

## Senate Amendments to House Bill No. 1149

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:

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 the  
45 Department of Child Protection Services while it was a subagency  
46 housed within the Department of Human Services shall be vested in  
47 the Department of Child Protection Services. The Department of  
48 Human  
49 Services shall cooperate with the Department of Child Protection  
50 Services to the greatest extent possible to accomplish an orderly  
51 transition of the Department of Child Protection Services to a  
52 separate state agency.

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

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

57           (2) The Chief Administrative Officer of the Department of  
58 Child Protection Services shall be the Commissioner of Child  
59 Protection Services who shall be appointed by the Governor with  
60 the advice and consent of the Senate. The commissioner shall  
61 possess the following qualifications:

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

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

68           \* \* \*

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

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

75                   (b) To adopt, modify, repeal and promulgate, after due  
76 notice and hearing, and where not otherwise prohibited by federal  
77 or state law, to make exceptions to and grant exemptions and  
78 variances from, and to enforce rules and regulations implementing

79 or effectuating the powers and duties of the department under any  
80 and all statutes within the department's jurisdiction;

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

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

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

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

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

104 authority to organize offices as deemed appropriate to carry out  
105 the responsibilities of the department.

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

109 (a) Protective services for children;

110 (b) Foster care;

111 (c) Adoption services;

112 (d) Special services;

113 (e) Interstate compact;

114 (f) Licensure;

115 (g) Prevention services; and

116 (h) Such other services as may be designated. Services  
117 enumerated under Section 43-15-13 et seq., for the foster care  
118 program shall be provided by qualified staff with appropriate case  
119 loads.

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

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

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

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

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

134           (i) Who has direct access to clients of the  
135 department who are children or vulnerable adults;

136           (ii) Who is in a position of fiduciary  
137 responsibility;

138           (iii) Who is in a position with access to Federal  
139 Tax Information (FTI); or

140           (iv) Who is otherwise required by federal law or  
141 regulations to undergo a background investigation.

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

154 and/or criminal history record check performed in accordance with  
155 this paragraph;

156 (e) To establish and maintain programs not inconsistent  
157 with the terms of this chapter and the rules, regulations and  
158 policies of the Department of Child Protection Services, and  
159 publish the rules and regulations of the department pertaining to  
160 such programs;

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

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

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

177 ( \* \* \*9) (a) The Commissioner of Child Protection Services  
178 shall hire a Coordinator of Services for Victims of Human  
179 Trafficking and Commercial Sexual Exploitation within the

180 Department of Child Protection Services whose duties shall  
181 include, but not be limited to, the following:

182 (i) To form specialized human trafficking and  
183 commercial sexual exploitation assessment teams to respond on an  
184 as-needed basis to act as an emergency, separate and specialized  
185 response and assessment team to rapidly respond to the needs of  
186 children who are victims of human trafficking and commercial  
187 sexual exploitation;

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

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

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

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

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

203 (c) The Commissioner shall require two (2) hours of  
204 training regarding the subject of identifying, assessing, and  
205 providing comprehensive services to a child who has experienced or

206 is alleged to have experienced commercial sexual exploitation or  
207 human trafficking. The training must be incorporated into the  
208 preservice training requirements of all Mississippi Department of  
209 Child Protection Services family specialists, adoption  
210 specialists, licensure specialists, direct supervisors of family  
211 protection specialists, direct supervisors of adoption  
212 specialists, and direct supervisors of licensure specialists.

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

214 **SECTION 3.** The following shall be codified as Section  
215 43-26-5, Mississippi Code of 1972:

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

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

226 **SECTION 4.** The following shall be codified as Section  
227 43-26-7, Mississippi Code of 1972:

228 43-26-7. The Department of Child Protection Services shall  
229 have the authority to use the services and resources of the State  
230 Department of Education, the State Department of Health, the State  
231 Department of Human Services, the State Department of Mental



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

242 **SECTION 5.** The following shall be codified as Section  
243 43-26-9, Mississippi Code of 1972:

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

249 **SECTION 6.** The following shall be codified as Section  
250 43-26-11, Mississippi Code of 1972:

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

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

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

280           **SECTION 7.** The following shall be codified as Section  
281 43-26-13, Mississippi Code of 1972:

282       43-26-13. The governing authority of any municipality or  
283 county in this state is authorized and empowered, in its  
284 discretion, to expend such funds as it deems necessary and  
285 desirable, from any available funds of the municipality or county,  
286 to: (a) match any state, federal or private funds available for  
287 any program administered by the Department of Child Protection  
288 Services in this state; and/or (b) make a voluntary contribution  
289 to any such program.

290       **SECTION 8.** The following shall be codified as Section  
291 43-26-15, Mississippi Code of 1972:

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

297       **SECTION 9.** The following shall be codified as Section  
298 43-26-17, Mississippi Code of 1972:

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

308 Security Act, as amended. It shall also cooperate with other  
309 departments, agencies and institutions, federal, state and local  
310 or private, when so requested, in performing services in  
311 conformity with the laws applicable to the department.

312 **SECTION 10.** The following shall be codified as Section  
313 43-26-19, Mississippi Code of 1972:

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

322 **SECTION 11.** The following shall be codified as Section  
323 43-26-21, Mississippi Code of 1972:

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

332 **SECTION 12.** The following shall be codified as Section  
333 43-26-23, Mississippi Code of 1972:

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

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

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

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

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

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

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

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

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

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

374                   (f) "Employee" means any officer, employee or servant  
375 of the State of Mississippi or a political subdivision of the  
376 state, including elected or appointed officials and persons acting  
377 on behalf of the state or a political subdivision in any official  
378 capacity, temporarily or permanently, in the service of the state  
379 or a political subdivision whether with or without compensation,  
380 including firefighters who are members of a volunteer fire  
381 department that is a political subdivision. The term "employee"  
382 shall not mean a person or other legal entity while acting in the  
383 capacity of an independent contractor under contract to the state  
384 or a political subdivision; and

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

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

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

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

404 4. Any physician, dentist or other health  
405 care practitioner employed by the State Veterans Affairs Board and  
406 who provides health care services for patients for the State  
407 Veterans Affairs Board;

408 (ii) The term "employee" shall also include  
409 Mississippi Department of \* \* \* Child Protection Services licensed

410 foster parents for the limited purposes of coverage under the Tort  
411 Claims Act as provided in Section 11-46-8; and

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

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

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

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

433 (j) "State" means the State of Mississippi and any  
434 office, department, agency, division, bureau, commission, board,  
435 institution, hospital, college, university, airport authority or



436 other instrumentality thereof, whether or not the body or  
437 instrumentality has the authority to levy taxes or to sue or be  
438 sued in its own name.

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

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

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

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

453 25-1-109. No law enforcement agency shall disclose the name  
454 of any person arrested for any misdemeanor, issued a citation, or  
455 being held for any misdemeanor unless such person shall be  
456 formally charged and arrested for the offense, except to other law  
457 enforcement agencies or to the Mississippi Department of Human  
458 Services, the Mississippi Department of Child Protection Services  
459 or child day care providers where such information is used to help  
460 determine suitability of persons to serve as child care providers  
461 or child service workers. No political subdivision nor any

462 employee thereof shall be held liable for the disclosure of any  
463 information prohibited by this section.

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

466         27-104-203. From and after July 1, 2016, no state agency  
467 shall charge another state agency a fee, assessment, rent, audit  
468 fee, personnel fee or other charge for services or resources  
469 received. The provisions of this section shall not apply (a) to  
470 grants, contracts, pass-through funds, project fees or other  
471 charges for services between state agencies and the Board of  
472 Trustees of State Institutions of Higher Learning, any public  
473 university, the Mississippi Community College Board, any public  
474 community or junior college, and the State Department of  
475 Education, nor (b) to charges for services between the Board of  
476 Trustees of State Institutions of Higher Learning, any public  
477 university, the Mississippi Community College Board, any public  
478 community or junior college, and the State Department of  
479 Education, nor (c) to federal grants, pass-through funds, cost  
480 allocation charges, surplus property charges or project fees  
481 between state agencies as approved or determined by the State  
482 Fiscal Officer, nor (d) telecommunications, data center services,  
483 and/or other information technology services that are used on an  
484 as-needed basis and those costs shall be passed through to the  
485 using agency, nor (e) to federal grants, special funds, or  
486 pass-through funds, available for payment by state agencies to the  
487 Department of Finance and Administration related to Mississippi

488 Management and Reporting Systems (MMRS) Statewide Application  
489 charges and utilities as approved or determined by the State  
490 Fiscal Officer, nor (f) to grants, contracts, pass-through funds,  
491 project fees or charges for services between the State Department  
492 of Health and the State Department of Revenue, and other state  
493 agencies or entities, including, but not limited to, the Board of  
494 Trustees of State Institutions of Higher Learning, any public  
495 university, the Mississippi Community College Board, any public  
496 community or junior college, and the State Department of  
497 Education, for the operation of the medical cannabis program as  
498 established by the Mississippi Medical Cannabis Act, nor (g) to  
499 charges between the Department of Human Services and the  
500 Department of Child Protection Services for services or resources  
501 received by either department from the other. The Board of  
502 Trustees of State Institutions of Higher Learning, any public  
503 university, the Mississippi Community College Board, any public  
504 community or junior college, and the State Department of Education  
505 shall retain the authority to charge and be charged for  
506 expenditures that they deemed nonrecurring in nature by the State  
507 Fiscal Officer.

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

510       37-31-107. Qualified students for the classes or courses may  
511 be accepted by the schools from any source, but priority of  
512 enrollment will be given referrals from the \* \* \* Department of  
513 Child Protection Services, state employment service, vocational

514 rehabilitation, and nonretired veterans. The state employment  
515 service will assist with student job placement and referral  
516 whenever possible.

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

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

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

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

531 (2) Any person who is employed as a family protection worker  
532 for the Department of \* \* \* Child Protection Services shall be  
533 eligible for a forgivable loan from the board which shall be used  
534 to pay the costs of the person's education at a state institution  
535 of higher learning in Mississippi to obtain a college degree that  
536 is necessary to become licensed as a social worker, master social  
537 worker or certified social worker and become a family protection  
538 specialist for the department. The annual amount of a forgivable  
539 loan award under the program shall be equal to the total cost of

540 tuition and fees at the college or university in which the student  
541 is enrolled, not to exceed an amount equal to the highest total  
542 cost of tuition and fees assessed by a state institution of higher  
543 learning during that school year.

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

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

558 (a) After a person who received a forgivable loan under  
559 the program has obtained a college degree that is necessary to  
560 become licensed as a social worker, master social worker or  
561 certified social worker and has received such a license from the  
562 Board of Examiners for Social Workers and Marriage and Family  
563 Therapists, the person shall render service as a family protection  
564 specialist for the Department of \* \* \* Child Protection Services

565 for a period of not less than three (3) years from the date that  
566 the person became a family protection specialist;

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

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

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

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

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

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

612           (2) The Department of Pediatrics may use the Center for  
613 educational and outreach programs, telemedicine consultations, to  
614 develop satellite clinics in other locations in the state in  
615 cooperation with the local community or private hospital when

616 applicable, and to conduct major research initiatives in child  
617 maltreatment.

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

624 (4) There is created in the State Treasury a special fund to  
625 be known as the Children's Safe Center Fund. The University of  
626 Mississippi Medical Center shall expend funds pursuant to  
627 appropriation therefor by the Legislature for the support and  
628 maintenance of the Children's Safe Center. The University of  
629 Mississippi Medical Center is authorized to accept any and all  
630 grants, donations or matching funds from private, public or  
631 federal sources in order to add to, improve and enlarge the  
632 physical facilities of the Center and to expend any such funds for  
633 the support and maintenance of the Center. Assessments from  
634 Section 99-19-73 designated for the Children's Safe Center Fund  
635 shall be deposited into the fund. Monies remaining in the fund at  
636 the end of a fiscal year shall not lapse into the State General  
637 Fund, and any interest earned from the investment of monies in the  
638 fund shall be deposited to the credit of the fund.

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



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

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

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

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

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

652 Assessment categories shall be based upon the factors to the  
653 public health implications of the category and type of food  
654 preparation being utilized by the food establishment, utilizing  
655 the model Food Code of 1995, or as may be amended by the federal  
656 Food and Drug Administration.

657 Any increase in the fees charged by the board under this  
658 subsection shall be in accordance with the provisions of Section  
659 41-3-65.

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

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

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

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

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

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

678 (a) A fee of One Hundred Dollars (\$100.00) shall be  
679 levied for soil and site evaluation and recommendation of  
680 individual on-site wastewater disposal systems. The department  
681 may increase the amount of the fee authorized in this paragraph  
682 (a) not more than two (2) times during the period from July 1,  
683 2016, through June 30, 2020, with the percentage of each increase  
684 being not more than five percent (5%) of the amount of the fee in  
685 effect at the time of the increase.

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

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

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

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

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

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

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

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

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

715 (A) Cognitive development;

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

- 718 (C) Communication development;
- 719 (D) Social or emotional development;
- 720 (E) Adaptive development;
- 721 (ii) Have a diagnosed physical or mental
- 722 condition, as defined in state policy, that has a high probability
- 723 of resulting in developmental delay;
- 724 (iii) Are at risk of having substantial
- 725 developmental delays if early intervention services are not
- 726 provided due to conditions as defined in state policy. (This
- 727 category may be served at the discretion of the lead agency
- 728 contingent upon available resources.)
- 729 (b) "Early intervention services" are developmental
- 730 services that:
- 731 (i) Are provided under public supervision;
- 732 (ii) Are provided at no cost except where federal
- 733 or state law provides for a system of payments by families,
- 734 including a schedule of sliding fees;
- 735 (iii) Are designed to meet the developmental needs
- 736 of an infant or toddler with a disability in any one or more of
- 737 the following areas:
- 738 (A) Physical development;
- 739 (B) Cognitive development;
- 740 (C) Communication development;
- 741 (D) Social or emotional development; or
- 742 (E) Adaptive development;

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

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

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

750 (B) Audiology;

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

753 (D) Health services necessary to enable a  
754 child to benefit from other early intervention services;

755 (E) Medical services only for diagnostic or  
756 evaluation purposes;

757 (F) Nutrition services;

758 (G) Occupational therapy;

759 (H) Physical therapy;

760 (I) Psychological services;

761 (J) Service coordination (case management);

762 (K) Social work services;

763 (L) Special instruction;

764 (M) Speech-language pathology;

765 (N) Transportation and related costs that are  
766 necessary to enable an infant or toddler and her/his family to  
767 receive early intervention services; and

768 (O) Vision services;

769 (vi) Are provided by qualified personnel as  
770 determined by the state's personnel standards, including:

- 771 (A) Audiologists;
- 772 (B) Family therapists;
- 773 (C) Nurses;
- 774 (D) Nutritionists;
- 775 (E) Occupational therapists;
- 776 (F) Orientation and mobility specialists;
- 777 (G) Pediatricians and other physicians;
- 778 (H) Physical therapists;
- 779 (I) Psychologists;
- 780 (J) Social workers;
- 781 (K) Special educators;
- 782 (L) Speech and language pathologists;

783 (vii) Are provided, to the maximum extent  
784 appropriate, in natural environments, including the home, and  
785 community settings in which children without disabilities would  
786 participate;

787 (viii) Are provided in conformity with an  
788 individualized family service plan.

789 (c) "Council" means the State Interagency Coordinating  
790 Council established under Section 41-87-7.

791 (d) "Lead agency" means the State Department of Health.

792 (e) "Participating agencies" includes, but is not  
793 limited to, the State Department of Education, the Department of  
794 Human Services, the Department of Child Protection Services, the

795 State Department of Health, the Division of Medicaid, the State  
796 Department of Mental Health, the University Medical Center, the  
797 Board of Trustees of State Institutions of Higher Learning and the  
798 Mississippi Community College Board.

799 (f) "Local community" means a county either jointly,  
800 severally, or a portion thereof, participating in the provision of  
801 early intervention services.

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

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

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

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

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

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

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

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

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

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

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



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

848           41-101-1. (1) There is created the Mississippi Council on  
849 Obesity Prevention and Management, hereinafter referred to as the  
850 "council," within the State Department of Health to be in  
851 existence for the period from July 1, 2001, until July 1, 2006, or  
852 until the council is established as a nonprofit corporation,  
853 whichever is the earlier date. The council may accept and expend  
854 grants and private donations from any source, including federal,  
855 state, public and private entities, to assist it to carry out its  
856 functions.

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

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

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

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

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

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

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

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

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

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

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

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

901 (ii) A health professional training campaign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

964 (4) The council shall meet upon call of the Governor not  
965 later than August 1, 2001, and shall organize for business by  
966 selecting a chairman who shall serve for a one-year term and may  
967 be selected for subsequent terms. The council shall adopt  
968 internal organizational procedures necessary for efficient  
969 operation of the council. Council procedures shall include duties  
970 of officers, a process for selecting officers, quorum requirements  
971 for conducting business and policies for any council staff. Each  
972 member of the council shall designate necessary staff of their  
973 departments to assist the council in performing its duties and  
974 responsibilities. The council shall meet and conduct business at

975 least quarterly. Meetings of the council shall be open to the  
976 public and opportunity for public comment shall be made available  
977 at each such meeting. The chairman of the council shall notify  
978 all persons who request that notice as to the date, time and place  
979 of each meeting.

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

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

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

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

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

1001 supervisors of each county to provide office space for the county  
1002 department.

1003 County director. The \* \* \* Executive Director of Human  
1004 Services shall designate, in accordance with the rules and  
1005 regulations of the State Personnel Board, with the approval of the  
1006 Governor, a county director of \* \* \* human services who shall  
1007 serve as the executive and administrative officer of the county  
1008 department and shall be responsible to the state department for  
1009 its management. Such director shall be a resident citizen of the  
1010 county and shall not hold any political office of the state,  
1011 county, municipality or subdivision thereof. However, in cases of  
1012 emergency, the \* \* \* executive director may appoint a director  
1013 of \* \* \* human services who is a nonresident of such county, to  
1014 serve during the period of emergency only.

1015 The county department of \* \* \* human services shall  
1016 administer within the county all forms of public assistance and  
1017 welfare services, with the exception of child welfare services  
1018 administered by the Department of Child Protection Services. The  
1019 county department shall comply with such regulations and submit  
1020 such reports as may be established or required by the state  
1021 department. Subject to the approval of the state department, the  
1022 county department may cooperate with other departments, agencies  
1023 and institutions, state and local, when so requested, in  
1024 performing services in conformity with the provisions of this  
1025 chapter.

1026           In counties having two (2) judicial districts, the \* \* \*  
1027 Executive Director of Human Services may create and establish in  
1028 each of the judicial districts a separate county department  
1029 of \* \* \* human services which shall consist of a director of \* \* \*  
1030 human services and such other personnel as may be necessary for  
1031 the efficient performance of the duties of the department thus  
1032 established. In such cases the two (2) departments so established  
1033 shall be dealt with as though each is a separate and distinct  
1034 county department of \* \* \* human services, and each of the  
1035 departments and each of the directors shall operate and have  
1036 jurisdiction coextensive with the boundaries of the judicial  
1037 district in which it is established; and, also, in such cases the  
1038 words "county" and "director of \* \* \* human services" when used in  
1039 this chapter shall, where applicable, mean each judicial district,  
1040 and the director of \* \* \* human services appointed therefor; and  
1041 where the board of supervisors is authorized to appropriate funds  
1042 or provide office space or like assistance for one (1)  
1043 county \* \* \* department or director, such board may, as the case  
1044 may be, appropriate the amount specified by law or render the  
1045 assistance required by law to each of the departments or  
1046 directors. \* \* \* However, \* \* \* the \* \* \* Executive Director of  
1047 Human Services shall not create and establish a separate county  
1048 department of \* \* \* human services pursuant to this paragraph in  
1049 any county in which such separate county department of \* \* \* human  
1050 services is not in existence on January 1, 1983. \* \* \* In  
1051 addition, in any county having two (2) county departments of \* \* \*



1052 human services on January 1, 1983, but only one (1) county  
1053 director of \* \* \* on \* \* \* that date, the \* \* \* Executive Director  
1054 of Human Services shall not authorize and establish the second  
1055 position of county director of \* \* \* human services in such  
1056 county.

1057 In any county not having two (2) judicial districts which is  
1058 greater than fifty (50) miles in length, the \* \* \* Executive  
1059 Director of Human Services may establish one (1) branch office of  
1060 the county department of \* \* \* human services which shall be  
1061 staffed with existing employees and administrative staff of such  
1062 county department for not less than four (4) days per week.

1063 **SECTION 25.** Section 43-1-101, Mississippi Code of 1972, is  
1064 amended as follows:

1065 43-1-101. (1) There is created the Mississippi Interagency  
1066 Council on Homelessness. The purpose of the council is to  
1067 establish, develop and implement a plan to reduce homelessness  
1068 that includes a strong focus on the needs of homeless children,  
1069 youth and families, as well as individuals and veterans who are  
1070 homeless.

1071 (2) In addition to the duties prescribed in subsection (1)  
1072 the council shall annually make a report to the Governor, the  
1073 House of Representatives, the Senate and the public regarding the  
1074 council's progress in meeting its goals and objectives.

1075 (3) The council shall be composed of the following members:

1076 (a) A representative from the Office of the Governor,  
1077 appointed by the Governor;

1078 (b) The Chairperson or his designee of the Youth and  
1079 Family Affairs Committee of the House of Representatives and the  
1080 Chairperson or his designee of the Housing Committee of the  
1081 Senate;

1082 (c) The Executive Director of the Department of \* \* \*  
1083 Human Services or his designee;

1084 (d) The Executive Director of the Department of Mental  
1085 Health or his designee;

1086 (e) The Executive Director of the Mississippi  
1087 Development Authority or his designee;

1088 (f) The Commissioner of Child Protection Services or  
1089 his designee;

1090 ( \* \* \*g) The State Superintendent of the Department of  
1091 Education or his designee;

1092 ( \* \* \*h) A representative of Partners to End  
1093 Homelessness, appointed by the Governor;

1094 ( \* \* \*i) A representative of Mississippi United to End  
1095 Homelessness, appointed by the Governor;

1096 ( \* \* \*j) A representative of Open Doors Counseling  
1097 Center, appointed by the Governor;

1098 ( \* \* \*k) A representative of a school district that is  
1099 working on the McKinney-Vento Homeless Education Assistance Act,  
1100 appointed by the State Superintendent of Education;

1101 ( \* \* \*l) A representative of the Mississippi Campaign  
1102 to End Child Homelessness, appointed by the Governor;

1103 ( \* \* \*m) Two (2) directors from homeless and domestic  
1104 violence emergency shelters, appointed by the Governor;

1105 ( \* \* \*n) A youth who is or has been homeless,  
1106 appointed by the State Superintendent of Education;

1107 ( \* \* \*o) A representative of the Oakley Youth  
1108 Development Center, appointed by the Governor;

1109 ( \* \* \*p) The Executive Director of the State Veterans  
1110 Affairs Board or his designee;

1111 ( \* \* \*q) The Executive Director of Hope Enterprises,  
1112 or his designee; and

1113 ( \* \* \*r) A representative from a community action  
1114 agency appointed by the Governor.

1115 (4) Appointments shall be made within thirty (30) days after  
1116 July 1, 2013. Within fifteen (15) days thereafter on a day to be  
1117 designated jointly by the Speaker of the House and the Lieutenant  
1118 Governor, the council shall meet and organize by selecting from  
1119 its membership a chairperson and a vice chairperson. The vice  
1120 chairperson shall also serve as secretary and shall be responsible  
1121 for keeping all records of the council. A majority of the members  
1122 of the council shall constitute a quorum. In the selection of its  
1123 officers and the adoption of rules, resolutions and reports, an  
1124 affirmative vote of a majority of the council shall be required.  
1125 All members shall be notified in writing of all meetings, and  
1126 those notices shall be mailed at least fifteen (15) days before  
1127 the date on which a meeting is to be held.

1128 (5) Members of the council shall serve without compensation  
1129 for their services, and the council shall perform its duties  
1130 without legislative appropriation or the use of any state funds  
1131 for that purpose; however, the council, by approval of a majority  
1132 of the appointed members of the council, is authorized to accept  
1133 funds that may be donated or provided in the form of financial  
1134 grants from public or private sources. In addition, any  
1135 department, division, board, bureau, commission or agency of the  
1136 state, or of any political subdivision thereof, shall provide, at  
1137 the request of the chair of the council, such facilities,  
1138 assistance and data as will enable the council to carry out its  
1139 duties.

1140 **SECTION 26.** Section 43-14-1, Mississippi Code of 1972, is  
1141 amended as follows:

1142 43-14-1. (1) The purpose of this chapter is to provide for  
1143 the development, implementation and oversight of a coordinated  
1144 interagency system of necessary services and care for children and  
1145 youth, called the Mississippi Statewide System of Care, up to age  
1146 twenty-one (21) with serious emotional/behavioral disorders  
1147 including, but not limited to, conduct disorders, or mental  
1148 illness who require services from a multiple services and multiple  
1149 programs system, and who can be successfully diverted from  
1150 inappropriate institutional placement. The Mississippi Statewide  
1151 System of Care is to be conducted in the most fiscally responsible  
1152 (cost-efficient) manner possible, based on an individualized plan  
1153 of care which takes into account other available interagency

1154 programs, including, but not limited to, Early Intervention Act of  
1155 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic  
1156 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),  
1157 waived program for home- and community-based services for  
1158 developmentally disabled people, Section 43-13-117(A) (29), and  
1159 waived program for targeted case management services for  
1160 children with special needs, Section 43-13-117(A) (31), those  
1161 children identified through the federal Individuals with  
1162 Disabilities Education Act of 1997 as having a serious emotional  
1163 disorder (EMD), the Mississippi Children's Health Insurance  
1164 Program and waived programs for children with serious emotional  
1165 disturbances, Section 43-13-117(A) (46), and is tied to clinically  
1166 and functionally appropriate outcomes. Some of the outcomes are  
1167 to reduce the number of inappropriate out-of-home placements  
1168 inclusive of those out-of-state and to reduce the number of  
1169 inappropriate school suspensions and expulsions for this  
1170 population of children. This coordinated interagency system of  
1171 necessary services and care shall be named the Mississippi  
1172 Statewide System of Care. Children to be served by this chapter  
1173 who are eligible for Medicaid shall be screened through the  
1174 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)  
1175 and their needs for medically necessary services shall be  
1176 certified through the EPSDT process. For purposes of this  
1177 chapter, the Mississippi Statewide System of Care is defined as a  
1178 coordinated network of agencies and providers working as a team to  
1179 make a full range of mental health and other necessary services

1180 available as needed by children with mental health problems and  
1181 their families. The Mississippi Statewide System of Care shall  
1182 be:

1183 (a) Child centered, family focused, family driven and  
1184 youth guided;

1185 (b) Community based;

1186 (c) Culturally competent and responsive; and shall  
1187 provide for:

1188 (i) Service coordination or case management;

1189 (ii) Prevention and early identification and  
1190 intervention;

1191 (iii) Smooth transitions among agencies and  
1192 providers, and to the transition-age and adult service systems;

1193 (iv) Human rights protection and advocacy;

1194 (v) Nondiscrimination in access to services;

1195 (vi) A comprehensive array of services composed of  
1196 treatment and informal supports that are identified as best  
1197 practices and/or evidence-based practices;

1198 (vii) Individualized service planning that uses a  
1199 strengths-based, wraparound process;

1200 (viii) Services in the least restrictive  
1201 environment;

1202 (ix) Family participation in all aspects of  
1203 planning, service delivery and evaluation; and

1204 (x) Integrated services with coordinated planning  
1205 across child-serving agencies.

1206 Mississippi Statewide System of Care services shall be  
1207 timely, intensive, coordinated and delivered in the community.  
1208 Mississippi Statewide System of Care services shall include, but  
1209 not be limited to, the following:

- 1210 (a) Comprehensive crisis and emergency response  
1211 services;
- 1212 (b) Intensive case management;
- 1213 (c) Day treatment;
- 1214 (d) Alcohol and drug abuse group services for youth;
- 1215 (e) Individual, group and family therapy;
- 1216 (f) Respite services;
- 1217 (g) Supported employment services for youth;
- 1218 (h) Family education and support and family partners;
- 1219 (i) Youth development and support and youth partners;
- 1220 (j) Positive behavioral supports (PBIS) in schools;
- 1221 (k) Transition-age supported and independent living  
1222 services; and
- 1223 (l) Vocational/technical education services for youth.

1224 (2) There is established the Interagency Coordinating  
1225 Council for Children and Youth (hereinafter referred to as the  
1226 "ICCCY"). The ICCCY shall consist of the following membership:

- 1227 (a) The State Superintendent of Public Education;
- 1228 (b) The Executive Director of the Mississippi  
1229 Department of Mental Health;
- 1230 (c) The Executive Director of the State Department of  
1231 Health;

1232 (d) The Executive Director of the Department of Human  
1233 Services;

1234 (e) The Executive Director of the Division of Medicaid,  
1235 Office of the Governor;

1236 (f) The Executive Director of the State Department of  
1237 Rehabilitation Services;

1238 (g) The Executive Director of Mississippi Families as  
1239 Allies for Children's Mental Health, Inc.;

1240 (h) The Commissioner of Child Protection Services;

1241 ( \* \* \*i) The Attorney General;

1242 ( \* \* \*j) A family member of a child or youth in the  
1243 population named in this chapter designated by Mississippi  
1244 Families as Allies;

1245 ( \* \* \*k) A youth or young adult in the population  
1246 named in this chapter designated by Mississippi Families as  
1247 Allies;

1248 ( \* \* \*l) A local MAP team coordinator designated by  
1249 the Department of Mental Health;

1250 ( \* \* \*m) A child psychiatrist experienced in the  
1251 public mental health system designated by the Mississippi  
1252 Psychiatric Association;

1253 ( \* \* \*n) An individual with expertise and experience  
1254 in early childhood education designated jointly by the Department  
1255 of Mental Health and Mississippi Families as Allies;



1256 ( \* \* \*o) A representative of an organization that  
1257 advocates on behalf of disabled citizens in Mississippi designated  
1258 by the Department of Mental Health; and

1259 ( \* \* \*p) A faculty member or dean from a Mississippi  
1260 university specializing in training professionals who work in the  
1261 Mississippi Statewide System of Care designated by the Board of  
1262 Trustees of State Institutions of Higher Learning.

1263 If a member of the council designates a representative to  
1264 attend council meetings, the designee shall bring full  
1265 decision-making authority of the member to the meeting. The  
1266 council shall select a chairman, who shall serve for a one-year  
1267 term and may not serve consecutive terms. The council shall adopt  
1268 internal organizational procedures necessary for efficient  
1269 operation of the council. Each member of the council shall  
1270 designate necessary staff of their departments to assist the ICCCY  
1271 in performing its duties and responsibilities. The ICCCY shall  
1272 meet and conduct business at least twice annually. The chairman  
1273 of the ICCCY shall notify all ICCCY members and all other persons  
1274 who request such notice as to the date, time, place and draft  
1275 agenda items for each meeting.

1276 (3) The Interagency System of Care Council (ISCC) is created  
1277 to serve as the state management team for the ICCCY, with the  
1278 responsibility of collecting and analyzing data and funding  
1279 strategies necessary to improve the operation of the Mississippi  
1280 Statewide System of Care, and to make recommendations to the ICCCY  
1281 and to the Legislature concerning such strategies on, at a

1282 minimum, an annual basis. The System of Care Council also has the  
1283 responsibility of coordinating the local Multidisciplinary  
1284 Assessment and Planning (MAP) teams and "A" teams and may apply  
1285 for grants from public and private sources necessary to carry out  
1286 its responsibilities. The Interagency System of Care Council  
1287 shall be comprised of one (1) member from each of the appropriate  
1288 child-serving divisions or sections of the State Department of  
1289 Health, the Department of Human Services ( \* \* \*Division of Youth  
1290 Services), the Department of Child Protection Services, the State  
1291 Department of Mental Health (Division of Children and Youth,  
1292 Bureau of Alcohol and Drug Abuse, and Bureau of Intellectual and  
1293 Developmental Disabilities), the State Department of Education  
1294 (Office of Special Education and Office of Healthy Schools), the  
1295 Division of Medicaid of the Governor's Office, the Department of  
1296 Rehabilitation Services, and the Attorney General's office.  
1297 Additional members shall include a family member of a child, youth  
1298 or transition-age youth representing a family education and  
1299 support 501(c)(3) organization, working with the population named  
1300 in this chapter designated by Mississippi Families as Allies, an  
1301 individual with expertise and experience in early childhood  
1302 education designated jointly by the Department of Mental Health  
1303 and Mississippi Families as Allies, a local MAP team  
1304 representative and a local "A" team representative designated by  
1305 the Department of Mental Health, a probation officer designated by  
1306 the Department of Corrections, a family member and youth or young  
1307 adult designated by Mississippi Families as Allies for Children's

1308 Mental Health, Inc., (MSFAA), and a family member other than a  
1309 MSFAA representative to be designated by the Department of Mental  
1310 Health and the Director of the Compulsory School Attendance  
1311 Enforcement of the State Department of Education. Appointments to  
1312 the Interagency System of Care Council shall be made within sixty  
1313 (60) days after June 30, 2010. The council shall organize by  
1314 selecting a chairman from its membership to serve on an annual  
1315 basis, and the chairman may not serve consecutive terms.

1316 (4) (a) As part of the Mississippi Statewide System of  
1317 Care, there is established a statewide system of local  
1318 Multidisciplinary Assessment, Planning and Resource (MAP) teams.  
1319 The MAP teams shall be comprised of one (1) representative each at  
1320 the county level from the major child-serving public agencies for  
1321 education, human services, health, mental health and  
1322 rehabilitative services approved by respective state agencies of  
1323 the Department of Education, the Department of Human Services, the  
1324 Department of Child Protection Services, the Department of Health,  
1325 the Department of Mental Health and the Department of  
1326 Rehabilitation Services. These agencies shall, by policy,  
1327 contract or regulation require participation on MAP teams and "A"  
1328 teams at the county level by the appropriate staff. Three (3)  
1329 additional members may be added to each team, one (1) of which may  
1330 be a representative of a family education/support 501(c)(3)  
1331 organization with statewide recognition and specifically  
1332 established for the population of children defined in Section  
1333 43-14-1. The remaining members will be representatives of

1334 significant community-level stakeholders with resources that can  
1335 benefit the population of children defined in Section 43-14-1.  
1336 The Department of Education shall assist in recruiting and  
1337 identifying parents to participate on MAP teams and "A" teams.

1338 (b) For each local existing MAP team that is  
1339 established pursuant to paragraph (a) of this subsection, there  
1340 shall also be established an "A" (Adolescent) team which shall  
1341 work with a MAP team. The "A" teams shall provide System of Care  
1342 services for youthful offenders who have serious behavioral or  
1343 emotional disorders. Each "A" team shall be comprised of, at a  
1344 minimum, the following five (5) members:

1345 (i) A school counselor, mental health therapist or  
1346 social worker;

1347 (ii) A community mental health professional;

1348 (iii) A social services/child welfare  
1349 professional;

1350 (iv) A youth court counselor; and

1351 (v) A parent who had a child in the juvenile  
1352 justice system.

1353 (c) The Interagency Coordinating Council for Children  
1354 and Youth and the Interagency System of Care Council shall work to  
1355 develop MAP teams statewide that will serve to become the single  
1356 point of entry for children and youth about to be placed in  
1357 out-of-home care for reasons other than parental abuse/neglect.

1358 (5) The Interagency Coordinating Council for Children and  
1359 Youth may provide input to one another and to the ISCC relative to

1360 how each agency utilizes its federal and state statutes, policy  
1361 requirements and funding streams to identify and/or serve children  
1362 and youth in the population defined in this section. The ICCCY  
1363 shall support the implementation of the plans of the respective  
1364 state agencies for comprehensive, community-based,  
1365 multidisciplinary care, treatment and placement of these children.

1366 (6) The ICCCY shall oversee a pool of state funds that may  
1367 be contributed by each participating state agency and additional  
1368 funds from the Mississippi Tobacco Health Care Expenditure Fund,  
1369 subject to specific appropriation therefor by the Legislature.  
1370 Part of this pool of funds shall be available for increasing the  
1371 present funding levels by matching Medicaid funds in order to  
1372 increase the existing resources available for necessary  
1373 community-based services for Medicaid beneficiaries.

1374 (7) The local interagency coordinating care MAP team or "A"  
1375 team will facilitate the development of the individualized System  
1376 of Care programs for the population targeted in this section.

1377 (8) Each local MAP team and "A" team shall serve as the  
1378 single point of entry and re-entry to ensure that comprehensive  
1379 diagnosis and assessment occur and shall coordinate needed  
1380 services through the local MAP team and "A" team members and local  
1381 service providers for the children named in subsection (1). Local  
1382 children in crisis shall have first priority for access to the MAP  
1383 team and "A" team processes and local System of Care services.

1384 (9) The Interagency Coordinating Council for Children and  
1385 Youth shall facilitate monitoring of the performance of local MAP  
1386 teams.

1387 (10) Each ICCCY member named in subsection (2) of this  
1388 section shall enter into a binding memorandum of understanding to  
1389 participate in the further development and oversight of the  
1390 Mississippi Statewide System of Care for the children and youth  
1391 described in this section. The agreement shall outline the system  
1392 responsibilities in all operational areas, including ensuring  
1393 representation on MAP teams, funding, data collection, referral of  
1394 children to MAP teams and "A" teams, and training. The agreement  
1395 shall be signed and in effect by July 1 of each year.

1396 **SECTION 27.** Section 43-14-5, Mississippi Code of 1972, is  
1397 amended as follows:

1398 43-14-5. There is created in the State Treasury a special  
1399 fund into which shall be deposited all funds contributed by the  
1400 Department of Human Services, Department of Child Protection  
1401 Services, State Department of Health, Department of Mental  
1402 Health \* \* \* and State Department of Rehabilitation Services  
1403 insofar as recipients are otherwise eligible under the  
1404 Rehabilitation Act of 1973, as amended, and State Department of  
1405 Education for the operation of a statewide System of Care by MAP  
1406 teams and "A" teams utilizing such funds as may be made available  
1407 to those MAP teams through a Request for Proposal (RFP) approved  
1408 by the ICCCY.

1409           **SECTION 28.** Section 43-15-3, Mississippi Code of 1972, is  
1410 amended as follows:

1411           43-15-3. The Department of Human Services \* \* \* and the  
1412 Department of Child Protection Services are authorized, empowered  
1413 and directed to cooperate fully with the United States Children's  
1414 Bureau and Secretary of Labor in establishing, extending and  
1415 strengthening "child welfare services" for the protection and care  
1416 of homeless, dependent and neglected children and children in  
1417 danger of becoming delinquent. \* \* \* Those departments \* \* \* are  
1418 further authorized, empowered and directed to cooperate with the  
1419 United States Children's Bureau and Secretary of Labor in  
1420 developing plans for \* \* \* those "child welfare services" and  
1421 extending any other cooperation necessary under Section 521 of  
1422 Public Law No. 271-74th Congress of the United States.

1423           In furtherance of the "child welfare services" referred to in  
1424 the first paragraph hereof the State Treasurer is \* \* \* authorized  
1425 and directed to receive on behalf of the state, and to execute all  
1426 instruments incidental thereto, federal or other funds to be used  
1427 for "child welfare services," and to place such funds in a special  
1428 account to the credit of the "child welfare services," which \* \* \*  
1429 funds shall be expended by the Department of Human Services and  
1430 the Department of Child Protection Services for the purposes and  
1431 under the provisions of this article and Section 521 of Public Law  
1432 No. 271-74th Congress of the United States. It shall be paid out  
1433 by the State Treasurer as funds appropriated to carry out the  
1434 provisions of \* \* \* those laws.

1435           The Department of Human Services or the Department of Child  
1436 Protection Services shall issue all checks on \* \* \* the "child  
1437 welfare services" fund to persons entitled to payment from \* \* \*  
1438 the fund. All such sums shall be drawn upon the "child welfare  
1439 services" fund upon requisition of the Director of the Department  
1440 of Human Services or the Commissioner of Child Protection  
1441 Services.

1442           The money in the "child welfare services" fund shall be  
1443 expended in accordance with the rules and regulations of the  
1444 United States Children's Bureau and Secretary of Labor and in  
1445 accordance with the plan developed by the Department of Human  
1446 Services or Department of Child Protection Services and the United  
1447 States Children's Bureau under Section 521 of Public Law No.  
1448 271-74th Congress of the United States, and shall not be used for  
1449 any other purpose.

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



1461 which a decision has not been made within a reasonable time. All  
1462 decisions of the \* \* \* Commissioner of Child Protection Services  
1463 shall be final and binding.

1464 **SECTION 29.** Section 43-15-5, Mississippi Code of 1972, is  
1465 amended as follows:

1466 43-15-5. (1) The Department of \* \* \* Child Protection  
1467 Services shall have authority and it shall be its duty to  
1468 administer or supervise all public child welfare services,  
1469 including those services, responsibilities, duties and powers with  
1470 which the \* \* \* local offices of child protection services are  
1471 charged and empowered in this article; administer and supervise  
1472 the licensing and inspection of all private child placing  
1473 agencies; provide for the care of dependent and neglected children  
1474 in foster family homes or in institutions, supervise the care of  
1475 such children and those of illegitimate birth; supervise the  
1476 importation of children; and supervise the operation of all state  
1477 institutions for children. The Department of \* \* \* Child  
1478 Protection Services shall be authorized to purchase hospital and  
1479 medical insurance coverage for those children placed in foster  
1480 care by the state or \* \* \* local offices of child protection  
1481 services who are not otherwise eligible for medical assistance  
1482 under the Mississippi Medicaid Law. The Department of \* \* \* Child  
1483 Protection Services shall be further authorized to purchase burial  
1484 or life insurance not exceeding One Thousand Five Hundred Dollars  
1485 (\$1,500.00) for those children placed in foster care by the state  
1486 or \* \* \* local offices of child protection services. All

1487 insurance coverage authorized herein may be purchased with any  
1488 funds other than state funds available to the Department of \* \* \*  
1489 Child Protection Services, including those funds available to the  
1490 child which are administered by the department.

1491 (2) Any person, partnership, group, corporation,  
1492 organization or association desiring to operate a child  
1493 residential home, as defined in Section 43-16-3, may make  
1494 application for a license for such a facility to the Department  
1495 of \* \* \* Child Protection Services on the application forms  
1496 furnished for this purpose by the department. If an applicant  
1497 meets the published rules and regulations of the department  
1498 regarding minimum standards for a child residential home, then the  
1499 applicant shall be granted a license by the department.

1500 **SECTION 30.** Section 43-15-6, Mississippi Code of 1972, is  
1501 amended as follows:

1502 43-15-6. (1) Any person, institution, facility, clinic,  
1503 organization or other entity that provides services to children in  
1504 a residential setting where care, lodging, maintenance, and  
1505 counseling or therapy for alcohol or controlled substance abuse or  
1506 for any other emotional disorder or mental illness is provided for  
1507 children, whether for compensation or not, that holds himself,  
1508 herself, or itself out to the public as providing such services,  
1509 and that is entrusted with the care of the children to whom he,  
1510 she, or it provides services, because of the nature of the  
1511 services and the setting in which the services are provided shall  
1512 be subject to the provisions of this section.

1513           (2) Each entity to which this section applies shall  
1514 complete, through the appropriate governmental authority, a  
1515 national criminal history record information check and a child  
1516 abuse registry check for each owner, operator, employee,  
1517 prospective employee, volunteer or prospective volunteer of the  
1518 entity and/or any other that has or may have unsupervised access  
1519 to a child served by the entity. In order to determine the  
1520 applicant's suitability for employment, the entity shall ensure  
1521 that the applicant be fingerprinted by local law enforcement, and  
1522 the results forwarded to the Department of Public Safety. If no  
1523 disqualifying record is identified at the state level, the  
1524 fingerprints shall be forwarded by the Department of Public Safety  
1525 to the FBI for a national criminal history record check.

1526           (3) An owner, operator, employee, prospective employee,  
1527 volunteer or prospective volunteer of the entity and/or any other  
1528 that has or may have unsupervised access to a child who has a  
1529 criminal history of conviction or pending indictment of a crime,  
1530 whether a misdemeanor or a felony, that bears upon an individual's  
1531 fitness to have responsibility for the safety and well-being of  
1532 children as set forth in this chapter may not provide child care  
1533 or operate, or be licensed as, a residential child care program,  
1534 foster parent, or foster home.

1535           (4) All fees incurred in compliance with this section shall  
1536 be borne by the individual or entity to which subsection (1)  
1537 applies.

1538 (5) The Department of Human Services and the Department of  
1539 Child Protection Services shall have the authority to set fees, to  
1540 exclude a particular crime or crimes or a substantiated finding of  
1541 child abuse and/or neglect as disqualifying individuals or  
1542 entities from providing foster care or residential child care, and  
1543 adopt such other rules and regulations as may be required to carry  
1544 out the provisions of this section.

1545 (6) Any entity that violates the provisions of this section  
1546 by failure to complete sex offense criminal history record  
1547 information and felony conviction record information checks, as  
1548 required under subsection (3) of this section, shall be subject to  
1549 a penalty of up to Ten Thousand Dollars (\$10,000.00) for each such  
1550 violation and may be enjoined from further operation until it  
1551 complies with this section in actions maintained by the Attorney  
1552 General.

1553 (7) The Department of Human Services and the Department of  
1554 Child Protection Services and/or \* \* \* their officers, employees,  
1555 attorneys, agents and representatives shall not be held civilly  
1556 liable for any findings, recommendations or actions taken pursuant  
1557 to this section.

1558 **SECTION 31.** Section 43-15-7, Mississippi Code of 1972, is  
1559 amended as follows:

1560 43-15-7. \* \* \* Any local office of child protection services  
1561 is authorized to provide protective services for children as will  
1562 conserve home life; assume responsibility for the care and support  
1563 of dependent children needing public care away from their homes;

1564 place children found by the \* \* \* local office to be dependent or  
1565 without proper care in suitable institutions or private homes, and  
1566 cooperate with public and private institutions and agencies in  
1567 placing such children in suitable institutions or private homes;  
1568 accept custody or guardianship, through one of its designated  
1569 employees, of any child, when appointed as custodian or guardian  
1570 in the manner provided by law.

1571 The board of supervisors in each county is \* \* \* empowered,  
1572 in its discretion, to set aside and appropriate out of the tax  
1573 levied and collected to support the poor of the county or out of  
1574 the county general fund necessary monies to be administered by  
1575 the \* \* \* local office of child protection services to carry out  
1576 the provisions of this section.

1577 **SECTION 32.** Section 43-15-11, Mississippi Code of 1972, is  
1578 amended as follows:

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

1590 maintained and placed for adoption by any children's home society  
1591 which operates over and serves the entire State of Mississippi,  
1592 and which is approved and licensed by the Mississippi Department  
1593 of \* \* \* Child Protection Services.

1594 (2) The authority granted in this section is supplemental of  
1595 and in addition to all existing authority for the expenditure of  
1596 funds by such boards of supervisors and municipal governing  
1597 authorities.

1598 **SECTION 33.** Section 43-15-15, Mississippi Code of 1972, is  
1599 amended as follows:

1600 43-15-15. The \* \* \* Department of \* \* \* Child Protection  
1601 Services shall maintain a registry of children whose custody lies  
1602 with them and private or public agencies licensed by the  
1603 department. \* \* \* The registry shall contain classifications of  
1604 children as:

1605 (a) Temporary custody for evaluation, not to exceed  
1606 three (3) months;

1607 (b) Temporary custody not to exceed one (1) year with  
1608 the plan to return custody to the natural parents;

1609 (c) Temporary custody, not to exceed two (2) years,  
1610 with a plan to free for adoption;

1611 (d) Children freed for adoption;

1612 (e) Children ages fourteen (14) and above who have  
1613 voluntarily chosen not to be adopted and cannot be returned to  
1614 their own homes; and

1615 (f) Children who are institutionalized and for whom  
1616 placement in an adoptive home is not feasible.

1617 **SECTION 34.** Section 43-15-19, Mississippi Code of 1972, is  
1618 amended as follows:

1619 43-15-19. (1) The \* \* \* Department of \* \* \* Child  
1620 Protection Services shall maintain a Mississippi Adoption Resource  
1621 Exchange registry, which shall contain a total listing of all  
1622 children freed for adoption as well as a listing of all persons  
1623 who wish to adopt children and who are approved by a licensed  
1624 adoption agency in the State of Mississippi. \* \* \* The registry  
1625 shall be distributed to all county \* \* \* offices of child  
1626 protection services and licensed adoption agencies within the  
1627 state and shall be updated at least quarterly. The \* \* \*  
1628 Department of \* \* \* Child Protection Services shall establish  
1629 regulations for listing descriptive characteristics while  
1630 protecting the privacy of the children's names. Listed names  
1631 shall be removed when adoption placement plans are made for a  
1632 child or when a person withdraws an application for adoption.

1633 (2) Adoptive parents shall be given the option of having  
1634 their names placed in the registry. To be placed in the registry,  
1635 they shall be required to give written authority to the \* \* \*  
1636 Department of Child Protection Services.

1637 **SECTION 35.** Section 43-15-21, Mississippi Code of 1972, is  
1638 amended as follows:

1639 43-15-21. Anyone violating or releasing information of a  
1640 confidential nature without the approval of the court with

1641 jurisdiction or the \* \* \* Department of \* \* \* Child Protection  
1642 Services, upon being found guilty, shall be guilty of a  
1643 misdemeanor and subject to a fine of no more than One Thousand  
1644 Dollars (\$1,000.00) or imprisonment of six (6) months, or both.

1645 **SECTION 36.** Section 43-15-23, Mississippi Code of 1972, is  
1646 amended as follows:

1647 43-15-23. (1) As used in this section the term "placing  
1648 out" means to arrange for the free care of a child in a family,  
1649 other than that of the child's parent, stepparent, grandparent,  
1650 brother, sister, uncle or aunt or legal guardian, for the purpose  
1651 of adoption or for the purpose of providing care.

1652 (2) No person, agency, association, corporation,  
1653 institution, society or other organization, except a child  
1654 placement agency licensed by the Department of \* \* \* Child  
1655 Protection Services under Section 43-15-5, shall request, receive  
1656 or accept any compensation or thing of value, directly or  
1657 indirectly, for placing out of a child.

1658 (3) No person shall pay or give any compensation or thing of  
1659 value, directly or indirectly, for placing out of a child to any  
1660 person, agency, association, corporation, institution, society or  
1661 other organization except a child placement agency licensed by the  
1662 Department of \* \* \* Child Protection Services.

1663 (4) The provisions of this section shall not be construed to  
1664 (a) prevent the payment of salaries or other compensation by a  
1665 child placement agency licensed by the Department of \* \* \* Child  
1666 Protection Services to the officers or employees thereof; (b)



1667 prevent the payment of legal fees, which have been approved by the  
1668 chancery court, to an attorney for services performed in regard to  
1669 adoption proceedings; (c) prevent the payment of reasonable and  
1670 actual medical fees or hospital charges for services rendered in  
1671 connection with the birth or medical treatment of such child to  
1672 the physician or hospital which rendered the services; or (d)  
1673 prevent the receipt of such payments by such attorney, physician  
1674 or hospital.

1675 (5) Any person, agency, association, corporation,  
1676 institution, society or other organization violating the  
1677 provisions of this section shall be guilty of illegal placement of  
1678 children and shall be punished by a fine not to exceed Five  
1679 Thousand Dollars (\$5,000.00) or by imprisonment not more than five  
1680 (5) years, or both such fine and imprisonment.

1681 **SECTION 37.** Section 43-15-103, Mississippi Code of 1972, is  
1682 amended as follows:

1683 43-15-103. As used in this article:

1684 (a) "Agency" means a residential child-caring agency or  
1685 a child-placing agency.

1686 (b) "Child" or "children" mean(s) any unmarried person  
1687 or persons under the age of eighteen (18) years.

1688 (c) "Child placing" means receiving, accepting or  
1689 providing custody or care for any child under eighteen (18) years  
1690 of age, temporarily or permanently, for the purpose of:

1691 (i) Finding a person to adopt the child;

1692 (ii) Placing the child temporarily or permanently  
1693 in a home for adoption; or

1694 (iii) Placing a child in a foster home or  
1695 residential child-caring agency.

1696 (d) "Child-placing agency" means any entity or person  
1697 which places children in foster boarding homes or foster homes for  
1698 temporary care or for adoption or any other entity or person or  
1699 group of persons who are engaged in providing adoption studies or  
1700 foster care studies or placement services as defined by the rules  
1701 of the department.

1702 (e) "Department" means the Mississippi Department  
1703 of \* \* \* Child Protection Services.

1704 \* \* \*

1705 ( \* \* \* f) "Family boarding home" or "foster home" means  
1706 a home (occupied residence) operated by any entity or person which  
1707 provides residential child care to at least one (1) child but not  
1708 more than six (6) children who are not related to the primary  
1709 caregivers.

1710 ( \* \* \* g) "Group care home" means any place or facility  
1711 operated by any entity or person which provides residential child  
1712 care for at least seven (7) children but not more than twelve (12)  
1713 children who are not related to the primary caregivers.

1714 ( \* \* \* h) "Licensee" means any person, agency or entity  
1715 licensed under this article.

1716 ( \* \* \* i) "Maternity home" means any place or facility  
1717 operated by any entity or person which receives, treats or cares

1718 for more than one (1) child or adult who is pregnant out of  
1719 wedlock, either before, during or within two (2) weeks after  
1720 childbirth; provided, that the licensed child-placing agencies and  
1721 licensed maternity homes may use a family boarding home approved  
1722 and supervised by the agency or home, as a part of their work, for  
1723 as many as three (3) children or adults who are pregnant out of  
1724 wedlock, and provided further, that the provisions of this  
1725 definition shall not include children or women who receive  
1726 maternity care in the home of a person to whom they are kin within  
1727 the sixth degree of kindred computed according to civil law, nor  
1728 does it apply to any maternity care provided by general or special  
1729 hospitals licensed according to law and in which maternity  
1730 treatment and care are part of the medical services performed and  
1731 the care of children is brief and incidental.

1732 \* \* \*

1733 ( \* \* \*j) "Person associated with a licensee" means an  
1734 owner, director, member of the governing body, employee, provider  
1735 of care and volunteer of a human services licensee.

1736 ( \* \* \*k) "Related" means children, step-children,  
1737 grandchildren, step-grandchildren, siblings of the whole or  
1738 half-blood, step-siblings, nieces or nephews of the primary care  
1739 provider.

1740 ( \* \* \*l) "Residential child care" means the provision  
1741 of supervision, and/or protection, and meeting the basic needs of  
1742 a child for twenty-four (24) hours per day, which may include  
1743 services to children in a residential setting where care, lodging,

1744 maintenance and counseling or therapy for alcohol or controlled  
1745 substance abuse or for any other emotional disorder or mental  
1746 illness is provided for children, whether for compensation or not.

1747 ( \* \* \*m) "Residential child-caring agency" means any  
1748 place or facility operated by any entity or person, public or  
1749 private, providing residential child care, regardless of whether  
1750 operated for profit or whether a fee is charged. Such residential  
1751 child-caring agencies include, but are not limited to, maternity  
1752 homes, runaway shelters, group homes that are administered by an  
1753 agency, and emergency shelters that are not in private residence.

1754 **SECTION 38.** Section 43-15-105, Mississippi Code of 1972, is  
1755 amended as follows:

1756 43-15-105. (1) The \* \* \* Department of Child Protection  
1757 Services shall be the licensing authority \* \* \* under this  
1758 article, and is vested with all the powers, duties and  
1759 responsibilities described in this article. The \* \* \* department  
1760 shall make and establish rules and regulations regarding:

1761 (a) Approving, extending, denying, suspending and  
1762 revoking licenses for foster homes, residential child-caring  
1763 agencies and child-placing agencies;

1764 (b) Conditional licenses, variances from department  
1765 rules and exclusions;

1766 (c) Basic health and safety standards for licensees;  
1767 and

1768 (d) Minimum administration and financial requirements  
1769 for licensees.

1770           (2) The \* \* \* department shall:

1771                   (a) Define information that shall be submitted to

1772 the \* \* \* department with an application for a license;

1773                   (b) Establish guidelines for the administration and

1774 maintenance of client and service records, including staff

1775 qualifications, staff to client ratios;

1776                   (c) Issue licenses in accordance with this article;

1777                   (d) Conduct surveys and inspections of licensees and

1778 facilities;

1779                   (e) Establish and collect licensure fees;

1780                   (f) Investigate complaints regarding any licensee or

1781 facility;

1782                   (g) Have access to all records, correspondence and

1783 financial data required to be maintained by a licensee or

1784 facility;

1785                   (h) Have authority to interview any client, family

1786 member of a client, employee or officer of a licensee or facility;

1787 and

1788                   (i) Have authority to revoke, suspend or extend any

1789 license issued by the \* \* \* department.

1790           **SECTION 39.** Section 43-15-107, Mississippi Code of 1972, is

1791 amended as follows:

1792           43-15-107. (1) Except as provided in Section 43-15-111, no

1793 person, agency, firm, corporation, association or other entity,

1794 acting individually or jointly with any other person or entity,

1795 may establish, conduct or maintain foster homes, residential

1796 child-caring agencies and child-placing agencies or facility  
1797 and/or engage in child placing in this state without a valid and  
1798 current license issued by and under the authority of the \* \* \*  
1799 department as provided by this article and the rules of the \* \* \*  
1800 department. Any out-of-state child-placing agency that provides a  
1801 full range of services, including, but not limited to, adoptions,  
1802 foster family homes, adoption counseling services or financial  
1803 aid, in this state must be licensed by the \* \* \* department under  
1804 this article.

1805 (2) No license issued under this article is assignable or  
1806 transferable.

1807 (3) A current license shall at all times be posted in each  
1808 licensee's facility, in a place that is visible and readily  
1809 accessible to the public.

1810 (4) (a) Except as otherwise provided in paragraph (b) of  
1811 this subsection, each license issued under this article expires at  
1812 midnight (Central Standard Time) twelve (12) months from the date  
1813 of issuance unless it has been:

1814 (i) Previously revoked by the \* \* \* department; or  
1815 (ii) Voluntarily returned to the \* \* \* department  
1816 by the licensee.

1817 (b) (i) For any child-placing agency located in  
1818 Mississippi that remains in good standing, the license issued  
1819 under this article expires at midnight (Central Standard Time)  
1820 twenty-four (24) months from the date of issuance unless it has  
1821 been:

1822 1. Previously revoked by the \* \* \*

1823 department; or

1824 2. Voluntarily returned to the \* \* \*

1825 department by the licensee.

1826 (ii) Any child-placing agency whose license is

1827 governed by this paragraph (b) shall submit the following

1828 information to the \* \* \* department annually:

1829 1. A copy of an audit report and IRS Form 990

1830 for the agency;

1831 2. The agency's fee schedule; and

1832 3. The agency's client list.

1833 (c) A license may be renewed upon application and

1834 payment of the applicable fee, provided that the licensee meets

1835 the license requirements established by this article and the rules

1836 and regulations of the \* \* \* department.

1837 (5) Any licensee or facility which is in operation at the

1838 time rules are made in accordance with this article shall be given

1839 a reasonable time for compliance as determined by the rules of

1840 the \* \* \* department.

1841 **SECTION 40.** Section 43-15-109, Mississippi Code of 1972, is

1842 amended as follows:

1843 43-15-109. (1) An application for a license under this

1844 article shall be made to the \* \* \* department and shall contain

1845 information that the \* \* \* department determines is necessary in

1846 accordance with established rules.

1847           (2) Information received by the office through reports,  
1848 complaints, investigations and inspections shall be classified as  
1849 public in accordance with Title 25, Chapter 61, Mississippi Code  
1850 of 1972, Mississippi Public Records Act.

1851           **SECTION 41.** Section 43-15-113, Mississippi Code of 1972, is  
1852 amended as follows:

1853           43-15-113. (1) If a license is revoked, the \* \* \*  
1854 department may grant a new license after:

1855                   (a) Satisfactory evidence is submitted to the \* \* \*  
1856 department, evidencing that the conditions upon which revocation  
1857 was based have been corrected; and

1858                   (b) Inspection and compliance with all provisions of  
1859 this article and applicable rules.

1860           (2) The \* \* \* department may only suspend a license for a  
1861 period of time which does not exceed the current expiration date  
1862 of that license.

1863           (3) When a license has been suspended, the \* \* \* department  
1864 may completely or partially restore the suspended license upon a  
1865 determination that the:

1866                   (a) Conditions upon which the suspension was based have  
1867 been completely or partially corrected; and

1868                   (b) Interests of the public will not be jeopardized by  
1869 restoration of the license.

1870           **SECTION 42.** Section 43-15-115, Mississippi Code of 1972, is  
1871 amended as follows:



1872           43-15-115. (1) The \* \* \* department may, for the purpose of  
1873 ascertaining compliance with the provisions of this article and  
1874 its rules and regulations, enter and inspect on a routine basis  
1875 the facility of a licensee.

1876           (2) Before conducting an inspection under subsection (1),  
1877 the \* \* \* department shall, after identifying the person in  
1878 charge:

- 1879                   (a) Give proper identification;
- 1880                   (b) Request to see the applicable license;
- 1881                   (c) Describe the nature and purpose of the inspection;

1882 and

1883                   (d) If necessary, explain the authority of the \* \* \*  
1884 department to conduct the inspection and the penalty for refusing  
1885 to permit the inspection.

1886           (3) In conducting an inspection under subsection (1),  
1887 the \* \* \* department may, after meeting the requirements of  
1888 subsection (2):

- 1889                   (a) Inspect the physical facilities;
- 1890                   (b) Inspect records and documents;
- 1891                   (c) Interview directors, employees, clients, family

1892 members of clients and others; and

1893                   (d) Observe the licensee in operation.

1894           (4) An inspection conducted under subsection (1) shall be  
1895 during regular business hours and may be announced or unannounced.

1896           (5) The licensee shall make copies of inspection reports  
1897 available to the public upon request.

1898           (6) The provisions of this section apply to on-site  
1899 inspections and do not restrict the \* \* \* department from  
1900 contacting family members, neighbors or other individuals, or from  
1901 seeking information from other sources to determine compliance  
1902 with the provisions of this article.

1903           **SECTION 43.** Section 43-15-117, Mississippi Code of 1972, is  
1904 amended as follows:

1905           43-15-117. (1) Except as provided in this article, no  
1906 person, agency, firm, corporation, association or group children's  
1907 home may engage in child placing, or solicit money or other  
1908 assistance for child placing, without a valid license issued by  
1909 the \* \* \* department. No out-of-state child-placing agency that  
1910 provides a full range of services, including, but not limited to,  
1911 adoptions, foster family homes, adoption counseling services or  
1912 financial aid, may operate in this state without a valid license  
1913 issued by the \* \* \* department. No child-placing agency shall  
1914 advertise in the media markets in Mississippi seeking birth  
1915 mothers or their children for adoption purposes unless the agency  
1916 holds a valid and current license issued either by the \* \* \*  
1917 department or the authorized governmental licensing agency of  
1918 another state that regulates child-placing agencies. Any  
1919 child-placing agency, physician or attorney who advertises for  
1920 child placing or adoption services in Mississippi shall be  
1921 required by the \* \* \* department to show their principal office  
1922 location on all media advertising for adoption services.

1923           (2) An attorney who provides legal services to a client in  
1924 connection with proceedings for the adoption of a child by the  
1925 client, who does not receive, accept or provide custody or care  
1926 for the child for the purposes specified in Section 43-15-103(c),  
1927 shall not be required to have a license under this article to  
1928 provide those legal services.

1929           (3) An attorney, physician or other person may assist a  
1930 parent in identifying or locating a person interested in adopting  
1931 the parent's child, or in identifying or locating a child to be  
1932 adopted. However, no payment, charge, fee, reimbursement of  
1933 expense, or exchange of value of any kind, or promise or agreement  
1934 to make the same, may be made for that assistance.

1935           (4) Nothing in this section precludes payment of reasonable  
1936 fees for medical, legal or other lawful services rendered in  
1937 connection with the care of a mother, delivery and care of a child  
1938 including, but not limited to, the mother's living expenses, or  
1939 counseling for the parents and/or the child, and for the legal  
1940 proceedings related to lawful adoption proceedings; and no  
1941 provision of this section abrogates the right of procedures for  
1942 independent adoption as provided by law.

1943           (5) The \* \* \* department is specifically authorized to  
1944 promulgate rules under the Administrative Procedures Law, Title  
1945 25, Chapter 43, Mississippi Code of 1972, to regulate fees charged  
1946 by licensed child-placing agencies, if it determines that the  
1947 practices of those licensed child-placing agencies demonstrates  
1948 that the fees charged are excessive or that any of the agency's

1949 practices are deceptive or misleading; however, those rules  
1950 regarding fees shall take into account the use of any sliding fee  
1951 by an agency that uses a sliding fee procedure to permit  
1952 prospective adoptive parents of varying income levels to utilize  
1953 the services of those agencies or persons.

1954 (6) The \* \* \* department shall promulgate rules under the  
1955 Administrative Procedures Law, Title 25, Chapter 43, Mississippi  
1956 Code of 1972, to require that all licensed child-placing agencies  
1957 provide written disclosures to all prospective adoptive parents of  
1958 any fees or other charges for each service performed by the agency  
1959 or person, and file an annual report with the \* \* \* department  
1960 that states the fees and charges for those services, and to  
1961 require them to inform the \* \* \* department in writing thirty (30)  
1962 days in advance of any proposed changes to the fees or charges for  
1963 those services.

1964 (7) The \* \* \* department is specifically authorized to  
1965 disclose to prospective adoptive parents or other interested  
1966 persons any fees charged by any licensed child-placing agency,  
1967 attorney or counseling service or counselor for all legal and  
1968 counseling services provided by that licensed child-placing  
1969 agency, attorney or counseling service or counselor.

1970 **SECTION 44.** Section 43-15-119, Mississippi Code of 1972, is  
1971 amended as follows:

1972 43-15-119. (1) If the \* \* \* department finds that a  
1973 violation has occurred under this article or the rules and  
1974 regulations of the \* \* \* department, it may:

1975 (a) Deny, suspend or revoke a license or place the  
1976 licensee on probation, if the \* \* \* department discovers that a  
1977 licensee is not in compliance with the laws, standards or  
1978 regulations governing its operation, and/or it finds evidence of  
1979 aiding, abetting or permitting the commission of any illegal act;  
1980 or

1981 (b) Restrict or prohibit new admissions to the  
1982 licensee's program or facility, if the \* \* \* department discovers  
1983 that a licensee is not in compliance with the laws, standards or  
1984 regulations governing its operation, and/or it finds evidence of  
1985 aiding, abetting or permitting the commission of any illegal act.

1986 (2) If placed on probation, the agency or licensee shall  
1987 post a copy of the notice in a conspicuous place as directed by  
1988 the \* \* \* department and with the agency's or individual's  
1989 license, and the agency shall notify the custodians of each of the  
1990 children in its care in writing of the agency's status and the  
1991 basis for the probation.

1992 **SECTION 45.** Section 43-15-121, Mississippi Code of 1972, is  
1993 amended as follows:

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

2001 management or operation of a program or facility or performance of  
2002 services in violation of this article or rules of the \* \* \*  
2003 department.

2004 **SECTION 46.** Section 43-15-125, Mississippi Code of 1972, is  
2005 amended as follows:

2006 43-15-125. The department \* \* \* and/or its officers,  
2007 employees, attorneys and representatives shall not be held civilly  
2008 liable for any findings, recommendations or actions taken pursuant  
2009 to this article.

2010 **SECTION 47.** Section 43-15-201, Mississippi Code of 1972, is  
2011 amended as follows:

2012 43-15-201. (1) An emergency medical services provider,  
2013 without a court order, shall take possession of a child who is  
2014 seven (7) days old or younger if the child is voluntarily  
2015 delivered to the provider by the child's parent and the parent did  
2016 not express an intent to return for the child.

2017 (2) The parent who surrenders the baby shall not be required  
2018 to provide any information pertaining to his or her identity, nor  
2019 shall the emergency medical services provider inquire as to same.  
2020 If the identity of the parent is known to the emergency medical  
2021 services provider, the emergency medical services provider shall  
2022 keep the identity confidential.

2023 (3) A female presenting herself to a hospital through the  
2024 emergency room or otherwise, who is subsequently admitted for  
2025 purposes of labor and delivery, does not give up the legal  
2026 protections or anonymity guaranteed under this section. If the

2027 mother clearly expresses a desire to voluntarily surrender custody  
2028 of the newborn after birth, the emergency medical services  
2029 provider can take possession of the child, without further action  
2030 by the mother, as if the child had been presented to the emergency  
2031 medical services provider in the same manner outlined above in  
2032 subsection (1) of this section.

2033 (a) If the mother expresses a desire to remain  
2034 anonymous, identifying information may be obtained for purposes of  
2035 securing payment of labor and delivery costs only. If the birth  
2036 mother is a minor, the hospital may use the identifying  
2037 information to secure payment through Medicaid, but shall not  
2038 notify the minor's parent or guardian without the minor's consent.

2039 (b) The identity of the birth mother shall not be  
2040 placed on the birth certificate or disclosed to the Department  
2041 of \* \* \* Child Protection Services.

2042 (4) There is a presumption that by relinquishing a child in  
2043 accordance with this section, the parent consents to the  
2044 termination of his or her parental rights with respect to the  
2045 child. As such, the parent waives the right to notification  
2046 required by subsequent court proceedings.

2047 (5) An emergency medical services provider who takes  
2048 possession of a child under this section shall perform any act  
2049 necessary to protect the physical health or safety of the child.

2050 **SECTION 48.** Section 43-15-203, Mississippi Code of 1972, is  
2051 amended as follows:

2052           43-15-203. (1) No later than the close of the first  
2053 business day after the date on which an emergency medical services  
2054 provider takes possession of a child pursuant to Section  
2055 43-15-201, the provider shall notify the Department of \* \* \* Child  
2056 Protection Services that the provider has taken possession of the  
2057 child.

2058           (2) The department shall assume the care, control and  
2059 custody of the child immediately on receipt of notice pursuant to  
2060 subsection (1). The department shall be responsible for all  
2061 medical and other costs associated with the child and shall  
2062 reimburse the hospital for any costs incurred prior to the child  
2063 being placed in the care of the department.

2064           **SECTION 49.** Section 43-15-207, Mississippi Code of 1972, is  
2065 amended as follows:

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



2078 individual voluntarily assumes responsibility for the custody of  
2079 the child.

2080         **SECTION 50.** Section 43-16-3, Mississippi Code of 1972, is  
2081 amended as follows:

2082         43-16-3. As used in this chapter, the following definitions  
2083 shall apply unless the context clearly provides otherwise:

2084                 (a) "Child" means a person who has not reached the age  
2085 of eighteen (18) years or who has not otherwise been legally  
2086 emancipated.

2087                 (b) "Child residential home" means any place, facility  
2088 or home operated by any person which receives children who are not  
2089 related to the operators and whose parents or guardians are not  
2090 residents of the same facility for supervision, care, lodging and  
2091 maintenance for twenty-four (24) hours a day, with or without  
2092 transfer of custody. This term does not include:

2093                         (i) Residential homes licensed by the Department  
2094 of \* \* \* Child Protection Services under Section 43-15-5;

2095                         (ii) Any public school;

2096                         (iii) Any home operated by a state agency;

2097                         (iv) Child care facilities as defined in Section  
2098 43-20-5;

2099                         (v) Youth camps as defined in Section 75-74-3;

2100                         (vi) Health care facilities licensed by the State  
2101 Department of Health; or

2102                         (vii) The home of an attorney-in-fact operating  
2103 under a power of attorney executed under Section 93-31-1 et seq.

2104 (c) "Department" shall mean the State Department of  
2105 Health.

2106 (d) "Person" shall include an individual, partnership,  
2107 organization, association or corporation.

2108 **SECTION 51.** Section 43-16-7, Mississippi Code of 1972, is  
2109 amended as follows:

2110 43-16-7. \* \* \* The operator of any child residential home  
2111 shall provide notification in accordance with this chapter within  
2112 sixty (60) days of beginning operation.

2113 \* \* \*

2114 **SECTION 52.** Section 43-17-7, Mississippi Code of 1972, is  
2115 amended as follows:

2116 43-17-7. (1) The state department shall:

2117 (a) Supervise the administration of the Temporary  
2118 Assistance to Needy Families (TANF) program under this chapter by  
2119 the county departments;

2120 (b) Make such rules and regulations and take such  
2121 action as may be necessary or desirable for carrying out the  
2122 provisions of this chapter. All rules and regulations made by the  
2123 state department shall be binding on the counties and shall be  
2124 complied with by the respective county departments;

2125 (c) Prescribe the form of, and print and supply to the  
2126 county departments such forms as it may deem necessary and  
2127 advisable;

2128 (d) Cooperate with the federal government in matters of  
2129 mutual concern pertaining to the TANF program;

2130           (e) Make such reports in such form and containing such  
2131 information as the federal government may from time to time  
2132 require, and comply with such provisions as the federal government  
2133 may from time to time find necessary to assure the correctness and  
2134 verification of such reports;

2135           (f) Publish an annual report and such interim reports  
2136 as may be necessary;

2137           (g) Establish rules and regulations restricting the use  
2138 or disclosure of information, records, papers, files and  
2139 communications concerning applicants and recipients to purposes  
2140 directly connected with the administration of the TANF program, in  
2141 compliance with federal law;

2142           (h) When the state agency has reason to believe that  
2143 the home in which a relative and child receiving TANF assistance  
2144 reside is unsuitable for the child because of the neglect, abuse  
2145 or exploitation of such child, the state department shall bring  
2146 such condition to the attention of the appropriate court or law  
2147 enforcement agencies, and provide such data with respect to the  
2148 situation as the department may have;

2149           (i) As required by federal law, to provide for the  
2150 development and implementation of a program under which the  
2151 department will undertake, in the case of a child born out of  
2152 wedlock who is receiving TANF assistance authorized herein, to  
2153 establish the paternity of such child and secure support for him;  
2154 and, in the case of any child receiving TANF assistance from the  
2155 department who has been deserted or abandoned by his parent, to

2156 secure support for such child from such parent (or from any other  
2157 person legally liable for such support), utilizing any reciprocal  
2158 arrangements adopted with other states to obtain or enforce court  
2159 orders for support;

2160 (j) Provide for entering into cooperative arrangements  
2161 with appropriate courts and law enforcement officials to assist  
2162 the department in administering the program referred to in  
2163 paragraph (i), including the entering into of financial  
2164 arrangements with such courts and officials in order to assure  
2165 optimum results under such program, and with respect to any other  
2166 matters of common concern to such courts or officials in the  
2167 department.

2168 (2) The Department of Human Services shall include the  
2169 following agencies currently providing services to TANF and food  
2170 stamp recipients in any planning activities with respect thereto,  
2171 and those agencies shall cooperate with the department and provide  
2172 information as necessary in order to ensure the full utilization  
2173 of all economic assistance programs: the State Department of  
2174 Mental Health, the State Department of Rehabilitation Services,  
2175 the Mississippi Department of Corrections, the Mississippi  
2176 Department of Transportation, the State Department of Public  
2177 Safety, the Division of Medicaid, the State Department of Health,  
2178 the State Department of Child Protection Services and the State  
2179 Department of Education.

2180 **SECTION 53.** Section 43-18-3, Mississippi Code of 1972, is  
2181 amended as follows:

2182           43-18-3. The "appropriate public authorities" as used in  
2183 Article III of the Interstate Compact on the Placement of Children  
2184 shall, with reference to this state, means the \* \* \* Department of  
2185 Child Protection Services, or with the approval of the  
2186 Commissioner of Child Protection Services, any regional or local  
2187 office of the Department of Child Protection Services shall be  
2188 authorized to receive and act with reference to notices required  
2189 by \* \* \* Article III.

2190           **SECTION 54.** Section 43-18-5, Mississippi Code of 1972, is  
2191 amended as follows:

2192           43-18-5. As used in paragraph (a) of Article V of the  
2193 Interstate Compact on the Placement of Children, the phrase  
2194 "appropriate authority in the receiving state" with reference to  
2195 this state shall mean the \* \* \* Department of \* \* \* Child  
2196 Protection Services, or \* \* \* with the approval of the  
2197 Commissioner of \* \* \* Child Protection Services, any regional or  
2198 local office of the department.

2199           **SECTION 55.** Section 43-21-351, Mississippi Code of 1972, is  
2200 amended as follows:

2201           43-21-351. (1) Any person or agency having knowledge that a  
2202 child residing or being within the county is within the  
2203 jurisdiction of the youth court may make a written report to the  
2204 intake unit alleging facts sufficient to establish the  
2205 jurisdiction of the youth court. The report shall bear a  
2206 permanent number that will be assigned by the court in accordance  
2207 with the standards established by the Administrative Office of

2208 Courts pursuant to Section 9-21-9(d), and shall be preserved until  
2209 destroyed on order of the court.

2210 (2) There shall be in each youth court of the state an  
2211 intake officer who shall be responsible for the accurate and  
2212 timely entering of all intake and case information into the  
2213 Mississippi Youth Court Information Delivery System (MYCIDS) for  
2214 the Department of Human Services - Division of Youth Services,  
2215 truancy matters, and the \* \* \* Department of Child Protection  
2216 Services. It shall be the responsibility of the youth court judge  
2217 or referee of each county to ensure that the intake officer is  
2218 carrying out the responsibility of this section.

2219 **SECTION 56.** Section 43-21-354, Mississippi Code of 1972, is  
2220 amended as follows:

2221 43-21-354. The statewide incoming wide area telephone  
2222 service established pursuant to Section 43-21-353 \* \* \* shall be  
2223 maintained by the Department of \* \* \* Child Protection Services,  
2224 or its successor, on a twenty-four-hour seven (7) days a week  
2225 basis.

2226 **SECTION 57.** Section 43-21-357, Mississippi Code of 1972, is  
2227 amended as follows:

2228 43-21-357. (1) After receiving a report, the youth court  
2229 intake unit shall promptly make a preliminary inquiry to determine  
2230 whether the interest of the child, other children in the same  
2231 environment or the public requires the youth court to take further  
2232 action. As part of the preliminary inquiry, the youth court  
2233 intake unit may request or the youth court may order the

2234 Department of \* \* \* Child Protection Services, the Department of  
2235 Human Services - Division of Youth Services, any successor agency  
2236 or any other qualified public employee to make an investigation or  
2237 report concerning the child and any other children in the same  
2238 environment, and present the findings thereof to the youth court  
2239 intake unit. If the youth court intake unit receives a neglect or  
2240 abuse report, the youth court intake unit shall immediately  
2241 forward the complaint to the Department of \* \* \* Child Protection  
2242 Services to promptly make an investigation or report concerning  
2243 the child and any other children in the same environment and  
2244 promptly present the findings thereof to the youth court intake  
2245 unit. If it appears from the preliminary inquiry that the child  
2246 or other children in the same environment are within the  
2247 jurisdiction of the court, the youth court intake unit shall  
2248 recommend to the youth court:

2249 (a) That the youth court take no action;

2250 (b) That an informal adjustment be made;

2251 (c) That the Department of \* \* \* Child Protection

2252 Services \* \* \* monitor the child, family and other children in the  
2253 same environment;

2254 (d) That the child is warned or counseled informally;

2255 (e) That the child be referred to the youth court  
2256 intervention court; or

2257 (f) That a petition be filed.

2258 (2) The youth court shall then, without a hearing:

2259 (a) Order that no action be taken;

- 2260 (b) Order that an informal adjustment be made;
- 2261 (c) Order that the Department of \* \* \* Child Protection
- 2262 Services \* \* \* monitor the child, family and other children in the
- 2263 same environment;
- 2264 (d) Order that the child is warned or counseled
- 2265 informally;
- 2266 (e) That the child be referred to the youth
- 2267 intervention court; or
- 2268 (f) Order that a petition be filed.
- 2269 (3) If the preliminary inquiry discloses that a child needs
- 2270 emergency medical treatment, the judge may order the necessary
- 2271 treatment.

2272 **SECTION 58.** Section 43-21-405, Mississippi Code of 1972, is

2273 amended as follows:

2274 43-21-405. (1) The informal adjustment process shall be

2275 initiated with an informal adjustment conference conducted by an

2276 informal adjustment counselor appointed by the judge or his

2277 designee.

2278 (2) If the child and his parent, guardian or custodian

2279 appear at the informal adjustment conference without counsel, the

2280 informal adjustment counselor shall, at the commencement of the

2281 conference, inform them of their right to counsel, the child's

2282 right to appointment of counsel and the right of the child to

2283 remain silent. If either the child or his parent, guardian or

2284 custodian indicates a desire to be represented by counsel, the



2285 informal adjustment counselor shall adjourn the conference to  
2286 afford an opportunity to secure counsel.

2287 (3) At the beginning of the informal adjustment conference,  
2288 the informal adjustment counselor shall inform the child and his  
2289 parent, guardian or custodian:

2290 (a) That information has been received concerning the  
2291 child which appears to establish jurisdiction of the youth court;

2292 (b) The purpose of the informal adjustment conference;

2293 (c) That during the informal adjustment process no  
2294 petition will be filed;

2295 (d) That the informal adjustment process is voluntary  
2296 with the child and his parent, guardian or custodian and that they  
2297 may withdraw from the informal adjustment at any time; and

2298 (e) The circumstances under which the informal  
2299 adjustment process can be terminated under Section 43-21-407.

2300 (4) The informal adjustment counselor shall then discuss  
2301 with the child and his parent, guardian or custodian:

2302 (a) Recommendations for actions or conduct in the  
2303 interest of the child to correct the conditions of behavior or  
2304 environment which may exist;

2305 (b) Continuing conferences and contacts with the child  
2306 and his parent, guardian or custodian by the informal adjustment  
2307 counselor or other authorized persons; and

2308 (c) The child's general behavior, his home and school  
2309 environment and other factors bearing upon the proposed informal  
2310 adjustment.

2311 (5) After the parties have agreed upon the appropriate terms  
2312 and conditions of informal adjustment, the informal adjustment  
2313 counselor and the child and his parent, guardian or custodian  
2314 shall sign a written informal adjustment agreement setting forth  
2315 the terms and conditions of the informal adjustment. The informal  
2316 adjustment agreement may be modified at any time upon the consent  
2317 of all parties to the informal adjustment conference.

2318 (6) The informal adjustment process shall not continue  
2319 beyond a period of six (6) months from its commencement unless  
2320 extended by the youth court for an additional period not to exceed  
2321 six (6) months by court authorization prior to the expiration of  
2322 the original six-month period. In no event shall the custody or  
2323 supervision of a child which has been placed with the Department  
2324 of \* \* \* Human Services - Division of Youth Services or the  
2325 Department of Child Protection Services be continued or extended  
2326 except upon a written finding by the youth court judge or referee  
2327 that reasonable efforts have been made to maintain the child  
2328 within his own home, but that the circumstances warrant his  
2329 removal and there is no reasonable alternative to custody, and  
2330 that reasonable efforts will continue to be made towards  
2331 reunification of the family.

2332 **SECTION 59.** Section 43-21-603, Mississippi Code of 1972, is  
2333 amended as follows:

2334 43-21-603. (1) At the beginning of each disposition  
2335 hearing, the judge shall inform the parties of the purpose of the  
2336 hearing.

2337           (2) All testimony shall be under oath unless waived by all  
2338 parties and may be in narrative form. The court may consider any  
2339 evidence that is material and relevant to the disposition of the  
2340 cause, including hearsay and opinion evidence. At the conclusion  
2341 of the evidence, the youth court shall give the parties an  
2342 opportunity to present oral argument.

2343           (3) If the child has been adjudicated a delinquent child,  
2344 before entering a disposition order, the youth court should  
2345 consider, among others, the following relevant factors:

2346                   (a) The nature of the offense;

2347                   (b) The manner in which the offense was committed;

2348                   (c) The nature and number of a child's prior  
2349 adjudicated offenses;

2350                   (d) The child's need for care and assistance;

2351                   (e) The child's current medical history, including  
2352 medication and diagnosis;

2353                   (f) The child's mental health history, which may  
2354 include, but not be limited to, the Massachusetts Youth Screening  
2355 Instrument version 2 (MAYSI-2);

2356                   (g) Copies of the child's cumulative record from the  
2357 last school of record, including special education records, if  
2358 applicable;

2359                   (h) Recommendation from the school of record based on  
2360 areas of remediation needed;

2361                   (i) Disciplinary records from the school of record; and

2362 (j) Records of disciplinary actions outside of the  
2363 school setting.

2364 (4) If the child has been adjudicated a child in need of  
2365 supervision, before entering a disposition order, the youth court  
2366 should consider, among others, the following relevant factors:

2367 (a) The nature and history of the child's conduct;

2368 (b) The family and home situation; and

2369 (c) The child's need of care and assistance.

2370 (5) If the child has been adjudicated a neglected child or  
2371 an abused child, before entering a disposition order, the youth  
2372 court shall consider, among others, the following relevant  
2373 factors:

2374 (a) The child's physical and mental conditions;

2375 (b) The child's or family's need of assistance;

2376 (c) The manner in which the parent, guardian or  
2377 custodian participated in, tolerated or condoned the abuse,  
2378 neglect or abandonment of the child;

2379 (d) The ability of a child's parent, guardian or  
2380 custodian to provide proper supervision and care of a child; and

2381 (e) Relevant testimony and recommendations, where  
2382 available, from the foster parent of the child, the grandparents  
2383 of the child, the guardian ad litem of the child, representatives  
2384 of any private care agency that has cared for the child, the  
2385 family protection worker or family protection specialist assigned  
2386 to the case, and any other relevant testimony pertaining to the  
2387 case.

2388           (6) After consideration of all the evidence and the relevant  
2389 factors, the youth court shall enter a disposition order that  
2390 shall not recite any of the facts or circumstances upon which the  
2391 disposition is based, nor shall it recite that a child has been  
2392 found guilty; but it shall recite that a child is found to be a  
2393 delinquent child, a child in need of supervision, a neglected  
2394 child or an abused child.

2395           (7) If the youth court orders that the custody or  
2396 supervision of a child who has been adjudicated abused or  
2397 neglected be placed with the Department of \* \* \* Child Protection  
2398 Services or any other person or public or private agency, other  
2399 than the child's parent, guardian or custodian, the youth court  
2400 shall find and the disposition order shall recite that:

2401                   (a) (i) Reasonable efforts have been made to maintain  
2402 the child within his own home, but that the circumstances warrant  
2403 his removal and there is no reasonable alternative to custody; or

2404                               (ii) The circumstances are of such an emergency  
2405 nature that no reasonable efforts have been made to maintain the  
2406 child within his own home, and that there is no reasonable  
2407 alternative to custody; and

2408                   (b) That the effect of the continuation of the child's  
2409 residence within his own home would be contrary to the welfare of  
2410 the child and that the placement of the child in foster care is in  
2411 the best interests of the child; or

2412                   (c) Reasonable efforts to maintain the child within his  
2413 home shall not be required if the court determines that:

2414 (i) The parent has subjected the child to  
2415 aggravated circumstances, including, but not limited to,  
2416 abandonment, torture, chronic abuse and sexual abuse; or

2417 (ii) The parent has been convicted of murder of  
2418 another child of that parent, voluntary manslaughter of another  
2419 child of that parent, aided or abetted, attempted, conspired or  
2420 solicited to commit that murder or voluntary manslaughter, or a  
2421 felony assault that results in the serious bodily injury to the  
2422 surviving child or another child of that parent; or

2423 (iii) The parental rights of the parent to a  
2424 sibling have been terminated involuntarily; and

2425 (iv) That the effect of the continuation of the  
2426 child's residence within his own home would be contrary to the  
2427 welfare of the child and that placement of the child in foster  
2428 care is in the best interests of the child.

2429 Once the reasonable efforts requirement is bypassed, the  
2430 court shall have a permanency hearing under Section 43-21-613  
2431 within thirty (30) days of the finding.

2432 (8) Upon a written motion by a party, the youth court shall  
2433 make written findings of fact and conclusions of law upon which it  
2434 relies for the disposition order. If the disposition ordered by  
2435 the youth court includes placing the child in the custody of a  
2436 training school, an admission packet shall be prepared for the  
2437 child that contains the following information:

2438 (a) The child's current medical history, including  
2439 medications and diagnosis;

- 2440 (b) The child's mental health history;
- 2441 (c) Copies of the child's cumulative record from the  
2442 last school of record, including special education records, if  
2443 reasonably available;
- 2444 (d) Recommendation from the school of record based on  
2445 areas of remediation needed;
- 2446 (e) Disciplinary records from the school of record; and
- 2447 (f) Records of disciplinary actions outside of the  
2448 school setting, if reasonably available.

2449 Only individuals who are permitted under the Health Insurance  
2450 Portability and Accountability Act of 1996 (HIPAA) shall have  
2451 access to a child's medical records which are contained in an  
2452 admission packet. The youth court shall provide the admission  
2453 packet to the training school at or before the child's arrival at  
2454 the training school. The admittance of any child to a training  
2455 school shall take place between the hours of 8:00 a.m. and 3:00  
2456 p.m. on designated admission days.

2457 (9) When a child in the jurisdiction of the Youth Court is  
2458 committed to the custody of the Mississippi Department of \* \* \*  
2459 Child Protection Services and is believed to be in need of  
2460 treatment for a mental or emotional disability or infirmity, the  
2461 Department of \* \* \* Child Protection Services shall file an  
2462 affidavit alleging that the child is in need of mental health  
2463 services with the Youth Court. The Youth Court shall refer the  
2464 child to the appropriate community mental health center for  
2465 evaluation pursuant to Section 41-21-67. If the prescreening

2466 evaluation recommends residential care, the Youth Court shall  
2467 proceed with civil commitment pursuant to Sections 41-21-61 et  
2468 seq., 43-21-315 and 43-21-611, and the Department of Mental  
2469 Health, once commitment is ordered, shall provide appropriate  
2470 care, treatment and services for at least as many adolescents as  
2471 were provided services in fiscal year 2004 in its facilities.

2472 (10) Any screening and assessment examinations ordered by  
2473 the court may aid in dispositions related to delinquency, but no  
2474 statements or admissions made during the course thereof may be  
2475 admitted into evidence against the child on the issue of whether  
2476 the child committed a delinquent act.

2477 **SECTION 60.** Section 43-21-609, Mississippi Code of 1972, is  
2478 amended as follows:

2479 43-21-609. In neglect and abuse cases, the disposition order  
2480 may include any of the following alternatives, giving precedence  
2481 in the following sequence:

2482 (a) Release the child without further action;

2483 (b) Place the child in the custody of his parents, a  
2484 relative or other person subject to any conditions and limitations  
2485 as the court may prescribe. If the court finds that temporary  
2486 relative placement, adoption or foster care placement is  
2487 inappropriate, unavailable or otherwise not in the best interest  
2488 of the child, durable legal custody may be granted by the court to  
2489 any person subject to any limitations and conditions the court may  
2490 prescribe; such durable legal custody will not take effect unless  
2491 the child or children have been in the physical custody of the



2492 proposed durable custodians for at least six (6) months under the  
2493 supervision of the Department of \* \* \* Child Protection Services.  
2494 The requirements of Section 43-21-613 as to disposition review  
2495 hearings do not apply to those matters in which the court has  
2496 granted durable legal custody. In such cases, the Department  
2497 of \* \* \* Child Protection Services shall be released from any  
2498 oversight or monitoring responsibilities;

2499 (c) (i) Grant durable legal relative guardianship to a  
2500 relative or fictive kin licensed as a foster parent if the  
2501 licensed relative foster parent or licensed fictive kin foster  
2502 parent exercised physical custody of the child for at least six  
2503 (6) months before the grant of durable legal relative guardianship  
2504 and the Department of Child Protection Services had legal custody  
2505 or exercised supervision of the child for at least six (6) months.  
2506 In order to establish durable legal relative guardianship, the  
2507 youth court must find the following:

2508 1. That reunification has been determined to  
2509 be inappropriate;

2510 2. That the relative guardian or fictive kin  
2511 guardian shows full commitment to the care, shelter, education,  
2512 nurture, and reasonable medical care of the child; and

2513 3. That the youth court consulted with any  
2514 child twelve (12) years of age or older before granting durable  
2515 legal relative guardianship.

2516 (ii) The requirements of Section 43-21-613 as to  
2517 disposition review hearings do not apply to a hearing concerning

2518 durable legal relative guardianship. However, the Department of  
2519 Child Protection Services must conduct an annual review and  
2520 recertification of the durable legal relative guardianship to  
2521 determine whether it remains in the best interest of the child.  
2522 If a material change in circumstances occurs adverse to the best  
2523 interest of the child, the parent, relative guardian, fictive kin  
2524 guardian, or Department of Child Protection Services may petition  
2525 the court to review the durable legal relative guardianship;

2526           (d) Order terms of treatment calculated to assist the  
2527 child and the child's parent, guardian or custodian which are  
2528 within the ability of the parent, guardian or custodian to  
2529 perform;

2530           (e) Order youth court personnel, the Department of  
2531 Child Protection Services or child care agencies to assist the  
2532 child and the child's parent, guardian or custodian to secure  
2533 social or medical services to provide proper supervision and care  
2534 of the child;

2535           (f) Give legal custody of the child to any of the  
2536 following but in no event to any state training school:

2537                   (i) The Department of Child Protection Services  
2538 for appropriate placement; or

2539                   (ii) Any private or public organization,  
2540 preferably community-based, able to assume the education, care and  
2541 maintenance of the child, which has been found suitable by the  
2542 court. Prior to assigning the custody of any child to any private  
2543 institution or agency, the youth court through its designee shall

2544 first inspect the physical facilities to determine that they  
2545 provide a reasonable standard of health and safety for the child;

2546 (g) If the court makes a finding that custody is  
2547 necessary as defined in Section 43-21-301(3)(b), and that the  
2548 child, in the action pending before the youth court had not  
2549 previously been taken into custody, the disposition order shall  
2550 recite that the effect of the continuation of the child's residing  
2551 within his or her own home would be contrary to the welfare of the  
2552 child, that the placement of the child in foster care is in the  
2553 best interests of the child, and unless the reasonable efforts  
2554 requirement is bypassed under Section 43-21-603(7)(c), the order  
2555 also must state:

2556 (i) That reasonable efforts have been made to  
2557 maintain the child within his or her own home, but that the  
2558 circumstances warrant his or her removal, and there is no  
2559 reasonable alternative to custody; or

2560 (ii) The circumstances are of such an emergency  
2561 nature that no reasonable efforts have been made to maintain the  
2562 child within his or her own home, and there is no reasonable  
2563 alternative to custody; or

2564 (iii) If the court makes a finding in accordance  
2565 with subparagraph (ii) of this paragraph, the court shall order  
2566 that reasonable efforts be made towards the reunification of the  
2567 child with his or her family; or

2568 (h) If the court had, before the disposition hearing in  
2569 the action pending before the court, taken the child into custody,

2570 the judge or referee shall determine, and the youth court order  
2571 shall recite that reasonable efforts were made by the Department  
2572 of Child Protection Services to finalize the child's permanency  
2573 plan that was in effect on the date of the disposition hearing.

2574 **SECTION 61.** Section 43-21-701, Mississippi Code of 1972, is  
2575 amended as follows:

2576 43-21-701. (1) There is \* \* \* established the Mississippi  
2577 Commission on a Uniform Youth Court System and Procedures. The  
2578 commission shall consist of the following nineteen (19) members:

2579 (a) One (1) circuit court judge appointed by the Chief  
2580 Justice of the Mississippi Supreme Court;

2581 (b) One (1) chancery court judge, appointed by the  
2582 Chief Justice of the Mississippi Supreme Court;

2583 (c) The President of the Mississippi Council of Youth  
2584 Court Judges, or his designee;

2585 (d) Two (2) who may be either family court judges or  
2586 county court judges, appointed by the President of the Mississippi  
2587 Council of Youth Court Judges;

2588 (e) Two (2) youth court referees, appointed by the  
2589 President of the Mississippi Council of Youth Court Judges;

2590 (f) One (1) member of the Mississippi House of  
2591 Representatives to be appointed by the Speaker of the House;

2592 (g) One (1) member of the Mississippi Senate to be  
2593 appointed by the Lieutenant Governor;

2594 (h) The directors of the following state agencies or  
2595 their designated representatives: the Mississippi Department

2596 of \* \* \* Human Services and the Mississippi Department of \* \* \*  
2597 Child Protection Services;

2598 (i) The director or his designated representative of  
2599 the Governor's Office of Federal-State Programs;

2600 (j) One (1) employee, other than the \* \* \* Commissioner  
2601 of the Department of \* \* \* Child Protection Services who is a  
2602 supervisor of social workers primarily assigned to youth cases,  
2603 appointed by the Governor;

2604 (k) One (1) municipal police chief, appointed by the  
2605 Governor;

2606 (l) One (1) county sheriff, appointed by the Governor;

2607 (m) Two (2) lawyers experienced in youth court work,  
2608 appointed by the Governor; and

2609 (n) Two (2) prosecuting attorneys who prosecute cases  
2610 in youth court, appointed by the Governor.

2611 (2) The members shall be appointed to the commission within  
2612 fifteen (15) days of the effective date of Sections 43-21-701 and  
2613 43-21-703 and shall serve until the end of their respective terms  
2614 of office, if applicable, or until October 1, 1989, whichever  
2615 occurs first. Vacancies on the commission shall be filled in the  
2616 manner of the original appointment. Members shall be eligible for  
2617 reappointment provided that upon such reappointment they meet the  
2618 qualifications required of a new appointee.

2619 (3) The commission may elect any officers from among its  
2620 membership as it deems necessary for the efficient discharge of  
2621 the commission's duties.

2622           (4) The commission shall adopt rules and regulations  
2623 governing times and places for meetings and governing the manner  
2624 of conducting its business. Ten (10) or more members shall  
2625 constitute a quorum for the purpose of conducting any business of  
2626 the commission; provided, however, a vote of not less than twelve  
2627 (12) members shall be required for any recommendations to the  
2628 Legislature.

2629           (5) Members of the commission shall serve without  
2630 compensation, except that state and county employees and officers  
2631 shall receive any per diem as authorized by law from  
2632 appropriations available to their respective agencies or political  
2633 subdivisions. All commission members shall be entitled to receive  
2634 reimbursement for any actual and reasonable expenses incurred as a  
2635 necessary incident to service on the commission, including mileage  
2636 as provided by law.

2637           (6) The commission may select and employ a research director  
2638 who shall perform the duties which the commission directs, which  
2639 duties shall include the hiring of such other employees for the  
2640 commission as the commission may approve. The research director  
2641 and all other employees of the commission shall be in the state  
2642 service and their salaries shall be established by the commission  
2643 subject to approval by the State Personnel Board. Employees of  
2644 the commission shall be reimbursed for the expenses necessarily  
2645 incurred in the performance of their official duties in the same  
2646 manner as other state employees. The commission may also employ  
2647 any consultants it deems necessary, including consultants to

2648 compile any demographic data needed to accomplish the duties of  
2649 the commission.

2650 (7) The Governor's Office of Federal-State Programs shall  
2651 support the Commission on a Uniform Youth Court System and shall  
2652 act as agent for any funds made available to the commission for  
2653 its use. In order to expedite the implementation of the  
2654 Commission on a Uniform Youth Court System, any funds available to  
2655 the Governor's Office of Federal-State Programs for the 1988-1989  
2656 fiscal year may be expended for the purpose of defraying the  
2657 expenses of the commission created herein.

2658 (8) The commission may contract for suitable office space in  
2659 accordance with the provisions of Section 29-5-2, Mississippi Code  
2660 of 1972. In addition, the commission may utilize, with their  
2661 consent, the services, equipment, personnel, information and  
2662 resources of other state agencies; and may accept voluntary and  
2663 uncompensated services, contract with individuals, public and  
2664 private agencies, and request information, reports and data from  
2665 any agency of the state, or any of its political subdivisions, to  
2666 the extent authorized by law.

2667 (9) In order to conduct and carry out its purposes, duties  
2668 and related activities as provided for in this section and Section  
2669 43-21-703, the commission is authorized to apply for and accept  
2670 gifts, grants, subsidies and other funds from persons,  
2671 corporations, foundations, the United States government or other  
2672 entities, provided that the receipt of such gifts, grants,

2673 subsidies and funds shall be reported and otherwise accounted for  
2674 in the manner provided by law.

2675 **SECTION 62.** Section 43-21-801, Mississippi Code of 1972, is  
2676 amended as follows:

2677 43-21-801. (1) There is established the Youth Court Support  
2678 Program. The purpose of the program shall be to ensure that all  
2679 youth courts have sufficient support funds to carry on the  
2680 business of the youth court. The Administrative Office of Courts  
2681 shall establish a formula consistent with this section for  
2682 providing state support payable from the Youth Court Support Fund  
2683 for the support of the youth courts.

2684 (a) (i) Each regular youth court referee is eligible  
2685 for youth court support funds so long as the senior chancellor  
2686 does not elect to employ a youth court administrator as set forth  
2687 in paragraph (b); a municipal youth court judge is also eligible.  
2688 The Administrative Office of Courts shall direct any funds to the  
2689 appropriate county or municipality. The funds shall be utilized  
2690 to compensate an intake officer who shall be responsible for  
2691 ensuring that all intake and case information for the Department  
2692 of Human Services - Division of Youth Services, truancy matters,  
2693 and the \* \* \* Department of Child Protection Services is entered  
2694 into the Mississippi Youth Court Information Delivery System  
2695 (MYCIDS) in an accurate and timely manner. If the court already  
2696 has an intake officer responsible for entering all cases of the  
2697 Department of Human Services - Division of Youth Services, truancy  
2698 matters, and the \* \* \* Department of Child Protection Services



2699 into MYCIDS, the regular youth court referee or municipal court  
2700 judge may certify to the Administrative Office of Courts that such  
2701 a person is already on staff. In such a case, each regular youth  
2702 court referee or municipal youth court judge shall have the sole  
2703 individual discretion to appropriate those funds as expense monies  
2704 to assist in hiring secretarial staff and acquiring materials and  
2705 equipment incidental to carrying on the business of the court  
2706 within the private practice of law of the referee or judge, or may  
2707 direct the use of those funds through the county or municipal  
2708 budget for court support supplies or services. The regular youth  
2709 court referee and municipal youth court judge shall be accountable  
2710 for assuring through private, county or municipal employees the  
2711 proper preparation and filing of all necessary tracking and other  
2712 documentation attendant to the administration of the youth court.

2713 (ii) Title to all tangible property, excepting  
2714 stamps, stationery and minor expendable office supplies, procured  
2715 with funds authorized by this section, shall be and forever remain  
2716 in the county or municipality to be used by the judge or referee  
2717 during the term of his office and thereafter by his successors.

2718 (b) (i) When permitted by the Administrative Office of  
2719 Courts and as funds are available, the senior chancellor for  
2720 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
2721 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
2722 administrator for the district whose responsibility will be to  
2723 perform all reporting, tracking and other duties of a court  
2724 administrator for all youth courts in the district that are under

2725 the chancery court system. Any chancery district listed in this  
2726 paragraph in which a chancellor appoints a referee or special  
2727 master to hear any youth court matter is ineligible for funding  
2728 under this paragraph (b). The Administrative Office of Courts may  
2729 allocate to an eligible chancery district a sum not to exceed  
2730 Thirty Thousand Dollars (\$30,000.00) per year for the salary,  
2731 fringe benefits and equipment of the youth court administrator,  
2732 and an additional sum not to exceed One Thousand Nine Hundred  
2733 Dollars (\$1,900.00) for the administrator's travel expenses.

2734 (ii) The appointment of a youth court  
2735 administrator shall be evidenced by the entry of an order on the  
2736 minutes of the court. The person appointed shall serve at the  
2737 will and pleasure of the senior chancellor but shall be an  
2738 employee of the Administrative Office of Courts.

2739 (iii) The Administrative Office of Courts must  
2740 approve the position, job description and salary before the  
2741 position can be filled. The Administrative Office of Courts shall  
2742 not approve any plan that does not first require the expenditure  
2743 of the funds from the Youth Court Support Fund before expenditure  
2744 of county funds is authorized for that purpose.

2745 (iv) Title to any tangible property procured with  
2746 funds authorized under this paragraph shall be and forever remain  
2747 in the State of Mississippi.

2748 (c) (i) Each county court is eligible for youth court  
2749 support funds. The funds shall be utilized to provide  
2750 compensation to an intake officer who shall be responsible for

2751 ensuring that all intake and case information for the Department  
2752 of Human Services - Division of Youth Services, truancy matters,  
2753 and the \* \* \* Department of Child Protection Services is entered  
2754 into the Mississippi Youth Court Information Delivery System  
2755 (MYCIDS) in an accurate and timely manner. If the county court  
2756 already has an intake officer or other staff person responsible  
2757 for entering all cases of the Department of Human Services -  
2758 Division of Youth Services, truancy matters and the \* \* \*  
2759 Department of Child Protection Services into MYCIDS, the senior  
2760 county court judge may certify that such a person is already on  
2761 staff. In such a case, the senior county court judge shall have  
2762 discretion to direct the expenditure of those funds in hiring  
2763 other support staff to carry on the business of the court.

2764 (ii) For the purposes of this paragraph, "support  
2765 staff" means court administrators, law clerks, legal research  
2766 assistants, secretaries, resource administrators or case managers  
2767 appointed by a youth court judge, or any combination thereof, but  
2768 shall not mean school attendance officers.

2769 (iii) The appointment of support staff shall be  
2770 evidenced by the entry of an order on the minutes of the court.  
2771 The support staff so appointed shall serve at the will and  
2772 pleasure of the senior county court judge but shall be an employee  
2773 of the county.

2774 (iv) The Administrative Office of Courts must  
2775 approve the positions, job descriptions and salaries before the  
2776 positions may be filled. The Administrative Office of Courts

2777 shall not approve any plan that does not first require the  
2778 expenditure of funds from the Youth Court Support Fund before  
2779 expenditure of county funds is authorized for that purpose.

2780 (v) The Administrative Office of Courts may  
2781 approve expenditure from the fund for additional equipment for  
2782 support staff appointed pursuant to this paragraph if the  
2783 additional expenditure falls within the formula. Title to any  
2784 tangible property procured with funds authorized under this  
2785 paragraph shall be and forever remain in the county to be used by  
2786 the youth court and support staff.

2787 (2) (a) (i) The formula developed by the Administrative  
2788 Office of Courts for providing youth court support funds shall be  
2789 devised so as to distribute appropriated funds proportional to  
2790 caseload and other appropriate factors as set forth in regulations  
2791 promulgated by the Administrative Office of Courts. The formula  
2792 will determine a reasonable maximum amount per judge or referee  
2793 per annum that will not be exceeded in allocating funds under this  
2794 section.

2795 (ii) The formula shall be reviewed by the  
2796 Administrative Office of Courts every two (2) years to ensure that  
2797 the youth court support funds provided herein are proportional to  
2798 each youth court's caseload and other specified factors.

2799 (iii) The Administrative Office of Courts shall  
2800 have wide latitude in the first two-year cycle to implement a  
2801 formula designed to maximize caseload data collection.

2802           (b) Application to receive funds under this section  
2803 shall be submitted in accordance with procedures established by  
2804 the Administrative Office of Courts.

2805           (c) Approval of the use of any of the youth court  
2806 support funds distributed under this section shall be made by the  
2807 Administrative Office of Courts in accordance with procedures  
2808 established by the Administrative Office of Courts.

2809           (3) (a) There is created in the State Treasury a special  
2810 fund to be designated as the "Youth Court Support Fund," which  
2811 shall consist of funds appropriated or otherwise made available by  
2812 the Legislature in any manner and funds from any other source  
2813 designated for deposit into such fund. Unexpended amounts  
2814 remaining in the fund at the end of a fiscal year shall not lapse  
2815 into the State General Fund, and any investment earnings or  
2816 interest earned on amounts in the fund shall be deposited to the  
2817 credit of the fund. Monies in the fund shall be distributed to  
2818 the youth courts by the Administrative Office of Courts for the  
2819 purposes described in this section.

2820           (b) (i) During the regular legislative session held in  
2821 calendar year 2007, the Legislature may appropriate an amount not  
2822 to exceed Two Million Five Hundred Thousand Dollars  
2823 (\$2,500,000.00) to the Youth Court Support Fund.

2824           (ii) During each regular legislative session  
2825 subsequent to the 2007 Regular Session, the Legislature shall  
2826 appropriate Two Million Five Hundred Thousand Dollars  
2827 (\$2,500,000.00) to the Youth Court Support Fund.

2828           (c) No youth court judge or youth court referee shall  
2829 be eligible to receive funding from the Youth Court Support Fund  
2830 who has not received annual continuing education in the field of  
2831 juvenile justice in an amount to conform with the requirements of  
2832 the Rules and Regulations for Mandatory Continuing Judicial  
2833 Education promulgated by the Supreme Court. The Administrative  
2834 Office of Courts shall maintain records of all referees and youth  
2835 court judges regarding such training and shall not disburse funds  
2836 to any county or municipality for the budget of a youth court  
2837 judge or referee who is not in compliance with the judicial  
2838 training requirements.

2839           (4) Any recipient of funds from the Youth Court Support Fund  
2840 shall not be eligible for continuing disbursement of funds if the  
2841 recipient is not in compliance with the terms, conditions and  
2842 reporting requirements set forth in the procedures promulgated by  
2843 the Administrative Office of Courts.

2844           **SECTION 63.** Section 43-27-101, Mississippi Code of 1972, is  
2845 amended as follows:

2846           43-27-101. For purposes of Sections 43-27-101 and 43-27-103,  
2847 the following words shall have the meanings ascribed in this  
2848 section, unless the context requires otherwise:

2849           (a) "Child or youth in the custody of the Department of  
2850 Human Services" means an individual:

2851                   (i) Who has not yet reached his eighteenth  
2852 birthday;

2853                   (ii) Who has been legally placed in the custody of  
2854 the Department of Human Services by the youth court and for whom  
2855 custody with the Department of Human Services was not sought by  
2856 the parents or legal custodians or guardians for the parents' or  
2857 legal custodians' or guardians' legal responsibilities to relieve  
2858 themselves of the responsibility for paying for treatment for a  
2859 child or youth; and

2860                   (iii) Who is unable to be maintained with the  
2861 family or legal guardians or custodians due to his or her need for  
2862 specialized care.

2863                   (b) "Child or youth under the supervision of the  
2864 Department of \* \* \* Child Protection Services" means an  
2865 individual:

2866                   (i) Who has not yet reached his eighteenth  
2867 birthday; and

2868                   (ii) Who has been referred for abuse or neglect  
2869 and for whom a case has been opened and is active in the \* \* \*  
2870 Department of Child Protection Services.

2871                   (c) "Plan of care" means a written plan of services  
2872 needed to be provided for a child or youth and his or her family  
2873 in order to provide the special care or services required.

2874                   (d) "Special needs crisis" means:

2875                   (i) Conduct or behavioral problems of such a  
2876 severe nature and level that family or parental violence, abuse,  
2877 and/or neglect pose an imminent threat or are present; or

2878                   (ii) Conduct or behavioral problems of such a  
2879 severe nature and level that family or parental violence, abuse,  
2880 and/or neglect pose an imminent threat or are present.

2881                   (e) "Specialized care" means:

2882                   (i) "Self care," which means the ability to  
2883 provide, sustain and protect himself or herself at a level  
2884 appropriate to his or her age;

2885                   (ii) "Interpersonal relationships," which means  
2886 the ability to build and maintain satisfactory relationships with  
2887 peers and adults;

2888                   (iii) "Family life," which means the capacity to  
2889 live in a family or family-type environment;

2890                   (iv) "Self direction," which means the child's  
2891 ability to control his or her behavior and to make decisions in a  
2892 manner appropriate to his or her age;

2893                   (v) "Education," which means the ability to learn  
2894 social and intellectual skill from teachers in an available  
2895 educational setting.

2896                   (f) "Special needs child" means a child with a variety  
2897 of handicapping conditions or disabilities, including emotional or  
2898 severely emotional disorders. These conditions or disabilities  
2899 present the need for special medical attention, supervision and  
2900 therapy on a very regimented basis.

2901                   **SECTION 64.** Section 43-27-103, Mississippi Code of 1972, is  
2902 amended as follows:



2903           43-27-103. (1) Sections 43-27-101 and 43-27-103 shall  
2904 enable the development by the Department of Human Services or the  
2905 Department of Child Protection Services of a system of services  
2906 for children or youth in the custody of the Department of Human  
2907 Services or under the supervision of the Department of \* \* \* Child  
2908 Protection Services, if funds are appropriated to \* \* \* either  
2909 department for that purpose. The system of services may consist  
2910 of emergency response services, an early intervention and  
2911 treatment unit, respite care, crisis nurseries, specialized  
2912 outpatient or inpatient treatment services, special needs foster  
2913 care, therapeutic foster care, emergency foster homes, and  
2914 Medicaid targeted case management for abused and neglected  
2915 children and youth as well as children adjudicated delinquent or  
2916 in need of supervision. Any of these services that are provided  
2917 shall be arranged by and coordinated through the Department of  
2918 Human Services or the Department of Child Protection Services,  
2919 and \* \* \* each department may contract with public or private  
2920 agencies or entities to provide any of the services or may provide  
2921 any of the services itself. All of the services shall be provided  
2922 in facilities that meet the standards set by the Department of  
2923 Human Services or the Department of Child Protection Services for  
2924 the particular type of facility involved. None of the services  
2925 provided shall duplicate existing services except where there is a  
2926 documented need for expansion of the services.

2927           (2) A description of the services that may be provided under  
2928 Sections 43-27-101 and 43-27-103 are as follows:

2929           (a) "Emergency response services" means services to  
2930 respond to children or youth in severe crisis and include:  
2931           (i) Emergency single-point phone lines;  
2932           (ii) Crisis care coordinators staffing shifts that  
2933 enable twenty-four-hour per day response as "frontline"  
2934 professionals when crisis calls are received, assist with  
2935 decision-making, family support, initiate plan of action and  
2936 remain "on call" for the first seventy-two (72) hours for other  
2937 service professionals to get in place and insure development of a  
2938 plan of care;  
2939           (iii) Acute care/emergency medical response  
2940 through contracted services with up to five (5) regional hospitals  
2941 providing emergency room services and hospitalization for up to  
2942 seventy-two (72) hours with a maximum of One Hundred Dollars  
2943 (\$100.00) per day;  
2944           (iv) Case managers;  
2945           (v) Respite services; and  
2946           (vi) Assessment services contracted with social  
2947 workers, psychologists, psychiatrists and other health  
2948 professionals.  
2949           (b) "Early intervention and treatment unit" means a  
2950 unique, nonhospital crisis service in a residential context that  
2951 is able to provide the level of support and intervention needed to  
2952 resolve the crisis and as an alternative to hospitalization. This  
2953 unit shall provide specialized assessment, including a variety of  
2954 treatment options and services to best intervene in a child or

2955 youth's crisis, and provide an appropriate plan for further  
2956 services upon returning to the home and community. Staff-to-child  
2957 or youth ratio shall be high, with multidisciplinary, specialized  
2958 services for up to six (6) children or youths at one (1) time, and  
2959 with the maximum assessment and treatment planning and services  
2960 being ninety (90) days for most children or youths.

2961 (c) "Respite care" means planned temporary care for a  
2962 period of time ranging from a few hours within a twenty-four-hour  
2963 period to an overnight or weekend stay to a maximum of ten (10)  
2964 days. Care may be provided in-home or out-of-home with trained  
2965 respite parents or counselors and is designed to provide a planned  
2966 break for the parents from the caretaking role with the child.

2967 (d) "Crisis nurseries" means a program providing  
2968 therapeutic nursery treatment services to preschool aged children  
2969 who as preschoolers demonstrate significant behavioral or  
2970 emotional disorders. These services shall be to therapeutically  
2971 address developmental and emotional behavioral difficulties  
2972 through direct intervention with the child in a nursery school  
2973 environment and to intervene with parents to provide education,  
2974 support and therapeutic services.

2975 (e) "Specialized outpatient or inpatient treatment  
2976 services," such as sex offender treatment, means specialized  
2977 treatment for perpetrators of sexual offenses with children.

2978 (f) "Special needs foster care" means foster care for  
2979 those children with a variety of handicapping conditions or  
2980 disabilities, including serious emotional disturbance.

2981 (g) "Therapeutic foster care" means residential mental  
2982 health services provided to children and adolescents in a family  
2983 setting, utilizing specially trained foster parents. Therapeutic  
2984 foster care essentially involves the following features:

2985 (i) Placement with foster parents who have been  
2986 carefully selected by knowledgeable, well-trained mental health  
2987 and social service professionals to work with children with an  
2988 emotional disturbance;

2989 (ii) Provision of special training to the foster  
2990 parents to assist them in working with children with an emotional  
2991 disturbance;

2992 (iii) Low staff-to-child ratio, allowing the  
2993 therapeutic staff to work very closely with each child, the foster  
2994 parents and the biological parents, if available;

2995 (iv) Creation of a support system among these  
2996 specially trained foster parents; and

2997 (v) Payment of a special foster care payment to  
2998 the foster parents.

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

3007 children are placed. Foster parents are trained to deal with the  
3008 special needs of children placed in these emergency homes.

3009 (i) "Medicaid targeted case management" means  
3010 activities that are related to assuring the completion of proper  
3011 client evaluations; arranging and supporting treatment plans,  
3012 monitoring services, coordinating service delivery and other  
3013 related actions.

3014 **SECTION 65.** Section 43-27-109, Mississippi Code of 1972, is  
3015 amended as follows:

3016 43-27-109. The Department of Human Services or the  
3017 Department of Child Protection Services may employ a sufficient  
3018 number of new family protection specialists, youth counselors and  
3019 clerical staff to reduce the caseload sizes for social workers and  
3020 youth counselors of \* \* \* each department and to reduce the  
3021 workload on clerical staff, if funds are appropriated to the  
3022 department for that purpose.

3023 **SECTION 66.** Section 43-27-113, Mississippi Code of 1972, is  
3024 amended as follows:

3025 43-27-113. In any investigation by the Department of \* \* \*  
3026 Child Protection Services of a report made under Section 43-21-101  
3027 et seq. of the abuse or neglect of a child as defined in Section  
3028 43-21-105, the department may request the appropriate law  
3029 enforcement officer with jurisdiction to accompany the department  
3030 in its investigation, and in such cases the law enforcement  
3031 officer shall comply with such request.

3032           **SECTION 67.** Section 43-27-115, Mississippi Code of 1972, is  
3033 amended as follows:

3034           43-27-115. The Department of Human Services \* \* \* and the  
3035 Department of Child Protection Services are each authorized to  
3036 employ one (1) program manager for each department region, if  
3037 funds are appropriated to \* \* \* either department for that  
3038 purpose, whose duties shall be to develop an ongoing public  
3039 education program to inform Mississippi citizens about the needs  
3040 of the state's children, youth and families, the work of the  
3041 department in addressing these needs and how citizens might become  
3042 involved. The Department of Human Services and the Department of  
3043 Child Protection Services shall develop formal agreements of  
3044 cooperation and protocol between \* \* \* each department and other  
3045 providers of services to children and families including school  
3046 districts, hospitals, law enforcement agencies, mental health  
3047 centers and others.

3048           **SECTION 68.** Section 43-27-117, Mississippi Code of 1972, is  
3049 amended as follows:

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

3057 abuse and neglect referrals and the number of children affected in  
3058 those referrals.

3059 **SECTION 69.** Section 43-27-119, Mississippi Code of 1972, is  
3060 amended as follows:

3061 43-27-119. There is created a joint task force of the  
3062 Department of Human Services, the Department of Child Protection  
3063 Services and the Attorney General's Office consisting of the  
3064 executive directorss of the departmentss, the Attorney General, any  
3065 staff persons designated by the executive directorss and the  
3066 Attorney General, and any other persons designated by the  
3067 executive directorss and the Attorney General. The joint task  
3068 force shall research the issue of when \* \* \* each department  
3069 should consider appealing court decisions that are contrary to the  
3070 department's recommendations in child welfare and juvenile  
3071 offender cases, and shall issue a protocol for determining the  
3072 type of cases that should be appealed. The protocol shall  
3073 establish the following:

3074 (a) General guidelines to be considered for appealing a  
3075 case;

3076 (b) The type of information from case records and court  
3077 records that should be entered into the appeal file; and

3078 (c) The individuals who have authority to set the  
3079 appeals process in motion and who can make final decisions about  
3080 whether an appeal should be filed or not.

3081 Not later than November 30, 1994, the joint task force shall  
3082 complete its research, issue the protocol, and make

3083 recommendations to the Legislature for any administrative and  
3084 legislative action necessary to properly and sufficiently address  
3085 this issue.

3086         **SECTION 70.** Section 43-43-5, Mississippi Code of 1972, is  
3087 amended as follows:

3088         43-43-5. All purchase of service contracts between the \* \* \*  
3089 Department of \* \* \* Human Services or the Department of Child  
3090 Protection Services and individuals, associations or corporations  
3091 other than state agencies shall be for the reimbursement of actual  
3092 costs incurred in providing services. However, the \* \* \*  
3093 Department of \* \* \* Human Services or the Department of Child  
3094 Protection Services, in accordance with policy established  
3095 by \* \* \* either department, may advance one-twelfth (1/12) of the  
3096 total estimated cost for providing services under the twelve-month  
3097 contractual agreement, upon written request of a contractor, to  
3098 give the contractor a better cash flow. Any funds so advanced  
3099 shall be withheld from the contract reimbursement payments and in  
3100 no case shall the final reimbursement payment to the contractor  
3101 exceed the actual cost incurred in providing services. Any  
3102 contractor receiving such advance payments shall be strictly  
3103 liable to ensure that same is adjusted to actual cost, including  
3104 repayment of excess cash advances if necessary, prior to the final  
3105 closeout of the purchase of service contract.

3106         **SECTION 71.** Section 43-43-7, Mississippi Code of 1972, is  
3107 amended as follows:



3108           43-43-7. The \* \* \* Department of \* \* \* Human Services or the  
3109 Department of Child Protection Services in \* \* \* the purchase of  
3110 service budget request shall accurately reflect the comprehensive  
3111 annual services program required under Section 2004 of Title XX.  
3112 In submitting its annual budget recommendations to the  
3113 Legislature, the Legislative Budget Office shall include all  
3114 federal Title XX monies received or anticipated by agencies as a  
3115 part of the budget request in order to indicate for each budget  
3116 category the amount of state monies requested, the amount of  
3117 federal monies anticipated or due, the amount of other nonstate  
3118 monies requested or anticipated and the total anticipated  
3119 expenditure from all sources for each respective category. A  
3120 similar breakdown of funding sources shall be shown for current  
3121 and preceding fiscal periods. All Title XX purchase of service  
3122 contracts shall be subject to such auditing procedures by the  
3123 State Department of Audit as are applicable to all state agencies.  
3124 Upon the direction of the Legislative Budget Office, additional  
3125 evaluation of the Title XX system may be performed by an  
3126 independent group with expertise in cost analysis and the  
3127 evaluation of human service programs.

3128           **SECTION 72.** Section 43-51-3, Mississippi Code of 1972, is  
3129 amended as follows:

3130           43-51-3. As used in this chapter, unless the context clearly  
3131 requires otherwise, the following words and phrases shall have the  
3132 meanings respectively ascribed to them in this section:

3133 (a) "Child at imminent risk of placement" means a minor  
3134 who may be reasonably expected to face, in the near future,  
3135 commitment to the care or custody of the state as a result of:  
3136 (i) Dependency, abuse or neglect;  
3137 (ii) Emotional disturbance;  
3138 (iii) Family conflict so extensive that reasonable  
3139 control of the child is not exercised; or  
3140 (iv) Delinquency adjudication.

3141 \* \* \*

3142 ( \* \* \*b) "Family preservation services" means services  
3143 designed to help families alleviate risks or crises that might  
3144 lead to out-of-home placement of children. The services may  
3145 include procedures to maintain the safety of children in their own  
3146 homes, support to families preparing to reunify or adopt and  
3147 assistance to families in obtaining services and other sources of  
3148 support necessary to address their multiple needs in a culturally  
3149 sensitive environment.

3150 ( \* \* \*c) "Family support services" means preventive  
3151 community-based activities designed to alleviate stress and to  
3152 promote parental competencies and behaviors that will increase the  
3153 ability of families to successfully nurture their children and  
3154 will enable families to use other resources and opportunities  
3155 available in the community. These services may include supportive  
3156 networks designed to enhance child-rearing abilities of parents  
3157 and to help compensate for the increased social isolation and  
3158 vulnerability of families. Examples of these services and

3159 activities include: respite care for parents and other  
3160 caregivers; early developmental screening of children to assess  
3161 the needs of these children and assistance in obtaining specific  
3162 services to meet their needs; mentoring, tutoring and health  
3163 education for youth; and a range of center-based activities, such  
3164 as informal interactions in drop-in centers and parent support  
3165 groups, and home visiting programs.

3166         **SECTION 73.** Section 43-51-5, Mississippi Code of 1972, is  
3167 amended as follows:

3168         43-51-5. (1) The \* \* \* Department of \* \* \* Child Protection  
3169 Services \* \* \* shall engage in a comprehensive planning  
3170 process \* \* \* to develop, coordinate and implement a meaningful  
3171 and responsive program of family support and family preservation  
3172 services. The scope of planning shall address child welfare,  
3173 housing, mental health, primary health, education, juvenile  
3174 justice, community-based programs providing family support and  
3175 family preservation services and other social programs that  
3176 service children at imminent risk of placement and their families.  
3177 In developing the plan, the department, in its discretion, may  
3178 invite active participation from local consumers, practitioners,  
3179 researchers, foundations, mayors, members of the Legislature and  
3180 any available federal regional staff.

3181         \* \* \*

3182         ( \* \* \*2) In addition to the family preservation and family  
3183 support services defined in Section 41-51-3, the \* \* \* Department  
3184 of Child Protection Services shall offer a wide range of services,

3185 included, but not limited to, the following: crisis resolution;  
3186 teaching measures to prevent the repeated occurrence of abuse,  
3187 neglect and/or family conflict; education in parenting skills,  
3188 child development, communication, negotiations and home  
3189 maintenance skills; child and family advocacy; and job-readiness  
3190 training.

3191 **SECTION 74.** Section 43-51-7, Mississippi Code of 1972, is  
3192 amended as follows:

3193 43-51-7. The \* \* \* Department of \* \* \* Child Protection  
3194 Services shall apply annually for any available federal funds that  
3195 may be used to defray the planning and service expenses, in all or  
3196 in part, of \* \* \* this chapter, including, but not limited to,  
3197 funds available under the \* \* \* Family First Prevention Services  
3198 Act.

3199 **SECTION 75.** Section 45-33-36, Mississippi Code of 1972, is  
3200 amended as follows:

3201 45-33-36. (1) Upon receipt of sex offender registration or  
3202 change of registration information, the Department of Public  
3203 Safety shall immediately provide the information to:

3204 (a) The National Sex Offender Registry or other  
3205 appropriate databases;

3206 (b) The sheriff of the county and the chief law  
3207 enforcement officer of any other jurisdiction where the offender  
3208 resides, lodges, is an employee or is a student or intends to  
3209 reside, work, attend school or volunteer;

3210 (c) The sheriff of the county and the chief law  
3211 enforcement officer of any other jurisdiction from which or to  
3212 which a change of residence, employment or student status occurs;

3213 (d) The Department of Human Services, the Department of  
3214 Child Protection Services, and any other social service entities  
3215 responsible for protecting minors in the child welfare system;

3216 (e) The probation agency that is currently supervising  
3217 the sex offender;

3218 (f) Any agency responsible for conducting  
3219 employment-related background checks under Section 3 of the  
3220 National Child Protection Act of 1993 (42 USC 5119(a));

3221 (g) Each school and public housing agency in each  
3222 jurisdiction in which the sex offender resides, is an employee or  
3223 is a student;

3224 (h) All prosecutor offices in each jurisdiction in  
3225 which the sex offender resides, is an employee, or is a student;  
3226 and

3227 (i) Any other agencies with criminal investigation,  
3228 prosecution or sex offender supervision functions in each  
3229 jurisdiction in which the sex offender resides, is an employee, or  
3230 is a student.

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

3236 organization, company or individual who requests notification  
3237 pursuant to procedures established by the Department of Public  
3238 Safety. This provision shall take effect upon the state's receipt  
3239 and implementation of the Department of Justice software in  
3240 compliance with the provisions of the Adam Walsh Act.

3241 (3) From and after July 1, 2015, local jurisdictions  
3242 receiving notification and that have the ability may notify  
3243 residents when a sex offender begins residing, lodges, becomes  
3244 employed, volunteers or attends school or intends to reside,  
3245 lodge, work, attend school or volunteer in the area by using a  
3246 website, social media, print media, email or may provide a link to  
3247 the Department of Public Safety website.

3248 **SECTION 76.** Section 57-13-23, Mississippi Code of 1972, is  
3249 amended as follows:

3250 57-13-23. (1) There is \* \* \* created and established the  
3251 Mississippi Automated Resource Information System (MARIS),  
3252 (heretofore created by Executive Order No. 459, dated May 26,  
3253 1983, as amended by Executive Order No. 562, dated January 15,  
3254 1986), which shall be the mechanism within state government for  
3255 the storing, processing, extracting and disseminating of useful  
3256 data and information relating to the state's resources.

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

3262 consistent throughout state departments, agencies and  
3263 institutions, and, to the extent possible, with federal and  
3264 privately generated resource data banks.

3265 (3) MARIS shall be under the supervision and general policy  
3266 formulations of a policy committee as the cooperative effort of  
3267 state departments, agencies and institutions for the sharing of  
3268 useful data acquired and generated by state agencies in  
3269 discharging their individual responsibilities.

3270 (4) There is \* \* \* created and established the MARIS Policy  
3271 Committee composed of the directors or their designees of the  
3272 following departments, agencies and institutions:

3273 Center for Population Studies, University of Mississippi

3274 \* \* \* Department of Information Technology Services

3275 Department of Agriculture and Commerce

3276 Department of Archives and History

3277 \* \* \* Mississippi Development Authority

3278 Department of Human Services

3279 Department of Child Protection Services

3280 Department of Environmental Quality

3281 Department of Wildlife, Fisheries and Parks

3282 Mississippi Department of Transportation

3283 Mississippi Emergency Management Agency

3284 Mississippi Mineral Resources Institute, University of

3285 Mississippi

3286 Department of Finance and Administration

3287 Office of the Secretary of State

3288 Public Service Commission  
3289 Remote Sensing Center, Mississippi State University  
3290 State Forestry Commission  
3291 State Department of Health  
3292 State Oil and Gas Board  
3293 State Soil and Water Conservation Commission  
3294 \* \* \*Department of Revenue  
3295 University Research Center  
3296 Water Management Council.

3297 (5) The MARIS Policy Committee shall elect a chairman, vice  
3298 chairman and secretary, and it shall elect an executive committee  
3299 from the membership of the policy committee to be composed of not  
3300 less than five (5) nor more than nine (9) members, including the  
3301 aforesaid officers. The policy committee may elect to the  
3302 executive committee one (1) person other than from its membership.  
3303 The policy committee shall determine the authority and  
3304 responsibility to be exercised by the executive committee.

3305 (6) There is \* \* \* created and established the MARIS Task  
3306 Force which shall be composed of at least one (1) representative  
3307 from each of the aforesaid agencies with knowledge in computer  
3308 applications to natural, cultural, industrial or economic  
3309 resources to be appointed by the respective directors thereof, and  
3310 any other persons deemed advisable by the policy committee.

3311 (7) The University Research Center shall house the MARIS  
3312 equipment and staff and shall provide administrative support for  
3313 the policy committee and technical support to all member agencies.



3314 (8) It shall be the duty of every department, agency, office  
3315 and institution of the State of Mississippi, and the officers  
3316 thereof, to cooperate with and assist the MARIS Policy Committee  
3317 in every reasonable way.

3318 **SECTION 77.** Section 93-5-23, Mississippi Code of 1972, is  
3319 amended as follows:

3320 93-5-23. When a divorce shall be decreed from the bonds of  
3321 matrimony, the court may, in its discretion, having regard to the  
3322 circumstances of the parties and the nature of the case, as may  
3323 seem equitable and just, make all orders touching the care,  
3324 custody and maintenance of the children of the marriage, and also  
3325 touching the maintenance and alimony of the wife or the husband,  
3326 or any allowance to be made to her or him, and shall, if need be,  
3327 require bond, sureties or other guarantee for the payment of the  
3328 sum so allowed. Orders touching on the custody of the children of  
3329 the marriage shall be made in accordance with the provisions of  
3330 Section 93-5-24. For the purposes of orders touching the  
3331 maintenance and alimony of the wife or husband, "property" and "an  
3332 asset of a spouse" shall not include any interest a party may have  
3333 as an heir at law of a living person or any interest under a  
3334 third-party will, nor shall any such interest be considered as an  
3335 economic circumstance or other factor. The court may afterwards,  
3336 on petition, change the decree, and make from time to time such  
3337 new decrees as the case may require. However, where proof shows  
3338 that both parents have separate incomes or estates, the court may  
3339 require that each parent contribute to the support and maintenance

3340 of the children of the marriage in proportion to the relative  
3341 financial ability of each. In the event a legally responsible  
3342 parent has health insurance available to him or her through an  
3343 employer or organization that may extend benefits to the  
3344 dependents of such parent, any order of support issued against  
3345 such parent may require him or her to exercise the option of  
3346 additional coverage in favor of such children as he or she is  
3347 legally responsible to support.

3348       Whenever the court has ordered a party to make periodic  
3349 payments for the maintenance or support of a child, but no bond,  
3350 sureties or other guarantee has been required to secure such  
3351 payments, and whenever such payments as have become due remain  
3352 unpaid for a period of at least thirty (30) days, the court may,  
3353 upon petition of the person to whom such payments are owing, or  
3354 such person's legal representative, enter an order requiring that  
3355 bond, sureties or other security be given by the person obligated  
3356 to make such payments, the amount and sufficiency of which shall  
3357 be approved by the court. The obligor shall, as in other civil  
3358 actions, be served with process and shall be entitled to a hearing  
3359 in such case.

3360       At the discretion of the court, any person found in contempt  
3361 for failure to pay child support and imprisoned therefor may be  
3362 referred for placement in a state, county or municipal  
3363 restitution, house arrest or restorative justice center or  
3364 program, provided such person meets the qualifications prescribed  
3365 in Section 99-37-19.

3366 Whenever in any proceeding in the chancery court concerning  
3367 the custody of a child a party alleges that the child whose  
3368 custody is at issue has been the victim of sexual or physical  
3369 abuse by the other party, the court may, on its own motion, grant  
3370 a continuance in the custody proceeding only until such allegation  
3371 has been investigated by the Department of \* \* \* Child Protection  
3372 Services. At the time of ordering such continuance, the court may  
3373 direct the party and his attorney making such allegation of child  
3374 abuse to report in writing and provide all evidence touching on  
3375 the allegation of abuse to the Department of \* \* \* Child  
3376 Protection Services. The Department of \* \* \* Child Protection  
3377 Services shall investigate such allegation and take such action as  
3378 it deems appropriate and as provided in such cases under the Youth  
3379 Court Law (being Chapter 21 of Title 43, Mississippi Code of 1972)  
3380 or under the laws establishing family courts (being Chapter 23 of  
3381 Title 43, Mississippi Code of 1972).

3382 If after investigation by the Department of \* \* \* Child  
3383 Protection Services or final disposition by the youth court or  
3384 family court allegations of child abuse are found to be without  
3385 foundation, the chancery court shall order the alleging party to  
3386 pay all court costs and reasonable attorney's fees incurred by the  
3387 defending party in responding to such allegation.

3388 The court may investigate, hear and make a determination in a  
3389 custody action when a charge of abuse and/or neglect arises in the  
3390 course of a custody action as provided in Section 43-21-151, and  
3391 in such cases the court shall appoint a guardian ad litem for the

3392 child as provided under Section 43-21-121, who shall be an  
3393 attorney. Unless the chancery court's jurisdiction has been  
3394 terminated, all disposition orders in such cases for placement  
3395 with the Department of \* \* \* Child Protection Services shall be  
3396 reviewed by the court or designated authority at least annually to  
3397 determine if continued placement with the department is in the  
3398 best interest of the child or public.

3399 The duty of support of a child terminates upon the  
3400 emancipation of the child. The court may determine that  
3401 emancipation has occurred pursuant to Section 93-11-65.

3402 Custody and visitation upon military temporary duty,  
3403 deployment or mobilization shall be governed by Section 93-5-34.

3404 **SECTION 78.** Section 93-17-3, Mississippi Code of 1972, is  
3405 amended as follows:

3406 93-17-3. (1) Except as otherwise provided in this section,  
3407 a court of this state has jurisdiction over a proceeding for the  
3408 adoption or readoption of a minor commenced under this chapter if:

3409 (a) Immediately before commencement of the proceeding,  
3410 the minor lived in this state with a parent, a guardian, a  
3411 prospective adoptive parent or another person acting as parent,  
3412 for at least six (6) consecutive months, excluding periods of  
3413 temporary absence, or, in the case of a minor under six (6) months  
3414 of age, lived in this state from soon after birth with any of  
3415 those individuals and there is available in this state substantial  
3416 evidence concerning the minor's present or future care;

3417           (b) Immediately before commencement of the proceeding,  
3418 the prospective adoptive parent lived in this state for at least  
3419 six (6) consecutive months, excluding periods of temporary  
3420 absence, and there is available in this state substantial evidence  
3421 concerning the minor's present or future care;

3422           (c) The agency that placed the minor for adoption is  
3423 licensed in this state and it is in the best interest of the minor  
3424 that a court of this state assume jurisdiction because:

3425                   (i) The minor and the minor's parents, or the  
3426 minor and the prospective adoptive parent, have a significant  
3427 connection with this state; and

3428                   (ii) There is available in this state substantial  
3429 evidence concerning the minor's present or future care;

3430           (d) The minor and the prospective adoptive parent or  
3431 parents are physically present in this state and the minor has  
3432 been abandoned or it is necessary in an emergency to protect the  
3433 minor because the minor has been subjected to or threatened with  
3434 mistreatment or abuse or is otherwise neglected, and the  
3435 prospective adoptive parent or parents, if not residing in  
3436 Mississippi, have completed and provided the court with a  
3437 satisfactory Interstate Compact for Placement of Children (ICPC)  
3438 home study and accompanying forms;

3439           (e) It appears that no other state would have  
3440 jurisdiction under prerequisites substantially in accordance with  
3441 paragraphs (a) through (d), or another state has declined to  
3442 exercise jurisdiction on the ground that this state is the more

3443 appropriate forum to hear a petition for adoption of the minor,  
3444 and it is in the best interest of the minor that a court of this  
3445 state assume jurisdiction; or

3446 (f) The child has been adopted in a foreign country,  
3447 the agency that placed the minor for adoption is licensed in this  
3448 state, and it is in the best interest of the child to be readopted  
3449 in a court of this state having jurisdiction.

3450 (2) A court of this state may not exercise jurisdiction over  
3451 a proceeding for adoption of a minor if, at the time the petition  
3452 for adoption is filed, a proceeding concerning the custody or  
3453 adoption of the minor is pending in a court of another state  
3454 exercising jurisdiction substantially in conformity with the  
3455 Uniform Child Custody Jurisdiction Act or this section unless the  
3456 proceeding is stayed by the court of the other state.

3457 (3) If a court of another state has issued a decree or order  
3458 concerning the custody of a minor who may be the subject of a  
3459 proceeding for adoption in this state, a court of this state may  
3460 not exercise jurisdiction over a proceeding for adoption of the  
3461 minor unless:

3462 (a) The court of this state finds that the court of the  
3463 state which issued the decree or order:

3464 (i) Does not have continuing jurisdiction to  
3465 modify the decree or order under jurisdictional prerequisites  
3466 substantially in accordance with the Uniform Child Custody  
3467 Jurisdiction Act or has declined to assume jurisdiction to modify  
3468 the decree or order; or

3469                   (ii) Does not have jurisdiction over a proceeding  
3470 for adoption substantially in conformity with subsection (1)(a)  
3471 through (d) or has declined to assume jurisdiction over a  
3472 proceeding for adoption; and

3473                   (b) The court of this state has jurisdiction over the  
3474 proceeding.

3475                   (4) Any person may be adopted in accordance with the  
3476 provisions of this chapter in term time or in vacation by an  
3477 unmarried adult, by a married person whose spouse joins in the  
3478 petition, by a married person whose spouse does not join in the  
3479 petition because such spouse does not cohabit or reside with the  
3480 petitioning spouse, and in any circumstances determined by the  
3481 court that the adoption is in the best interest of the child.  
3482 Only the consenting adult will be a legal parent of the child.  
3483 The adoption shall be by sworn petition filed in the chancery  
3484 court of the county in which the adopting petitioner or  
3485 petitioners reside or in which the child to be adopted resides or  
3486 was born, or was found when it was abandoned or deserted, or in  
3487 which the home is located to which the child has been surrendered  
3488 by a person authorized to so do. The petition shall be  
3489 accompanied by a doctor's or nurse practitioner's certificate  
3490 showing the physical and mental condition of the child to be  
3491 adopted and a sworn statement of all property, if any, owned by  
3492 the child. In addition, the petition shall be accompanied by  
3493 affidavits of the petitioner or petitioners stating the amount of  
3494 the service fees charged by any adoption agencies or adoption

3495 facilitators used by the petitioner or petitioners and any other  
3496 expenses paid by the petitioner or petitioners in the adoption  
3497 process as of the time of filing the petition. If the doctor's or  
3498 nurse practitioner's certificate indicates any abnormal mental or  
3499 physical condition or defect, the condition or defect shall not,  
3500 in the discretion of the chancellor, bar the adoption of the child  
3501 if the adopting parent or parents file an affidavit stating full  
3502 and complete knowledge of the condition or defect and stating a  
3503 desire to adopt the child, notwithstanding the condition or  
3504 defect. The court shall have the power to change the name of the  
3505 child as a part of the adoption proceedings. The word "child" in  
3506 this section shall be construed to refer to the person to be  
3507 adopted, though an adult.

3508 (5) No person may be placed in the home of or adopted by the  
3509 prospective adopting parties before a court-ordered or voluntary  
3510 home study is satisfactorily completed by a licensed adoption  
3511 agency, a licensed, experienced social worker approved by the  
3512 chancery court, a court-appointed guardian ad litem that has  
3513 knowledge or training in conducting home studies if so directed by  
3514 the court, or by the Department of \* \* \* Child Protection Services  
3515 on the prospective adoptive parties if required by Section  
3516 93-17-11.

3517 (6) No person may be adopted by a person or persons who  
3518 reside outside the State of Mississippi unless the provisions of  
3519 the Interstate Compact for Placement of Children (Section 43-18-1  
3520 et seq.) have been complied with. In such cases Forms 100A, 100B



3521 (if applicable) and evidence of Interstate Compact for Placement  
3522 of Children approval shall be added to the permanent adoption  
3523 record file within one (1) month of the placement, and a minimum  
3524 of two (2) post-placement reports conducted by a licensed  
3525 child-placing agency shall be provided to the Mississippi  
3526 Department of Child Protection Services Interstate Compact for  
3527 Placement of Children office.

3528 (7) No person may be adopted unless the provisions of the  
3529 Indian Child Welfare Act (ICWA) have been complied with, if  
3530 applicable. When applicable, proof of compliance shall be  
3531 included in the court adoption file prior to finalization of the  
3532 adoption. If not applicable, a written statement or paragraph in  
3533 the petition for adoption shall be included in the adoption  
3534 petition stating that the provisions of ICWA do not apply before  
3535 finalization.

3536 (8) The readoption of a child who has automatically acquired  
3537 United States citizenship following an adoption in a foreign  
3538 country and who possesses a Certificate of Citizenship in  
3539 accordance with the Child Citizenship Act, CAA, Public Law  
3540 106-395, may be given full force and effect in a readoption  
3541 proceeding conducted by a court of competent jurisdiction in this  
3542 state by compliance with the Mississippi Registration of Foreign  
3543 Adoptions Act, Article 9 of this chapter.

3544 (9) For adult adoptees who consent to the adoption, a  
3545 chancellor may waive any of the petition requirements and

3546 procedural requirements within subsections (4), (5), (6) and (7)  
3547 of this section.

3548         **SECTION 79.** Section 93-17-5, Mississippi Code of 1972, is  
3549 amended as follows:

3550         93-17-5. (1) There shall be made parties to the proceeding  
3551 by process or by the filing therein of a consent to the adoption  
3552 proposed in the petition, which consent shall be duly sworn to or  
3553 acknowledged and executed only by the following persons, but not  
3554 before seventy-two (72) hours after the birth of the child:

3555                 (a) The parents, or parent, if only one (1) parent,  
3556 though either be under the age of twenty-one (21) years;

3557                 (b) If both parents are dead, then any two (2) adult  
3558 kin of the child within the third degree computed according to the  
3559 civil law; if one of such kin is in possession of the child, he or  
3560 she shall join in the petition or be made a party to the suit; or

3561                 (c) The guardian ad litem of an abandoned child, upon  
3562 petition showing that the names of the parents of the child are  
3563 unknown after diligent search and inquiry by the petitioners. In  
3564 addition to the above, there shall be made parties to any

3565 proceeding to adopt a child, either by process or by the filing of  
3566 a consent to the adoption proposed in the petition, the following:

3567                 (i) Those persons having physical custody of the  
3568 child, except persons who are acting as foster parents as a result  
3569 of placement with them by the Department of \* \* \* Child Protection  
3570 Services of the State of Mississippi.

3571                   (ii) Any person to whom custody of the child may  
3572 have been awarded by a court of competent jurisdiction of the  
3573 State of Mississippi.

3574                   (iii) The agent of the \* \* \* Department of \* \* \*  
3575 Child Protection Services of the State of Mississippi that has  
3576 placed a child in foster care, either by agreement or by court  
3577 order.

3578           (2) The consent may also be executed and filed by the duly  
3579 authorized officer or representative of a home to whose care the  
3580 child has been delivered. The child shall join the petition by  
3581 the child's next friend.

3582           (3) If consent is not filed, process shall be had upon the  
3583 parties as provided by law for process in person or by  
3584 publication, if they are nonresidents of the state or are not  
3585 found therein after diligent search and inquiry, the court or  
3586 chancellor in vacation may fix a date in termtime or in vacation  
3587 to which process may be returnable and shall have power to proceed  
3588 in termtime or vacation. In any event, if the child is more than  
3589 fourteen (14) years of age, a consent to the adoption, sworn to or  
3590 acknowledged by the child, shall also be required or personal  
3591 service of process shall be had upon the child in the same manner  
3592 and in the same effect as if the child were an adult.

3593           **SECTION 80.** Section 93-17-8, Mississippi Code of 1972, is  
3594 amended as follows:

3595           93-17-8. (1) Whenever an adoption becomes a contested  
3596 matter, whether after a hearing on a petition for determination of  
3597 rights under Section 93-17-6 or otherwise, the court:

3598           (a) Shall, on motion of any party or on its own motion,  
3599 issue an order for immediate blood or tissue sampling in  
3600 accordance with the provisions of Section 93-9-21 et seq., if  
3601 paternity is at issue. The court shall order an expedited report  
3602 of such testing and shall hold the hearing resolving this matter  
3603 at the earliest time possible.

3604           (b) Shall appoint a guardian ad litem to represent the  
3605 child. Such guardian ad litem shall be an attorney, however his  
3606 duties are as guardian ad litem and not as attorney for the child.  
3607 The reasonable costs of the guardian ad litem shall be taxed as  
3608 costs of court. Neither the child nor anyone purporting to act on  
3609 his behalf may waive the appointment of a guardian ad litem.

3610           (c) Shall determine first whether or not the objecting  
3611 parent is entitled to so object under the criteria of Section  
3612 93-17-7 and then shall determine the custody of the child in  
3613 accord with the best interests of the child and the rights of the  
3614 parties as established by the hearings and judgments.

3615           (d) Shall schedule all hearings concerning the  
3616 contested adoption as expeditiously as possible for prompt  
3617 conclusion of the matter.

3618           (2) In determining the custody of the child after a finding  
3619 that the adoption will not be granted, the fact of the surrender  
3620 of the child for adoption by a parent shall not be taken as any

3621 evidence of that parent's abandonment or desertion of the child or  
3622 of that parent's unfitness as a parent.

3623         (3) In contested adoptions arising through petitions for  
3624 determination of rights where the prospective adopting parents  
3625 were not parties to that proceeding, they need not be made parties  
3626 to the contested adoption until there has been a ruling that the  
3627 objecting parent is not entitled to enter a valid objection to the  
3628 adoption. At that point the prospective adopting parents shall be  
3629 made parties by joinder which shall show their suitability to be  
3630 adopting parents as would a petition for adoption. The identity  
3631 and suitability of the prospective adopting parents shall be made  
3632 known to the court and the guardian ad litem, but shall not be  
3633 made known to other parties to the proceeding unless the court  
3634 determines that the interests of justice or the best interests of  
3635 the child require it.

3636         (4) No birth parent or alleged parent shall be permitted to  
3637 contradict statements given in a proceeding for the adoption of  
3638 their child in any other proceeding concerning that child or his  
3639 ancestry.

3640         (5) Appointment of a guardian ad litem is not required in  
3641 any proceeding under this chapter except as provided in subsection  
3642 (1)(b) above and except for the guardian ad litem needed for an  
3643 abandoned child. It shall not be necessary for a guardian ad  
3644 litem to be appointed where the chancery judge presiding in the  
3645 adoption proceeding deems it unnecessary and no adoption agency is  
3646 involved in the proceeding. No final decree of adoption

3647 heretofore granted shall be set aside or modified because a  
3648 guardian ad litem was not appointed unless as the result of a  
3649 direct appeal not now barred.

3650 (6) The provisions of Chapter 15 of this Title 93,  
3651 Mississippi Code of 1972, are not applicable to proceedings under  
3652 this chapter except as specifically provided by reference herein.

3653 (7) The court may order a child's birth father, identified  
3654 as such in the proceedings, to reimburse the Department of \* \* \*  
3655 Child Protection Services, the foster parents, the adopting  
3656 parents, the home, any other agency or person who has assumed  
3657 liability for such child, all or part of the costs of the medical  
3658 expenses incurred for the mother and the child in connection with  
3659 the birth of the child, as well as reasonable support for the  
3660 child after his birth.

3661 **SECTION 81.** Section 93-17-11, Mississippi Code of 1972, is  
3662 amended as follows:

3663 93-17-11. At any time after the filing of the petition for  
3664 adoption and completion of process thereon, and before the  
3665 entering of a final decree, the court may, in its discretion, of  
3666 its own motion or on motion of any party to the proceeding,  
3667 require an investigation and report to the court to be made by any  
3668 person, officer or home as the court may designate and direct  
3669 concerning the child, and shall require in adoptions, other than  
3670 those in which the petitioner or petitioners are a relative or  
3671 stepparent of the child, that a home study be performed of the  
3672 petitioner or petitioners by a licensed adoption agency or by the

3673 Department of \* \* \* Child Protection Services, at the petitioner's  
3674 or petitioners' sole expense and at no cost to the state or  
3675 county. The investigation and report shall give the material  
3676 facts upon which the court may determine whether the child is a  
3677 proper subject for adoption, whether the petitioner or petitioners  
3678 are suitable parents for the child, whether the adoption is to its  
3679 best interest, and any other facts or circumstances that may be  
3680 material to the proposed adoption. The home study shall be  
3681 considered by the court in determining whether the petitioner or  
3682 petitioners are suitable parents for the child. The court, when  
3683 an investigation and report are required by the court or by this  
3684 section, shall stay the proceedings in the cause for such  
3685 reasonable time as may be necessary or required in the opinion of  
3686 the court for the completion of the investigation and report by  
3687 the person, officer or home designated and authorized to make the  
3688 same.

3689       Upon the filing of that consent or the completion of the  
3690 process and the filing of the investigation and report, if  
3691 required by the court or by this section, and the presentation of  
3692 such other evidence as may be desired by the court, if the court  
3693 determines that it is to the best interests of the child that an  
3694 interlocutory decree of adoption be entered, the court may  
3695 thereupon enter an interlocutory decree upon such terms and  
3696 conditions as may be determined by the court, in its discretion,  
3697 but including therein that the complete care, custody and control  
3698 of the child shall be vested in the petitioner or petitioners

3699 until further orders of the court and that during such time the  
3700 child shall be and remain a ward of the court. If the court  
3701 determines by decree at any time during the pendency of the  
3702 proceeding that it is not to the best interests of the child that  
3703 the adoption proceed, the petitioners shall be entitled to at  
3704 least five (5) days' notice upon their attorneys of record and a  
3705 hearing with the right of appeal as provided by law from a  
3706 dismissal of the petition; however, the bond perfecting the appeal  
3707 shall be filed within ten (10) days from the entry of the decree  
3708 of dismissal and the bond shall be in such amount as the  
3709 chancellor may determine and supersedeas may be granted by the  
3710 chancellor or as otherwise provided by law for appeal from final  
3711 decrees.

3712 After the entry of the interlocutory decree and before entry  
3713 of the final decree, the court may require such further and  
3714 additional investigation and reports as it may deem proper. The  
3715 rights of the parties filing the consent or served with process  
3716 shall be subject to the decree but shall not be divested until  
3717 entry of the final decree.

3718 **SECTION 82.** Section 93-17-12, Mississippi Code of 1972, is  
3719 amended as follows:

3720 93-17-12. In any child custody matter hereafter filed in any  
3721 chancery or county court in which temporary or permanent custody  
3722 has already been placed with a parent or guardian and in all  
3723 adoptions, the court shall impose a fee for any court-ordered home  
3724 study performed by the Department of \* \* \* Child Protection



3725 Services or any other entity. The fee shall be assessed upon  
3726 either party or upon both parties in the court's discretion. The  
3727 minimum fee imposed shall be not less than Three Hundred Fifty  
3728 Dollars (\$350.00) for each household on which a home study is  
3729 performed. The fee shall be paid directly to the Mississippi  
3730 Department of \* \* \* Child Protection Services prior to the home  
3731 study being conducted by the department or to the entity if the  
3732 study is performed by another entity. The judge may order the fee  
3733 be paid by one or both of the parents or guardian. If the court  
3734 determines that both parents or the guardian are unable to pay the  
3735 fee, the judge shall waive the fee and the cost of the home study  
3736 shall be defrayed by the Department of \* \* \* Child Protection  
3737 Services.

3738 **SECTION 83.** Section 93-17-53, Mississippi Code of 1972, is  
3739 amended as follows:

3740 93-17-53. The purpose of Sections 93-17-51 through 93-17-67  
3741 is to supplement the Mississippi adoption law by making possible  
3742 through public supplemental benefits the most appropriate adoption  
3743 of each child certified by the \* \* \* Department of \* \* \* Child  
3744 Protection Services as requiring a supplemental benefit to assure  
3745 adoption.

3746 **SECTION 84.** Section 93-17-57, Mississippi Code of 1972, is  
3747 amended as follows:

3748 93-17-57. The \* \* \* Department of \* \* \* Child Protection  
3749 Services shall establish and administer an on-going program of  
3750 supplemental benefits for adoption. Supplemental benefits and

3751 services for children under this program shall be provided out of  
3752 such funds as may be appropriated to the \* \* \* Division of  
3753 Medicaid \* \* \* for the medical services for children in foster  
3754 care, or made available to the department from other sources.

3755 **SECTION 85.** Section 93-17-59, Mississippi Code of 1972, is  
3756 amended as follows:

3757 93-17-59. Any child meeting criteria specified in Section  
3758 93-17-55 for whom the \* \* \* Department of \* \* \* Child Protection  
3759 Services feels supplemental benefits are necessary to improve  
3760 opportunities for adoption will be eligible for the program. The  
3761 adoption agency shall document that reasonable efforts have been  
3762 made to place the child in adoption without supplemental benefits  
3763 through the use of adoption resource exchanges, recruitment and  
3764 referral to appropriate specialized adoption agencies.

3765 **SECTION 86.** Section 93-17-61, Mississippi Code of 1972, is  
3766 amended as follows:

3767 93-17-61. (1) When parents are found and approved for  
3768 adoption of a child certified as eligible for supplemental  
3769 benefits, and before the final decree of adoption is issued, there  
3770 shall be executed a written agreement between the family entering  
3771 into the adoption and the Department of \* \* \* Child Protection  
3772 Services. In individual cases, supplemental benefits may commence  
3773 with the adoptive placement or at the appropriate time after the  
3774 adoption decree and will vary with the needs of the child as well  
3775 as the availability of other resources to meet the child's needs.  
3776 The supplemental benefits may be for special services only or for

3777 money payments as allowed under Section 43-13-115, \* \* \* and  
3778 either for a limited period, for a long-term not exceeding the  
3779 child's eighteenth birthday, or for any combination of the  
3780 foregoing. The amount of the time-limited, long-term supplemental  
3781 benefits may in no case exceed that which would be currently  
3782 allowable for such child under the Mississippi Medicaid Law.

3783 (2) When supplemental benefits last for more than one (1)  
3784 year, the adoptive parents shall present an annual written  
3785 certification that the child remains under the parents' care and  
3786 that the child's need for supplemental benefits continues. Based  
3787 on investigation by the agency and available funds, the agency may  
3788 approve continued supplemental benefits. These benefits shall be  
3789 extended so long as the parents remain legally responsible for and  
3790 are providing support for the child. The agency shall continue  
3791 paying benefits until a child reaches twenty-one (21) years of age  
3792 if the child meets the criteria stated in Section 93-17-67(1) for  
3793 continuation of Medicaid coverage.

3794 (3) A child who is a resident of Mississippi when  
3795 eligibility for supplemental benefits is certified shall remain  
3796 eligible and receive supplemental benefits, if necessary for  
3797 adoption, regardless of the domicile or residence of the adopting  
3798 parents at the time of application for adoption, placement, legal  
3799 decree of adoption or thereafter.

3800 **SECTION 87.** Section 93-17-63, Mississippi Code of 1972, is  
3801 amended as follows:

3802 93-17-63. All records regarding such adoption shall be  
3803 confidential. Anyone violating or releasing information of a  
3804 confidential nature, as contemplated by Sections 93-17-51 through  
3805 93-17-67 without the approval of the court with jurisdiction or  
3806 the \* \* \* Department of \* \* \* Child Protection Services unless  
3807 such release is made pursuant to Sections 93-17-201 through  
3808 93-17-223 shall be guilty of a misdemeanor and subject to a fine  
3809 not exceeding One Thousand Dollars (\$1,000.00) or imprisonment of  
3810 six (6) months, or both.

3811 **SECTION 88.** Section 93-17-65, Mississippi Code of 1972, is  
3812 amended as follows:

3813 93-17-65. The \* \* \* Department of \* \* \* Child Protection  
3814 Services shall promulgate rules and regulations necessary to  
3815 implement the provisions of Sections 93-17-51 through 93-17-67.

3816 **SECTION 89.** Section 93-17-101, Mississippi Code of 1972, is  
3817 amended as follows:

3818 93-17-101. (1) The Legislature finds that:

3819 (a) Locating adoptive families for children for whom  
3820 state assistance is desirable, pursuant to the Mississippi  
3821 adoption assistance law, and assuring the protection of the  
3822 interests of the children affected during the entire assistance  
3823 period, require special measures when the adoptive parents move to  
3824 other states or are residents of another state; and

3825 (b) Providing medical and other necessary services for  
3826 children, with state assistance, encounters special difficulties  
3827 when the providing of services takes place in other states.

3828 (2) The purposes of Sections 93-17-101 through 93-17-109 are  
3829 to:

3830 (a) Authorize the Mississippi Department of \* \* \* Child  
3831 Protection Services to enter into interstate agreements with  
3832 agencies of other states for the protection of children on behalf  
3833 of whom adoption assistance is being provided by the Mississippi  
3834 Department of \* \* \* Child Protection Services; and

3835 (b) Provide procedures for interstate children's  
3836 adoption assistance payments, including medical payments.

3837 **SECTION 90.** Section 93-17-103, Mississippi Code of 1972, is  
3838 amended as follows:

3839 93-17-103. (1) The Mississippi Department of \* \* \* Child  
3840 Protection Services is authorized to develop, participate in the  
3841 development of, negotiate and enter into one or more interstate  
3842 compacts on behalf of this state with other states to implement  
3843 one or more of the purposes set forth in Sections 93-17-101  
3844 through 93-17-109. When so entered into, and for so long as it  
3845 shall remain in force, such a compact shall have the force and  
3846 effect of law.

3847 (2) For the purposes of Sections 93-17-101 through  
3848 93-17-109, the term "state" shall mean a state of the United  
3849 States, the District of Columbia, the Commonwealth of Puerto Rico,  
3850 the Virgin Islands, Guam, the Commonwealth of the Northern Mariana  
3851 Islands or a territory or possession of or administered by the  
3852 United States.

3853           (3) For the purposes of Sections 93-17-101 through  
3854 93-17-109, the term "adoption assistance state" means the state  
3855 that is signatory to an adoption assistance agreement in a  
3856 particular case.

3857           (4) For the purposes of Sections 93-17-101 through  
3858 93-17-109, the term "residence state" means the state of which the  
3859 child is a resident by virtue of the residence of the adoptive  
3860 parents.

3861           **SECTION 91.** Section 93-17-107, Mississippi Code of 1972, is  
3862 amended as follows:

3863           93-17-107. (1) A child with special needs resident in this  
3864 state who is the subject of an adoption assistance agreement with  
3865 another state and who has been determined eligible for Medicaid in  
3866 that state shall be entitled to receive a medical assistance  
3867 identification from this state upon filing with the Mississippi  
3868 Department of \* \* \* Child Protection Services a certified copy of  
3869 the adoption assistance agreement obtained from the adoption  
3870 assistance state which certifies to the eligibility of the child  
3871 for Medicaid. In accordance with regulations of the Mississippi  
3872 Department of \* \* \* Child Protection Services, the adoptive  
3873 parents shall be required, at least annually, to show that the  
3874 agreement is still in force or has been renewed.

3875           (2) The Division of Medicaid, Office of the Governor, shall  
3876 consider the holder of a medical assistance identification  
3877 pursuant to this section as any other holder of a medical  
3878 assistance identification under the laws of this state and shall

3879 process and make payment on claims on account of such holder in  
3880 the same manner and pursuant to the same conditions and procedures  
3881 as for other recipients of medical assistance.

3882 (3) The submission of any claim for payment or reimbursement  
3883 for services or benefits pursuant to this section or the making of  
3884 any statement in connection therewith, which claim or statement  
3885 the maker knows or should know to be false, misleading or  
3886 fraudulent shall be punishable as perjury and shall also be  
3887 subject to a fine not to exceed Ten Thousand Dollars (\$10,000.00),  
3888 or imprisonment for not to exceed two (2) years, or both.

3889 (4) The provisions of this section shall apply only to  
3890 medical assistance for children under adoption assistance  
3891 agreements from states that have entered into a compact with this  
3892 state under which the other state provides medical assistance to  
3893 children with special needs under adoption assistance agreements  
3894 made by this state. All other children entitled to medical  
3895 assistance pursuant to adoption assistance agreements entered into  
3896 by this state shall be eligible to receive it in accordance with  
3897 the laws and procedures applicable thereto.

3898 **SECTION 92.** Section 93-17-109, Mississippi Code of 1972, is  
3899 amended as follows:

3900 93-17-109. Consistent with federal law, the Mississippi  
3901 Department of \* \* \* Child Protection Services and the Division of  
3902 Medicaid, Office of the Governor of the State of Mississippi, in  
3903 connection with the administration of Sections 93-17-101 through  
3904 93-17-109 and any compact entered into pursuant hereto, shall

3905 include in any state plan made pursuant to the Adoption Assistance  
3906 and Child Welfare Act of 1980 (P.L. 96-272), Titles IV(e) and XIX  
3907 of the Social Security Act, and any other applicable federal laws,  
3908 the provision of adoption assistance and medical assistance for  
3909 which the federal government pays some or all of the cost provided  
3910 such authority is granted under the provisions of some law of this  
3911 state other than the provisions of Sections 93-17-101 through  
3912 93-17-109. Such departments shall apply for and administer all  
3913 relevant federal aid in accordance with law.

3914       **SECTION 93.** Section 93-17-203, Mississippi Code of 1972, is  
3915 amended as follows:

3916       93-17-203. The following words and phrases shall have the  
3917 meanings ascribed herein unless the context clearly indicates  
3918 otherwise:

3919           (a) "Agency" means a county \* \* \* department of human  
3920 services, the Department of Child Protection Services, a licensed  
3921 or nonlicensed adoption agency or any other individual or entity  
3922 assisting in the finalization of an adoption.

3923           (b) "Adoptee" means a person who is or has been adopted  
3924 in this state at any time.

3925           (c) "Birth parent" means either:

3926                   (i) The mother designated on the adoptee's  
3927 original birth certificate; or

3928                   (ii) The person named by the mother designated on  
3929 the adoptee's original birth certificate as the father of the  
3930 adoptee.



3931 (d) "Board" means the Mississippi State Board of  
3932 Health.

3933 (e) "Bureau" means the Bureau of Vital Records of the  
3934 Mississippi State Board of Health.

3935 (f) "Licensed adoption agency" means any agency or  
3936 organization performing adoption services and duly licensed by the  
3937 Mississippi Department of \* \* \* Child Protection Services.

3938 **SECTION 94.** Section 93-17-209, Mississippi Code of 1972, is  
3939 amended as follows:

3940 93-17-209. (1) Whenever any person specified under Section  
3941 93-17-207 wishes to obtain medical, social or genetic background  
3942 information about an adoptee or nonidentifying information about  
3943 the birth parents of such adoptee, and the information is not on  
3944 file with the bureau and the birth parents have not filed  
3945 affidavits prohibiting a search to be conducted for them under the  
3946 provisions of Sections 93-17-201 through 93-17-223, the person may  
3947 request a licensed adoption agency to locate the birth parents to  
3948 obtain the information.

3949 (2) Employees of any agency conducting a search under this  
3950 section may not inform any person other than the birth parents of  
3951 the purpose of the search.

3952 (3) The agency may charge the requester a reasonable fee for  
3953 the cost of the search. When the agency determines that the fee  
3954 will exceed One Hundred Dollars (\$100.00) for either birth parent,  
3955 it shall notify the requester. No fee in excess of One Hundred  
3956 Dollars (\$100.00) per birth parent may be charged unless the

3957 requester, after receiving notification under this subsection, has  
3958 given consent to proceed with the search.

3959 (4) The agency conducting the search shall, upon locating a  
3960 birth parent, notify him or her of the request and of the need for  
3961 medical, social and genetic information.

3962 (5) The agency shall release to the requester any medical or  
3963 genetic information provided by a birth parent under this section  
3964 without disclosing the birth parent's identity or location.

3965 (6) If a birth parent is located but refuses to provide the  
3966 information requested, the agency shall notify the requester,  
3967 without disclosing the birth parent's identity or location, and  
3968 the requester may petition the chancery court to order the birth  
3969 parent to disclose the nonidentifying information. The court  
3970 shall grant the motion for good cause shown.

3971 (7) The Mississippi Department of \* \* \* Child Protection  
3972 Services shall provide the bureau each year with a list of  
3973 licensed adoption agencies in this state capable of performing the  
3974 types of searches described in this section.

3975 **SECTION 95.** Section 93-21-305, Mississippi Code of 1972, is  
3976 amended as follows:

3977 93-21-305. (1) There is \* \* \* established in the State  
3978 Treasury a special fund to be known as the "Mississippi Children's  
3979 Trust Fund."

3980 (2) The fund shall consist of any monies appropriated to the  
3981 fund by the Legislature, any donations, gifts and grants from any  
3982 source, receipts from the birth certificate fees as provided by

3983 subsection (2) of Section 41-57-11, and any other monies which may  
3984 be received from any other source or which may be hereafter  
3985 provided by law.

3986 (3) Monies in the fund shall be used only for the purposes  
3987 set forth in Sections 93-21-301 through 93-21-311. Interest  
3988 earned on the investment of monies in the fund shall be returned  
3989 and deposited to the credit of the fund.

3990 (4) Disbursements of money from the fund shall be on the  
3991 authorization of the \* \* \* Department of Child Protection  
3992 Services.

3993 (5) The primary purpose of the fund is to encourage and  
3994 provide financial assistance in the provision of direct services  
3995 to prevent child abuse and neglect.

3996 **SECTION 96.** Section 93-21-307, Mississippi Code of 1972, is  
3997 amended as follows:

3998 93-21-307. The administration of the Mississippi Children's  
3999 Trust Fund shall be vested in the \* \* \* Department of Child  
4000 Protection Services. In carrying out the provisions of Sections  
4001 93-21-301 through 93-21-311, the \* \* \* Department of Child  
4002 Protection Services shall have the following powers and duties:

4003 (a) To assist in developing programs aimed at  
4004 discovering and preventing the many factors causing child abuse  
4005 and neglect;

4006 (b) To prepare and disseminate, including the  
4007 presentation of, educational programs and materials on child abuse  
4008 and neglect;

4009                   (c) To provide educational programs for professionals  
4010 required by law to make reports of child abuse and neglect;

4011                   (d) To help coordinate child protective services at the  
4012 state, regional and local levels with the efforts of other state  
4013 and voluntary social, medical and legal agencies;

4014                   (e) To provide advocacy for children in public and  
4015 private state and local agencies affecting children;

4016                   (f) To encourage citizen and community awareness as to  
4017 the needs and problems of children;

4018                   (g) To facilitate the exchange of information between  
4019 groups concerned with families and children;

4020                   (h) To consult with state departments, agencies,  
4021 commissions and boards to help determine the probable  
4022 effectiveness, fiscal soundness and need for proposed educational  
4023 and service programs for the prevention of child abuse and  
4024 neglect;

4025                   (i) To adopt rules and regulations \* \* \* in accordance  
4026 with the Administrative Procedures Law to discharge its  
4027 responsibilities;

4028                   (j) To report annually, through the annual report of  
4029 the \* \* \* Department of \* \* \* Child Protection Services, to the  
4030 Governor and the Legislature concerning the \* \* \* department's  
4031 activities under Sections 93-21-301 through 93-21-311 and the  
4032 effectiveness of those activities in fostering the prevention of  
4033 child abuse and neglect;

4034           (k) To recommend to the Governor and the Legislature  
4035 changes in state programs, statutes, policies and standards which  
4036 will reduce child abuse and neglect, improve coordination among  
4037 state agencies which provide services to prevent abuse and  
4038 neglect, improve the condition of children and assist parents and  
4039 guardians;

4040           (l) To evaluate and strengthen all local, regional and  
4041 state programs dealing with child abuse and neglect;

4042           (m) To prepare and submit annually to the Governor and  
4043 the Legislature reports evaluating the level and quality of all  
4044 programs, services and facilities provided to children by state  
4045 agencies;

4046           (n) To contract with public or private nonprofit  
4047 institutions, organizations, agencies or schools or with qualified  
4048 individuals for the establishment of community-based educational  
4049 and service programs designed to reduce the occurrence of child  
4050 abuse and neglect;

4051           (o) To determine the eligibility of programs applying  
4052 for financial assistance and to make grants and loans from the  
4053 fund for the purposes set forth in Sections 93-21-301 through  
4054 93-21-311;

4055           (p) To develop, within one (1) year after July 1, 1989,  
4056 a state plan for the distribution of funds from the trust fund  
4057 which shall assure that an equal opportunity exists for  
4058 establishment of prevention programs and for receipt of trust  
4059 fund \* \* \* monies among all geographic areas in this state, and to

4060 submit the plan to the Governor and the Legislature and annually  
4061 thereafter submit revisions thereto as needed;

4062 (q) To provide for the coordination and exchange of  
4063 information on the establishment and maintenance of local  
4064 prevention programs;

4065 (r) To develop and publicize criteria for the receipt  
4066 of trust fund \* \* \* monies by eligible local prevention programs;

4067 (s) To enter into contracts with public or private  
4068 agencies to fulfill the requirements of Sections 93-21-301 through  
4069 93-21-311; and

4070 (t) Review, monitor and approve the expenditure of  
4071 trust fund \* \* \* monies by eligible local programs.

4072 **SECTION 97.** Section 93-21-309, Mississippi Code of 1972, is  
4073 amended as follows:

4074 93-21-309. (1) The \* \* \* Department of Child Protection  
4075 Services may authorize the disbursement of money in the trust fund  
4076 in the form of grants or loans for the following purposes, which  
4077 are listed in order of preference for expenditure:

4078 (a) To assist a community private, nonprofit  
4079 organization or a local public organization or agency in the  
4080 establishment and operation of a program or service for the  
4081 prevention of child abuse and neglect;

4082 (b) To assist in the expansion of an existing community  
4083 program or service for the prevention of child abuse and neglect;

4084 (c) To assist a community private, nonprofit  
4085 organization or a local public organization or agency in the

4086 establishment and operation of an educational program regarding  
4087 the problems of child abuse and neglect and the problems of  
4088 families and children;

4089 (d) To assist in the expansion of an existing community  
4090 educational program regarding the problems of child abuse and  
4091 neglect and the problems of families and children;

4092 (e) To study and evaluate community-based prevention  
4093 programs, projects or services and educational programs for the  
4094 problems of families and children; and

4095 (f) Any other similar and related programs, projects,  
4096 services and educational programs that the \* \* \* department  
4097 declares will implement the purposes and provisions of Sections  
4098 93-21-301 through 93-21-311.

4099 (2) For the purposes of this section, the term "educational  
4100 programs" includes instructional and demonstration projects the  
4101 main purpose of which is to disseminate information and techniques  
4102 for the prevention of child abuse and neglect and the prevention  
4103 of problems of families and children.

4104 (3) No money in the trust fund shall be expended to provide  
4105 services, counseling or direct assistance for the voluntary  
4106 termination of any pregnancy.

4107 **SECTION 98.** Section 93-21-311, Mississippi Code of 1972, is  
4108 amended as follows:

4109 93-21-311. In making grants or loans from the trust fund,  
4110 the \* \* \* Department of Child Protection Services shall consider

4111 the degree to which the applicant's proposal meets the following  
4112 criteria:

4113 (a) Has as its primary purpose the development and  
4114 facilitation of a community-based prevention program in a specific  
4115 geographical area, which program shall utilize trained volunteers  
4116 and existing community resources where practicable;

4117 (b) Is administered by an organization or group which  
4118 is composed of or has participation by the county department  
4119 of \* \* \* human services, the county health department, the youth  
4120 court or chancery court, the office of the district attorney,  
4121 county or municipal law enforcement personnel, county or municipal  
4122 school officials, local public or private organizations or  
4123 agencies which provide programs or services for the prevention of  
4124 child abuse and neglect and educational programs for the  
4125 prevention of problems of families and children; and

4126 (c) Demonstrates a willingness and ability and has a  
4127 plan to provide prevention program models and consultations to  
4128 appropriate organizations within the community regarding  
4129 prevention program development and maintenance.

4130 **SECTION 99.** Section 93-31-3, Mississippi Code of 1972, is  
4131 amended as follows:

4132 93-31-3. (1) (a) A parent or legal custodian of a child,  
4133 by means of a properly executed power of attorney as provided in  
4134 Section 93-31-5, may delegate to another willing person or persons  
4135 as attorney-in-fact any of the powers regarding the care and  
4136 custody of the child other than the following:



4137                   (i) The power to consent to marriage or adoption  
4138 of the child;

4139                   (ii) The performance or inducement of an abortion  
4140 on or for the child; or

4141                   (iii) The termination of parental rights to the  
4142 child.

4143           (b) A delegation of powers under this section does not:

4144                   (i) Change or modify any parental or legal rights,  
4145 obligations, or authority established by an existing court order;

4146                   (ii) Deprive any custodial or noncustodial parent  
4147 or legal guardian of any parental or legal rights, obligations, or  
4148 authority regarding the custody, visitation, or support of the  
4149 child; or

4150                   (iii) Affect a court's ability to determine the  
4151 best interests of a child.

4152           (c) If both parents are living and neither parent's  
4153 parental rights have been terminated, both parents must execute  
4154 the power of attorney. If a noncustodial parent is absent or  
4155 unknown, the custodial parent must complete the affidavit  
4156 contemplated under Section 93-31-5 and attach it to the power of  
4157 attorney.

4158           (d) A power of attorney under this chapter must be  
4159 facilitated by either a child welfare agency that is licensed to  
4160 place children for adoption and that is operating under the Safe  
4161 Families for Children model or another charitable organization  
4162 that is operating under the Safe Families for Children model. A

4163 full criminal history and child abuse and neglect background check  
4164 must be conducted on any person who is not a grandparent, aunt,  
4165 uncle, or sibling of the child if the person is:

4166 (i) Designated or proposed to be designated as the  
4167 attorney-in-fact; or

4168 (ii) Is a person over the age of fifteen (15) who  
4169 resides in the home of the designated attorney-in-fact.

4170 (2) A power of attorney executed under this chapter shall  
4171 not be used for the sole purposes of enrolling a child in a school  
4172 to participate in the academic or interscholastic athletic  
4173 programs provided by that school or for any other unlawful  
4174 purposes, except as may be permitted by the federal Every Student  
4175 Succeeds Act (Public Law 114-95).

4176 (3) The parent or legal custodian of the child has the  
4177 authority to revoke or withdraw the power of attorney authorized  
4178 by this section at any time. Upon the termination, expiration, or  
4179 revocation of the power of attorney, the child must be returned to  
4180 the custody of the parent or legal custodian.

4181 (4) Until the authority expires or is revoked or withdrawn  
4182 by the parent or legal custodian, the attorney-in-fact shall  
4183 exercise parental or legal authority on a continuous basis without  
4184 compensation for the duration of the power of attorney.

4185 (5) The execution of a power of attorney by a parent or  
4186 legal custodian does not, in the absence of other evidence,  
4187 constitute abandonment, desertion, abuse, neglect, or any evidence  
4188 of unfitness as a parent unless the parent or legal custodian

4189 fails to take custody of the child or execute a new power of  
4190 attorney after the one-year time limit, or after a longer time  
4191 period as allowed for a serving parent, has elapsed. Nothing in  
4192 this subsection prevents the Department of \* \* \* Child Protection  
4193 Services or law enforcement from investigating allegations of  
4194 abuse, abandonment, desertion, neglect or other mistreatment of a  
4195 child.

4196 (6) When the custody of a child is transferred by a power of  
4197 attorney under this chapter, the child is not considered to have  
4198 been placed in foster care and the attorney-in-fact will not be  
4199 subject to any of the requirements or licensing regulations for  
4200 foster care or other regulations relating to out-of-home care for  
4201 children and will not be subject to any statutes or regulations  
4202 dealing with the licensing or regulation of foster care homes.

4203 (7) (a) "Serving parent" means a parent who is a member of  
4204 the Armed Forces of the United States, including any reserve  
4205 component thereof, or the National Oceanic and Atmospheric  
4206 Administration Commissioned Officer Corps or the Public Health  
4207 Service of the United States Department of Health and Human  
4208 Services detailed by proper authority for duty with the Armed  
4209 Forces of the United States, or who is required to enter or serve  
4210 in the active military service of the United States under a call  
4211 or order of the President of the United States or to serve on  
4212 state active duty.

4213 (b) A serving parent may delegate the powers designated  
4214 in subsection (1) of this section for longer than one (1) year if

4215 on active-duty service or if scheduled to be on active-duty  
4216 service. The term of delegation, however, may not exceed the term  
4217 of active-duty service plus thirty (30) days.

4218 (8) (a) A power of attorney under this chapter must be  
4219 filed in the youth court of the county where the minor child or  
4220 children reside at the time the form is completed, and the clerk  
4221 of the youth court will not impose or collect a filing fee. The  
4222 filing is informational only, and no judicial intervention shall  
4223 result at the time of filing.

4224 (b) The power of attorney must be entered into the  
4225 Mississippi Youth Court Information Delivery System (MYCIDS) under  
4226 Section 43-21-351, and must be administratively reviewed by the  
4227 youth court judge or referee, or a person designated by the youth  
4228 court judge or referee, to ensure the safety of the child or  
4229 children who are the subjects of the power of attorney one (1)  
4230 year after the date of execution.

4231 **SECTION 100.** Section 97-5-24, Mississippi Code of 1972, is  
4232 amended as follows:

4233 97-5-24. If any person eighteen (18) years or older who is  
4234 employed by any public school district or private school in this  
4235 state is accused of fondling or having any type of sexual  
4236 involvement with any child under the age of eighteen (18) years  
4237 who is enrolled in such school, the principal of such school and  
4238 the superintendent of such school district shall timely notify the  
4239 district attorney with jurisdiction where the school is located of  
4240 such accusation, the Mississippi Department of Education and the

4241 Department of \* \* \* Child Protection Services, provided that such  
4242 accusation is reported to the principal and to the school  
4243 superintendent and that there is a reasonable basis to believe  
4244 that such accusation is true. Any superintendent, or his  
4245 designee, who fails to make a report required by this section  
4246 shall be subject to the penalties provided in Section 37-11-35.  
4247 Any superintendent, principal, teacher or other school personnel  
4248 participating in the making of a required report pursuant to this  
4249 section or participating in any judicial proceeding resulting  
4250 therefrom shall be presumed to be acting in good faith. Any  
4251 person reporting in good faith shall be immune from any civil  
4252 liability that might otherwise be incurred or imposed.

4253         **SECTION 101.** Section 97-5-39, Mississippi Code of 1972, is  
4254 amended as follows:

4255         97-5-39. (1) (a) Except as otherwise provided in this  
4256 section, any parent, guardian or other person who intentionally,  
4257 knowingly or recklessly commits any act or omits the performance  
4258 of any duty, which act or omission contributes to or tends to  
4259 contribute to the neglect or delinquency of any child or which act  
4260 or omission results in the abuse of any child, as defined in  
4261 Section 43-21-105(m) of the Youth Court Law, or who knowingly aids  
4262 any child in escaping or absenting himself from the guardianship  
4263 or custody of any person, agency or institution, or knowingly  
4264 harbors or conceals, or aids in harboring or concealing, any child  
4265 who has absented himself without permission from the guardianship  
4266 or custody of any person, agency or institution to which the child

4267 shall have been committed by the youth court shall be guilty of a  
4268 misdemeanor, and upon conviction shall be punished by a fine not  
4269 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not  
4270 to exceed one (1) year in jail, or by both such fine and  
4271 imprisonment.

4272 (b) For the purpose of this section, a child is a  
4273 person who has not reached his eighteenth birthday. A child who  
4274 has not reached his eighteenth birthday and is on active duty for  
4275 a branch of the armed services, or who is married, is not  
4276 considered a child for the purposes of this statute.

4277 (c) If a child commits one (1) of the proscribed acts  
4278 in subsection (2) (a), (b) or (c) of this section upon another  
4279 child, then original jurisdiction of all such offenses shall be in  
4280 youth court.

4281 (d) If the child's deprivation of necessary clothing,  
4282 shelter, health care or supervision appropriate to the child's age  
4283 results in substantial harm to the child's physical, mental or  
4284 emotional health, the person may be sentenced to imprisonment in  
4285 custody of the Department of Corrections for not more than five  
4286 (5) years or to payment of a fine of not more than Five Thousand  
4287 Dollars (\$5,000.00), or both.

4288 (e) A parent, legal guardian or other person who  
4289 knowingly permits the continuing physical or sexual abuse of a  
4290 child is guilty of neglect of a child and may be sentenced to  
4291 imprisonment in the custody of the Department of Corrections for

4292 not more than ten (10) years or to payment of a fine of not more  
4293 than Ten Thousand Dollars (\$10,000.00), or both.

4294 (2) Any person shall be guilty of felonious child abuse in  
4295 the following circumstances:

4296 (a) Whether bodily harm results or not, if the person  
4297 shall intentionally, knowingly or recklessly:

4298 (i) Burn any child;

4299 (ii) Physically torture any child;

4300 (iii) Strangle, choke, smother or in any way  
4301 interfere with any child's breathing;

4302 (iv) Poison a child;

4303 (v) Starve a child of nourishments needed to  
4304 sustain life or growth;

4305 (vi) Use any type of deadly weapon upon any child;

4306 (b) If some bodily harm to any child actually occurs,  
4307 and if the person shall intentionally, knowingly or recklessly:

4308 (i) Throw, kick, bite, or cut any child;

4309 (ii) Strike a child under the age of fourteen (14)  
4310 about the face or head with a closed fist;

4311 (iii) Strike a child under the age of five (5) in  
4312 the face or head;

4313 (iv) Kick, bite, cut or strike a child's genitals;  
4314 circumcision of a male child is not a violation under this  
4315 subparagraph (iv);

4316           (c) If serious bodily harm to any child actually  
4317 occurs, and if the person shall intentionally, knowingly or  
4318 recklessly:

4319                   (i) Strike any child on the face or head;

4320                   (ii) Disfigure or scar any child;

4321                   (iii) Whip, strike or otherwise abuse any child;

4322           (d) Any person, upon conviction under paragraph (a) or  
4323 (c) of this subsection, shall be sentenced by the court to  
4324 imprisonment in the custody of the Department of Corrections for a  
4325 term of not less than five (5) years and up to life, as determined  
4326 by the court. Any person, upon conviction under paragraph (b) of  
4327 this subsection shall be sentenced by the court to imprisonment in  
4328 the custody of the Department of Corrections for a term of not  
4329 less than two (2) years nor more than ten (10) years, as  
4330 determined by the court. For any second or subsequent conviction  
4331 under this subsection (2), the person shall be sentenced to  
4332 imprisonment for life.

4333           (e) For the purposes of this subsection (2), "bodily  
4334 harm" means any bodily injury to a child and includes, but is not  
4335 limited to, bruising, bleeding, lacerations, soft tissue swelling,  
4336 and external or internal swelling of any body organ.

4337           (f) For the purposes of this subsection (2), "serious  
4338 bodily harm" means any serious bodily injury to a child and  
4339 includes, but is not limited to, the fracture of a bone, permanent  
4340 disfigurement, permanent scarring, or any internal bleeding or  
4341 internal trauma to any organ, any brain damage, any injury to the



4342 eye or ear of a child or other vital organ, and impairment of any  
4343 bodily function.

4344 (g) Nothing contained in paragraph (c) of this  
4345 subsection shall preclude a parent or guardian from disciplining a  
4346 child of that parent or guardian, or shall preclude a person in  
4347 loco parentis to a child from disciplining that child, if done in  
4348 a reasonable manner, and reasonable corporal punishment or  
4349 reasonable discipline as to that parent or guardian's child or  
4350 child to whom a person stands in loco parentis shall be a defense  
4351 to any violation charged under paragraph (c) of this subsection.

4352 (h) Reasonable discipline and reasonable corporal  
4353 punishment shall not be a defense to acts described in paragraphs  
4354 (a) and (b) of this subsection or if a child suffers serious  
4355 bodily harm as a result of any act prohibited under paragraph (c)  
4356 of this subsection.

4357 (3) Nothing contained in this section shall prevent  
4358 proceedings against the parent, guardian or other person under any  
4359 statute of this state or any municipal ordinance defining any act  
4360 as a crime or misdemeanor. Nothing in the provisions of this  
4361 section shall preclude any person from having a right to trial by  
4362 jury when charged with having violated the provisions of this  
4363 section.

4364 (4) (a) A parent, legal guardian or caretaker who endangers  
4365 a child's person or health by knowingly causing or permitting the  
4366 child to be present where any person is selling, manufacturing or  
4367 possessing immediate precursors or chemical substances with intent

4368 to manufacture, sell or possess a controlled substance as  
4369 prohibited under Section 41-29-139 or 41-29-313, is guilty of  
4370 child endangerment and may be sentenced to imprisonment for not  
4371 more than ten (10) years or to payment of a fine of not more than  
4372 Ten Thousand Dollars (\$10,000.00), or both.

4373 (b) If the endangerment results in substantial harm to  
4374 the child's physical, mental or emotional health, the person may  
4375 be sentenced to imprisonment for not more than twenty (20) years  
4376 or to payment of a fine of not more than Twenty Thousand Dollars  
4377 (\$20,000.00), or both.

4378 (5) Nothing contained in this section shall prevent  
4379 proceedings against the parent, guardian or other person under any  
4380 statute of this state or any municipal ordinance defining any act  
4381 as a crime or misdemeanor. Nothing in the provisions of this  
4382 section shall preclude any person from having a right to trial by  
4383 jury when charged with having violated the provisions of this  
4384 section.

4385 (6) After consultation with the Department of \* \* \* Child  
4386 Protection Services, a regional mental health center or an  
4387 appropriate professional person, a judge may suspend imposition or  
4388 execution of a sentence provided in subsections (1) and (2) of  
4389 this section and in lieu thereof require treatment over a  
4390 specified period of time at any approved public or private  
4391 treatment facility. A person may be eligible for treatment in  
4392 lieu of criminal penalties no more than one (1) time.

4393           (7) In any proceeding resulting from a report made pursuant  
4394 to Section 43-21-353 of the Youth Court Law, the testimony of the  
4395 physician making the report regarding the child's injuries or  
4396 condition or cause thereof shall not be excluded on the ground  
4397 that the physician's testimony violates the physician-patient  
4398 privilege or similar privilege or rule against disclosure. The  
4399 physician's report shall not be considered as evidence unless  
4400 introduced as an exhibit to his testimony.

4401           (8) Any criminal prosecution arising from a violation of  
4402 this section shall be tried in the circuit, county, justice or  
4403 municipal court having jurisdiction; provided, however, that  
4404 nothing herein shall abridge or dilute the contempt powers of the  
4405 youth court.

4406           **SECTION 102.** Section 99-41-17, Mississippi Code of 1972, is  
4407 amended as follows:

4408           99-41-17. (1) Compensation shall not be awarded under this  
4409 chapter:

4410                   (a) Unless the criminally injurious conduct occurred  
4411 after July 1, 1991;

4412                   (b) Unless the claim has been filed with the director  
4413 within thirty-six (36) months after the crime occurred, or in  
4414 cases of child sexual abuse, within thirty-six (36) months after  
4415 the crime was reported to law enforcement or the Department  
4416 of \* \* \* Child Protection Services, but in no event later than the  
4417 victim's twenty-fifth birthday. For good cause, the director may

4418 extend the time period allowed for filing a claim for an  
4419 additional period not to exceed twelve (12) months;

4420 (c) To a claimant or victim who was the offender or an  
4421 accomplice to the offender, or, except in cases of children under  
4422 the age of consent as specified in Section 97-3-65, 97-3-97 or  
4423 97-5-23, Mississippi Code of 1972, who encouraged or in any way  
4424 knowingly participated in criminally injurious conduct;

4425 (d) To another person, if the award would unjustly  
4426 benefit the offender or accomplice;

4427 (e) Unless the criminally injurious conduct resulting  
4428 in injury or death was reported to a law enforcement officer  
4429 within seventy-two (72) hours after its occurrence or unless it is  
4430 found that there was good cause for the failure to report within  
4431 such time;

4432 (f) To any claimant or victim when the injury or death  
4433 occurred while the victim was confined in any federal, state,  
4434 county or city jail or correctional facility;

4435 (g) If the victim was injured as a result of the  
4436 operation of a motor vehicle, boat or airplane, unless the vehicle  
4437 was used by the offender (i) while under the influence of alcohol  
4438 or drugs, (ii) as a weapon in the deliberate attempt to injure or  
4439 cause the death of the victim, (iii) in a hit-and-run accident by  
4440 leaving the scene of an accident as specified in Section 63-3-401,  
4441 (iv) to flee apprehension by law enforcement as specified in  
4442 Sections 97-9-72 and 97-9-73, or (v) causes any injury to a child

4443 who is in the process of boarding or exiting a school bus in the  
4444 course of a violation of Section 63-3-615;

4445 (h) If, following the filing of an application, the  
4446 claimant failed to take further steps as required by the division  
4447 to support the application within forty-five (45) days of such  
4448 request made by the director or failed to otherwise cooperate with  
4449 requests of the director to determine eligibility, unless failure  
4450 to provide information was beyond the control of the claimant;

4451 (i) To a claimant or victim who, subsequent to the  
4452 injury for which application is made, is convicted of any felony,  
4453 and the conviction becomes known to the director;

4454 (j) To any claimant or victim who has been under the  
4455 actual or constructive supervision of a department of corrections  
4456 for a felony conviction within five (5) years prior to the injury  
4457 or death for which application has been made;

4458 (k) To any claimant or victim who, at the time of the  
4459 criminally injurious conduct upon which the claim for compensation  
4460 is based, engaged in conduct unrelated to the crime upon which the  
4461 claim for compensation is based that either was (i) a felony, or  
4462 (ii) a delinquent act which, if committed by an adult, would  
4463 constitute a felony;

4464 (l) To any claimant or victim who knowingly furnishes  
4465 any false or misleading information or knowingly fails or omits to  
4466 disclose a material fact or circumstance.

4467 (2) Compensation otherwise payable to a claimant shall be  
4468 diminished to the extent:

4469 (a) That the economic loss is recouped from other  
4470 sources, including collateral sources; and

4471 (b) Of the degree of responsibility for the cause of  
4472 injury or death attributable to the victim or claimant.

4473 (3) Upon a finding that the claimant or victim has not fully  
4474 cooperated with appropriate law enforcement agencies and  
4475 prosecuting attorneys, an award of compensation may be denied,  
4476 withdrawn or reduced.

4477 (4) Compensation otherwise payable to a claimant or victim  
4478 may be denied or reduced to a claimant or victim who, at the time  
4479 of the crime upon which the claim for compensation is based, was  
4480 engaging in or attempting to engage in other unlawful activity  
4481 unrelated to the crime upon which the claim for compensation is  
4482 based.

4483 **SECTION 103.** Sections 43-1-30, 43-1-51, 43-1-53, 43-1-57,  
4484 43-1-59, 43-1-63, 43-51-1 and 43-51-9, Mississippi Code of 1972,  
4485 which created the Mississippi TANF Implementation Council, created  
4486 the Division of Family and Children's Services within the  
4487 Department of Human Services, provides the title for the Family  
4488 Preservation Act, and requires an ongoing evaluation and report on  
4489 family preservation services, are repealed.

4490 **SECTION 104.** This act shall take effect and be in force from  
4491 and after July 1, 2023.

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

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,  
17 43-15-113, 43-15-115, 43-15-117, 43-15-119, 43-15-121, 43-15-125,  
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.

SS36\HB1149A.1J

Eugene S. Clarke  
Secretary of the Senate