

Senate Amendments to House Bill No. 510

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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:

11 **SECTION 1.** Section 43-15-13, Mississippi Code of 1972, is
12 amended as follows:

13 43-15-13. (1) For purposes of this section, "children"
14 means persons found within the state who are under the age of
15 twenty-one (21) years, and who were placed in the custody of the
16 Department of Child Protection Services by the youth court of the
17 appropriate county. For purposes of this chapter, "commercial
18 sexual exploitation" means any sexual act or crime of a sexual
19 nature, which is committed against a child for financial or
20 economic gain, to obtain a thing of value, for quid pro quo
21 exchange of property or any other purpose.

22 (2) The Department of Child Protection Services shall
23 establish a foster care placement program for children whose
24 custody lies with the department, with the following objectives:

25 (a) Protecting and promoting the health, safety and
26 welfare of children;

27 (b) Preventing the unnecessary separation of children
28 from their families by identifying family problems, assisting
29 families in resolving their problems and preventing the breakup of
30 the family where the prevention of child removal is desirable and
31 possible when the child can be cared for at home without
32 endangering the child's health and safety;

33 (c) Remedying or assisting in the solution of problems
34 that may result in the neglect, abuse, exploitation, commercial
35 sexual exploitation, human trafficking or delinquency of children;

36 (d) Restoring to their families children who have been
37 removed, by the provision of services to the child and the
38 families when the child can be cared for at home without
39 endangering the child's health and safety;

40 (e) Placing children in suitable adoptive homes
41 approved by a licensed adoption agency or family protection
42 specialist, in cases where restoration to the biological family is
43 not safe, possible or appropriate;

44 (f) Assuring safe and adequate care of children away
45 from their homes, in cases where the child cannot be returned home
46 or cannot be placed for adoption, including temporary or emergency
47 placement with a relative or fictive kin pending youth court
48 action on the case. At the time of placement, the department
49 shall implement concurrent planning, as described in subsection
50 (8) of this section, so that permanency may occur at the earliest
51 opportunity. Consideration of possible failure or delay of
52 reunification should be given, to the end that the placement made

53 is the best available placement to provide permanency for the
54 child; and

55 (g) Providing a family protection specialist or worker
56 or team of such specialists or workers for a family and child
57 throughout the implementation of their permanent living
58 arrangement plan. Wherever feasible, the same family protection
59 specialist or worker or team shall remain on the case until the
60 child is no longer under the jurisdiction of the youth court.

61 (3) The Department of Child Protection Services shall
62 administer a system of individualized plans, reviews and reports
63 once every six (6) months for each child under its custody within
64 the State of Mississippi, which document each child who has been
65 adjudged a neglected, abandoned or abused child, including a child
66 alleged to have experienced commercial sexual exploitation and/or
67 human trafficking and whose custody was changed by court order as
68 a result of that adjudication, and each public or private facility
69 licensed by the department. The Department of Child Protection
70 Services' administrative review shall be completed on each child
71 within the first three (3) months and a relative placement,
72 fictive kin placement, or foster care review once every six (6)
73 months after the child's initial forty-eight-hour shelter hearing.
74 That system shall be for the purpose of enhancing potential family
75 life for the child by the development of individual plans to
76 return the child to the child's natural parent or parents, or to
77 refer the child to the appropriate court for termination of
78 parental rights and placement in a permanent relative's home,

79 adoptive home or foster/adoptive home. The goal of the Department
80 of Child Protection Services shall be to return the child to the
81 child's natural parent(s) or refer the child to the appropriate
82 court for termination of parental rights and placement in a
83 permanent relative's home, adoptive home or foster/adoptive home
84 within the time periods specified in this subsection or in
85 subsection (4) of this section. In furthering this goal, the
86 department shall establish policy and procedures designed to
87 appropriately place children in permanent homes, and provide
88 counseling services and other appropriate services to children who
89 have been victims of commercial sexual exploitation or human
90 trafficking. The policy shall include a system of reviews for all
91 children in foster care, as follows: foster care counselors in
92 the department shall make all possible contact with the child's
93 natural parent(s), custodial parent(s) of all siblings of the
94 child, and any interested relative for the first two (2) months
95 following the child's entry into the foster care system, and
96 provide care for victims of commercial sexual exploitation or
97 human trafficking. For purposes of contacting custodial parent(s)
98 of a sibling, siblings include those who are considered a sibling
99 under state law, and those who would have been considered a
100 sibling under state law, except for termination or disruption of
101 parental rights. For any child who has been in foster care for
102 fifteen (15) of the last twenty-two (22) months regardless of
103 whether the foster care was continuous for all of those twenty-two
104 (22) months, the department shall file a petition to terminate the

105 parental rights of the child's parents. The time period starts to
106 run from the date the court makes a finding of abuse and/or
107 neglect, or commercial sexual exploitation or human trafficking,
108 or sixty (60) days from when the child was removed from his or her
109 home, whichever is earlier. The department can choose not to file
110 a termination of parental rights petition if the following apply:

111 (a) The child is being cared for by a relative; and/or

112 (b) The department has documented compelling and
113 extraordinary reasons why termination of parental rights would not
114 be in the best interests of the child. Before granting or denying
115 a request by the department for an extension of time for filing a
116 termination of parental rights action, the court shall receive a
117 written report on the progress which a parent of the child has
118 made in treatment, to be made to the court in writing by a mental
119 health/substance abuse therapist or counselor.

120 (4) In the case of any child who is placed in foster care on
121 or after July 1, 1998, except in cases of aggravated circumstances
122 prescribed in Section 43-21-603(7)(c), the child's natural
123 parent(s) will have a reasonable time to be determined by the
124 court, which shall not exceed a six-month period of time, in which
125 to meet the service agreement with the department for the benefit
126 of the child unless the department has documented extraordinary
127 and compelling reasons for extending the time period in the best
128 interest of the child. If this agreement has not been
129 satisfactorily met, simultaneously the child will be referred to
130 the appropriate court for termination of parental rights and

131 placement in a permanent relative's home, adoptive home or a
132 foster/adoptive home. For children under the age of three (3)
133 years, termination of parental rights shall be initiated within
134 six (6) months, unless the department has documented compelling
135 and extraordinary circumstances, and placement in a permanent
136 relative's home, adoptive home or foster/adoptive home within two
137 (2) months. For children who have been abandoned under the
138 provisions of Section 97-5-1, termination of parental rights shall
139 be initiated within thirty (30) days and placement in an adoptive
140 home shall be initiated without necessity for placement in a
141 foster home. The department need not initiate termination of
142 parental rights proceedings where the child has been placed in
143 durable legal custody, durable legal relative guardianship, or
144 long-term or formalized foster care by a court of competent
145 jurisdiction.

146 (5) The foster care review once every six (6) months shall
147 be conducted by the youth court or its designee(s), and/or by
148 personnel within the Department of Child Protection Services or by
149 a designee or designees of the department and may include others
150 appointed by the department, and the review shall include at a
151 minimum an evaluation of the child based on the following:

152 (a) The extent of the care and support provided by the
153 parents or parent while the child is in temporary custody;

154 (b) The extent of communication with the child by
155 parents, parent or guardian;

156 (c) The degree of compliance by the agency and the
157 parents with the social service plan established;

158 (d) The methods of achieving the goal and the plan
159 establishing a permanent home for the child;

160 (e) Social services offered and/or utilized to
161 facilitate plans for establishing a permanent home for the child;
162 and

163 (f) Relevant testimony and recommendations from the
164 foster parent of the child, the grandparents of the child, the
165 guardian ad litem of the child, when appointed, the
166 Court-Appointed Special Advocate (CASA) of the child,
167 representatives of any private care agency that has cared for the
168 child, the family protection worker or family protection
169 specialist assigned to the case, and any other relevant testimony
170 pertaining to the case.

171 Each child's review plan once every six (6) months shall be
172 filed with the court which awarded custody and shall be made
173 available to natural parents or foster parents upon approval of
174 the court. The court shall make a finding as to the degree of
175 compliance by the agency and the parent(s) with the child's social
176 service plan. The court also shall find that the child's health
177 and safety are the paramount concern. In the interest of the
178 child, the court shall, where appropriate, initiate proceedings on
179 its own motion. The Department of Child Protection Services shall
180 report to the Legislature as to the number of those children, the
181 findings of the foster care review board and relevant statistical

182 information in foster care in a semiannual report to the
183 Legislature to be submitted to the Joint Oversight Committee of
184 the Department of Child Protection Services. The report shall not
185 refer to the specific name of any child in foster care.

186 (6) (a) The Department of Child Protection Services, with
187 the cooperation and assistance of the State Department of Health,
188 shall develop and implement a training program for foster care
189 parents to indoctrinate them as to their proper responsibilities
190 upon a child's entry into their foster care. The program shall
191 provide a minimum of twelve (12) clock hours of training, which
192 shall include training foster care parents about providing mental
193 and physical support to children who have experienced commercial
194 sexual exploitation or human trafficking. The foster care
195 training program shall be satisfactorily completed by such foster
196 care parents before or within ninety (90) days after child
197 placement with the parent. Record of the foster care parent's
198 training program participation shall be filed with the court as
199 part of a child's foster care review plan once every six (6)
200 months.

201 (b) (i) The court may waive foster care training for
202 an appropriate relative placement.

203 (ii) A relative exempted from foster care training
204 is not eligible for board payments, foster care payments, kinship
205 care payments, therapeutic care payments, or any other monthly
206 payments from the department to assist in the care of the child.

207 (7) When the Department of Child Protection Services is
208 considering placement of a child in a foster home and when the
209 department deems it to be in the best interest of the child, the
210 department shall give first priority to placing the child in the
211 home of one (1) of the child's relatives within the third degree,
212 as computed by the civil law rule.

213 (a) In placing the child in a relative's home, the
214 department may waive any rule, regulation or policy applicable to
215 placement in foster care that would otherwise require the child to
216 have a separate bed or bedroom or have a bedroom of a certain
217 size, if placing the child in a relative's home would be in the
218 best interest of the child and those requirements cannot be met in
219 the relative's home.

220 (b) The court may waive foster care training for a
221 relative only when appropriate.

222 (8) The Legislature recognizes that the best interests of
223 the child require that the child be placed in the most permanent
224 living arrangement as soon as is practicably possible. To achieve
225 this goal, the Department of Child Protection Services is directed
226 to conduct concurrent planning so that a permanent living
227 arrangement may occur at the earliest opportunity. Permanent
228 living arrangements may include prevention of placement of a child
229 outside the home of the family when the child can be cared for at
230 home without endangering the child's health or safety;
231 reunification with the family, when safe and appropriate, if
232 temporary placement is necessary; or movement of the child toward

233 the most permanent living arrangement and permanent legal status.
234 When a child is placed in foster care or relative care, the
235 department shall first ensure and document that reasonable
236 efforts, as defined in Section 43-21-105, were made to prevent or
237 eliminate the need to remove the child from the child's home. The
238 department's first priority shall be to make reasonable efforts to
239 reunify the family when temporary placement of the child occurs or
240 shall request a finding from the court that reasonable efforts are
241 not appropriate or have been unsuccessful. A decision to place a
242 child in foster care or relative care shall be made with
243 consideration of the child's health, safety and best interests.
244 At the time of placement, consideration should also be given so
245 that if reunification fails or is delayed, the placement made is
246 the best available placement to provide a permanent living
247 arrangement for the child. The department shall adopt rules
248 addressing concurrent planning for reunification and a permanent
249 living arrangement. The department shall consider the following
250 factors when determining appropriateness of concurrent planning:
251 (a) The likelihood of prompt reunification;
252 (b) The past history of the family;
253 (c) The barriers to reunification being addressed by
254 the family;
255 (d) The level of cooperation of the family;
256 (e) The foster parents' willingness to work with the
257 family to reunite;

258 (f) The willingness and ability of the foster family or
259 relative placement to provide an adoptive home or long-term
260 placement;

261 (g) The age of the child; and

262 (h) Placement of siblings.

263 (9) If the department has placed a child in foster care or
264 relative care under a court order, the department may not change
265 the child's placement unless the department specifically documents
266 to the court that the current placement is unsafe or unsuitable or
267 that another placement is in the child's best interests unless the
268 new placement is in an adoptive home or other permanent placement.
269 Except in emergency circumstances as determined by the department
270 or where the court orders placement of the child under Section
271 43-21-303, the foster parents, grandparents or other relatives of
272 the child shall be given an opportunity to contest the specific
273 reasons documented by the department at least seventy-two (72)
274 hours before any such departure, and the court may conduct a
275 review of that placement unless the new placement is in an
276 adoptive home or other permanent placement. When a child is
277 returned to foster care or relative care, the former foster
278 parents or relative placement shall be given the prior right of
279 return placement in order to eliminate additional trauma to the
280 child.

281 (10) The Department of Child Protection Services shall
282 provide the foster parents, grandparents or other relatives with
283 at least a seventy-two-hour notice of departure for any child

284 placed in their foster care or relative care, except in emergency
285 circumstances as determined by the department or where the court
286 orders placement of the child under Section 43-21-303. The
287 parent/legal guardian, grandparents of the child, guardian ad
288 litem and the court exercising jurisdiction shall be notified in
289 writing when the child leaves foster care or relative care
290 placement, regardless of whether the child's departure was planned
291 or unplanned. The only exceptions to giving a written notice to
292 the parent(s) are when a parent has voluntarily released the child
293 for adoption or the parent's legal rights to the child have been
294 terminated through the appropriate court with jurisdiction.

295 (11) The Department of Child Protection Services shall
296 extend the following rights to persons who provide foster care and
297 relative care:

298 (a) A clear understanding of their role while providing
299 care and the roles of the birth parent(s) and the placement agency
300 in respect to the child in care;

301 (b) Respect, consideration, trust and value as a family
302 who is making an important contribution to the agency's
303 objectives;

304 (c) Notification of benchmarks that will be required of
305 the foster parent such as appointments, home visits with
306 department personnel, visitations of the child at school and
307 meetings between department personnel and the child's family;

308 (d) Advance notice of information regarding scheduled
309 meetings other than meetings where the Department of Child

310 Protection Services personnel or social workers are going to the
311 foster parent's home for site visits, appointments and court
312 hearings concerning the foster child;

313 (e) The opportunity to communicate with professionals
314 who work with the foster child including therapists, physicians
315 and teachers who work directly with the child;

316 (f) The opportunity to communicate and collaborate,
317 without threat of reprisal, with a department representative when
318 further educational services are needed to ensure the child's
319 educational needs are met, including services such as an
320 Individualized Educational Plan (IEP), tutoring, occupational
321 therapy, speech therapy and after-school programs;

322 (g) The opportunity to attend all IEP meetings, along
323 with the department worker, at the child's school as long as the
324 child is in custody and receiving special educational services;

325 (h) The opportunity to communicate with the foster
326 child's guardian ad litem;

327 (i) The opportunity to attend all youth court hearings
328 involving a foster child occurring while that child is placed in
329 their care without being a party to the youth court action, unless
330 otherwise ordered by the youth court. Foster parents may attend
331 all youth court hearings and have legal counsel attend and observe
332 with them if the child's permanent plan is adoption by the foster
333 parents, unless otherwise ordered by the youth court. Foster
334 parents may communicate with the guardian ad litem in writing at

335 any time. Foster parents may ask to be heard concerning the best
336 interest of the child at any disposition or permanency hearing;

337 (j) When the dates of the permanency hearing and
338 permanency review hearing have been set by the youth court, Child
339 Protection Services shall give written notice to all foster
340 parents by email, text message or U.S. mail with a reasonable
341 amount of time prior to the hearing;

342 (k) The opportunity to request from the youth court
343 permission to communicate with the child's birth family, previous
344 foster parents of the child, and prospective and finalized
345 adoptive parents of the child, without the threat of reprisal.
346 However, this right creates no obligation of the birth family,
347 previous foster parents, or prospective and finalized adoptive
348 parents to communicate in return;

349 (* * *l) Involvement in all the agency's crucial
350 decisions regarding the child as team members who have pertinent
351 information based on their day-to-day knowledge of the child in
352 care and involvement in case planning, foster care review,
353 individual educational planning meetings, and medical
354 appointments;

355 (m) The opportunity to participate in the planning of
356 visitations between the child and the child's siblings, parents or
357 former guardians or other biological family members which have
358 been previously authorized by the youth court. Visitations shall
359 be scheduled at a time and place meeting the needs of the child,
360 the biological family, and the foster family. Recognizing that

361 visitation with family members is an important right of children
362 in foster care, foster parents shall be flexible and cooperative
363 with regard to family visits but shall retain the right to
364 reasonable advance notice of all scheduled visitations;

365 (n) The ability to communicate with department
366 personnel or representatives twenty-four (24) hours a day, seven
367 (7) days a week, for the purpose of aiding the foster parent;

368 (o) A comprehensive list of all resources available to
369 the foster parent and child, including dental providers, medical
370 providers, respite workers in the area, day cares, and methods for
371 submitting reimbursements;

372 (* * *p) Support from the family protection worker or
373 the family protection specialist in efforts to do a better
374 day-to-day job in caring for the child and in working to achieve
375 the agency's objectives for the child and the birth family through
376 provision of:

377 (i) A copy of the "Foster Child Information Form"
378 and all other pertinent information about the child and the birth
379 family, including medical, dental, behavioral health history,
380 psychological information, educational status, cultural and family
381 background, and other issues relevant to the child which are known
382 to the department at the time the child is placed in foster care
383 prior to the child's placement with a foster parent or parents.
384 The department shall make reasonable efforts to gather and provide
385 all additional current medical, dental, behavioral, educational
386 and psychological information reasonably available from the

387 child's service providers within fifteen (15) days of placement.

388 When the department learns of such information after fifteen (15)
389 days of placement, the department shall communicate such
390 information to the foster parent as soon as practicable;

391 (ii) An explanation of the plan for placement of
392 the child in the foster parent's home and the ongoing and timely
393 communication of any necessary information which is relevant to
394 the care of the child, including any changes in the case plan;

395 (* * *iii) Help in using appropriate resources to
396 meet the child's needs, including counseling or other services for
397 victims of commercial sexual exploitation or human trafficking;

398 (* * *iv) Direct interviews between the family
399 protection worker or specialist and the child, previously
400 discussed and understood by the foster parents;

401 (* * *y) Information regarding whether the child
402 experienced commercial sexual exploitation or human trafficking;

403 (vi) Information related to the Healthy,
404 Hunger-Free Kids Act of 2010. Foster parents shall protect the
405 confidentiality of the child by working directly with a designated
406 school official to complete the application for free lunches.

407 (* * *g) The opportunity to develop confidence in
408 making day-to-day decisions in regard to the child;

409 (* * *r) The opportunity to learn and grow in their
410 vocation through planned education in caring for the child;

411 (* * *s) The opportunity to be heard regarding agency
412 practices that they may question;

413 (* * *t) Information related to all costs eligible for
414 reimbursement, including:

415 (i) Reimbursement for costs of the child's care in
416 the form of a board payment based on the age of the child as
417 prescribed in Section 43-15-17 unless the relative is exempt from
418 foster care training and chooses to exercise the exemption; and

419 (* * *ii) Reimbursement for property damages
420 caused by children in the custody of the Department of Child
421 Protection Services in an amount not to exceed Five Hundred
422 Dollars (\$500.00), as evidenced by written documentation. The
423 Department of Child Protection Services shall not incur liability
424 for any damages as a result of providing this reimbursement.

425 (12) The Department of Child Protection Services shall
426 require the following responsibilities from participating persons
427 who provide foster care and relative care:

428 (a) Understanding the department's function in regard
429 to the foster care and relative care program and related social
430 service programs;

431 (b) Sharing with the department any information which
432 may contribute to the care of children;

433 (c) Functioning within the established goals and
434 objectives to improve the general welfare of the child;

435 (d) Recognizing the problems in home placement that
436 will require professional advice and assistance and that such help
437 should be utilized to its full potential;

438 (e) Recognizing that the family who cares for the child
439 will be one of the primary resources for preparing a child for any
440 future plans that are made, including return to birth parent(s),
441 termination of parental rights or reinstitutionalization;

442 (f) Expressing their views of agency practices which
443 relate to the child with the appropriate staff member;

444 (g) Understanding that all information shared with the
445 persons who provide foster care or relative care about the child
446 and his/her birth parent(s) must be held in the strictest of
447 confidence;

448 (h) Cooperating with any plan to reunite the child with
449 his birth family and work with the birth family to achieve this
450 goal; and

451 (i) Attending dispositional review hearings and
452 termination of parental rights hearings conducted by a court of
453 competent jurisdiction, or providing their recommendations to
454 the * * * guardian ad litem in writing.

455 (13) The department shall develop a grievance procedure for
456 foster parents to raise any complaints or concerns regarding the
457 provisions of Section 43-15-13(11) or (12).

458 (14) Nothing in this section shall be construed to create a
459 private right of action or claim on the part of any individual,
460 the department, or any child-placing agency.

461 **SECTION 2.** (1) There is hereby established the Mississippi
462 Task Force on Foster Care and Adoption.

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

464 (a) The Chief Justice of the Mississippi Supreme Court
465 or a designee;

466 (b) The Executive Director of Child Protection Services
467 or a designee;

468 (c) The Attorney General or a designee;

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

471 (e) A member appointed by the Speaker of the House of
472 Representatives from the Speaker's Task Force on Life or a
473 designee;

474 (f) Two (2) sitting chancery court judges appointed by
475 the Chief Justice of the Mississippi Supreme Court;

476 (g) Two (2) sitting youth court judges, one (1) of whom
477 is a county court judge, and one (1) of whom is a youth court
478 referee, appointed by the Chief Justice of the Mississippi Supreme
479 Court;

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

483 (i) A guardian ad litem to be named by the Mississippi
484 Board of Bar Commissioners;

485 (j) A member of the Office of State Public Defender
486 appointed by the State Public Defender to represent the interests
487 of biological parents;

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

490 (1) An adult who spent time in state custody as a
491 foster child to be appointed by the Governor;

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

495 (n) A representative from the Mississippi Association
496 of Child Care Agencies, Inc., to be appointed by the president of
497 the association.

498 (2) The members must be appointed to the task force within
499 fifteen (15) days of the effective date of this act. Vacancies on
500 the task force shall be filled in the manner of the original
501 appointment. Members are eligible for reappointment if upon
502 reappointment they meet the qualifications required of a new
503 appointee.

504 (3) The task force must meet within sixty (60) days of the
505 effective date of this act upon the call of the Chief Justice of
506 the Supreme Court, and at its first meeting shall elect any
507 officers from among its membership as it deems necessary for the
508 efficient discharge of the task force's duties.

509 (4) The task force shall adopt rules and regulations
510 governing times and places for meetings and governing the manner
511 of conducting its business. Ten (10) or more members shall
512 constitute a quorum for the purpose of conducting any business of
513 the task force, but a vote of not less than twelve (12) members is
514 required for any recommendations to the Legislature.

515 (5) Members of the task force shall receive a per diem in
516 the amount provided in Section 25-3-69 for each day engaged in the
517 business of the task force. Members of the task force other than
518 the legislative members shall receive reimbursement for travel
519 expenses incurred while engaged in official business of the task
520 force in accordance with Section 25-3-41 and the legislative
521 members of the task force shall receive the expense allowance
522 provided for in Section 5-1-47.

523 (6) The Mississippi Judicial College will staff the task
524 force and will perform the duties which the task force directs.

525 (7) The task force is authorized to apply for and accept
526 gifts, grants, subsidies and other funds from persons,
527 corporations, foundations, the United States government or other
528 entities, and the receipt of any gifts, grants, subsidies and
529 funds shall be reported and otherwise accounted for in the manner
530 provided by law. If financial subsidies are sufficient, the task
531 force may hire additional contract staff to support its work.

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

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

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

539 (c) Draft a definition (or examples through a
540 nonexhaustive list) of what constitutes "compelling and

541 extraordinary reasons why termination of parental rights would not
542 be in the best interests of the child;"

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

546 (e) Review of the guardian ad litem role in the foster
547 care system and termination of parental rights process, including
548 the proper responsibility for payment of guardians ad litem, how
549 much they should be paid, whether more guardians ad litem are
550 needed, and whether Title IV-E funds can be used for that purpose;

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

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

558 (h) Review of the requirement to have concurrent
559 permanency plans, whether this is currently taking place, and, if
560 so, whether it is effective, and, if not effective, what needs to
561 happen to ensure the courts and Child Protection Services are
562 pursuing concurrent plans;

563 (i) Review of the requirement for a psychological
564 assessment or evaluation for each child coming into custody,
565 whether this is necessary in every case, and, if so, how to

566 address the major shortage of medical providers that will be able
567 to provide the services;

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

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

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

578 (m) To review laws, policies and procedures in other
579 states;

580 (n) To review fatherhood initiative proposals and
581 develop proposed policies to increase fatherhood participation of
582 absent fathers; and

583 (o) Any other issues related to the Mississippi foster
584 care system or adoption that the task force finds appropriate to
585 address.

586 (9) The task force may request the assistance of the
587 University of Mississippi School of Law and the Mississippi
588 College School of Law, the Mississippi Judicial College, the
589 Mississippi Administrative Office of Courts and the proper section
590 of the Mississippi Bar Association, or any other related
591 organization with expertise in domestic relations.

592 (10) The task force shall report its findings and
593 recommendations to the Legislature annually not later than
594 December 1st each year.

595 (11) This section shall stand repealed on July 1, 2027.

596 **SECTION 3.** Section 1 of this act shall take effect and be in
597 force from and after July 1, 2023. Section 2 of this act shall be
598 effective upon passage.

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

1 AN ACT TO AMEND SECTION 43-15-13, MISSISSIPPI CODE OF 1972,
2 TO AMEND THE RIGHTS AND RESPONSIBILITIES OF FOSTER PARENTS; TO
3 ESTABLISH THE MISSISSIPPI TASK FORCE ON FOSTER CARE AND ADOPTION;
4 TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE TASK FORCE; TO
5 PROVIDE THAT THE TASK FORCE WILL STUDY MISSISSIPPI'S LAWS
6 REGARDING FOSTER CARE AND ADOPTION AND RELATED AREAS OF INQUIRY;
7 TO PROVIDE FOR THE TASK FORCE TO CONDUCT ITS BUSINESS; TO REQUIRE
8 THAT THE TASK FORCE WILL REPORT ITS FINDINGS AND ANY
9 RECOMMENDATIONS TO THE LEGISLATURE; AND FOR RELATED PURPOSES.

SS26\HB510A.2J

Eugene S. Clarke
Secretary of the Senate