

By: Senator(s) Dawkins

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2288

1 AN ACT TO AMEND SECTION 43-15-13, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE CASE
 3 MANAGEMENT, AFTERCARE, TRANSITIONAL AND EDUCATION SERVICES FOR
 4 YOUNG ADULTS OVER AGE 18 THROUGH AGE 23 WHO WERE FORMERLY IN
 5 FOSTER CARE UNDER CERTAIN CONDITIONS, TO PROVIDE FOR COURT
 6 APPROVAL OF SUCH SERVICES, TO PRESCRIBE THE SERVICES TO BE
 7 PROVIDED AND APPLICATION PROCEDURES, TO AUTHORIZE AN EDUCATION AND
 8 TRAINING VOUCHER PROGRAM FOR SUCH YOUNG ADULTS FORMERLY IN FOSTER
 9 CARE, TO AUTHORIZE A "ROAD TO INDEPENDENCE SCHOLARSHIP" PROGRAM
 10 FOR YOUNG ADULTS FORMERLY IN FOSTER CARE TO COMPLETE HIGH SCHOOL
 11 OR ITS EQUIVALENT OR TO COMPLETE A POSTSECONDARY EDUCATION
 12 PROGRAM; AND FOR RELATED PURPOSES.

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

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

16 43-15-13. (1) For purposes of this section, "children"
 17 means persons found within the state who are under the age of
 18 twenty-one (21) years, and who were placed in the custody of the
 19 Department of Human Services by the youth court of the appropriate
 20 county.

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

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

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

32 (c) Remediating or assisting in the solution of problems
33 which may result in the neglect, abuse, exploitation or
34 delinquency of children;

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

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

43 (f) Assuring safe and adequate care of children away
44 from their homes, in cases where the child cannot be returned home
45 or cannot be placed for adoption. At the time of placement, the
46 department shall implement concurrent planning, as described in
47 subsection (8) of this section, so that permanency may occur at
48 the earliest opportunity. Consideration of possible failure or
49 delay of reunification should be given, to the end that the
50 placement made is the best available placement to provide
51 permanency for the 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 State Department of Human Services shall administer
59 a system of individualized plans and reviews once every six (6)
60 months for each child under its custody within the State of
61 Mississippi, each child who has been adjudged a neglected,
62 abandoned or abused child and whose custody was changed by court
63 order as a result of such adjudication, and each public or private
64 facility licensed by the department. The State Department of

65 Human Services administrative review shall be completed on each
66 child within the first three (3) months and a foster care review
67 once every six (6) months after the child's initial
68 forty-eight-hour shelter hearing. Such system shall be for the
69 purpose of enhancing potential family life for the child by the
70 development of individual plans to return the child to its natural
71 parent or parents, or to refer the child to the appropriate court
72 for termination of parental rights and placement in a permanent
73 relative's home, adoptive home or foster/adoptive home. The goal
74 of the State Department of Human Services shall be to return the
75 child to its natural parent(s) or refer the child to the
76 appropriate court for termination of parental rights and placement
77 in a permanent relative's home, adoptive home or foster/adoptive
78 home within the time periods specified in this subsection or in
79 subsection (4) of this section. In furthering this goal, the
80 department shall establish policy and procedures designed to
81 appropriately place children in permanent homes, such policy to
82 include a system of reviews for all children in foster care, as
83 follows: foster care counselors in the department shall make all
84 possible contact with the child's natural parent(s) and any
85 interested relative for the first two (2) months following the
86 child's entry into the foster care system. For any child who was
87 in foster care before July 1, 1998, and has been in foster care
88 for fifteen (15) of the last twenty-two (22) months regardless of
89 whether the foster care was continuous for all of those twenty-two
90 (22) months, the department shall file a petition to terminate the
91 parental rights of the child's parents. The time period starts to
92 run from the date the court makes a finding of abuse and/or
93 neglect or sixty (60) days from when the child was removed from
94 his or her home, whichever is earlier. The department can choose
95 not to file a termination of parental rights petition if the
96 following apply:

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

98 (b) The department has documented compelling and
99 extraordinary reasons why termination of parental rights would not
100 be in the best interests of the child. Prior to granting or
101 denying a request by the department for an extension of time for
102 filing a termination of parental rights action, the court shall
103 receive a written report on the progress which a parent of such
104 child has made in treatment, to be made to the court in writing by
105 a mental health/substance abuse therapist or counselor.

106 (4) In the case of any child who is placed in foster care on
107 or after July 1, 1998, except in cases of aggravated circumstances
108 prescribed in Section 43-21-603(7)(c) or (d), the child's natural
109 parent(s) will have a reasonable time to be determined by the
110 court, which shall not exceed a six-month period of time, in which
111 to meet the service agreement with the department for the benefit
112 of the child unless the department has documented extraordinary
113 and compelling reasons for extending the time period in the best
114 interest of the child. If this agreement has not been
115 satisfactorily met, simultaneously the child will be referred to
116 the appropriate court for termination of parental rights and
117 placement in a permanent relative's home, adoptive home or a
118 foster/adoptive home. For children under the age of three (3)
119 years, termination of parental rights shall be initiated within
120 six (6) months, unless the department has documented compelling
121 and extraordinary circumstances, and placement in a permanent
122 relative's home, adoptive home or foster/adoptive home within two
123 (2) months. For children who have been abandoned pursuant to the
124 provisions of Section 97-5-1, termination of parental rights shall
125 be initiated within thirty (30) days and placement in an adoptive
126 home shall be initiated without necessity for placement in a
127 foster home. The department need not initiate termination of
128 parental rights proceedings where the child has been placed in
129 durable legal custody or long-term or formalized foster care by a
130 court of competent jurisdiction.

131 (5) The foster care review once every six (6) months shall
132 be conducted by the youth court or its designee(s), and/or by
133 personnel within the State Department of Human Services or by a
134 designee or designees of the department and may include others
135 appointed by the department, and the review shall include at a
136 minimum an evaluation of the child based on the following:

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

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

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

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

145 (e) Social services offered and/or utilized to
146 facilitate plans for establishing a permanent home for the child;
147 and

148 (f) Relevant testimony and recommendations from the
149 foster parent of the child, the grandparents of the child, the
150 guardian ad litem of the child, representatives of any private
151 care agency which has cared for the child, the family protection
152 worker or family protection specialist assigned to the case, and
153 any other relevant testimony pertaining to the case.

154 Each child's review plan once every six (6) months shall be
155 filed with the court which awarded custody and shall be made
156 available to natural parents or foster parents upon approval of
157 the court. The court shall make a finding as to the degree of
158 compliance by the agency and the parent(s) with the child's social
159 service plan. The court also shall find that the child's health
160 and safety are the paramount concern. In the interest of the
161 child, the court shall, where appropriate, initiate proceedings on
162 its own motion. The State Department of Human Services shall
163 report to the Legislature as to the number of such children, the

164 findings of the foster care review board and relevant statistical
165 information in foster care in a semiannual report to the
166 Legislature to be submitted to the Joint Oversight Committee of
167 the Department of Human Services. The report shall not refer to
168 the specific name of any child in foster care.

169 (6) The State Department of Human Services, with the
170 cooperation and assistance of the State Department of Health,
171 shall develop and implement a training program for foster care
172 parents to indoctrinate them as to their proper responsibilities
173 upon a child's entry into their foster care. The program shall
174 provide a minimum of twelve (12) clock hours of training. The
175 foster care training program shall be satisfactorily completed by
176 such foster care parents prior to or within ninety (90) days after
177 child placement with such parent. Record of such foster care
178 parent's training program participation shall be filed with the
179 court as part of a foster care child's review plan once every six
180 (6) months.

181 (7) When the Department of Human Services is considering
182 placement of a child in a foster home and when the department
183 deems it to be in the best interest of the child, the department
184 shall give first priority to placing the child in the home of one
185 (1) of the child's relatives within the third degree, as computed
186 by the civil law rule. In placing the child in a relative's home,
187 the department may waive any rule, regulation or policy applicable
188 to placement in foster care that would otherwise require the child
189 to have a separate bed or bedroom or have a bedroom of a certain
190 size, if placing the child in a relative's home would be in the
191 best interest of the child and such requirements cannot be met in
192 the relative's home.

193 (8) The Legislature recognizes that the best interests of
194 the child require that the child be placed in the most permanent
195 living arrangement as soon as is practicably possible. To achieve
196 this goal, the Department of Human Services is directed to conduct

197 concurrent planning so that a permanent living arrangement may
198 occur at the earliest opportunity. Permanent living arrangements
199 may include prevention of placement of a child outside the home of
200 the family when the child can be cared for at home without
201 endangering the child's health or safety; reunification with the
202 family, when safe and appropriate, if temporary placement is
203 necessary; or movement of the child toward the most permanent
204 living arrangement and permanent legal status. When a child is
205 placed in foster care or relative care, the department shall first
206 ensure and document that reasonable efforts were made to prevent
207 or eliminate the need to remove the child from the child's home.
208 The department's first priority shall be to make reasonable
209 efforts to reunify the family when temporary placement of the
210 child occurs or shall request a finding from the court that
211 reasonable efforts are not appropriate or have been unsuccessful.
212 A decision to place a child in foster care or relative care shall
213 be made with consideration of the child's health, safety and best
214 interests. At the time of placement, consideration should also be
215 given so that if reunification fails or is delayed, the placement
216 made is the best available placement to provide a permanent living
217 arrangement for the child. The department shall adopt rules
218 addressing concurrent planning for reunification and a permanent
219 living arrangement. The department shall consider the following
220 factors when determining appropriateness of concurrent planning:
221 (a) The likelihood of prompt reunification;
222 (b) The past history of the family;
223 (c) The barriers to reunification being addressed by
224 the family;
225 (d) The level of cooperation of the family;
226 (e) The foster parents' willingness to work with the
227 family to reunite;

228 (f) The willingness and ability of the foster family or
229 relative placement to provide an adoptive home or long-term
230 placement;

231 (g) The age of the child; and

232 (h) Placement of siblings.

233 (9) If the department has placed a child in foster care or
234 relative care pursuant to a court order, the department may not
235 change the child's placement unless the department specifically
236 documents to the court that the current placement is unsafe or
237 unsuitable or that another placement is in the child's best
238 interests unless the new placement is in an adoptive home or other
239 permanent placement. Except in emergency circumstances as
240 determined by the department or where the court orders placement
241 of the child pursuant to Section 43-21-303, the foster parents,
242 grandparents or other relatives of the child shall be given an
243 opportunity to contest the specific reasons documented by the
244 department at least seventy-two (72) hours prior to any such
245 departure, and the court may conduct a review of such placement
246 unless the new placement is in an adoptive home or other permanent
247 placement. When a child is returned to foster care or relative
248 care, the former foster parents or relative placement shall be
249 given the prior right of return placement in order to eliminate
250 additional trauma to the child.

251 (10) The Department of Human Services shall provide the
252 foster parents, grandparents or other relatives with at least a
253 seventy-two-hour notice of departure for any child placed in their
254 foster care or relative care, except in emergency circumstances as
255 determined by the department or where the court orders placement
256 of the child pursuant to Section 43-21-303. The parent/legal
257 guardian, grandparents of the child, guardian ad litem and the
258 court exercising jurisdiction shall be notified in writing when
259 the child leaves foster care or relative care placement,
260 regardless of whether the child's departure was planned or

261 unplanned. The only exceptions to giving a written notice to the
262 parent(s) are when a parent has voluntarily released the child for
263 adoption or the parent's legal rights to the child have been
264 terminated through the appropriate court with jurisdiction.

265 (11) The Department of Human Services shall extend the
266 following rights to foster care parents:

267 (a) A clear understanding of their role as foster
268 parents and the roles of the birth parent(s) and the placement
269 agency in respect to the child in care;

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

273 (c) Involvement in all the agency's crucial decisions
274 regarding the foster child as team members who have pertinent
275 information based on their day-to-day knowledge of the child in
276 care;

277 (d) Support from the family protection worker or the
278 family protection specialist in efforts to do a better day-to-day
279 job in caring for the child and in working to achieve the agency's
280 objectives for the child and the birth family through provision
281 of:

282 (i) Pertinent information about the child and the
283 birth family;

284 (ii) Help in using appropriate resources to meet
285 the child's needs;

286 (iii) Direct interviews between the family
287 protection worker or specialist and the child, previously
288 discussed and understood by the foster parents;

289 (e) The opportunity to develop confidence in making
290 day-to-day decisions in regard to the child;

291 (f) The opportunity to learn and grow in their vocation
292 through planned foster parent education;

293 (g) The opportunity to be heard regarding agency
294 practices that they may question; and

295 (h) Reimbursement for costs of the foster child's care
296 in the form of a board payment based on the age of the foster
297 child as prescribed in Section 43-15-17.

298 (12) The Department of Human Services shall require the
299 following responsibilities from participating foster parents:

300 (a) Understanding the department's function in regard
301 to the foster care program and related social service programs;

302 (b) Sharing with the department any information which
303 may contribute to the care of foster children;

304 (c) Functioning within the established goals and
305 objectives to improve the general welfare of the foster child;

306 (d) Recognizing the problems in foster home placement
307 that will require professional advice and assistance and that such
308 help should be utilized to its full potential;

309 (e) Recognizing that the foster family will be one of
310 the primary resources for preparing a child for any future plans
311 that are made, including return to birth parent(s), termination of
312 parental rights or reinstitutionalization;

313 (f) Expressing their view of agency practices which
314 relate to the foster child with the appropriate staff member;

315 (g) Understanding that all information shared with the
316 foster parents about the child and his/her birth parent(s) must be
317 held in the strictest of confidence;

318 (h) Cooperating with any plan to reunite the foster
319 child with his birth family and work with the birth family to
320 achieve this goal; and

321 (i) Attending dispositional review hearings and
322 termination of parental rights hearings conducted by a court of
323 competent jurisdiction, or providing their recommendations to the
324 court in writing.

325 (13) (a) The services that shall be provided by the
326 Department of Human Services to young adults formerly in foster
327 care to transition successfully to independent living shall
328 include, as appropriate for the individual young adult:

329 (i) Aftercare Support Services;
330 (ii) Road To Independence Scholarship Program; and
331 (iii) Transitional Support Services.

332 (b) Case Management/Contact with Young Adults Formerly
333 in Foster Care/Support by Services Worker.

334 (i) Depending upon the stated wishes and needs of
335 the young adult formerly in foster care, services worker support
336 through home visits, office visits and other types of contact
337 shall occur.

338 (ii) A plan for transition is required for all
339 recipients of scholarship and/or transitional support funds.

340 (iii) The services worker shall arrange and
341 provide services to support young adults formerly in foster care
342 between the ages of eighteen (18) and up to his or her
343 twenty-third birthday.

344 (iv) The services worker shall provide young
345 adults formerly in foster care with developmental disabilities,
346 mental health needs and/or other special needs more contact, as
347 necessary, to assist in the ability of the young adult to
348 transition successfully to independent living.

349 (v) The frequency of contact by the services
350 worker with the young adult shall be determined by the young adult
351 in consultation with the services worker.

352 (vi) Services prorated under this subsection (13)
353 to any child who is under the jurisdiction of the youth court
354 shall be provided subject to the approval of the court.

355 (c) Preparation and Education of the Child/Youth Age
356 16-17 in Foster Care. The services worker shall arrange or
357 provide the services necessary to ensure that

358 preparation/education for the young adult formerly in foster care
359 to achieve independence occurs. This shall include initial
360 application, renewal and reinstatement for the Road To
361 Independence Scholarship, which provides specific direction for
362 young adults formerly in foster care to renew or continue
363 receiving benefits and to reinstate benefits for young adults
364 whose scholarship benefits were interrupted and who wishes to
365 begin receiving benefits again. This shall also include selecting
366 the appropriate funding source for young adult services which is
367 available from federal funding sources to support the program for
368 young adults formerly in foster care, including Education and
369 Training Voucher (ETV) funds. The services worker shall determine
370 the appropriate fund in order to comply with federal regulations
371 and to maximize available funding. State funds shall be used for
372 young adults age twenty-one (21) and twenty-two (22) if they are
373 not eligible for ETV funds.

374 (d) Young Adults Formerly in Foster Care with Children
375 of Their Own. The services workers shall determine which funds
376 may be used for children whose parents are young adults formerly
377 in foster care. If the parent of a child in a dependency case is
378 a young adult formerly in foster care, the processes required for
379 any parent still apply. Case planning, case management and
380 required contacts shall continue as with any other dependency
381 case.

382 (e) Selection of Placements for Young Adults Formerly
383 in Foster Care. Prior to his or her eighteenth birthday, each
384 young adult formerly in foster care shall choose the placement
385 that best suits his or her needs. The services worker assigned to
386 work with a young adult shall provide information to the young
387 adult so as to assist in the best decision making.

388 (i) If the young adult elects to reside in the
389 same or different licensed placement after reaching age eighteen
390 (18), the services worker assigned to work with the young adult

391 shall assist both the placement provider and the young adult to
392 understand the roles and the responsibilities of continuing this
393 placement after the young adult's eighteenth birthday.

394 (ii) A young adult who continues with the foster
395 family shall not be included as a child in calculating any
396 licensing restriction on the number of children in the foster
397 home.

398 (f) Program for Young Adults Formerly in Foster Care.
399 This plan shall be used in order to develop each departmental
400 district/region or contracted service provider specific
401 implementation plan. Steps for effective implementation are as
402 follows:

403 (i) Departmental districts/regions and contracted
404 service providers shall designate staff responsible for receiving
405 inquiries about services available to young adults formerly in
406 foster care. The departmental district/region and contracted
407 service providers shall also develop methods to provide
408 information about ETV funds, prior to their eighteenth birthday,
409 to youth adopted from foster care at ages sixteen (16) and
410 seventeen (17), and to perform outreach for those adopted since
411 July 1, 2007.

412 (ii) District/region and/or contracted service
413 providers shall develop a process with fiscal/budget staff to
414 ensure expedited and/or emergency assistance is provided.

415 (iii) District/region and/or contracted service
416 providers shall develop a tracking system for approved cash
417 assistance payments until such time as the Department of Human
418 Services can utilize this information.

419 (g) Education and Training Voucher (ETV) Program
420 Requirements are as follows:

421 (i) Young adult must have been adjudicated
422 dependent, have been in the custody of the State of Mississippi on
423 his or her eighteenth birthday and have spent at least six (6)

424 months in foster care prior to reaching his or her eighteenth
425 birthday; or

426 (ii) Adopted from the Mississippi foster care
427 system at age sixteen (16) or seventeen (17) as of July 1, 2007.

428 (iii) Young adults are potentially eligible for
429 services from age eighteen (18) through age twenty-two (22).

430 (iv) Initial application must be completed before
431 twenty-first birthday.

432 (v) Benefits from this and other federal
433 educational assistance sources may not exceed the young adult's
434 "cost of attendance" at an "institution of higher education" as
435 defined by federal statute.

436 (vi) The young adult must be attending an
437 institution of higher education in Mississippi.

438 (vii) The young adult may receive a maximum of
439 Five Thousand Dollars (\$5,000.00) per year towards the payment of
440 Road To Independence Scholarship awards.

441 (viii) For a student attending an institution of
442 higher education on a part-time basis, ETV funds of up to Five
443 Thousand Dollars (\$5,000.00) per year may be used to pay for
444 Transitional Support Services.

445 (ix) The young adult shall provide proof of
446 enrollment and satisfactory progress.

447 (h) Aftercare Support Services for Young Adults
448 Formerly in Foster Care. The services worker shall provide
449 support to young adults formerly in foster care through making of
450 service referrals in the community to assist young adults in
451 developing "the skills and abilities necessary for independent
452 living," as determined by the Department of Human Services.

453 Eligibility for aftercare support is as follows: A young adult
454 who leaves foster care at age eighteen (18) but requests services
455 prior to his or her twenty-third birthday shall be eligible for
456 Aftercare Support Services. There is no formal written

457 application to receive aftercare support service referrals. The
458 services worker shall assist the young adult to receive cash
459 assistance for housing, electric, water, gas, sewer service, food
460 and any other provisions permitted under federal regulations.
461 Prior to arranging for the provision of cash assistance, the
462 services worker shall explore the feasibility of agreements with
463 community providers to waive fees, contacting relatives and other
464 such options. The young adult shall complete the "Aftercare
465 Support Services Cash Assistance Application." The services
466 worker responsible for the case shall choose between making one
467 (1) payment directly to the young adult formerly in foster care
468 or, at the request of the young adult, paying all or a portion of
469 the funds to a service provider.

470 (i) Road To Independence Scholarship (RTI) requirements
471 are as follows: Each student, with the assistance of the services
472 worker if requested by the young adult, shall complete an RTI
473 Scholarship application. This application shall be completed and
474 signed by the student, reviewing authority and approval authority
475 and a copy must be placed in the case file. For the initial
476 award, a young adult formerly in foster care must:

477 (i) Be age eighteen (18), nineteen (19) or twenty
478 (20);

479 (ii) Have been a dependent child;

480 (iii) Be or have been in the legal and/or physical
481 custody of the Department of Human Services at the time of his or
482 her eighteenth birthday;

483 (iv) Have spent at least six (6) months in foster
484 care before reaching his or her eighteenth birthday, which may
485 include the time the youth spent in shelter status in state
486 custody;

487 (v) Be a resident of Mississippi; and

488 (vi) Meet one (1) of the following educational
489 requirements:

490 1. Earned a standard high school diploma or
491 its equivalent, or earned a special diploma or special certificate
492 of completion, and has been admitted for full-time enrollment in
493 an eligible postsecondary education institution.

494 2. Is enrolled full time in an accredited
495 high school, unless he or she has a documented disability and has
496 provided documentation that part-time attendance is a necessary
497 accommodation; or

498 3. Is enrolled full time in an accredited
499 adult education program designed to provide the student with a
500 high school diploma or its equivalent, unless he or she has a
501 documented disability and has provided documentation that
502 part-time attendance is a necessary accommodation.

503 (vii) In addition, young adults age eighteen (18)
504 up to their twenty-third birthday, who were adopted from foster
505 care at age sixteen (16) or seventeen (17) and are attending an
506 institution of higher education, whether on a full- or part-time
507 basis, and meet the other criteria set forth for scholarship
508 eligibility are eligible to receive the scholarship award. The
509 same application shall be used for children adopted at age sixteen
510 (16) or seventeen (17) applying for ETV funds. These funds are
511 intended to assist in meeting the student's living expenses or
512 provide for basic personal needs.

513 (viii) Application Process for Scholarship.

514 1. The services worker shall assist each
515 youth between the ages seventeen (17) years, six (6) months and
516 eighteen (18) years of age to apply for the Road To Independence
517 Scholarship. The youth shall complete the application and obtain
518 document of proof of enrollment.

519 2. Each departmental district/region or
520 contracted service provider shall designate a services worker to
521 assist each young adult applying for or receiving independent
522 living services. The young adult shall submit his or her

523 application to the Independent Living services worker designated
524 by the department or its contracted service provider. The
525 Independent Living services worker shall have ten (10) working
526 days to review the application and approve or deny the scholarship
527 award or, if not the approval authority, shall forward the request
528 to the approval authority early enough to have it approved within
529 the ten-day period.

530 3. If approved, the services worker or
531 Independent Living services worker shall notify the youth in
532 writing within ten (10) working days of the determination. The
533 monthly scholarship award shall be distributed at the beginning of
534 the month that the recipient turns eighteen (18) years of age or,
535 if approval occurs after the youth's eighteenth birthday, at the
536 beginning of the next month following approval of the application.
537 For youth approved prior to their eighteenth birthday, the first
538 monthly scholarship award shall not be prorated regardless of the
539 day of the month recipient turns eighteen (18) years of age.

540 4. If the application is denied, the services
541 worker shall notify the youth in writing within ten (10) working
542 days of the termination and shall provide the youth the procedure
543 for filing an appeal and notify the youth of other available
544 benefits, including Transitional Support Services or aftercare
545 support.

546 5. If a young adult formerly in foster care
547 did not complete the application process prior to his or her
548 eighteenth birthday, or if the application was not approved, the
549 young adult may apply once prior to his or her twenty-first
550 birthday. No retroactive benefits are available due to delayed
551 completion of the application process by the youth.

552 (ix) Scholarship Renewal. The services worker
553 shall evaluate for renewal each scholarship award annually during
554 the ninety-day period before the student's birthday. In order to

555 be eligible for a renewal award for the subsequent year the
556 student shall:

557 1. Complete the number of hours, or the
558 equivalent considered full time by the educational institution, in
559 the last academic year in which the young adult earned a
560 scholarship.

561 2. Maintain appropriate progress as required
562 by the educational institution, except that, if the young adult's
563 progress is insufficient to renew the scholarship at any time
564 during the eligibility period, the young adult may restore
565 eligibility by improving his or her progress to the required
566 level.

567 (x) Scholarship Reinstatement. A student who has
568 lost eligibility for the RTI scholarship or who choose not to
569 renew the award may apply for reinstatement one (1) time before
570 his or her twenty-third birthday using "Road To Independence
571 Scholarship and/or Education Training Vouchers (ETV) Funds
572 Reinstatement Application." In order to be eligible for
573 reinstatement the student must meet the eligibility criteria and
574 the criteria for scholarship renewal.

575 (xi) RTI Scholarship Needs Assessment. An RTI
576 Needs Assessment must be completed on each student who has been
577 awarded the RTI scholarship. The amount of the award, whether it
578 is being used by a young adult working toward completion of a high
579 school diploma or its equivalent or working toward completion of a
580 postsecondary education program, shall be determined based on an
581 assessment of the funding needs of the young adult. This
582 assessment shall consider the young adult's living and educational
583 costs and other grants, scholarships, waivers, earnings and other
584 income to be received by the young adult. The total amount of ETV
585 funds and any other federal educational assistance to the young
586 adult shall not exceed the young adult's cost of attendance.

587 (xii) Payment Requirements for Scholarship
588 Recipients. The services worker responsible for the case shall
589 determine how the monthly scholarship awards will be paid
590 according to either of the two (2) following methods:
591 1. Direct payment to the young adult.
592 2. Payment of a portion of the scholarship
593 award to a service provider and the balance to the young adult, if
594 requested by the young adult. If the young adult makes this
595 request, it must be made in writing.

596 ETV funds are available pursuant to the following:

597 1. For students attending an institution of
598 higher education, including community college, university or
599 vocational education courses. High school or GED attendance does
600 not qualify.

601 2. For youth adopted at age sixteen (16) or
602 seventeen (17) from foster care who are attending an institution
603 of higher learning.

604 3. Part-time attendance at an institution of
605 higher education may qualify young adults under Mississippi's
606 Transitional Support Services component.

607 (xiii) Renewal of Road To Independence
608 Scholarships.

609 1. Young adults formerly in foster care are
610 required to renew their scholarships on an annual basis.

611 2. Departmental districts/regions or
612 contracted service provider agencies shall develop a plan for
613 renewal of scholarships. At a minimum, the plan shall address the
614 tracking and scheduling of scholarship renewals and those staff
615 responsible for notifying for these activities as well as
616 notifying the scholarship recipient of his or her obligations
617 during the renewal period.

618 3. Each approved award shall be evaluated and
619 renewed during the ninety-day period prior to the young adult's
620 birthday.

621 4. If the young adult is awarded a
622 scholarship within ninety (90) days prior to his or her next
623 birthday, he/she is not required to file for renewal until the
624 following birthday.

625 5. For young adults who were adopted from
626 foster care at age sixteen (16) or seventeen (17), the same
627 procedures established above shall be followed when renewing their
628 ETV funds.

629 (xiv) Eligibility to Renew Road To Independence
630 Scholarships. The young adult shall:

631 1. Make one (1) application for the initial
632 award prior to his or her twenty-first birthday.

633 2. Complete the number of hours, or the
634 equivalent considered full time by the educational institution, in
635 the last academic year in which the young adult earned a
636 scholarship.

637 3. Maintain appropriate progress as required
638 by the educational institution, except that, if the young adult's
639 progress is insufficient to renew the scholarship at any time
640 during the eligibility period, the young adult may restore
641 eligibility by improving his or her progress to the required
642 level.

643 (xv) Documentation Requirements for Scholarship
644 Recipients. All eligible recipients shall:

645 1. Provide documentation of enrollment in a
646 high school or institution of higher education; and

647 2. Provide documentation of progress made in
648 his or her course of study during the most recently completed
649 school term.

650 (j) Transitional Support Services for Young Adults
651 Formerly in Foster Care. A young adult formerly in foster care
652 may request Transitional Support Services in addition to aftercare
653 referrals, each assistance or the Road To Independence Scholarship
654 if the young adult demonstrates that the services are critical to
655 his or her own efforts to achieve self-sufficiency and develop a
656 personal support system.

657 In order to be eligible, the young adult shall:

658 (i) Be age eighteen (18), nineteen (19), twenty
659 (20), twenty-one (21) or twenty-two (22);

660 (ii) Have been a dependent child;

661 (iii) Be or have been in the legal and/or physical
662 custody of the Department of Human Services at the time of his or
663 her eighteenth birthday.

664 (iv) Have spent at least six (6) months in foster
665 care before his or her eighteenth birthday.

666 (v) Demonstrate that the services are critical to
667 his or her own efforts to achieve self-sufficiency and to develop
668 a personal support system, as determined by the Department of
669 Human Services.

670 If at any time the services are determined by the services
671 worker as no longer critical to the young adult's own efforts to
672 achieve self-sufficiency and to develop a personal support system,
673 they shall be terminated or reapplication denied. Application
674 Process to Receive Transitional Support Services is as follows:

675 (i) A Transitional Support Services application
676 shall be completed by the young adult with assistance from the
677 assigned services worker.

678 (ii) An application for Transitional Support
679 Services is limited to a maximum three-month benefit period. A
680 young adult may reapply for Transitional Support Services after
681 the three-month period but must demonstrate that the services are
682 vital for achieving self-sufficiency.

683 Transition Plan. Each young adult requesting Transitional
684 Support Services shall prepare a transition plan. This plan
685 shall:

686 (i) Outline the types of services being provided
687 by the department and the types of activities that the young adult
688 will complete in order to achieve self-sufficiency.

689 (ii) Be reviewed a minimum of every three (3)
690 months, if the young adult intends to reapply for services, and
691 adjusted according to the young adult's needs at the time of
692 review and reapplication.

693 Service Worker and Young Adult Contact Requirements. The
694 services worker shall work with the young adult formerly in foster
695 care to determine the need for contact.

696 Payment Requirements for Transitional Support Services
697 Recipients. Payments shall be made directly to the young adult
698 formerly in foster care unless the young adult requests all or a
699 portion of the funds be paid to a service provider. This request
700 shall be made in writing.

701 Confidentiality. The youth's status as a former foster youth
702 and recipient of public benefits is confidential and shall not be
703 revealed to anyone without the youth's permission. Staff shall
704 not have direct contact with the youth's landlords or third
705 parties, unless the youth provides written permission.

706 Services workers shall process a young adult's request for
707 assistance. If a young adult requests assistance in completing
708 the application, the services worker shall provide the requested
709 assistance. Each office of the department or its contracted
710 service provider involved in serving young adults formerly in the
711 custody of the department shall maintain application forms for the
712 Road To Independence Scholarship, Transitional Support Services
713 and Aftercare Support Services in a visible area and shall assist
714 the youth with completing the application forms.

715 (k) Youth with Disabilities. Youth who have
716 disabilities shall be provided with an equal opportunity to
717 participate in the continuum of independent living services.

718 (i) Though a youth who has a physical, emotional
719 or learning disability may need additional support, he or she
720 still is eligible for all independent living and post-18 services.

721 (ii) Each office of the department or its
722 contracted service provider involved in serving young adults
723 formerly in the custody of the department shall provide youth with
724 disabilities with reasonable accommodations and appropriate
725 services to ensure the equal opportunities and participation of
726 these youth.

727 (l) Youth who are Pregnant or Parenting. Youth who are
728 pregnant or who are parenting shall be provided with an equal
729 opportunity to participate in the continuum of independent living
730 and post-18 services. The services worker shall assist these
731 youth with accessing needed services, such a prenatal care, day
732 care, other public benefits and appropriate housing.

733 (m) Pursuant to federal and state documentation
734 requirements, for each young adult receiving funding from the Road
735 To Independence Scholarship, Transitional Support Services and/or
736 Aftercare Support Services the department or its contracted
737 service provider shall have an active case and a case file
738 containing at a minimum:

739 (i) A document that contains current demographic
740 information on the student such as, name, address, date of birth,
741 social security number, school attending, etc.

742 (ii) Completed applications signed by the young
743 adult and review and approval authorities.

744 (iii) Follow-up renewal applications or evidence
745 of review of transitional support services cases.

746 (iv) Completed Needs Assessments for RTI
747 Scholarship cases.

748 (v) Documentation to support eligibility
749 requirements for the services provided.

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