

Senate Amendments to House Bill No. 1313

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:

32 SECTION 1. (1) This section shall be known and may be cited
33 as the "State Representative Bill Kinkade Fostering Access and
34 Inspiring True Hope (FAITH) Scholarship Program."

35 (2) As used in this section, the following terms shall have
36 the meaning ascribed in this subsection, unless context of use
37 clearly requires otherwise:

38 (a) "Approved postsecondary educational institution"
39 means any public state-supported institution of higher learning,
40 community or junior college, or any not-for-profit private
41 institution of higher learning in the state. The term does not
42 include proprietary colleges or universities.

43 (b) "Board" means the Mississippi Postsecondary
44 Education Financial Assistance Board established in Section
45 37-106-9, which is authorized and empowered to administer the
46 provisions of Title 37, Chapter 106, Mississippi Code of 1972.

47 (c) "Director" means the individual designated by the
48 Board of Trustees of State Institutions of Higher Learning to

49 administer the provisions of the various financial assistance
50 programs by promulgating the necessary rules and regulations for
51 their effective administration.

52 (d) "Department" means the Mississippi Department of
53 Child Protection Services.

54 (e) "Eligible student" means:

55 (i) Any individual who is younger than twenty-six
56 (26) years of age who was placed in the legal custody of the
57 Mississippi Department of Child Protection Services by a youth
58 court or through other legal means and who was in the legal
59 custody of the department at any time on or after attaining
60 thirteen (13) years of age;

61 (ii) Any individual who is younger than twenty-six
62 (26) years of age who was placed in a qualified residential child
63 care agency by a parent, legal guardian, court of competent
64 jurisdiction, or other person or entity acting in the best
65 interest of the individual and who did reside in a qualified
66 residential child care agency at any time on or after attaining
67 thirteen (13) years of age; or

68 (iii) Any individual who is younger than
69 twenty-six (26) years of age who was adopted from the department's
70 legal custody or adopted while residing at a qualified residential
71 child care agency as described in paragraph (f) of this subsection
72 at any time on or after attaining thirteen (13) years of age.

73 (f) "Qualified residential child care agency" means an
74 entity that provides a home for children and was licensed by the

75 Mississippi Department of Child Protection Services at the time
76 that the scholarship applicant was housed by the agency.

77 (g) "Scholarship" means the State Representative Bill
78 Kinkade Fostering Access and Inspiring True Hope (FAITH)
79 Scholarship.

80 (3) The Mississippi Postsecondary Education Financial
81 Assistance Board, with the assistance of the Mississippi
82 Department Child Protection Services shall develop and administer
83 the Kinkade FAITH Scholarship Program for eligible students.
84 Commencing with the 2023-2024 academic year, the board shall
85 approve scholarships to eligible students who meet the general
86 requirements set forth in subsection (8) of this section.
87 Scholarships shall be used to pay up to the cost of attendance at
88 any approved postsecondary educational institution, provided that
89 payments to any not-for-profit private institution of higher
90 learning shall not exceed the average cost of attendance required
91 by all of the public state-supported institutions of higher
92 learning.

93 (4) Payments up to the cost of attendance are considered
94 program scholarships.

95 (5) The Kinkade FAITH Scholarship Program shall include a
96 mentor service administered by the department as a support system
97 for scholarship recipients. This service shall include mentors
98 who shall be compensated by the department, as employees or
99 contractors, to help participants adapt to independent living,
100 academics and other college or university activities.

101 (6) (a) Initial recipients shall be selected from all
102 eligible students based on rules promulgated by the board. In the
103 second and subsequent years of the program, priority consideration
104 shall first be given to renewal applicants. Except as provided in
105 paragraph (b) of this subsection (6), only one hundred fifty (150)
106 new applicants shall be eligible to receive funds under the
107 program in any academic year, until the program reaches its
108 maximum limitation of nine hundred (900) scholarship recipients.

109 (b) The board shall develop rules for ensuring that
110 expenses of the scholarship program in a fiscal year do not exceed
111 funding for the program in that fiscal year. For that purpose,
112 and any other provision of this section to the contrary
113 notwithstanding, the board may limit the acceptance of scholarship
114 applications and may limit the award of scholarships.

115 (7) The program shall pay up to the student's cost of
116 attendance for up to six (6) years, except as otherwise provided
117 in subsection (10) of this section. In no event shall the cost of
118 attendance be paid pursuant to this section for more than
119 seventy-two (72) credit hours at a community college or one
120 hundred forty-four (144) credit hours at a four-year college. The
121 program shall only pay up to cost of attendance for courses
122 leading to an undergraduate credential or degree. Scholarship
123 funds may be disbursed only if sufficient funding for the
124 scholarship program is available.

125 (8) To participate in the program, a scholarship applicant
126 shall satisfy the following general eligibility requirements:

127 (a) Be an eligible student as defined in subsection
128 (2) (e) of this section;

129 (b) Be accepted for enrollment in a degree or
130 certificate program at an approved postsecondary educational
131 institution; and

132 (c) Have completed and submitted to the United States
133 Department of Education a Free Application for Federal Student Aid
134 (FAFSA) before each year in which he or she receives a
135 scholarship. He or she shall have applied for all federal student
136 financial assistance, including Educational and Training Vouchers.

137 (9) To receive a renewal scholarship, a student shall
138 satisfy the following continuing eligibility requirements:

139 (a) Make satisfactory academic progress toward the
140 completion of a degree or certificate as determined by rules
141 promulgated by the board and maintain a 2.0 cumulative GPA for
142 consecutive or nonconsecutive semesters of enrollment; and

143 (b) Remain in good standing with the policies
144 established by the approved postsecondary educational institution.

145 (10) The age limitation under subsection (2) (e) of this
146 section shall be extended by the total number of years during
147 which the student was on active duty status in the United States
148 Armed Forces. The number of months served on active duty status
149 in the United States Armed Forces shall be rounded up to the next
150 higher year to determine the maximum length of eligibility
151 extension allowed.

152 (11) The scholarship will include any costs associated with
153 room and board during institutional holidays at approved
154 postsecondary educational institutions where such accommodations
155 are available.

156 (12) The scholarship is intended to be a first dollar
157 scholarship program. Funds can be combined with any other
158 federal, institutional, or private scholarships to meet the
159 student's full cost of attendance. No other gift aid should be
160 reduced or supplanted by the Kinkade FAITH scholarship. However,
161 in no case shall the FAITH scholarship be combined with other gift
162 aid to exceed cost of attendance.

163 (13) The board shall promulgate rules as necessary to
164 implement and administer this section.

165 (14) Nothing in this section shall be construed to:

166 (a) Guarantee acceptance of or entrance into any
167 approved postsecondary educational institution for an eligible
168 student;

169 (b) Limit the participation of an eligible student in
170 any other program of financial assistance for postsecondary
171 education;

172 (c) Require any approved postsecondary educational
173 institution to waive costs or fees relating to room and board; or

174 (d) Restrict any approved postsecondary educational
175 institution, the Mississippi Postsecondary Education Financial
176 Assistance Board, or the Department of Child Protection Services

177 from accessing other sources of financial assistance, except
178 loans, that may be available to an eligible student.

179 **SECTION 2.** (1) There is established in the State Treasury a
180 special fund to be designated as the "Kinkade Fostering Access and
181 Inspiring True Hope (FAITH) Scholarship Program Fund." The
182 special fund shall consist of funds appropriated or otherwise made
183 available by the Legislature in any manner, and funds from any
184 other source designated for deposit into the special fund. Monies
185 in the fund shall only be spent upon appropriation by the
186 Legislature to the Mississippi Postsecondary Education Financial
187 Assistance Board and shall only be used by the Board for the
188 purpose of implementing the scholarship program established in
189 Section 1 of this act.

190 (2) Unexpended amounts remaining in the special fund at the
191 end of a fiscal year shall not lapse into the State General Fund
192 but shall remain in the Kinkade FAITH Scholarship Program Fund.
193 Any investment earnings or interest earned on amounts in the
194 special fund shall be deposited to the credit of the special fund.

195 **SECTION 3.** Section 93-19-13, Mississippi Code of 1972, is
196 amended as follows:

197 93-19-13. (1) All persons eighteen (18) years of age or
198 older, if not otherwise disqualified, or prohibited by law, shall
199 have the capacity to enter into binding contractual relationships
200 affecting personal property. In addition, all persons eighteen
201 (18) years of age or older shall have the capacity to enter into
202 binding contractual relationships for the purpose of investing in

203 mutual funds, stocks, bonds and any other publicly traded
204 equities. Nothing in this section shall be construed to affect
205 any contracts entered into prior to July 1, 1976.

206 (2) Any person eighteen (18) years of age or older, if not
207 otherwise disqualified or prohibited by law, shall have the
208 capacity to enter into binding agreements to lease real property
209 to be occupied by the person as the actual place of residence.

210 (3) Any person eighteen (18) years of age or older, if not
211 otherwise disqualified or prohibited by law, shall have the
212 capacity to enter into binding agreements to secure utilities for
213 the person's actual place of residence to include electricity,
214 natural gas, propane, water, sewage, garbage disposal and internet
215 services.

216 (4) In any legal action founded on a contract entered into
217 by a person eighteen (18) years of age or older, the said person
218 may sue in his own name as an adult and be sued in his own name as
219 an adult and be served with process as an adult.

220 **SECTION 4.** Section 43-21-261, Mississippi Code of 1972, is
221 amended as follows:

222 43-21-261. (1) Except as otherwise provided in this
223 section, records involving children shall not be disclosed, other
224 than to necessary staff or officials of the youth court, a
225 guardian ad litem appointed to a child by the court, or a
226 Court-Appointed Special Advocate (CASA) volunteer who may be
227 assigned in an abuse and neglect case, except pursuant to an order
228 of the youth court specifying the person or persons to whom the

229 records may be disclosed, the extent of the records which may be
230 disclosed and the purpose of the disclosure. Such court orders
231 for disclosure shall be limited to those instances in which the
232 youth court concludes, in its discretion, that disclosure is
233 required for the best interests of the child, the public safety,
234 the functioning of the youth court, or to identify a person who
235 knowingly made a false allegation of child abuse or neglect, and
236 then only to the following persons:

237 (a) The judge of another youth court or member of
238 another youth court staff;

239 (b) The court of the parties in a child custody or
240 adoption cause in another court;

241 (c) A judge of any other court or members of another
242 court staff, including the chancery court that ordered a forensic
243 interview;

244 (d) Representatives of a public or private agency
245 providing supervision or having custody of the child under order
246 of the youth court;

247 (e) Any person engaged in a bona fide research purpose,
248 provided that no information identifying the subject of the
249 records shall be made available to the researcher unless it is
250 absolutely essential to the research purpose and the judge gives
251 prior written approval, and the child, through his or her
252 representative, gives permission to release the information;

253 (f) The Mississippi Department of Employment Security,
254 or its duly authorized representatives, for the purpose of a

255 child's enrollment into the Job Corps Training Program as
256 authorized by Title IV of the Comprehensive Employment Training
257 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
258 reports, investigations or information derived therefrom
259 pertaining to child abuse or neglect shall be disclosed;

260 (g) Any person pursuant to a finding by a judge of the
261 youth court of compelling circumstances affecting the health,
262 safety or well-being of a child and that such disclosure is in the
263 best interests of the child or an adult who was formerly the
264 subject of a youth court delinquency proceeding;

265 (h) A person who was the subject of a knowingly made
266 false allegation of child abuse or neglect which has resulted in a
267 conviction of a perpetrator in accordance with Section 97-35-47 or
268 which allegation was referred by the Department of Child
269 Protection Services to a prosecutor or law enforcement official in
270 accordance with the provisions of Section 43-21-353(4).

271 Law enforcement agencies may disclose information to the
272 public concerning the taking of a child into custody for the
273 commission of a delinquent act without the necessity of an order
274 from the youth court. The information released shall not identify
275 the child or his address unless the information involves a child
276 convicted as an adult.

277 (2) Any records involving children which are disclosed under
278 an order of the youth court or pursuant to the terms of this
279 section and the contents thereof shall be kept confidential by the
280 person or agency to whom the record is disclosed unless otherwise

281 provided in the order. Any further disclosure of any records
282 involving children shall be made only under an order of the youth
283 court as provided in this section.

284 (3) Upon request, the parent, guardian or custodian of the
285 child who is the subject of a youth court cause or any attorney
286 for such parent, guardian or custodian, shall have the right to
287 inspect any record, report or investigation relevant to a matter
288 to be heard by a youth court, except that the identity of the
289 reporter shall not be released, nor the name of any other person
290 where the person or agency making the information available finds
291 that disclosure of the information would be likely to endanger the
292 life or safety of such person. The attorney for the parent,
293 guardian or custodian of the child, upon request, shall be
294 provided a copy of any record, report or investigation relevant to
295 a matter to be heard by a youth court, but the identity of the
296 reporter must be redacted and the name of any other person must
297 also be redacted if the person or agency making the information
298 available finds that disclosure of the information would be likely
299 to endanger the life, safety or well-being of the person. A
300 record provided to the attorney under this section must remain in
301 the attorney's control and the attorney may not provide copies or
302 access to another person or entity without prior consent of a
303 court with appropriate jurisdiction.

304 (4) Upon request, the child who is the subject of a youth
305 court cause shall have the right to have his counsel inspect and
306 copy any record, report or investigation which is filed with the

307 youth court or which is to be considered by the youth court at a
308 hearing.

309 (5) (a) The youth court prosecutor or prosecutors, the
310 county attorney, the district attorney, the youth court defender
311 or defenders, or any attorney representing a child shall have the
312 right to inspect and copy any law enforcement record involving
313 children.

314 (b) The Department of Child Protection Services shall
315 disclose to a county prosecuting attorney or district attorney any
316 and all records resulting from an investigation into suspected
317 child abuse or neglect when the case has been referred by the
318 Department of Child Protection Services to the county prosecuting
319 attorney or district attorney for criminal prosecution.

320 (c) Agency records made confidential under the
321 provisions of this section may be disclosed to a court of
322 competent jurisdiction.

323 (d) Records involving children shall be disclosed to
324 the Division of Victim Compensation of the Office of the Attorney
325 General upon the division's request without order of the youth
326 court for purposes of determination of eligibility for victim
327 compensation benefits.

328 (6) Information concerning an investigation into a report of
329 child abuse or child neglect may be disclosed by the Department of
330 Child Protection Services without order of the youth court to any
331 attorney, physician, dentist, intern, resident, nurse,
332 psychologist, social worker, family protection worker, family

333 protection specialist, child caregiver, minister, law enforcement
334 officer, or a public or private school employee making that report
335 pursuant to Section 43-21-353(1) if the reporter has a continuing
336 professional relationship with the child and a need for such
337 information in order to protect or treat the child.

338 (7) Information concerning an investigation into a report of
339 child abuse or child neglect may be disclosed without further
340 order of the youth court to any interagency child abuse task force
341 established in any county or municipality by order of the youth
342 court of that county or municipality.

343 (8) Names and addresses of juveniles twice adjudicated as
344 delinquent for an act which would be a felony if committed by an
345 adult or for the unlawful possession of a firearm shall not be
346 held confidential and shall be made available to the public.

347 (9) Names and addresses of juveniles adjudicated as
348 delinquent for murder, manslaughter, burglary, arson, armed
349 robbery, aggravated assault, any sex offense as defined in Section
350 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
351 violation of Section 63-11-30, shall not be held confidential and
352 shall be made available to the public.

353 (10) The judges of the circuit and county courts, and
354 presentence investigators for the circuit courts, as provided in
355 Section 47-7-9, shall have the right to inspect any youth court
356 records of a person convicted of a crime for sentencing purposes
357 only.

358 (11) The victim of an offense committed by a child who is
359 the subject of a youth court cause shall have the right to be
360 informed of the child's disposition by the youth court.

361 (12) A classification hearing officer of the State
362 Department of Corrections, as provided in Section 47-5-103, shall
363 have the right to inspect any youth court records, excluding abuse
364 and neglect records, of any offender in the custody of the
365 department who as a child or minor was a juvenile offender or was
366 the subject of a youth court cause of action, and the State Parole
367 Board, as provided in Section 47-7-17, shall have the right to
368 inspect such records when the offender becomes eligible for
369 parole.

370 (13) The youth court shall notify the Department of Public
371 Safety of the name, and any other identifying information such
372 department may require, of any child who is adjudicated delinquent
373 as a result of a violation of the Uniform Controlled Substances
374 Law.

375 (14) The Administrative Office of Courts shall have the
376 right to inspect any youth court records in order that the number
377 of youthful offenders, abused, neglected, truant and dependent
378 children, as well as children in need of special care and children
379 in need of supervision, may be tracked with specificity through
380 the youth court and adult justice system, and to utilize tracking
381 forms for such purpose.

382 (15) Upon a request by a youth court, the Administrative
383 Office of Courts shall disclose all information at its disposal

384 concerning any previous youth court intakes alleging that a child
385 was a delinquent child, child in need of supervision, child in
386 need of special care, truant child, abused child or neglected
387 child, as well as any previous youth court adjudications for the
388 same and all dispositional information concerning a child who at
389 the time of such request comes under the jurisdiction of the youth
390 court making such request.

391 (16) The Administrative Office of Courts may, in its
392 discretion, disclose to the Department of Public Safety any or all
393 of the information involving children contained in the office's
394 youth court data management system known as Mississippi Youth
395 Court Information Delivery System or "MYCIDS."

396 (17) The youth courts of the state shall disclose to the
397 Joint Legislative Committee on Performance Evaluation and
398 Expenditure Review (PEER) any youth court records in order that
399 the number of youthful offenders, abused, neglected, truant and
400 dependent children, as well as children in need of special care
401 and children in need of supervision, may be tracked with
402 specificity through the youth court and adult justice system, and
403 to utilize tracking forms for such purpose. The disclosure
404 prescribed in this subsection shall not require a court order and
405 shall be made in sortable, electronic format where possible. The
406 PEER Committee may seek the assistance of the Administrative
407 Office of Courts in seeking this information. The PEER Committee
408 shall not disclose the identities of any youth who have been
409 adjudicated in the youth courts of the state and shall only use

410 the disclosed information for the purpose of monitoring the
411 effectiveness and efficiency of programs established to assist
412 adjudicated youth, and to ascertain the incidence of adjudicated
413 youth who become adult offenders.

414 (18) In every case where an abuse or neglect allegation has
415 been made, the confidentiality provisions of this section shall
416 not apply to prohibit access to a child's records by any state
417 regulatory agency, any state or local prosecutorial agency or law
418 enforcement agency; however, no identifying information concerning
419 the child in question may be released to the public by such agency
420 except as otherwise provided herein.

421 (19) In every case of child abuse or neglect, if a child's
422 physical condition is medically labeled as medically "serious" or
423 "critical" or a child dies, the confidentiality provisions of this
424 section shall not apply. In such cases, the following information
425 may be released by the Mississippi Department of Child Protection
426 Services: the cause of the circumstances regarding the fatality
427 or medically serious or critical physical condition; the age and
428 gender of the child; information describing any previous reports
429 of child abuse or neglect investigations that are pertinent to the
430 child abuse or neglect that led to the fatality or medically
431 serious or critical physical condition; the result of any such
432 investigations; and the services provided by and actions of the
433 state on behalf of the child that are pertinent to the child abuse
434 or neglect that led to the fatality or medically serious or
435 critical physical condition.

436 (20) Any member of a foster care review board designated by
437 the Department of Child Protection Services shall have the right
438 to inspect youth court records relating to the abuse, neglect or
439 child in need of supervision cases assigned to such member for
440 review.

441 (21) Information concerning an investigation into a report
442 of child abuse or child neglect may be disclosed without further
443 order of the youth court in any administrative or due process
444 hearing held, pursuant to Section 43-21-257, by the Department of
445 Child Protection Services for individuals whose names will be
446 placed on the central registry as substantiated perpetrators.

447 (22) The Department of Child Protection Services may
448 disclose records involving children to the following:

449 (a) A foster home, residential child-caring agency or
450 child-placing agency to the extent necessary to provide such care
451 and services to a child;

452 (b) An individual, agency or organization that provides
453 services to a child or the child's family in furtherance of the
454 child's permanency plan to the extent necessary in providing those
455 services;

456 (c) Health and mental health care providers of a child
457 to the extent necessary for the provider to properly treat and
458 care for the child;

459 (d) An educational institution or educational services
460 provider where the child is enrolled or where enrollment is

461 anticipated to the extent necessary for the school to provide
462 appropriate services to the child; * * *

463 (e) Any state agency or board that administers student
464 financial assistance programs to the extent necessary for the
465 agency or board to determine a student's eligibility for financial
466 assistance; and

467 (* * *f) Any other state agency if the disclosure is
468 necessary to the department in fulfilling its statutory
469 responsibilities in protecting the best interests of the child.

470 **SECTION 5.** This act shall take effect and be in force from
471 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE "STATE REPRESENTATIVE BILL KINKADE
2 FOSTERING ACCESS AND INSPIRING TRUE HOPE (FAITH) SCHOLARSHIP
3 PROGRAM," FOR THE PURPOSE OF PROVIDING FUNDS FOR CERTAIN YOUTH TO
4 ATTEND APPROVED POSTSECONDARY EDUCATIONAL INSTITUTIONS; TO
5 AUTHORIZE THE AWARD OF SCHOLARSHIPS TO ANY PERSON WHO WAS PLACED
6 EITHER IN THE LEGAL CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CHILD
7 PROTECTION SERVICES (MDCPS) OR AT A QUALIFIED RESIDENTIAL CHILD
8 CARE AGENCY AT ANY TIME ON OR AFTER THE PERSON'S 13TH BIRTHDAY; TO
9 FURTHER AUTHORIZE THE AWARD OF SCHOLARSHIPS TO ANY PERSON WHO WAS
10 ADOPTED FROM MDCPS'S CUSTODY OR WHILE RESIDING AT A QUALIFIED
11 RESIDENTIAL CHILD CARE AGENCY AT ANY TIME ON OR AFTER THE PERSON'S
12 13TH BIRTHDAY; TO FURTHER PROVIDE THAT KINKADE FAITH SCHOLARSHIP
13 APPLICANTS MUST BE YOUNGER THAN THE AGE OF 26; TO PROVIDE THAT THE
14 MISSISSIPPI POSTSECONDARY EDUCATION FINANCIAL ASSISTANCE BOARD
15 SHALL ADMINISTER THE PROGRAM; TO PRESCRIBE INITIAL AND CONTINUING
16 ELIGIBILITY REQUIREMENTS FOR RECEIVING A KINKADE FAITH
17 SCHOLARSHIP; TO PROVIDE THAT THE NUMBER OF NEW SCHOLARSHIP
18 RECIPIENTS SHALL BE LIMITED TO 150 PER YEAR UNTIL THE PROGRAM
19 REACHES THE MAXIMUM NUMBER OF 900 SCHOLARSHIP RECIPIENTS; TO
20 ADDRESS SUMMER AND HOLIDAY ROOM AND BOARD ACCOMMODATIONS FOR
21 KINKADE FAITH SCHOLARS AT APPROVED POSTSECONDARY EDUCATIONAL
22 INSTITUTIONS; TO ESTABLISH THE STATE REPRESENTATIVE BILL KINKADE
23 FOSTERING ACCESS AND INSPIRING TRUE HOPE (FAITH) SCHOLARSHIP
24 PROGRAM SPECIAL FUND; TO AMEND SECTION 93-19-13, MISSISSIPPI CODE

25 OF 1972, TO AUTHORIZE PERSONS 18 YEARS OF AGE OR OLDER TO ENTER
26 LEGALLY BINDING CONTRACTS FOR THE LEASE OF REAL PROPERTY AND
27 ASSOCIATED UTILITIES; TO AMEND SECTION 43-21-261, MISSISSIPPI CODE
28 OF 1972, TO AUTHORIZE THE LIMITED DISCLOSURE OF RECORDS INVOLVING
29 CHILDREN BY MDCPS TO STUDENT FINANCIAL ASSISTANCE BOARDS; AND FOR
30 RELATED PURPOSES.

SS26\HB1313PS.J

Eugene S. Clarke
Secretary of the Senate