

House Amendments to Senate Bill No. 2384

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

17 (c) The Attorney General or a designee;

18 (d) The Chair of the House Judiciary A, or a designee;

19 (e) The chair of the Senate Judiciary A Committee, or a
20 designee;

21 (f) A member appointed by the Speaker of the House of
22 Representatives or a designee;

23 (g) One (1) sitting Chancery Court judge appointed by
24 the Chief Justice of the Mississippi Supreme Court;

25 (h) One (1) sitting Youth Court judge, appointed by the
26 Chief Justice of the Mississippi Supreme Court;

27 (i) One (1) practicing attorney with expertise in youth
28 court matters and adoptions to be named by the Mississippi Board
29 of Bar Commissioners;

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

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

35 (l) A member appointed by the Governor; and

36 (m) A member appointed by the Lieutenant Governor.

37 (2) The members must be appointed to the task force within
38 fifteen (15) days of the effective date of this act. Vacancies on
39 the task force shall be filled in the manner of the original
40 appointment. Members are eligible for reappointment if upon
41 reappointment they meet the qualifications required of a new
42 appointee.

43 (3) The chairpersons of the House and Senate Judiciary A
44 Committees shall serve as co-chair of the task force. The task
45 force must meet within sixty (60) days of the effective date of
46 this act upon the call of the chairpersons of the House and Senate
47 Judiciary A Committees, and at its first meeting shall elect any
48 officers from among its membership as it deems necessary for the
49 efficient discharge of the task force's duties.

50 (4) The task force shall adopt rules and regulations
51 governing times and places for meetings and governing the manner
52 of conducting its business. A majority of the members shall

53 constitute a quorum for the purpose of conducting any business of
54 the task force, and a majority vote of all members present shall
55 be required for any recommendations to the Legislature.

56 (5) Members of the task force shall receive a per diem in
57 the amount provided in Section 25-3-69 for each day engaged in the
58 business of the task force. Members of the task force other than
59 the legislative members shall receive reimbursement for travel
60 expenses incurred while engaged in official business of the task
61 force in accordance with Section 25-3-41 and the legislative
62 members of the task force shall receive the expense allowance
63 provided for in Section 5-1-47.

64 (6) The Mississippi Bar Association and the Mississippi
65 Judicial College shall provide necessary clerical support for the
66 meetings of the Task Force and the preparation of the report, with
67 assistance from the clerical and legal staff of the Mississippi
68 House of Representatives and the Senate.

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

76 (8) The duties of the task force shall be as follows:

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

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

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

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

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

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

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

102 (h) Review of the requirement to have concurrent
103 permanency plans, whether this is currently taking place, and, if
104 so, whether it is effective, and, if not effective, what needs to

105 happened to ensure the courts and Child Protection Services are
106 pursuing concurrent plans;

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

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

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

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

122 (m) To review laws, policies and procedures in other
123 states;

124 (n) To review fatherhood initiative proposals and
125 develop proposed policies to increase fatherhood participation of
126 absent fathers; and

127 (o) Any other issues related to the Mississippi foster
128 care system or adoption that the task force finds appropriate to
129 address.

130 (9) The Task Force may request the assistance of the
131 University of Mississippi School of Law and the Mississippi
132 College School of Law, the Mississippi Judicial College, the
133 Mississippi Administrative Office of Courts and the proper section
134 of the Mississippi Bar Association, or any other related
135 organization with expertise in domestic relations.

136 (10) The task force shall report its findings and
137 recommendations to the Legislature annually not later than
138 December 1, 2023.

139 (11) The task force shall stand dissolved on December 31,
140 2023.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

HR26\SB2384A.1J

Andrew Ketchings
Clerk of the House of Representatives