

By: Representatives Dickson, Cockerham,
Ellis, Fredericks, Holloway, Myers, Perkins

To: Public Health and Human
Services

HOUSE BILL NO. 996

1 AN ACT TO AMEND SECTION 43-15-103, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE AGE OF CHILDREN IN THE DEFINITION OF THAT TERM FOR
3 THE PURPOSES OF THE LICENSING LAW FOR FAMILY FOSTER HOMES,
4 CHILD-CARING AGENCIES AND CHILD-PLACING AGENCIES; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 43-15-103, Mississippi Code of 1972, is
8 amended as follows:

9 43-15-103. As used in this article:

10 (a) "Agency" means a residential child-caring agency or
11 a child-placing agency.

12 (b) "Child" or "children" mean(s) any unmarried person
13 or persons under the age of twenty-one (21) years.

14 (c) "Child placing" means receiving, accepting or
15 providing custody or care for any child under twenty-one (21)
16 years of age, temporarily or permanently, for the purpose of:

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

18 (ii) Placing the child temporarily or permanently
19 in a home for adoption; or

20 (iii) Placing a child in a foster home or
21 residential child-caring agency.

22 (d) "Child-placing agency" means any entity or person
23 which places children in foster boarding homes or foster homes for
24 temporary care or for adoption or any other entity or person or
25 group of persons who are engaged in providing adoption studies or
26 foster care studies or placement services as defined by the rules
27 of the department.

28 (e) "Department" means the Mississippi Department of
29 Human Services.

30 (f) "Director" means the Director of the Division of
31 Family and Children's Services.

32 (g) "Division" means the Division of Family and
33 Children's Services within the Mississippi Department of Human
34 Services.

35 (h) "Family boarding home" or "foster home" means a
36 home (occupied residence) operated by any entity or person which
37 provides residential child care to at least one (1) child but not
38 more than six (6) children who are not related to the primary
39 caregivers.

40 (i) "Group care home" means any place or facility
41 operated by any entity or person which provides residential child
42 care for at least seven (7) children but not more than twelve (12)
43 children who are not related to the primary caregivers.

44 (j) "Licensee" means any person, agency or entity
45 licensed under this article.

46 (k) "Maternity home" means any place or facility
47 operated by any entity or person which receives, treats or cares
48 for more than one (1) child or adult who is pregnant out of
49 wedlock, either before, during or within two (2) weeks after
50 childbirth; provided, that the licensed child-placing agencies and
51 licensed maternity homes may use a family boarding home approved
52 and supervised by the agency or home, as a part of their work, for
53 as many as three (3) children or adults who are pregnant out of
54 wedlock, and provided further, that the provisions of this
55 definition shall not include children or women who receive
56 maternity care in the home of a person to whom they are kin within
57 the sixth degree of kindred computed according to civil law, nor
58 does it apply to any maternity care provided by general or special
59 hospitals licensed according to law and in which maternity

60 treatment and care are part of the medical services performed and
61 the care of children is brief and incidental.

62 (l) "Office" means the Office of Licensing within the
63 Division of Family and Children's Services of the Mississippi
64 Department of Human Services.

65 (m) "Person associated with a licensee" means an owner,
66 director, member of the governing body, employee, provider of care
67 and volunteer of a human services licensee.

68 (n) "Related" means children, step-children,
69 grandchildren, step-grandchildren, siblings of the whole or
70 half-blood, step-siblings, nieces or nephews of the primary care
71 provider.

72 (o) "Residential child care" means the provision of
73 supervision, and/or protection, and meeting the basic needs of a
74 child for twenty-four (24) hours per day, which may include
75 services to children in a residential setting where care, lodging,
76 maintenance and counseling or therapy for alcohol or controlled
77 substance abuse or for any other emotional disorder or mental
78 illness is provided for children, whether for compensation or not.

79 (p) "Residential child-caring agency" means any place
80 or facility operated by any entity or person, public or private,
81 providing residential child care, regardless of whether operated
82 for profit or whether a fee is charged. Such residential
83 child-caring agencies include, but are not limited to, maternity
84 homes, runaway shelters, group homes that are administered by an
85 agency, and emergency shelters that are not in private residence.

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2007.