

By: Representative Porter

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1101

1 AN ACT TO AMEND SECTION 43-15-13, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A FOSTER PARENT TO SUBMIT MONTHLY EXPENSE REPORTS TO
3 THE DEPARTMENT OF CHILD PROTECTION SERVICES THAT DETAIL COSTS FOR
4 A CHILD'S CARE; TO AMEND SECTION 43-15-17, MISSISSIPPI CODE OF
5 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
6 PURPOSES.

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

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

10 43-15-13. (1) For purposes of this section, "children"
11 means persons found within the state who are under the age of
12 twenty-one (21) years, and who were placed in the custody of the
13 Department of Child Protection Services by the youth court of the
14 appropriate county. For purposes of this chapter, "commercial
15 sexual exploitation" means any sexual act or crime of a sexual
16 nature, which is committed against a child for financial or
17 economic gain, to obtain a thing of value, for quid pro quo
18 exchange of property or any other purpose.



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

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

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

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

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

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

(f) Assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption, including temporary or emergency



44 placement with a relative or fictive kin pending youth court
45 action on the case. At the time of placement, the department
46 shall implement concurrent planning, as described in subsection
47 (8) of this section, so that permanency may occur at the earliest
48 opportunity. Consideration of possible failure or delay of
49 reunification should be given, to the end that the placement made
50 is the best available placement to provide permanency for the
51 child; and

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

58 (3) The Department of Child Protection Services shall
59 administer a system of individualized plans, reviews and reports
60 once every six (6) months for each child under its custody within
61 the State of Mississippi, which document each child who has been
62 adjudged a neglected, abandoned or abused child, including a child
63 alleged to have experienced commercial sexual exploitation and/or
64 human trafficking and whose custody was changed by court order as
65 a result of that adjudication, and each public or private facility
66 licensed by the department. The Department of Child Protection
67 Services' administrative review shall be completed on each child
68 within the first three (3) months and a relative placement,



69 fictive kin placement, or foster care review once every six (6)
70 months after the child's initial forty-eight-hour shelter hearing.
71 That system shall be for the purpose of enhancing potential family
72 life for the child by the development of individual plans to
73 return the child to the child's natural parent or parents, or to
74 refer the child to the appropriate court for termination of
75 parental rights and placement in a permanent relative's home,
76 adoptive home or foster/adoptive home. The goal of the Department
77 of Child Protection Services shall be to return the child to the
78 child's natural parent(s) or refer the child to the appropriate
79 court for termination of parental rights and placement in a
80 permanent relative's home, adoptive home or foster/adoptive home
81 within the time periods specified in this subsection or in
82 subsection (4) of this section. In furthering this goal, the
83 department shall establish policy and procedures designed to
84 appropriately place children in permanent homes, and provide
85 counseling services and other appropriate services to children who
86 have been victims of commercial sexual exploitation or human
87 trafficking. The policy shall include a system of reviews for all
88 children in foster care, as follows: foster care counselors in
89 the department shall make all possible contact with the child's
90 natural parent(s), custodial parent(s) of all siblings of the
91 child, and any interested relative for the first two (2) months
92 following the child's entry into the foster care system, and
93 provide care for victims of commercial sexual exploitation or



94 human trafficking. For purposes of contacting custodial parent(s)
95 of a sibling, siblings include those who are considered a sibling
96 under state law, and those who would have been considered a
97 sibling under state law, except for termination or disruption of
98 parental rights. For any child who has been in foster care for
99 fifteen (15) of the last twenty-two (22) months regardless of
100 whether the foster care was continuous for all of those twenty-two
101 (22) months, the department shall file a petition to terminate the
102 parental rights of the child's parents. The time period starts to
103 run from the date the court makes a finding of abuse and/or
104 neglect, or commercial sexual exploitation or human trafficking,
105 or sixty (60) days from when the child was removed from his or her
106 home, whichever is earlier. The department can choose not to file
107 a termination of parental rights petition if the following apply:

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

117 (4) In the case of any child who is placed in foster care on
118 or after July 1, 1998, except in cases of aggravated circumstances



119 prescribed in Section 43-21-603(7)(c), the child's natural
120 parent(s) will have a reasonable time to be determined by the
121 court, which shall not exceed a six-month period of time, in which
122 to meet the service agreement with the department for the benefit
123 of the child unless the department has documented extraordinary
124 and compelling reasons for extending the time period in the best
125 interest of the child. If this agreement has not been
126 satisfactorily met, simultaneously the child will be referred to
127 the appropriate court for termination of parental rights and
128 placement in a permanent relative's home, adoptive home or a
129 foster/adoptive home. For children under the age of three (3)
130 years, termination of parental rights shall be initiated within
131 six (6) months, unless the department has documented compelling
132 and extraordinary circumstances, and placement in a permanent
133 relative's home, adoptive home or foster/adoptive home within two
134 (2) months. For children who have been abandoned under the
135 provisions of Section 97-5-1, termination of parental rights shall
136 be initiated within thirty (30) days and placement in an adoptive
137 home shall be initiated without necessity for placement in a
138 foster home. The department need not initiate termination of
139 parental rights proceedings where the child has been placed in
140 durable legal custody, durable legal relative guardianship, or
141 long-term or formalized foster care by a court of competent
142 jurisdiction.

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

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

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

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

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

157 (e) Social services offered and/or utilized to
158 facilitate plans for establishing a permanent home for the child;
159 and

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



168 Each child's review plan once every six (6) months shall be
169 filed with the court which awarded custody and shall be made
170 available to natural parents or foster parents upon approval of
171 the court. The court shall make a finding as to the degree of
172 compliance by the agency and the parent(s) with the child's social
173 service plan. The court also shall find that the child's health
174 and safety are the paramount concern. In the interest of the
175 child, the court shall, where appropriate, initiate proceedings on
176 its own motion. The Department of Child Protection Services shall
177 report to the Legislature as to the number of those children, the
178 findings of the foster care review board and relevant statistical
179 information in foster care in a semiannual report to the
180 Legislature to be submitted to the Joint Oversight Committee of
181 the Department of Child Protection Services. The report shall not
182 refer to the specific name of any child in foster care.

183 (6) (a) The Department of Child Protection Services, with
184 the cooperation and assistance of the State Department of Health,
185 shall develop and implement a training program for foster care
186 parents to indoctrinate them as to their proper responsibilities
187 upon a child's entry into their foster care. The program shall
188 provide a minimum of twelve (12) clock hours of training, which
189 shall include training foster care parents about providing mental
190 and physical support to children who have experienced commercial
191 sexual exploitation or human trafficking. The foster care
192 training program shall be satisfactorily completed by such foster



193 care parents before or within ninety (90) days after child
194 placement with the parent. Record of the foster care parent's
195 training program participation shall be filed with the court as
196 part of a child's foster care review plan once every six (6)
197 months.

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

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

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

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

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

(8) The Legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practicably possible. To achieve this goal, the Department of Child Protection Services is directed to conduct concurrent planning so that a permanent living arrangement may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status. When a child is placed in foster care or relative care, the department shall first ensure and document that reasonable efforts, as defined in Section 43-21-105, were made to prevent or eliminate the need to remove the child from the child's home. The department's first priority shall be to make reasonable efforts to reunify the family when temporary placement of the child occurs or shall request a finding from the court that reasonable efforts are not appropriate or have been unsuccessful. A decision to place a child in foster care or relative care shall be made with consideration of the child's health, safety and best interests. At the time of placement, consideration should also be given so



242 that if reunification fails or is delayed, the placement made is
243 the best available placement to provide a permanent living
244 arrangement for the child. The department shall adopt rules
245 addressing concurrent planning for reunification and a permanent
246 living arrangement. The department shall consider the following
247 factors when determining appropriateness of concurrent planning:

248 (a) The likelihood of prompt reunification;

249 (b) The past history of the family;

250 (c) The barriers to reunification being addressed by

251 the family;

252 (d) The level of cooperation of the family;

253 (e) The foster parents' willingness to work with the
254 family to reunite;

255 (f) The willingness and ability of the foster family or
256 relative placement to provide an adoptive home or long-term
257 placement;

258 (g) The age of the child; and

259 (h) Placement of siblings.

260 (9) If the department has placed a child in foster care or
261 relative care under a court order, the department may not change
262 the child's placement unless the department specifically documents
263 to the court that the current placement is unsafe or unsuitable or
264 that another placement is in the child's best interests unless the
265 new placement is in an adoptive home or other permanent placement.
266 Except in emergency circumstances as determined by the department



267 or where the court orders placement of the child under Section
268 43-21-303, the foster parents, grandparents or other relatives of
269 the child shall be given an opportunity to contest the specific
270 reasons documented by the department at least seventy-two (72)
271 hours before any such departure, and the court may conduct a
272 review of that placement unless the new placement is in an
273 adoptive home or other permanent placement. When a child is
274 returned to foster care or relative care, the former foster
275 parents or relative placement shall be given the prior right of
276 return placement in order to eliminate additional trauma to the
277 child.

278 (10) The Department of Child Protection Services shall
279 provide the foster parents, grandparents or other relatives with
280 at least a seventy-two-hour notice of departure for any child
281 placed in their foster care or relative care, except in emergency
282 circumstances as determined by the department or where the court
283 orders placement of the child under Section 43-21-303. The
284 parent/legal guardian, grandparents of the child, guardian ad
285 litem and the court exercising jurisdiction shall be notified in
286 writing when the child leaves foster care or relative care
287 placement, regardless of whether the child's departure was planned
288 or unplanned. The only exceptions to giving a written notice to
289 the parent(s) are when a parent has voluntarily released the child
290 for adoption or the parent's legal rights to the child have been
291 terminated through the appropriate court with jurisdiction.



292 (11) There is hereby created a Foster Parents' Bill of
293 Rights and Responsibilities which shall be provided to all foster
294 parents at foster parent training. The Department of Child
295 Protection Services shall extend the following rights to persons
296 who provide foster care and relative care:

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

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

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

307 (d) Advance notice of information regarding scheduled
308 meetings other than meetings where the Department of Child
309 Protection Services personnel or social workers are going to the
310 foster parent's home for site visits, appointments and court
311 hearings concerning the foster child;

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

315 (f) The opportunity to communicate and collaborate,
316 without threat of reprisal, with a department representative when



317 further educational services are needed to ensure the child's
318 educational needs are met, including services such as an
319 Individualized Educational Plan (IEP), tutoring, occupational
320 therapy, speech therapy and after-school programs;

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

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

326 (i) The opportunity to attend all youth court hearings
327 involving a foster child occurring while that child is placed in
328 their care without being a party to the youth court action, unless
329 the youth court determines that any foster parent should not be
330 present. Foster parents may attend all youth court hearings and
331 have legal counsel attend and observe with them if the child's
332 permanent plan is adoption by the foster parents, unless the youth
333 court determines that any foster parent should not be present.

334 Foster parents may communicate with the guardian ad litem in
335 writing at any time. Foster parents may ask to be heard
336 concerning the best interest of the child at any disposition or
337 permanency hearing;

338 (j) When the dates of the permanency hearing and
339 permanency review hearing have been set by the youth court, and if
340 necessary to fulfill the notice requirements, the judge or the
341 judge's designee shall order the clerk of the youth court to issue



342 a summons to the foster parents to appear personally at the
343 hearings as provided by Section 43-21-501;

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

351 (l) Involvement in all the agency's crucial decisions
352 regarding the child as team members who have pertinent information
353 based on their day-to-day knowledge of the child in care and
354 involvement in planning, including, but not limited to, individual
355 service planning meetings, foster care review, individual
356 educational planning meetings, and medical appointments;

357 (m) The opportunity to participate in the planning of
358 visitations between the child and the child's siblings, parents or
359 former guardians or other biological family members which have
360 been previously authorized by the youth court. Visitations shall
361 be scheduled at a time and place meeting the needs of the child,
362 the biological family, and the foster family. Recognizing that
363 visitation with family members is an important right of children
364 in foster care, foster parents shall be flexible and cooperative
365 with regard to family visits but shall retain the right to
366 reasonable advance notice of all scheduled visitations;



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

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

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

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

386 The department shall make reasonable efforts to gather and provide
387 all additional current medical, dental, behavioral, educational
388 and psychological information reasonably available from the



391 days of placement, the department shall communicate such
392 information to the foster parent as soon as practicable;
393 (ii) An explanation of the plan for placement of
394 the child in the foster parent's home and the ongoing and timely
395 communication of any necessary information which is relevant to
396 the care of the child, including any changes in the case plan;
397 (iii) Help in using appropriate resources to meet
398 the child's needs, including counseling or other services for
399 victims of commercial sexual exploitation or human trafficking;
400 (iv) Direct interviews between the family
401 protection worker or specialist and the child, previously
402 discussed and understood by the foster parents;
403 (v) Information regarding whether the child
404 experienced commercial sexual exploitation or human trafficking;
405 (vi) Information related to the Healthy,
406 Hunger-Free Kids Act of 2010. Foster parents shall protect the
407 confidentiality of the child by working directly with a designated
408 school official to complete the application for free lunches.
409 (q) The opportunity to develop confidence in making
410 day-to-day decisions in regard to the child;
411 (r) The opportunity to learn and grow in their vocation
412 through planned education in caring for the child;
413 (s) The opportunity to be heard regarding agency
414 practices that they may question;

415 (t) Information related to all costs eligible for
416 reimbursement, including:

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

421 Before reimbursement may occur, the foster parent shall submit a
422 monthly expense report to the department detailing costs of the
423 child's care; and

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

433 (a) Understanding the department's function in regard
434 to the foster care and relative care program and related social
435 service programs;

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

438 (c) Functioning within the established goals and
439 objectives to improve the general welfare of the child:

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

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

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

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

453 (h) Cooperating with any plan to reunite the child with
454 his birth family and work with the birth family to achieve this
455 goal; and

460 (13) The department shall develop a grievance procedure for
461 foster parents to raise any complaints or concerns regarding the
462 provisions of subsection (11) or (12) of this section.



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

466 **SECTION 2.** Section 43-15-17, Mississippi Code of 1972, is
467 amended as follows:

468 43-15-17. (1) The Department of Child Protection Services
469 is authorized to make such payments as may be appropriate for
470 supportive services to facilitate either the return of children to
471 their natural parents or their adoption, depending upon and
472 contingent upon the availability of the Department of Child
473 Protection Services securing or having sufficient funds to render
474 this supportive service. Upon court order, the parent(s) shall be
475 responsible for reimbursing the department for any foster care or
476 kinship care payments made on behalf of his or her child, based
477 upon financial ability to pay, until such time as there is a
478 termination of parental rights regarding the child, or the child
479 is adopted.



488 and therapeutic care monthly payment schedule in effect before
489 that date shall be increased by One Hundred Dollars (\$100.00) per
490 month, with that minimum payment not to preclude the department
491 from increasing payments in later years as funds become available.
492 From and after July 1, 1998, in order for foster parents to
493 receive the monthly payments authorized under this subsection (2),
494 the Department of Child Protection Services shall require foster
495 care placements to be licensed as foster care homes and shall
496 require prospective foster parents to satisfactorily complete an
497 appropriate training program that emphasizes the goal of the
498 foster care program to provide stable foster placement until a
499 permanency outcome is achieved.

500 (3) For a child placed in the care of the child's relative
501 within the third degree by the state or county departments of
502 human services, unless a child is placed in the care of a relative
503 who is exempt from foster care training requirements, the
504 department shall make monthly payments to defray the relative's
505 expense of furnishing room and board. The department's relative
506 care payment shall be in an amount up to one hundred percent
507 (100%) of the amount of the foster care board payment. The
508 department may continue to make those payments to the relative
509 after the department relinquishes legal custody of the child to
510 the relative if the relative has complied with foster care
511 training requirements. Any such payments for relative care shall
512 be subject to specific appropriation therefor by the Legislature.



513 **SECTION 3.** This act shall take effect and be in force from
514 and after July 1, 2025.

