3793 (3) A child who is a resident of Mississippi when
3794 eligibility for supplemental benefits is certified shall remain
3795 eligible and receive supplemental benefits, if necessary for
3796 adoption, regardless of the domicile or residence of the adopting
3797 parents at the time of application for adoption, placement, legal
3798 decree of adoption or thereafter.

3799 **SECTION 87.** Section 93-17-63, Mississippi Code of 1972, is
3800 amended as follows:

3801 93-17-63. All records regarding such adoption shall be
3802 confidential. Anyone violating or releasing information of a
3803 confidential nature, as contemplated by Sections 93-17-51 through
3804 93-17-67 without the approval of the court with jurisdiction or



3805 the * * * Department of * * * Child Protection Services unless
3806 such release is made pursuant to Sections 93-17-201 through
3807 93-17-223 shall be guilty of a misdemeanor and subject to a fine
3808 not exceeding One Thousand Dollars (\$1,000.00) or imprisonment of
3809 six (6) months, or both.

3810 **SECTION 88.** Section 93-17-65, Mississippi Code of 1972, is
3811 amended as follows:

3812 93-17-65. The * * * Department of * * * Child Protection
3813 Services shall promulgate rules and regulations necessary to
3814 implement the provisions of Sections 93-17-51 through 93-17-67.

3815 **SECTION 89.** Section 93-17-101, Mississippi Code of 1972, is
3816 amended as follows:

3817 93-17-101. (1) The Legislature finds that:

3818 (a) Locating adoptive families for children for whom
3819 state assistance is desirable, pursuant to the Mississippi
3820 adoption assistance law, and assuring the protection of the
3821 interests of the children affected during the entire assistance
3822 period, require special measures when the adoptive parents move to
3823 other states or are residents of another state; and

3824 (b) Providing medical and other necessary services for
3825 children, with state assistance, encounters special difficulties
3826 when the providing of services takes place in other states.

3827 (2) The purposes of Sections 93-17-101 through 93-17-109 are
3828 to:



3829 (a) Authorize the Mississippi Department of * * * Child
3830 Protection Services to enter into interstate agreements with
3831 agencies of other states for the protection of children on behalf
3832 of whom adoption assistance is being provided by the Mississippi
3833 Department of * * * Child Protection Services; and

3834 (b) Provide procedures for interstate children's
3835 adoption assistance payments, including medical payments.

3836 **SECTION 90.** Section 93-17-103, Mississippi Code of 1972, is
3837 amended as follows:

3838 93-17-103. (1) The Mississippi Department of * * * Child
3839 Protection Services is authorized to develop, participate in the
3840 development of, negotiate and enter into one or more interstate
3841 compacts on behalf of this state with other states to implement
3842 one or more of the purposes set forth in Sections 93-17-101
3843 through 93-17-109. When so entered into, and for so long as it
3844 shall remain in force, such a compact shall have the force and
3845 effect of law.

3846 (2) For the purposes of Sections 93-17-101 through
3847 93-17-109, the term "state" shall mean a state of the United
3848 States, the District of Columbia, the Commonwealth of Puerto Rico,
3849 the Virgin Islands, Guam, the Commonwealth of the Northern Mariana
3850 Islands or a territory or possession of or administered by the
3851 United States.

3852 (3) For the purposes of Sections 93-17-101 through
3853 93-17-109, the term "adoption assistance state" means the state



3854 that is signatory to an adoption assistance agreement in a
3855 particular case.

3856 (4) For the purposes of Sections 93-17-101 through
3857 93-17-109, the term "residence state" means the state of which the
3858 child is a resident by virtue of the residence of the adoptive
3859 parents.

3860 **SECTION 91.** Section 93-17-107, Mississippi Code of 1972, is
3861 amended as follows:

3862 93-17-107. (1) A child with special needs resident in this
3863 state who is the subject of an adoption assistance agreement with
3864 another state and who has been determined eligible for Medicaid in
3865 that state shall be entitled to receive a medical assistance
3866 identification from this state upon filing with the Mississippi
3867 Department of * * * Child Protection Services a certified copy of
3868 the adoption assistance agreement obtained from the adoption
3869 assistance state which certifies to the eligibility of the child
3870 for Medicaid. In accordance with regulations of the Mississippi
3871 Department of * * * Child Protection Services, the adoptive
3872 parents shall be required, at least annually, to show that the
3873 agreement is still in force or has been renewed.

3874 (2) The Division of Medicaid, Office of the Governor, shall
3875 consider the holder of a medical assistance identification
3876 pursuant to this section as any other holder of a medical
3877 assistance identification under the laws of this state and shall
3878 process and make payment on claims on account of such holder in



3879 the same manner and pursuant to the same conditions and procedures
3880 as for other recipients of medical assistance.

3881 (3) The submission of any claim for payment or reimbursement
3882 for services or benefits pursuant to this section or the making of
3883 any statement in connection therewith, which claim or statement
3884 the maker knows or should know to be false, misleading or
3885 fraudulent shall be punishable as perjury and shall also be
3886 subject to a fine not to exceed Ten Thousand Dollars (\$10,000.00),
3887 or imprisonment for not to exceed two (2) years, or both.

3888 (4) The provisions of this section shall apply only to
3889 medical assistance for children under adoption assistance
3890 agreements from states that have entered into a compact with this
3891 state under which the other state provides medical assistance to
3892 children with special needs under adoption assistance agreements
3893 made by this state. All other children entitled to medical
3894 assistance pursuant to adoption assistance agreements entered into
3895 by this state shall be eligible to receive it in accordance with
3896 the laws and procedures applicable thereto.

3897 **SECTION 92.** Section 93-17-109, Mississippi Code of 1972, is
3898 amended as follows:

3899 93-17-109. Consistent with federal law, the Mississippi
3900 Department of * * * Child Protection Services and the Division of
3901 Medicaid, Office of the Governor of the State of Mississippi, in
3902 connection with the administration of Sections 93-17-101 through
3903 93-17-109 and any compact entered into pursuant hereto, shall



3904 include in any state plan made pursuant to the Adoption Assistance
3905 and Child Welfare Act of 1980 (P.L. 96-272), Titles IV(e) and XIX
3906 of the Social Security Act, and any other applicable federal laws,
3907 the provision of adoption assistance and medical assistance for
3908 which the federal government pays some or all of the cost provided
3909 such authority is granted under the provisions of some law of this
3910 state other than the provisions of Sections 93-17-101 through
3911 93-17-109. Such departments shall apply for and administer all
3912 relevant federal aid in accordance with law.

3913 **SECTION 93.** Section 93-17-203, Mississippi Code of 1972, is
3914 amended as follows:

3915 93-17-203. The following words and phrases shall have the
3916 meanings ascribed herein unless the context clearly indicates
3917 otherwise:

3918 (a) "Agency" means a county * * * department of human
3919 services, the Department of Child Protection Services, a licensed
3920 or nonlicensed adoption agency or any other individual or entity
3921 assisting in the finalization of an adoption.

3922 (b) "Adoptee" means a person who is or has been adopted
3923 in this state at any time.

3924 (c) "Birth parent" means either:

3925 (i) The mother designated on the adoptee's
3926 original birth certificate; or



3927 (ii) The person named by the mother designated on
3928 the adoptee's original birth certificate as the father of the
3929 adoptee.

3930 (d) "Board" means the Mississippi State Board of
3931 Health.

3932 (e) "Bureau" means the Bureau of Vital Records of the
3933 Mississippi State Board of Health.

3934 (f) "Licensed adoption agency" means any agency or
3935 organization performing adoption services and duly licensed by the
3936 Mississippi Department of * * * Child Protection Services.

3937 **SECTION 94.** Section 93-17-209, Mississippi Code of 1972, is
3938 amended as follows:

3939 93-17-209. (1) Whenever any person specified under Section
3940 93-17-207 wishes to obtain medical, social or genetic background
3941 information about an adoptee or nonidentifying information about
3942 the birth parents of such adoptee, and the information is not on
3943 file with the bureau and the birth parents have not filed
3944 affidavits prohibiting a search to be conducted for them under the
3945 provisions of Sections 93-17-201 through 93-17-223, the person may
3946 request a licensed adoption agency to locate the birth parents to
3947 obtain the information.

3948 (2) Employees of any agency conducting a search under this
3949 section may not inform any person other than the birth parents of
3950 the purpose of the search.



3951 (3) The agency may charge the requester a reasonable fee for
3952 the cost of the search. When the agency determines that the fee
3953 will exceed One Hundred Dollars (\$100.00) for either birth parent,
3954 it shall notify the requester. No fee in excess of One Hundred
3955 Dollars (\$100.00) per birth parent may be charged unless the
3956 requester, after receiving notification under this subsection, has
3957 given consent to proceed with the search.

3958 (4) The agency conducting the search shall, upon locating a
3959 birth parent, notify him or her of the request and of the need for
3960 medical, social and genetic information.

3961 (5) The agency shall release to the requester any medical or
3962 genetic information provided by a birth parent under this section
3963 without disclosing the birth parent's identity or location.

3964 (6) If a birth parent is located but refuses to provide the
3965 information requested, the agency shall notify the requester,
3966 without disclosing the birth parent's identity or location, and
3967 the requester may petition the chancery court to order the birth
3968 parent to disclose the nonidentifying information. The court
3969 shall grant the motion for good cause shown.

3970 (7) The Mississippi Department of * * * Child Protection
3971 Services shall provide the bureau each year with a list of
3972 licensed adoption agencies in this state capable of performing the
3973 types of searches described in this section.

3974 **SECTION 95.** Section 93-21-305, Mississippi Code of 1972, is
3975 amended as follows:



3976 93-21-305. (1) There is * * * established in the State
3977 Treasury a special fund to be known as the "Mississippi Children's
3978 Trust Fund."

3979 (2) The fund shall consist of any monies appropriated to the
3980 fund by the Legislature, any donations, gifts and grants from any
3981 source, receipts from the birth certificate fees as provided by
3982 subsection (2) of Section 41-57-11, and any other monies which may
3983 be received from any other source or which may be hereafter
3984 provided by law.

3985 (3) Monies in the fund shall be used only for the purposes
3986 set forth in Sections 93-21-301 through 93-21-311. Interest
3987 earned on the investment of monies in the fund shall be returned
3988 and deposited to the credit of the fund.

3989 (4) Disbursements of money from the fund shall be on the
3990 authorization of the * * * Department of Child Protection
3991 Services.

3992 (5) The primary purpose of the fund is to encourage and
3993 provide financial assistance in the provision of direct services
3994 to prevent child abuse and neglect.

3995 **SECTION 96.** Section 93-21-307, Mississippi Code of 1972, is
3996 amended as follows:

3997 93-21-307. The administration of the Mississippi Children's
3998 Trust Fund shall be vested in the * * * Department of Child
3999 Protection Services. In carrying out the provisions of Sections



4000 93-21-301 through 93-21-311, the * * * Department of Child
4001 Protection Services shall have the following powers and duties:

4002 (a) To assist in developing programs aimed at
4003 discovering and preventing the many factors causing child abuse
4004 and neglect;

4005 (b) To prepare and disseminate, including the
4006 presentation of, educational programs and materials on child abuse
4007 and neglect;

4008 (c) To provide educational programs for professionals
4009 required by law to make reports of child abuse and neglect;

4010 (d) To help coordinate child protective services at the
4011 state, regional and local levels with the efforts of other state
4012 and voluntary social, medical and legal agencies;

4013 (e) To provide advocacy for children in public and
4014 private state and local agencies affecting children;

4015 (f) To encourage citizen and community awareness as to
4016 the needs and problems of children;

4017 (g) To facilitate the exchange of information between
4018 groups concerned with families and children;

4019 (h) To consult with state departments, agencies,
4020 commissions and boards to help determine the probable
4021 effectiveness, fiscal soundness and need for proposed educational
4022 and service programs for the prevention of child abuse and
4023 neglect;



4024 (i) To adopt rules and regulations * * * in accordance
4025 with the Administrative Procedures Law to discharge its
4026 responsibilities;

4027 (j) To report annually, through the annual report of
4028 the * * * Department of * * * Child Protection Services, to the
4029 Governor and the Legislature concerning the * * * department's
4030 activities under Sections 93-21-301 through 93-21-311 and the
4031 effectiveness of those activities in fostering the prevention of
4032 child abuse and neglect;

4033 (k) To recommend to the Governor and the Legislature
4034 changes in state programs, statutes, policies and standards which
4035 will reduce child abuse and neglect, improve coordination among
4036 state agencies which provide services to prevent abuse and
4037 neglect, improve the condition of children and assist parents and
4038 guardians;

4039 (l) To evaluate and strengthen all local, regional and
4040 state programs dealing with child abuse and neglect;

4041 (m) To prepare and submit annually to the Governor and
4042 the Legislature reports evaluating the level and quality of all
4043 programs, services and facilities provided to children by state
4044 agencies;

4045 (n) To contract with public or private nonprofit
4046 institutions, organizations, agencies or schools or with qualified
4047 individuals for the establishment of community-based educational



4048 and service programs designed to reduce the occurrence of child
4049 abuse and neglect;

4050 (o) To determine the eligibility of programs applying
4051 for financial assistance and to make grants and loans from the
4052 fund for the purposes set forth in Sections 93-21-301 through
4053 93-21-311;

4054 (p) To develop, within one (1) year after July 1, 1989,
4055 a state plan for the distribution of funds from the trust fund
4056 which shall assure that an equal opportunity exists for
4057 establishment of prevention programs and for receipt of trust
4058 fund * * * monies among all geographic areas in this state, and to
4059 submit the plan to the Governor and the Legislature and annually
4060 thereafter submit revisions thereto as needed;

4061 (q) To provide for the coordination and exchange of
4062 information on the establishment and maintenance of local
4063 prevention programs;

4064 (r) To develop and publicize criteria for the receipt
4065 of trust fund * * * monies by eligible local prevention programs;

4066 (s) To enter into contracts with public or private
4067 agencies to fulfill the requirements of Sections 93-21-301 through
4068 93-21-311; and

4069 (t) Review, monitor and approve the expenditure of
4070 trust fund * * * monies by eligible local programs.

4071 **SECTION 97.** Section 93-21-309, Mississippi Code of 1972, is
4072 amended as follows:



4073 93-21-309. (1) The * * * Department of Child Protection
4074 Services may authorize the disbursement of money in the trust fund
4075 in the form of grants or loans for the following purposes, which
4076 are listed in order of preference for expenditure:

4077 (a) To assist a community private, nonprofit
4078 organization or a local public organization or agency in the
4079 establishment and operation of a program or service for the
4080 prevention of child abuse and neglect;

4081 (b) To assist in the expansion of an existing community
4082 program or service for the prevention of child abuse and neglect;

4083 (c) To assist a community private, nonprofit
4084 organization or a local public organization or agency in the
4085 establishment and operation of an educational program regarding
4086 the problems of child abuse and neglect and the problems of
4087 families and children;

4088 (d) To assist in the expansion of an existing community
4089 educational program regarding the problems of child abuse and
4090 neglect and the problems of families and children;

4091 (e) To study and evaluate community-based prevention
4092 programs, projects or services and educational programs for the
4093 problems of families and children; and

4094 (f) Any other similar and related programs, projects,
4095 services and educational programs that the * * * department
4096 declares will implement the purposes and provisions of Sections
4097 93-21-301 through 93-21-311.



4098 (2) For the purposes of this section, the term "educational
4099 programs" includes instructional and demonstration projects the
4100 main purpose of which is to disseminate information and techniques
4101 for the prevention of child abuse and neglect and the prevention
4102 of problems of families and children.

4103 (3) No money in the trust fund shall be expended to provide
4104 services, counseling or direct assistance for the voluntary
4105 termination of any pregnancy.

4106 **SECTION 98.** Section 93-21-311, Mississippi Code of 1972, is
4107 amended as follows:

4108 93-21-311. In making grants or loans from the trust fund,
4109 the * * * Department of Child Protection Services shall consider
4110 the degree to which the applicant's proposal meets the following
4111 criteria:

4112 (a) Has as its primary purpose the development and
4113 facilitation of a community-based prevention program in a specific
4114 geographical area, which program shall utilize trained volunteers
4115 and existing community resources where practicable;

4116 (b) Is administered by an organization or group which
4117 is composed of or has participation by the county department
4118 of * * * human services, the county health department, the youth
4119 court or chancery court, the office of the district attorney,
4120 county or municipal law enforcement personnel, county or municipal
4121 school officials, local public or private organizations or
4122 agencies which provide programs or services for the prevention of



4123 child abuse and neglect and educational programs for the
4124 prevention of problems of families and children; and

4125 (c) Demonstrates a willingness and ability and has a
4126 plan to provide prevention program models and consultations to
4127 appropriate organizations within the community regarding
4128 prevention program development and maintenance.

4129 **SECTION 99.** Section 93-31-3, Mississippi Code of 1972, is
4130 amended as follows:

4131 93-31-3. (1) (a) A parent or legal custodian of a child,
4132 by means of a properly executed power of attorney as provided in
4133 Section 93-31-5, may delegate to another willing person or persons
4134 as attorney-in-fact any of the powers regarding the care and
4135 custody of the child other than the following:

4136 (i) The power to consent to marriage or adoption
4137 of the child;

4138 (ii) The performance or inducement of an abortion
4139 on or for the child; or

4140 (iii) The termination of parental rights to the
4141 child.

4142 (b) A delegation of powers under this section does not:

4143 (i) Change or modify any parental or legal rights,
4144 obligations, or authority established by an existing court order;

4145 (ii) Deprive any custodial or noncustodial parent
4146 or legal guardian of any parental or legal rights, obligations, or



4147 authority regarding the custody, visitation, or support of the
4148 child; or

4149 (iii) Affect a court's ability to determine the
4150 best interests of a child.

4151 (c) If both parents are living and neither parent's
4152 parental rights have been terminated, both parents must execute
4153 the power of attorney. If a noncustodial parent is absent or
4154 unknown, the custodial parent must complete the affidavit
4155 contemplated under Section 93-31-5 and attach it to the power of
4156 attorney.

4157 (d) A power of attorney under this chapter must be
4158 facilitated by either a child welfare agency that is licensed to
4159 place children for adoption and that is operating under the Safe
4160 Families for Children model or another charitable organization
4161 that is operating under the Safe Families for Children model. A
4162 full criminal history and child abuse and neglect background check
4163 must be conducted on any person who is not a grandparent, aunt,
4164 uncle, or sibling of the child if the person is:

4165 (i) Designated or proposed to be designated as the
4166 attorney-in-fact; or

4167 (ii) Is a person over the age of fifteen (15) who
4168 resides in the home of the designated attorney-in-fact.

4169 (2) A power of attorney executed under this chapter shall
4170 not be used for the sole purposes of enrolling a child in a school
4171 to participate in the academic or interscholastic athletic



4172 programs provided by that school or for any other unlawful
4173 purposes, except as may be permitted by the federal Every Student
4174 Succeeds Act (Public Law 114-95).

4175 (3) The parent or legal custodian of the child has the
4176 authority to revoke or withdraw the power of attorney authorized
4177 by this section at any time. Upon the termination, expiration, or
4178 revocation of the power of attorney, the child must be returned to
4179 the custody of the parent or legal custodian.

4180 (4) Until the authority expires or is revoked or withdrawn
4181 by the parent or legal custodian, the attorney-in-fact shall
4182 exercise parental or legal authority on a continuous basis without
4183 compensation for the duration of the power of attorney.

4184 (5) The execution of a power of attorney by a parent or
4185 legal custodian does not, in the absence of other evidence,
4186 constitute abandonment, desertion, abuse, neglect, or any evidence
4187 of unfitness as a parent unless the parent or legal custodian
4188 fails to take custody of the child or execute a new power of
4189 attorney after the one-year time limit, or after a longer time
4190 period as allowed for a serving parent, has elapsed. Nothing in
4191 this subsection prevents the Department of * * * Child Protection
4192 Services or law enforcement from investigating allegations of
4193 abuse, abandonment, desertion, neglect or other mistreatment of a
4194 child.

4195 (6) When the custody of a child is transferred by a power of
4196 attorney under this chapter, the child is not considered to have



4197 been placed in foster care and the attorney-in-fact will not be
4198 subject to any of the requirements or licensing regulations for
4199 foster care or other regulations relating to out-of-home care for
4200 children and will not be subject to any statutes or regulations
4201 dealing with the licensing or regulation of foster care homes.

4202 (7) (a) "Serving parent" means a parent who is a member of
4203 the Armed Forces of the United States, including any reserve
4204 component thereof, or the National Oceanic and Atmospheric
4205 Administration Commissioned Officer Corps or the Public Health
4206 Service of the United States Department of Health and Human
4207 Services detailed by proper authority for duty with the Armed
4208 Forces of the United States, or who is required to enter or serve
4209 in the active military service of the United States under a call
4210 or order of the President of the United States or to serve on
4211 state active duty.

4212 (b) A serving parent may delegate the powers designated
4213 in subsection (1) of this section for longer than one (1) year if
4214 on active-duty service or if scheduled to be on active-duty
4215 service. The term of delegation, however, may not exceed the term
4216 of active-duty service plus thirty (30) days.

4217 (8) (a) A power of attorney under this chapter must be
4218 filed in the youth court of the county where the minor child or
4219 children reside at the time the form is completed, and the clerk
4220 of the youth court will not impose or collect a filing fee. The



4221 filing is informational only, and no judicial intervention shall
4222 result at the time of filing.

4223 (b) The power of attorney must be entered into the
4224 Mississippi Youth Court Information Delivery System (MYCIDS) under
4225 Section 43-21-351, and must be administratively reviewed by the
4226 youth court judge or referee, or a person designated by the youth
4227 court judge or referee, to ensure the safety of the child or
4228 children who are the subjects of the power of attorney one (1)
4229 year after the date of execution.

4230 **SECTION 100.** Section 97-5-24, Mississippi Code of 1972, is
4231 amended as follows:

4232 97-5-24. If any person eighteen (18) years or older who is
4233 employed by any public school district or private school in this
4234 state is accused of fondling or having any type of sexual
4235 involvement with any child under the age of eighteen (18) years
4236 who is enrolled in such school, the principal of such school and
4237 the superintendent of such school district shall timely notify the
4238 district attorney with jurisdiction where the school is located of
4239 such accusation, the Mississippi Department of Education and the
4240 Department of * * * Child Protection Services, provided that such
4241 accusation is reported to the principal and to the school
4242 superintendent and that there is a reasonable basis to believe
4243 that such accusation is true. Any superintendent, or his
4244 designee, who fails to make a report required by this section
4245 shall be subject to the penalties provided in Section 37-11-35.



4246 Any superintendent, principal, teacher or other school personnel
4247 participating in the making of a required report pursuant to this
4248 section or participating in any judicial proceeding resulting
4249 therefrom shall be presumed to be acting in good faith. Any
4250 person reporting in good faith shall be immune from any civil
4251 liability that might otherwise be incurred or imposed.

4252 **SECTION 101.** Section 97-5-39, Mississippi Code of 1972, is
4253 amended as follows:

4254 97-5-39. (1) (a) Except as otherwise provided in this
4255 section, any parent, guardian or other person who intentionally,
4256 knowingly or recklessly commits any act or omits the performance
4257 of any duty, which act or omission contributes to or tends to
4258 contribute to the neglect or delinquency of any child or which act
4259 or omission results in the abuse of any child, as defined in
4260 Section 43-21-105(m) of the Youth Court Law, or who knowingly aids
4261 any child in escaping or absenting himself from the guardianship
4262 or custody of any person, agency or institution, or knowingly
4263 harbors or conceals, or aids in harboring or concealing, any child
4264 who has absented himself without permission from the guardianship
4265 or custody of any person, agency or institution to which the child
4266 shall have been committed by the youth court shall be guilty of a
4267 misdemeanor, and upon conviction shall be punished by a fine not
4268 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not
4269 to exceed one (1) year in jail, or by both such fine and
4270 imprisonment.



4271 (b) For the purpose of this section, a child is a
4272 person who has not reached his eighteenth birthday. A child who
4273 has not reached his eighteenth birthday and is on active duty for
4274 a branch of the armed services, or who is married, is not
4275 considered a child for the purposes of this statute.

4276 (c) If a child commits one (1) of the proscribed acts
4277 in subsection (2) (a), (b) or (c) of this section upon another
4278 child, then original jurisdiction of all such offenses shall be in
4279 youth court.

4280 (d) If the child's deprivation of necessary clothing,
4281 shelter, health care or supervision appropriate to the child's age
4282 results in substantial harm to the child's physical, mental or
4283 emotional health, the person may be sentenced to imprisonment in
4284 custody of the Department of Corrections for not more than five
4285 (5) years or to payment of a fine of not more than Five Thousand
4286 Dollars (\$5,000.00), or both.

4287 (e) A parent, legal guardian or other person who
4288 knowingly permits the continuing physical or sexual abuse of a
4289 child is guilty of neglect of a child and may be sentenced to
4290 imprisonment in the custody of the Department of Corrections for
4291 not more than ten (10) years or to payment of a fine of not more
4292 than Ten Thousand Dollars (\$10,000.00), or both.

4293 (2) Any person shall be guilty of felonious child abuse in
4294 the following circumstances:



4295 (a) Whether bodily harm results or not, if the person
4296 shall intentionally, knowingly or recklessly:
4297 (i) Burn any child;
4298 (ii) Physically torture any child;
4299 (iii) Strangle, choke, smother or in any way
4300 interfere with any child's breathing;
4301 (iv) Poison a child;
4302 (v) Starve a child of nourishments needed to
4303 sustain life or growth;
4304 (vi) Use any type of deadly weapon upon any child;
4305 (b) If some bodily harm to any child actually occurs,
4306 and if the person shall intentionally, knowingly or recklessly:
4307 (i) Throw, kick, bite, or cut any child;
4308 (ii) Strike a child under the age of fourteen (14)
4309 about the face or head with a closed fist;
4310 (iii) Strike a child under the age of five (5) in
4311 the face or head;
4312 (iv) Kick, bite, cut or strike a child's genitals;
4313 circumcision of a male child is not a violation under this
4314 subparagraph (iv);
4315 (c) If serious bodily harm to any child actually
4316 occurs, and if the person shall intentionally, knowingly or
4317 recklessly:
4318 (i) Strike any child on the face or head;
4319 (ii) Disfigure or scar any child;



4320 (iii) Whip, strike or otherwise abuse any child;

4321 (d) Any person, upon conviction under paragraph (a) or
4322 (c) of this subsection, shall be sentenced by the court to
4323 imprisonment in the custody of the Department of Corrections for a
4324 term of not less than five (5) years and up to life, as determined
4325 by the court. Any person, upon conviction under paragraph (b) of
4326 this subsection shall be sentenced by the court to imprisonment in
4327 the custody of the Department of Corrections for a term of not
4328 less than two (2) years nor more than ten (10) years, as
4329 determined by the court. For any second or subsequent conviction
4330 under this subsection (2), the person shall be sentenced to
4331 imprisonment for life.

4332 (e) For the purposes of this subsection (2), "bodily
4333 harm" means any bodily injury to a child and includes, but is not
4334 limited to, bruising, bleeding, lacerations, soft tissue swelling,
4335 and external or internal swelling of any body organ.

4336 (f) For the purposes of this subsection (2), "serious
4337 bodily harm" means any serious bodily injury to a child and
4338 includes, but is not limited to, the fracture of a bone, permanent
4339 disfigurement, permanent scarring, or any internal bleeding or
4340 internal trauma to any organ, any brain damage, any injury to the
4341 eye or ear of a child or other vital organ, and impairment of any
4342 bodily function.

4343 (g) Nothing contained in paragraph (c) of this
4344 subsection shall preclude a parent or guardian from disciplining a



4345 child of that parent or guardian, or shall preclude a person in
4346 loco parentis to a child from disciplining that child, if done in
4347 a reasonable manner, and reasonable corporal punishment or
4348 reasonable discipline as to that parent or guardian's child or
4349 child to whom a person stands in loco parentis shall be a defense
4350 to any violation charged under paragraph (c) of this subsection.

4351 (h) Reasonable discipline and reasonable corporal
4352 punishment shall not be a defense to acts described in paragraphs
4353 (a) and (b) of this subsection or if a child suffers serious
4354 bodily harm as a result of any act prohibited under paragraph (c)
4355 of this subsection.

4356 (3) Nothing contained in this section shall prevent
4357 proceedings against the parent, guardian or other person under any
4358 statute of this state or any municipal ordinance defining any act
4359 as a crime or misdemeanor. Nothing in the provisions of this
4360 section shall preclude any person from having a right to trial by
4361 jury when charged with having violated the provisions of this
4362 section.

4363 (4) (a) A parent, legal guardian or caretaker who endangers
4364 a child's person or health by knowingly causing or permitting the
4365 child to be present where any person is selling, manufacturing or
4366 possessing immediate precursors or chemical substances with intent
4367 to manufacture, sell or possess a controlled substance as
4368 prohibited under Section 41-29-139 or 41-29-313, is guilty of
4369 child endangerment and may be sentenced to imprisonment for not



4370 more than ten (10) years or to payment of a fine of not more than
4371 Ten Thousand Dollars (\$10,000.00), or both.

4372 (b) If the endangerment results in substantial harm to
4373 the child's physical, mental or emotional health, the person may
4374 be sentenced to imprisonment for not more than twenty (20) years
4375 or to payment of a fine of not more than Twenty Thousand Dollars
4376 (\$20,000.00), or both.

4377 (5) Nothing contained in this section shall prevent
4378 proceedings against the parent, guardian or other person under any
4379 statute of this state or any municipal ordinance defining any act
4380 as a crime or misdemeanor. Nothing in the provisions of this
4381 section shall preclude any person from having a right to trial by
4382 jury when charged with having violated the provisions of this
4383 section.

4384 (6) After consultation with the Department of * * * Child
4385 Protection Services, a regional mental health center or an
4386 appropriate professional person, a judge may suspend imposition or
4387 execution of a sentence provided in subsections (1) and (2) of
4388 this section and in lieu thereof require treatment over a
4389 specified period of time at any approved public or private
4390 treatment facility. A person may be eligible for treatment in
4391 lieu of criminal penalties no more than one (1) time.

4392 (7) In any proceeding resulting from a report made pursuant
4393 to Section 43-21-353 of the Youth Court Law, the testimony of the
4394 physician making the report regarding the child's injuries or



4395 condition or cause thereof shall not be excluded on the ground
4396 that the physician's testimony violates the physician-patient
4397 privilege or similar privilege or rule against disclosure. The
4398 physician's report shall not be considered as evidence unless
4399 introduced as an exhibit to his testimony.

4400 (8) Any criminal prosecution arising from a violation of
4401 this section shall be tried in the circuit, county, justice or
4402 municipal court having jurisdiction; provided, however, that
4403 nothing herein shall abridge or dilute the contempt powers of the
4404 youth court.

4405 **SECTION 102.** Section 99-41-17, Mississippi Code of 1972, is
4406 amended as follows:

4407 99-41-17. (1) Compensation shall not be awarded under this
4408 chapter:

4409 (a) Unless the criminally injurious conduct occurred
4410 after July 1, 1991;

4411 (b) Unless the claim has been filed with the director
4412 within thirty-six (36) months after the crime occurred, or in
4413 cases of child sexual abuse, within thirty-six (36) months after
4414 the crime was reported to law enforcement or the Department
4415 of * * * Child Protection Services, but in no event later than the
4416 victim's twenty-fifth birthday. For good cause, the director may
4417 extend the time period allowed for filing a claim for an
4418 additional period not to exceed twelve (12) months;



4419 (c) To a claimant or victim who was the offender or an
4420 accomplice to the offender, or, except in cases of children under
4421 the age of consent as specified in Section 97-3-65, 97-3-97 or
4422 97-5-23, Mississippi Code of 1972, who encouraged or in any way
4423 knowingly participated in criminally injurious conduct;

4424 (d) To another person, if the award would unjustly
4425 benefit the offender or accomplice;

4426 (e) Unless the criminally injurious conduct resulting
4427 in injury or death was reported to a law enforcement officer
4428 within seventy-two (72) hours after its occurrence or unless it is
4429 found that there was good cause for the failure to report within
4430 such time;

4431 (f) To any claimant or victim when the injury or death
4432 occurred while the victim was confined in any federal, state,
4433 county or city jail or correctional facility;

4434 (g) If the victim was injured as a result of the
4435 operation of a motor vehicle, boat or airplane, unless the vehicle
4436 was used by the offender (i) while under the influence of alcohol
4437 or drugs, (ii) as a weapon in the deliberate attempt to injure or
4438 cause the death of the victim, (iii) in a hit-and-run accident by
4439 leaving the scene of an accident as specified in Section 63-3-401,
4440 (iv) to flee apprehension by law enforcement as specified in
4441 Sections 97-9-72 and 97-9-73, or (v) causes any injury to a child
4442 who is in the process of boarding or exiting a school bus in the
4443 course of a violation of Section 63-3-615;



4444 (h) If, following the filing of an application, the
4445 claimant failed to take further steps as required by the division
4446 to support the application within forty-five (45) days of such
4447 request made by the director or failed to otherwise cooperate with
4448 requests of the director to determine eligibility, unless failure
4449 to provide information was beyond the control of the claimant;

4450 (i) To a claimant or victim who, subsequent to the
4451 injury for which application is made, is convicted of any felony,
4452 and the conviction becomes known to the director;

4453 (j) To any claimant or victim who has been under the
4454 actual or constructive supervision of a department of corrections
4455 for a felony conviction within five (5) years prior to the injury
4456 or death for which application has been made;

4457 (k) To any claimant or victim who, at the time of the
4458 criminally injurious conduct upon which the claim for compensation
4459 is based, engaged in conduct unrelated to the crime upon which the
4460 claim for compensation is based that either was (i) a felony, or
4461 (ii) a delinquent act which, if committed by an adult, would
4462 constitute a felony;

4463 (l) To any claimant or victim who knowingly furnishes
4464 any false or misleading information or knowingly fails or omits to
4465 disclose a material fact or circumstance.

4466 (2) Compensation otherwise payable to a claimant shall be
4467 diminished to the extent:



4468 (a) That the economic loss is recouped from other
4469 sources, including collateral sources; and

4470 (b) Of the degree of responsibility for the cause of
4471 injury or death attributable to the victim or claimant.

4472 (3) Upon a finding that the claimant or victim has not fully
4473 cooperated with appropriate law enforcement agencies and
4474 prosecuting attorneys, an award of compensation may be denied,
4475 withdrawn or reduced.

4476 (4) Compensation otherwise payable to a claimant or victim
4477 may be denied or reduced to a claimant or victim who, at the time
4478 of the crime upon which the claim for compensation is based, was
4479 engaging in or attempting to engage in other unlawful activity
4480 unrelated to the crime upon which the claim for compensation is
4481 based.

4482 **SECTION 103.** Sections 43-1-30, 43-1-51, 43-1-53, 43-1-57,
4483 43-1-59, 43-1-63, 43-51-1 and 43-51-9, Mississippi Code of 1972,
4484 which created the Mississippi TANF Implementation Council, created
4485 the Division of Family and Children's Services within the
4486 Department of Human Services, provides the title for the Family
4487 Preservation Act, and requires an ongoing evaluation and report on
4488 family preservation services, are repealed.

4489 **SECTION 104.** This act shall take effect and be in force from
4490 and after July 1, 2023.

