

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2714

1 AN ACT TO CREATE NEW SECTION 43-15-12, MISSISSIPPI CODE OF
2 1972, TO ESTABLISH QUALIFIED RESIDENTIAL TREATMENT PROGRAMS AS
3 ALTERNATIVE PLACEMENTS FOR CHILDREN AND YOUTH IN THE CUSTODY OF
4 THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO SET CERTAIN
5 REQUIREMENTS RELATED THERETO; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section
8 43-15-12, Mississippi Code of 1972:

9 43-15-12. (1) The following words and phrases, for purposes
10 of this section, shall have the meanings ascribed below:

11 (a) "Qualified residential treatment program" ("QRTP")
12 shall mean a program that:

13 (i) Has a trauma-informed treatment model that is
14 designed to address the needs, including clinical needs as
15 appropriate, of children with serious emotional or behavioral
16 disorders or disturbances and, with respect to a child, is able to
17 implement the treatment identified for the child by the assessment
18 of the child;



19 (ii) Has registered or licensed nursing staff and
20 other licensed clinical staff who:

21 1. Provide care within the scope of their
22 practice in accordance with state law;

23 2. Are on-site according to the
24 trauma-informed treatment model implemented; and

25 3. Are available twenty-four (24) hours a
26 day, seven (7) days a week;

27 (iii) To the extent appropriate, and in accordance
28 with the child's best interests, facilitates participation of
29 family members in the child's treatment program;

30 (iv) Facilitates outreach to the family members of
31 the child, including siblings, documents how the outreach is made
32 (including contact information) for any known biological family
33 and fictive kin of the child;

34 (v) Documents how family members are integrated
35 into the treatment process for the child, including
36 post-discharge, and how sibling connections are maintained;

37 (vi) Provides discharge planning and family-based
38 aftercare support for at least six (6) months post-discharge; and

39 (vii) Is licensed and is accredited by CARF,
40 JCAHO, COA or any other independent, not-for-profit accrediting
41 organization approved by the Secretary of the U.S. Department of
42 Health and Human Services.



43 (b) "Qualified assessor" means a trained professional
44 or licensed clinician who is not an employee of the Department of
45 Child Protection Services and who is not connected to, or
46 affiliated with, any placement setting in which children are
47 placed by the department.

48 (2) Within thirty (30) days of the start of a QRTP
49 placement, a qualified assessor must:

50 (a) Assess the strengths and needs of the child using
51 an age-appropriate, evidence-based, validated, functional
52 assessment tool to determine whether the needs of the child can be
53 met with family members or through placement in a foster family
54 home or, if not, which setting would provide the most effective
55 and appropriate level of care for the child in the least
56 restrictive environment;

57 (b) Specify in writing if it is determined the child
58 should not be placed in a foster family home:

59 (i) The reasons why the needs of the child cannot
60 be met by the family of the child or in a foster family home; and

61 (ii) Why the recommended placement in a QRTP is
62 the setting that will provide the child with the most effective
63 and appropriate level of care in the least restrictive environment
64 and how that placement is consistent with the short- and long-term
65 goals of the child, as specified in the child's permanency plan.

66 (3) (a) If the child is placed in a qualified residential
67 treatment program as defined in this chapter, the court shall,



68 within sixty (60) days of placement, establish in writing the
69 following:

70 (i) Consideration of the assessment required under
71 this section and any related documentation;

72 (ii) Determination of whether placement in foster
73 care can meet the child's needs or, if not, whether placement in
74 the QRTP provides the most effective and appropriate level of care
75 in the least restrictive environment and whether that placement
76 meets the goals of the permanency plan; and

77 (iii) Approval or disapproval of the child's
78 placement in the qualified residential treatment program.

79 (b) If the child remains in a qualified residential
80 treatment program, the court shall establish the following in
81 writing at each review hearing after the initial hearing in
82 paragraph (a) of this subsection:

83 (i) Whether ongoing assessment of the child's
84 strengths and needs continues to support the determination that
85 the child's needs cannot be met through placement in a foster
86 family home;

87 (ii) Whether the child's placement provides the
88 most effective and appropriate level of care in the least
89 restrictive environment;

90 (iii) Whether the placement is consistent with the
91 child's permanency plan;



92 (iv) What specific treatment or service needs will
93 be met in the placement, and how long the child is expected to
94 need the treatment or services; and

95 (v) What efforts the department has made to
96 prepare the child to return home or be placed with a relative, a
97 legal guardian, an adoptive parent or in a foster family home.

98 **SECTION 2.** This act shall take effect and be in force from
99 and after July 1, 2024.

