

REPORT OF CONFERENCE COMMITTEE

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MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1149: Path to permanency; provide for children in Child Protection Services.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

73 **SECTION 1.** Section 43-21-201, Mississippi Code of 1972, is
74 amended as follows:

75 43-21-201. (1) (a) Each party shall have the right to be
76 represented by counsel at all stages of the proceedings including,
77 but not limited to, detention, shelter, adjudicatory and
78 disposition hearings and parole or probation revocation
79 proceedings.

80 (b) In delinquency matters the court shall appoint
81 legal defense counsel who is not also a guardian ad litem for the
82 same child. If the party is a child, the child shall be
83 represented by counsel at all critical stages: detention,
84 adjudicatory and disposition hearings; parole or probation
85 revocation proceedings; and post-disposition matters. If



86 indigent, the child shall have the right to have counsel appointed
87 for him by the youth court.

88 (c) A child who is alleged to have been abused or
89 neglected shall be deemed to be a party to the proceedings under
90 this chapter. The child shall be represented by an attorney at
91 all stages of any proceedings held pursuant to this chapter. The
92 court shall appoint an attorney to any child who is unrepresented.

93 The guardian ad litem may serve a dual role as long as no
94 conflict of interest is present. If a conflict of interest
95 arises, the guardian ad litem shall inform the Youth Court of the
96 conflict and the youth court shall retain the guardian ad litem to
97 represent the best interest of the child and appoint an attorney
98 to represent the child's preferences as required by Uniform Rule
99 of Youth Court Practice 13(f).

100 (2) When a party first appears before the youth court, the
101 judge shall ascertain whether he is represented by counsel and, if
102 not, inform him of his rights including his right to counsel. If
103 the court determines that a parent or guardian who is a party in
104 an abuse, neglect or termination of parental rights proceeding is
105 indigent, the youth court judge may appoint counsel to represent
106 the indigent parent or guardian in the proceeding.

107 (3) An attorney appointed to represent a * * *~~delinquent~~
108 child shall be required to complete annual juvenile justice
109 training that is approved by the Mississippi Office of State
110 Public Defender and the Mississippi Commission on Continuing Legal



111 Education. An attorney appointed to represent a parent or
112 guardian in an abuse, neglect or termination of parental rights
113 proceeding shall be required to complete annual training that is
114 approved by the Office of State Public Defender and the
115 Mississippi Commission on Continuing Legal Education. The
116 Mississippi Office of State Public Defender and the Mississippi
117 Commission on Continuing Legal Education shall determine the
118 amount of juvenile justice training and continuing education
119 required to fulfill the requirements of this subsection. The
120 State Public Defender shall maintain a roll of attorneys who have
121 complied with the training requirements and shall enforce the
122 provisions of this subsection. Should an attorney fail to
123 complete the annual training requirement or fail to attend the
124 required training within six (6) months of being appointed to a
125 youth court case, the attorney shall be disqualified to serve and
126 the youth court shall immediately terminate the representation and
127 appoint another attorney. Attorneys appointed by a youth court to
128 five (5) or fewer cases a year are exempt from the requirements of
129 this subsection.

130 (4) The child's attorney shall owe the same duties of
131 undivided loyalty, confidentiality and competent representation to
132 the child or minor as is due an adult client pursuant to the
133 Mississippi Rules of Professional Conduct.

134 (5) An attorney shall enter his appearance on behalf of a
135 party in the proceeding by filing a written notice of appearance



136 with the youth court, by filing a pleading, notice or motion
137 signed by counsel or by appearing in open court and advising the
138 youth court that he is representing a party. After counsel has
139 entered his appearance, he shall be served with copies of all
140 subsequent pleadings, motions and notices required to be served on
141 the party he represents. An attorney who has entered his
142 appearance shall not be permitted to withdraw from the case until
143 a timely appeal, if any, has been decided, except by leave of the
144 court then exercising jurisdiction of the cause after notice of
145 his intended withdrawal is served by him on the party he
146 represents.

147 (6) Each designee appointed by a youth court judge shall be
148 subject to the Code of Judicial Conduct and shall govern himself
149 or herself accordingly.

150 (7) The Department of Child Protection Services shall be a
151 necessary party at all stages of the proceedings involving a child
152 for whom the department has custody, including, but not limited
153 to, shelter, adjudicatory, disposition, permanency hearings and
154 termination of parental rights.

155 **SECTION 2.** Section 43-21-501, Mississippi Code of 1972, is
156 amended as follows:

157 43-21-501. When a petition has been filed and the date of
158 hearing has been set by the youth court, the judge or his designee
159 shall order the clerk of the youth court to issue a summons to the
160 following to appear personally at such hearing:



- 161 (a) The child named in the petition;
- 162 (b) The person or persons who have custody or control
163 of the child;
- 164 (c) The parent or guardian of the child if such parent
165 or guardian does not have custody of the child; * * *~~and~~
- 166 (d) The Department of Child Protection Services; and
- 167 (~~* * *~~de) Any other person whom the court deems
168 necessary.

169 **SECTION 3.** Section 43-21-701, Mississippi Code of 1972, is
170 amended as follows:

171 43-21-701. (1) There is * * *~~hereby~~ established the
172 Mississippi Commission on a Uniform Youth Court System and
173 Procedures. The commission shall consist of the following * * *
174 ~~nineteen (19)~~ twenty-one (21) members:

175 (a) One (1) circuit court judge appointed by the Chief
176 Justice of the Mississippi Supreme Court;

177 (b) One (1) chancery court judge, appointed by the
178 Chief Justice of the Mississippi Supreme Court;

179 (c) The President of the Mississippi Council of Youth
180 Court Judges, or his designee;

181 (d) Two (2) who may be either family court judges or
182 county court judges, appointed by the President of the Mississippi
183 Council of Youth Court Judges;

184 (e) Two (2) youth court referees, appointed by the
185 President of the Mississippi Council of Youth Court Judges;



186 (f) One (1) member of the Mississippi House of
187 Representatives to be appointed by the Speaker of the House;

188 (g) One (1) member of the Mississippi Senate to be
189 appointed by the Lieutenant Governor;

190 (h) The directors of the following state agencies or
191 their designated representatives: the Mississippi Department
192 of * * * ~~Youth~~ Human Services and the Mississippi Department
193 of * * * ~~Public Welfare~~ Child Protection Services;

194 (i) The director or his designated representative of
195 the Governor's Office of Federal-State Programs;

196 (j) * * * ~~One (1)~~ Two (2) employees, other than
197 the * * * ~~director~~ commissioner, of the Department of * * * ~~Public~~
198 ~~Welfare~~ Child Protection Services who * * * ~~is a~~ are supervisors
199 of social workers primarily assigned to youth cases, appointed by
200 the Governor;

201 (k) One (1) employee, other than the commissioner, of
202 the Department of Child Protection Services who is experienced
203 with the legal process of youth court cases, appointed by the
204 Governor;

205 (* * * ~~k~~l) One (1) municipal police chief, appointed by
206 the Governor;

207 (* * * ~~l~~m) One (1) county sheriff, appointed by the
208 Governor;

209 (* * * ~~m~~n) Two (2) lawyers experienced in youth court
210 work, appointed by the Governor; and



211 (* * * ~~FO~~) Two (2) prosecuting attorneys who prosecute
212 cases in youth court, appointed by the Governor.

213 (2) The members shall be appointed to the commission within
214 fifteen (15) days of the effective date of Sections 43-21-701 and
215 43-21-703 and shall serve until the end of their respective terms
216 of office, if applicable, or until October 1, * * * ~~1989~~ 2024,
217 whichever occurs first. Vacancies on the commission shall be
218 filled in the manner of the original appointment. Members shall
219 be eligible for reappointment provided that upon such
220 reappointment they meet the qualifications required of a new
221 appointee.

222 (3) The commission may elect any officers from among its
223 membership as it deems necessary for the efficient discharge of
224 the commission's duties.

225 (4) The commission shall adopt rules and regulations
226 governing times and places for meetings and governing the manner
227 of conducting its business. * * * ~~Ten (10)~~ Twelve (12) or more
228 members shall constitute a quorum for the purpose of conducting
229 any business of the commission; provided, however, a vote of not
230 less than * * * ~~twelve (12)~~ fourteen (14) members shall be
231 required for any recommendations to the Legislature.

232 (5) Members of the commission shall serve without
233 compensation, except that state and county employees and officers
234 shall receive any per diem as authorized by law from
235 appropriations available to their respective agencies or political



236 subdivisions. All commission members shall be entitled to receive
237 reimbursement for any actual and reasonable expenses incurred as a
238 necessary incident to service on the commission, including mileage
239 as provided by law.

240 (6) The commission may select and employ a research director
241 who shall perform the duties which the commission directs, which
242 duties shall include the hiring of such other employees for the
243 commission as the commission may approve. The research director
244 and all other employees of the commission shall be in the state
245 service and their salaries shall be established by the commission
246 subject to approval by the State Personnel Board. Employees of
247 the commission shall be reimbursed for the expenses necessarily
248 incurred in the performance of their official duties in the same
249 manner as other state employees. The commission may also employ
250 any consultants it deems necessary, including consultants to
251 compile any demographic data needed to accomplish the duties of
252 the commission.

253 (7) The Governor's Office of Federal-State Programs shall
254 support the Commission on a Uniform Youth Court System and shall
255 act as agent for any funds made available to the commission for
256 its use. In order to expedite the implementation of the
257 Commission on a Uniform Youth Court System, any funds available to
258 the Governor's Office of Federal-State Programs for the * * *
259 ~~1988-1989~~ 2023-2024 fiscal year may be expended for the purpose of
260 defraying the expenses of the commission created herein.



261 (8) The commission may contract for suitable office space in
262 accordance with the provisions of Section 29-5-2, Mississippi Code
263 of 1972. In addition, the commission may utilize, with their
264 consent, the services, equipment, personnel, information and
265 resources of other state agencies; and may accept voluntary and
266 uncompensated services, contract with individuals, public and
267 private agencies, and request information, reports and data from
268 any agency of the state, or any of its political subdivisions, to
269 the extent authorized by law.

270 (9) In order to conduct and carry out its purposes, duties
271 and related activities as provided for in this section and Section
272 43-21-703, the commission is authorized to apply for and accept
273 gifts, grants, subsidies and other funds from persons,
274 corporations, foundations, the United States government or other
275 entities, provided that the receipt of such gifts, grants,
276 subsidies and funds shall be reported and otherwise accounted for
277 in the manner provided by law.

278 **SECTION 4.** Section 43-21-703, Mississippi Code of 1972, is
279 amended as follows:

280 43-21-703. (1) The commission shall study the youth court
281 system in Mississippi, and prepare a report including any proposed
282 changes in the youth court system and/or its procedures. It shall
283 submit the report to the Legislature, on or before October
284 1, * * * ~~1989~~ 2024, along with a report detailing any legislation
285 which may be needed to implement the plan. In preparing the



286 report, the commission shall evaluate the existing juvenile
287 services in the state and may recommend changes in the
288 organizational concepts, institutions, laws and resources.

289 (2) In formulating its report, the commission shall take
290 into consideration the following:

291 (a) Whether a uniform statewide youth court system
292 would be desirable;

293 (b) How best the service needs of the state could be
294 met in relation to the taxing and resource capacity of various
295 multi-county districts now existing or proposed;

296 (c) Whether counties in a given service area or
297 district may develop district shelters, detention centers and
298 diagnostic centers to serve a multi-county area; and

299 (d) What proposals or alternatives would update or
300 modernize the system to provide staffing for all counties and
301 citizens.

302 (3) The commission, in addition to recommending the plan
303 described in this section, shall serve as a clearinghouse and
304 information center for the collection, preparation, analysis and
305 dissemination of information on the youth court system in
306 Mississippi and shall conduct ongoing research relating to the
307 improvement of the youth court system. Pursuant to its duties
308 under this subsection, the commission may request the regular
309 submission to it of such reports, information and statistics by
310 the courts, judges, prosecuting attorneys and agencies of this



311 state which the commission deems necessary for the development of
312 its reports.

313 **SECTION 5.** Section 93-15-107, Mississippi Code of 1972, is
314 amended as follows:

315 93-15-107. (1) (a) Involuntary termination of parental
316 rights proceedings are commenced upon the filing of a petition
317 under this chapter. The petition may be filed by any interested
318 person, or any agency, institution or person holding custody of
319 the child. The simultaneous filing of a petition for adoption is
320 not a prerequisite for filing a petition under this chapter.

321 (b) The proceeding shall be triable, either in term
322 time or vacation, thirty (30) days after personal service of
323 process to any necessary party or, for a necessary party whose
324 address is unknown after diligent search, thirty (30) days after
325 the date of the first publication of service of process by
326 publication that complies with the Mississippi Rules of Civil
327 Procedure.

328 (c) Necessary parties to a termination of parental
329 rights action shall include the mother of the child, the legal
330 father of the child, the putative father of the child when known,
331 and any agency, institution or person holding custody of the
332 child. The absence of a necessary party who has been properly
333 served does not preclude the court from conducting the hearing or
334 rendering a final judgment.



335 (d) A guardian ad litem shall be appointed to protect
336 the best interest of the child, except that the court, in its
337 discretion, may waive this requirement when a parent executes a
338 written voluntary release to terminate parental rights. The
339 guardian ad litem fees shall be determined and assessed in the
340 discretion of the court.

341 (2) Voluntary termination of parental rights by written
342 voluntary release is governed by Section 93-15-111.

343 (3) In all cases involving termination of parental rights, a
344 minor parent shall be served with process as an adult.

345 (4) The court may waive service of process if an adoptive
346 child was born in a foreign country, put up for adoption in the
347 birth country, and has been legally admitted into this country.

348 (5) The clerk shall docket cases seeking relief under this
349 chapter as priority cases. The assigned judge shall be
350 immediately notified when a case is filed in order to provide for
351 expedited proceedings.

352 **SECTION 6.** Section 93-17-3, Mississippi Code of 1972, is
353 amended as follows:

354 93-17-3. (1) Except as otherwise provided in this section,
355 a court of this state has jurisdiction over a proceeding for the
356 adoption or readoption of a minor commenced under this chapter if:

357 (a) Immediately before commencement of the proceeding,
358 the minor lived in this state with a parent, a guardian, a
359 prospective adoptive parent or another person acting as parent,



360 for at least six (6) consecutive months, excluding periods of
361 temporary absence, or, in the case of a minor under six (6) months
362 of age, lived in this state from soon after birth with any of
363 those individuals and there is available in this state substantial
364 evidence concerning the minor's present or future care;

365 (b) Immediately before commencement of the proceeding,
366 the prospective adoptive parent lived in this state for at least
367 six (6) consecutive months, excluding periods of temporary
368 absence, and there is available in this state substantial evidence
369 concerning the minor's present or future care;

370 (c) The agency that placed the minor for adoption is
371 licensed in this state and it is in the best interest of the minor
372 that a court of this state assume jurisdiction because:

373 (i) The minor and the minor's parents, or the
374 minor and the prospective adoptive parent, have a significant
375 connection with this state; and

376 (ii) There is available in this state substantial
377 evidence concerning the minor's present or future care;

378 (d) The minor and the prospective adoptive parent or
379 parents are physically present in this state and the minor has
380 been abandoned or it is necessary in an emergency to protect the
381 minor because the minor has been subjected to or threatened with
382 mistreatment or abuse or is otherwise neglected, and the
383 prospective adoptive parent or parents, if not residing in
384 Mississippi, have completed and provided the court with a



385 satisfactory Interstate Compact for Placement of Children (ICPC)
386 home study and accompanying forms, unless the court determines
387 that the home study is not necessary in the case of an adoption by
388 a stepparent or a relative or in the case of an adoption in a
389 foster-to-adopt placement;

390 (e) It appears that no other state would have
391 jurisdiction under prerequisites substantially in accordance with
392 paragraphs (a) through (d), or another state has declined to
393 exercise jurisdiction on the ground that this state is the more
394 appropriate forum to hear a petition for adoption of the minor,
395 and it is in the best interest of the minor that a court of this
396 state assume jurisdiction; or

397 (f) The child has been adopted in a foreign country,
398 the agency that placed the minor for adoption is licensed in this
399 state, and it is in the best interest of the child to be readopted
400 in a court of this state having jurisdiction.

401 (2) A court of this state may not exercise jurisdiction over
402 a proceeding for adoption of a minor if, at the time the petition
403 for adoption is filed, a proceeding concerning the custody or
404 adoption of the minor is pending in a court of another state
405 exercising jurisdiction substantially in conformity with the
406 Uniform Child Custody Jurisdiction Act or this section unless the
407 proceeding is stayed by the court of the other state.

408 (3) If a court of another state has issued a decree or order
409 concerning the custody of a minor who may be the subject of a



410 proceeding for adoption in this state, a court of this state may
411 not exercise jurisdiction over a proceeding for adoption of the
412 minor unless:

413 (a) The court of this state finds that the court of the
414 state which issued the decree or order:

415 (i) Does not have continuing jurisdiction to
416 modify the decree or order under jurisdictional prerequisites
417 substantially in accordance with the Uniform Child Custody
418 Jurisdiction Act or has declined to assume jurisdiction to modify
419 the decree or order; or

420 (ii) Does not have jurisdiction over a proceeding
421 for adoption substantially in conformity with subsection (1)(a)
422 through (d) or has declined to assume jurisdiction over a
423 proceeding for adoption; and

424 (b) The court of this state has jurisdiction over the
425 proceeding.

426 (4) Any person may be adopted in accordance with the
427 provisions of this chapter in term time or in vacation by an
428 unmarried adult, by a married person whose spouse joins in the
429 petition, by a married person whose spouse does not join in the
430 petition because such spouse does not cohabit or reside with the
431 petitioning spouse, and in any circumstances determined by the
432 court that the adoption is in the best interest of the child.
433 Only the consenting adult will be a legal parent of the child.
434 The adoption shall be by sworn petition filed in the chancery



435 court of the county in which the adopting petitioner or
436 petitioners reside or in which the child to be adopted resides or
437 was born, or was found when it was abandoned or deserted, or in
438 which the home is located to which the child has been surrendered
439 by a person authorized to so do. The petition shall be
440 accompanied by a doctor's or nurse practitioner's certificate
441 showing the physical and mental condition of the child to be
442 adopted and a sworn statement of all property, if any, owned by
443 the child. In addition, the petition shall be accompanied by
444 affidavits of the petitioner or petitioners stating the amount of
445 the service fees charged by any adoption agencies or adoption
446 facilitators used by the petitioner or petitioners and any other
447 expenses paid by the petitioner or petitioners in the adoption
448 process as of the time of filing the petition. If the doctor's or
449 nurse practitioner's certificate indicates any abnormal mental or
450 physical condition or defect, the condition or defect shall not,
451 in the discretion of the chancellor, bar the adoption of the child
452 if the adopting parent or parents file an affidavit stating full
453 and complete knowledge of the condition or defect and stating a
454 desire to adopt the child, notwithstanding the condition or
455 defect. The court shall have the power to change the name of the
456 child as a part of the adoption proceedings. The word "child" in
457 this section shall be construed to refer to the person to be
458 adopted, though an adult.



459 (5) No person may be placed in the home of or adopted by the
460 prospective adopting parties before a court-ordered or voluntary
461 home study is satisfactorily completed by a licensed adoption
462 agency, a licensed, experienced social worker approved by the
463 chancery court, a court-appointed guardian ad litem that has
464 knowledge or training in conducting home studies if so directed by
465 the court, or by the Department of * * * ~~Human~~ Child Protection
466 Services on the prospective adoptive parties if required by
467 Section 93-17-11.

468 (6) No person may be adopted by a person or persons who
469 reside outside the State of Mississippi unless the provisions of
470 the Interstate Compact for Placement of Children (Section 43-18-1
471 et seq.) have been complied with. In such cases Forms 100A, 100B
472 (if applicable) and evidence of Interstate Compact for Placement
473 of Children approval shall be added to the permanent adoption
474 record file within one (1) month of the placement, and a minimum
475 of two (2) post-placement reports conducted by a licensed
476 child-placing agency shall be provided to the Mississippi
477 Department of Child Protection Services Interstate Compact for
478 Placement of Children office.

479 (7) No person may be adopted unless the provisions of the
480 Indian Child Welfare Act (ICWA) have been complied with, if
481 applicable. When applicable, proof of compliance shall be
482 included in the court adoption file prior to finalization of the
483 adoption. If not applicable, a written statement or paragraph in



484 the petition for adoption shall be included in the adoption
485 petition stating that the provisions of ICWA do not apply before
486 finalization.

487 (8) The readoption of a child who has automatically acquired
488 United States citizenship following an adoption in a foreign
489 country and who possesses a Certificate of Citizenship in
490 accordance with the Child Citizenship Act, CAA, Public Law
491 106-395, may be given full force and effect in a readoption
492 proceeding conducted by a court of competent jurisdiction in this
493 state by compliance with the Mississippi Registration of Foreign
494 Adoptions Act, Article 9 of this chapter.

495 (9) For adult adoptees who consent to the adoption, a
496 chancellor may waive any of the petition requirements and
497 procedural requirements within subsections (4), (5), (6) and (7)
498 of this section.

499 (10) The clerk shall docket cases seeking relief under this
500 chapter as priority cases. The assigned judge shall be
501 immediately notified when a case is filed in order to provide for
502 expedited proceedings.

503 Once the petition for termination of parental rights is filed
504 with the court of competent jurisdiction, the court shall hold a
505 hearing on the petition within one hundred twenty (120) calendar
506 days of the date the petition is filed. For purposes of this
507 section, the one hundred twenty (120) calendar day time period
508 will commence when perfected service is made on the parents.



509 **SECTION 7.** Section 43-26-1, Mississippi Code of 1972, is
510 amended as follows:

511 43-26-1. (1) There is * * * ~~hereby~~ created a Mississippi
512 Department of Child Protection Services.

513 (2) The Chief Administrative Officer of the Department of
514 Child Protection Services shall be the Commissioner of Child
515 Protection Services who shall be appointed by the Governor with
516 the advice and consent of the Senate. The commissioner shall
517 possess the following qualifications:

518 (a) A bachelor's degree from an accredited institution
519 of higher learning and ten (10) years' experience in management,
520 public administration, finance or accounting; or

521 (b) A master's or doctoral degree from an accredited
522 institution of higher learning and five (5) years' experience in
523 management, public administration, finance, law or accounting.

524 * * * ~~(3) The Department of Child Protection Services shall~~
525 ~~be a subagency independent of, though housed within, the~~
526 ~~Mississippi Department of Human Services. The Commissioner of the~~
527 ~~Department of Child Protection Services shall maintain complete~~
528 ~~and exclusive operational control of the Department of Child~~
529 ~~Protection Services' functions, except functions shared with the~~
530 ~~Department of Human Services as provided in subsection (5)(c) and~~
531 ~~(d) of this section.~~

532 ~~(4) The Commissioner of Child Protection Services may assign~~
533 ~~to the appropriate offices such powers and duties deemed~~



534 ~~appropriate to carry out the lawful functions of the programs~~
535 ~~transferred to the department under Chapter 494, Laws of 2016.~~

536 ~~—— (5) The Commissioner of Child Protection Services and the~~
537 ~~Executive Director of the Department of Human Services shall~~
538 ~~develop and implement a plan for the orderly establishment of the~~
539 ~~Department of Child Protection Services and its transition from~~
540 ~~the Office of Family and Children's Services of the Department of~~
541 ~~Human Services. The plan shall:~~

542 ~~—— (a) Describe a mechanism for the transfer of any~~
543 ~~equipment, supplies, records, furnishings or other materials,~~
544 ~~resources or funds dedicated to the operation of the Office of~~
545 ~~Family and Children's Services of the Department of Human~~
546 ~~Services, which may be useful to the Department of Child~~
547 ~~Protection Services;~~

548 ~~—— (b) Determine the allocation of resources between the~~
549 ~~newly created Department of Child Protection Services and the~~
550 ~~Department of Human Services, as practicable;~~

551 ~~—— (c) Determine the allocation of functions where the~~
552 ~~performance of services may be shared between the Department of~~
553 ~~Child Protection Services and other employees of the Department of~~
554 ~~Human Services, as practicable;~~

555 ~~—— (d) Determine whether any administrative support~~
556 ~~services, such as Information Technology Services, bookkeeping and~~
557 ~~payroll, can continue to be provided by the Department of Human~~
558 ~~Services; and~~



559 ~~————— (c) Identify other areas deemed relevant by the~~
560 ~~commissioner and make recommendations thereon to achieve an~~
561 ~~orderly transition.~~

562 ~~————— (6) The programs and services provided by the Office of~~
563 ~~Family and Children's Services of the Department of Human Services~~
564 ~~under the following statutes shall be provided by the Department~~
565 ~~of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2,~~
566 ~~43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6,~~
567 ~~43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23,~~
568 ~~43-15-51, 43-15-103, 43-15-105, 43-15-115, 43-15-125, 43-15-201,~~
569 ~~43-15-203, 43-15-207 and 43-18-3, Mississippi Code of 1972.~~

570 (3) The Department of Child Protection Services shall
571 provide the services authorized by law to every individual
572 determined to be eligible therefor, and in carrying out the
573 purposes of the department, the commissioner is authorized:

574 (a) To formulate the policy of the department regarding
575 child welfare services within the jurisdiction of the department;

576 (b) To adopt, modify, repeal and promulgate, after due
577 notice and hearing, and where not otherwise prohibited by federal
578 or state law, to make exceptions to and grant exemptions and
579 variances from, and to enforce rules and regulations implementing
580 or effectuating the powers and duties of the department under any
581 and all statutes within the department's jurisdiction;



582 (c) To apply for, receive and expend any federal or
583 state funds or contributions, gifts, devises, bequests or funds
584 from any other source;

585 (d) To enter into and execute contracts, grants and
586 cooperative agreements with any federal or state agency or
587 subdivision thereof, or any public or private institution located
588 inside or outside the State of Mississippi, or any person,
589 corporation or association in connection with carrying out the
590 programs of the department; and

591 (e) To discharge such other duties, responsibilities,
592 and powers as are necessary to implement the programs of the
593 department.

594 (4) The commissioner shall establish the organizational
595 structure of the Department of Child Protection Services, which
596 shall include the creation of any units necessary to implement the
597 duties assigned to the department and consistent with specific
598 requirements of law.

599 (5) The commissioner shall appoint heads of offices,
600 bureaus, and divisions, as defined in Section 7-17-11, who shall
601 serve at the pleasure of the commissioner. The salary and
602 compensation of such office, bureau and division heads shall be
603 subject to the rules and regulations adopted and promulgated by
604 the State Personnel Board. The commissioner shall have the
605 authority to organize offices as deemed appropriate to carry out
606 the responsibilities of the department.



607 (6) The Department of Child Protection Services shall be
608 responsible for the development, execution, and provision of
609 services in the following areas:

610 (a) Protective services for children;

611 (b) Foster care;

612 (c) Adoption services;

613 (d) Special services;

614 (e) Interstate compact;

615 (f) Licensure;

616 (g) Prevention services; and

617 (h) Such other services as may be designated. Services
618 enumerated under Section 43-15-13 et seq., for the foster care
619 program shall be provided by qualified staff with appropriate case
620 loads.

621 (7) The Department of Child Protection Services shall have
622 the following powers and duties:

623 (a) To provide basic services and assistance statewide
624 to needy and disadvantaged individuals and families;

625 (b) To promote integration of the many services and
626 programs within its jurisdiction at the client level thus
627 improving the efficiency and effectiveness of service delivery and
628 providing easier access to clients;

629 (c) To employ personnel and expend funds appropriated
630 to the department to carry out the duties and responsibilities
631 assigned to the department by law;



632 (d) To fingerprint and conduct a background
633 investigation on every employee, contractor, subcontractor and
634 volunteer:

635 (i) Who has direct access to clients of the
636 department who are children or vulnerable adults;

637 (ii) Who is in a position of fiduciary
638 responsibility;

639 (iii) Who is in a position with access to Federal
640 Tax Information (FTI); or

641 (iv) Who is otherwise required by federal law or
642 regulations to undergo a background investigation.

643 Every such employee, contractor, subcontractor and volunteer
644 shall provide a valid current social security number and/or
645 driver's license number, which shall be furnished to conduct the
646 background investigation for determination as to good moral
647 character and to ensure that no person placed in any position
648 referenced in this paragraph (d) has a felony conviction that
649 would prevent employment or access to Federal Tax Information
650 according to department policy. If no disqualifying record is
651 identified at the state level, the fingerprints shall be forwarded
652 to the Federal Bureau of Investigation for a fingerprint-based
653 national criminal history record check. The department shall be
654 the recipient of the results of any background investigation
655 and/or criminal history record check performed in accordance with
656 this paragraph;



657 (e) To establish and maintain programs not inconsistent
658 with the terms of this chapter and the rules, regulations and
659 policies of the Department of Child Protection Services, and
660 publish the rules and regulations of the department pertaining to
661 such programs;

662 (f) To provide all other child welfare programs and
663 services previously provided by the Department of Human Services
664 or a division thereof; and

665 (g) Make such reports in such form and containing such
666 information as the federal government may, from time to time,
667 require, and comply with such provisions as the federal government
668 may, from time to time, find necessary to assure the correctness
669 and verification of such reports.

670 (* * *78) The Mississippi Department of Child Protection
671 Services shall submit a copy of the federal Annual Progress and
672 Services Report (APSR) to the Chair of the Senate Public Health
673 and Welfare Committee, the Chair of the Senate Appropriations
674 Committee, the Chair of the House Public Health and Human Services
675 Committee, the Chair of the House Appropriations Committee, the
676 Lieutenant Governor, the Speaker of the House of Representatives,
677 and the Governor by December 1 of each year.

678 (* * *89) (a) The Commissioner of Child Protection
679 Services shall hire a Coordinator of Services for Victims of Human
680 Trafficking and Commercial Sexual Exploitation within the



681 Department of Child Protection Services whose duties shall
682 include, but not be limited to, the following:

683 (i) To form specialized human trafficking and
684 commercial sexual exploitation assessment teams to respond on an
685 as-needed basis to act as an emergency, separate and specialized
686 response and assessment team to rapidly respond to the needs of
687 children who are victims of human trafficking and commercial
688 sexual exploitation;

689 (ii) To identify victims of human trafficking and
690 commercial sexual exploitation;

691 (iii) To monitor, record and distribute federal
692 human trafficking funds received by the Department of Child
693 Protection Services;

694 (iv) To employ staff to investigate allegations of
695 human trafficking and commercial sexual exploitation; and

696 (v) To develop and coordinate services within the
697 Department of Child Protection Services and with outside service
698 providers for victims of human trafficking and commercial sexual
699 exploitation.

700 (b) The Commissioner of Child Protection Services shall
701 develop standard operating procedures for the investigation,
702 custody and services provided to alleged victims of human
703 trafficking and commercial sexual exploitation.

704 (c) The Commissioner shall require two (2) hours of
705 training regarding the subject of identifying, assessing, and



706 providing comprehensive services to a child who has experienced or
707 is alleged to have experienced commercial sexual exploitation or
708 human trafficking. The training must be incorporated into the
709 pre-service training requirements of all Mississippi Department of
710 Child Protection Services family specialists, adoption
711 specialists, licensure specialists, direct supervisors of family
712 protection specialists, direct supervisors of adoption
713 specialists, and direct supervisors of licensure specialists.

714 (10) This section shall stand repealed on July 1, 2028.

715 **SECTION 8.** The following shall be codified as Section
716 43-26-5, Mississippi Code of 1972:

717 43-26-5. (1) The Department of Child Protection Services
718 shall establish a record-keeping procedure to ensure that all
719 referrals of neglect and/or abuse are accurately and adequately
720 maintained for future or cross-reference.

721 (2) In addition to a toll-free abuse reporting telephone
722 system, the department shall establish a uniform intake procedure
723 for the receipt and referral to the appropriate personnel for
724 investigation. The uniform intake procedure shall be made
725 available to all appropriate agencies and the public in order to
726 facilitate the necessary protective services.

727 **SECTION 9.** The following shall be codified as Section
728 43-26-7, Mississippi Code of 1972:

729 43-26-7. The Department of Child Protection Services shall
730 have the authority to use the services and resources of the State



731 Department of Education, the State Department of Health, the State
732 Department of Human Services, the State Department of Mental
733 Health, Division of Medicaid, and all other appropriate state
734 departments, agencies, institutions or political subdivisions as
735 will aid in carrying out the purposes of this chapter. It shall
736 be the duty of all such state departments, agencies and
737 institutions to make available such services and resources to the
738 department, including, but not necessarily limited to, such
739 services and resources as may be required to perform appropriate
740 criminal history record checks on prospective foster and relative
741 child placements for the purpose of preventing and detecting abuse
742 and neglect.

743 **SECTION 10.** The following shall be codified as Section
744 43-26-9, Mississippi Code of 1972:

745 43-26-9. It is the intent of the Legislature that the
746 resources devoted to family and children's services and to public
747 assistance programs be clearly delineated and that all resources
748 intended for child protection and other related purposes be
749 expended in service of that goal.

750 **SECTION 11.** The following shall be codified as Section
751 43-26-11, Mississippi Code of 1972:

752 43-26-11. (1) There shall be created local offices of the
753 Department of Child Protection Services in those locations
754 throughout the state as determined by the commissioner. It shall
755 be the duty of the board of supervisors of each county in which a



756 local office is located to provide office space for the local
757 offices.

758 The local office of the Department of Child Protection
759 Services shall administer all forms of child welfare services with
760 the exception of those administered by the Department of Human
761 Services. The local offices shall comply with such regulations
762 and submit such reports as may be established or required by the
763 commissioner. Subject to the approval of the commissioner, the
764 local offices may cooperate with other departments, agencies and
765 institutions, state and local, when so requested, in performing
766 services in conformity with the provisions of this chapter.

767 (2) The Department of Child Protection Services may enter
768 into a lease with each county board of supervisors in each county
769 where a local office is located to allow the department to
770 maximize the availability of federal funds. Fair market value for
771 the county-furnished building will be established and the
772 department shall pay the federal share for the rent to the county.
773 All other expenses related to the operation of the local office
774 shall be split between the department, providing the federal
775 share, and the county, being responsible for the remainder or the
776 state share. This includes, but is not limited to, electricity,
777 water, gas, internet, and janitorial services and supplies. All
778 maintenance and repairs of the local office shall be the
779 responsibility of the county due to the prohibition of federal
780 funds for improvements of real property.



781 **SECTION 12.** The following shall be codified as Section
782 43-26-13, Mississippi Code of 1972:

783 43-26-13. The governing authority of any municipality or
784 county in this state is authorized and empowered, in its
785 discretion, to expend such funds as it deems necessary and
786 desirable, from any available funds of the municipality or county,
787 to: (a) match any state, federal or private funds available for
788 any program administered by the Department of Child Protection
789 Services in this state; and/or (b) make a voluntary contribution
790 to any such program.

791 **SECTION 13.** The following shall be codified as Section
792 43-26-15, Mississippi Code of 1972:

793 43-26-15. The Department of Finance and Administration shall
794 furnish office space for the Department of Child Protection
795 Services in the City of Jackson and is authorized to rent suitable
796 quarters in the city if there is not sufficient room in one (1) of
797 the state office buildings.

798 **SECTION 14.** The following shall be codified as Section
799 43-26-17, Mississippi Code of 1972:

800 43-26-17. The Department of Child Protection Services shall
801 cooperate with the federal government, its agencies and
802 instrumentalities, in carrying out the provisions of any federal
803 acts concerning public welfare for children, and in other matters
804 of mutual concern pertaining to public welfare for children,
805 including the adoption of such methods of administration as are



806 found by the federal government to be necessary for the efficient
807 operation of plans for public assistance and welfare services for
808 children in accordance with the provisions of the federal Social
809 Security Act, as amended. It shall also cooperate with other
810 departments, agencies and institutions, federal, state and local
811 or private, when so requested, in performing services in
812 conformity with the laws applicable to the department.

813 **SECTION 15.** The following shall be codified as Section
814 43-26-19, Mississippi Code of 1972:

815 43-26-19. The Department of Child Protection Services may,
816 in its discretion, destroy or cause to be destroyed, or otherwise
817 disposed of, any and all abandoned applications, closed case
818 files, communications, information, memoranda, records, reports,
819 paid checks, and files, in the office of the Department of Child
820 Protection Services when and as they become three (3) or more
821 completed fiscal years old and which, in the opinion of the
822 department, are no longer useful or necessary.

823 **SECTION 16.** The following shall be codified as Section
824 43-26-21, Mississippi Code of 1972:

825 43-26-21. All political subdivisions of the state, or
826 combinations of political subdivisions, are authorized to employ
827 assistant prosecutors to prosecute for the crimes under Section
828 97-19-71 and the Department of Child Protection Services is
829 authorized to contract with any political subdivision to subsidize
830 payment for the reasonable and necessary cost of prosecutions and



831 investigations in any program where federal matching funds are
832 available.

833 **SECTION 17.** The following shall be codified as Section
834 43-26-23, Mississippi Code of 1972:

835 43-26-23. (1) Any sums paid to or on behalf of any person,
836 entity or subgrantee or the value of any aid or benefit or
837 services obtained or received under any state or federally funded
838 assistance program for children as a result of any false
839 statement, misrepresentation, concealment of a material fact,
840 failure to disclose assets, or by whatever means, becomes a debt
841 due to the Department of Child Protection Services. The amount of
842 value of any assistance shall be recoverable from the recipient or
843 his or her estate in a civil action brought in the name of the
844 Department of Child Protection Services pursuant to this section.
845 If such action is brought, the department shall be entitled to
846 recover, in addition to the amount of assistance, a reasonable
847 amount of attorney's fees and its cost incurred therein. Where an
848 attorney from the county attorney's office represents the
849 department in such action, the attorney's fee awarded shall be for
850 the use and benefit of that particular office and shall be
851 forwarded to that office upon receipt by the department.

852 (2) In any civil action for the recovery of the amount of
853 value of any aid or benefits or services improperly paid to the
854 recipient, proof that a conviction or guilty plea on a misdemeanor
855 or felony charge under Section 97-19-71 shall be deemed prima



856 facie evidence that such assistance was improperly obtained under
857 the provision of this section.

858 (3) Repayment of the assistance improperly obtained pursuant
859 to this section shall not constitute a defense to or ground of
860 dismissal of criminal charges brought under Section 97-19-71.

861 **SECTION 18.** Section 11-46-1, Mississippi Code of 1972, is
862 amended as follows:

863 11-46-1. As used in this chapter, the following terms shall
864 have the meanings ascribed unless the context otherwise requires:

865 (a) "Claim" means any demand to recover damages from a
866 governmental entity as compensation for injuries.

867 (b) "Claimant" means any person seeking compensation
868 under the provisions of this chapter, whether by administrative
869 remedy or through the courts.

870 (c) "Board" means the Mississippi Tort Claims Board.

871 (d) "Department" means the Department of Finance and
872 Administration.

873 (e) "Director" means the executive director of the
874 department who is also the executive director of the board.

875 (f) "Employee" means any officer, employee or servant
876 of the State of Mississippi or a political subdivision of the
877 state, including elected or appointed officials and persons acting
878 on behalf of the state or a political subdivision in any official
879 capacity, temporarily or permanently, in the service of the state
880 or a political subdivision whether with or without compensation,



881 including firefighters who are members of a volunteer fire
882 department that is a political subdivision. The term "employee"
883 shall not mean a person or other legal entity while acting in the
884 capacity of an independent contractor under contract to the state
885 or a political subdivision; and

886 (i) For purposes of the limits of liability
887 provided for in Section 11-46-15, the term "employee" shall
888 include:

889 1. Physicians under contract to provide
890 health services with the State Board of Health, the State Board of
891 Mental Health or any county or municipal jail facility while
892 rendering services under the contract;

893 2. Any physician, dentist or other health
894 care practitioner employed by the University of Mississippi
895 Medical Center (UMMC) and its departmental practice plans who is a
896 faculty member and provides health care services only for patients
897 at UMMC or its affiliated practice sites, including any physician
898 or other health care practitioner employed by UMMC under an
899 arrangement with a public or private health-related organization;

900 3. Any physician, dentist or other health
901 care practitioner employed by any university under the control of
902 the Board of Trustees of State Institutions of Higher Learning who
903 practices only on the campus of any university under the control
904 of the Board of Trustees of State Institutions of Higher Learning;



905 4. Any physician, dentist or other health
906 care practitioner employed by the State Veterans Affairs Board and
907 who provides health care services for patients for the State
908 Veterans Affairs Board;

909 (ii) The term "employee" shall also include
910 Mississippi Department of * * * ~~Human~~ Child Protection Services
911 licensed foster parents for the limited purposes of coverage under
912 the Tort Claims Act as provided in Section 11-46-8; and

913 (iii) The term "employee" also shall include any
914 employee or member of the governing board of a charter school but
915 shall not include any person or entity acting in the capacity of
916 an independent contractor to provide goods or services under a
917 contract with a charter school.

918 (g) "Governmental entity" means the state and political
919 subdivisions.

920 (h) "Injury" means death, injury to a person, damage to
921 or loss of property or any other injury that a person may suffer
922 that is actionable at law or in equity.

923 (i) "Political subdivision" means any body politic or
924 body corporate other than the state responsible for governmental
925 activities only in geographic areas smaller than that of the
926 state, including, but not limited to, any county, municipality,
927 school district, charter school, volunteer fire department that is
928 a chartered nonprofit corporation providing emergency services
929 under contract with a county or municipality, community hospital



930 as defined in Section 41-13-10, airport authority, or other
931 instrumentality of the state, whether or not the body or
932 instrumentality has the authority to levy taxes or to sue or be
933 sued in its own name.

934 (j) "State" means the State of Mississippi and any
935 office, department, agency, division, bureau, commission, board,
936 institution, hospital, college, university, airport authority or
937 other instrumentality thereof, whether or not the body or
938 instrumentality has the authority to levy taxes or to sue or be
939 sued in its own name.

940 (k) "Law" means all species of law, including, but not
941 limited to, any and all constitutions, statutes, case law, common
942 law, customary law, court order, court rule, court decision, court
943 opinion, court judgment or mandate, administrative rule or
944 regulation, executive order, or principle or rule of equity.

945 **SECTION 19.** Section 11-46-8, Mississippi Code of 1972, is
946 amended as follows:

947 11-46-8. Mississippi Department of * * * ~~Human~~ Child
948 Protection Services licensed foster parents shall be covered under
949 this chapter for claims made by parties other than the foster
950 child which are based on inadequate supervision or inadequate care
951 of the foster child on the part of the foster parent.

952 **SECTION 20.** Section 25-1-109, Mississippi Code of 1972, is
953 amended as follows:



954 25-1-109. No law enforcement agency shall disclose the name
955 of any person arrested for any misdemeanor, issued a citation, or
956 being held for any misdemeanor unless such person shall be
957 formally charged and arrested for the offense, except to other law
958 enforcement agencies or to the Mississippi Department of Human
959 Services, the Mississippi Department of Child Protection Services
960 or child day care providers where such information is used to help
961 determine suitability of persons to serve as child care providers
962 or child service workers. No political subdivision nor any
963 employee thereof shall be held liable for the disclosure of any
964 information prohibited by this section.

965 **SECTION 21.** Section 27-104-203, Mississippi Code of 1972, is
966 amended as follows:

967 27-104-203. From and after July 1, 2016, no state agency
968 shall charge another state agency a fee, assessment, rent, audit
969 fee, personnel fee or other charge for services or resources
970 received. The provisions of this section shall not apply (a) to
971 grants, contracts, pass-through funds, project fees or other
972 charges for services between state agencies and the Board of
973 Trustees of State Institutions of Higher Learning, any public
974 university, the Mississippi Community College Board, any public
975 community or junior college, and the State Department of
976 Education, nor (b) to charges for services between the Board of
977 Trustees of State Institutions of Higher Learning, any public
978 university, the Mississippi Community College Board, any public



979 community or junior college, and the State Department of
980 Education, nor (c) to federal grants, pass-through funds, cost
981 allocation charges, surplus property charges or project fees
982 between state agencies as approved or determined by the State
983 Fiscal Officer, nor (d) telecommunications, data center services,
984 and/or other information technology services that are used on an
985 as-needed basis and those costs shall be passed through to the
986 using agency, nor (e) to federal grants, special funds, or
987 pass-through funds, available for payment by state agencies to the
988 Department of Finance and Administration related to Mississippi
989 Management and Reporting Systems (MMRS) Statewide Application
990 charges and utilities as approved or determined by the State
991 Fiscal Officer, nor (f) to grants, contracts, pass-through funds,
992 project fees or charges for services between the State Department
993 of Health and the State Department of Revenue, and other state
994 agencies or entities, including, but not limited to, the Board of
995 Trustees of State Institutions of Higher Learning, any public
996 university, the Mississippi Community College Board, any public
997 community or junior college, and the State Department of
998 Education, for the operation of the medical cannabis program as
999 established by the Mississippi Medical Cannabis Act, nor (g) to
1000 charges between the Department of Human Services and the
1001 Department of Child Protection Services for services or resources
1002 received by either department from the other. The Board of
1003 Trustees of State Institutions of Higher Learning, any public



1004 university, the Mississippi Community College Board, any public
1005 community or junior college, and the State Department of Education
1006 shall retain the authority to charge and be charged for
1007 expenditures that they deemed nonrecurring in nature by the State
1008 Fiscal Officer.

1009 **SECTION 22.** Section 37-31-107, Mississippi Code of 1972, is
1010 amended as follows:

1011 37-31-107. Qualified students for the classes or courses may
1012 be accepted by the schools from any source, but priority of
1013 enrollment will be given referrals from the * * * ~~department of~~
1014 ~~public welfare~~ Department of Child Protection Services, state
1015 employment service, vocational rehabilitation, and nonretired
1016 veterans. The state employment service will assist with student
1017 job placement and referral whenever possible.

1018 For the purposes of Sections 37-31-101 through 37-31-111, a
1019 qualified student is an adult, at least eighteen (18) years old,
1020 who is underemployed or unemployed and is not enrolled in school.

1021 Students will not be eligible if they have dropped out of
1022 regular school for the specific purpose of enrolling in the
1023 manpower programs.

1024 **SECTION 23.** Section 37-106-69, Mississippi Code of 1972, is
1025 amended as follows:

1026 37-106-69. (1) There is established a forgivable loan
1027 program to encourage family protection workers employed by the
1028 Department of * * * ~~Human~~ Child Protection Services to obtain the



1029 college education necessary to become licensed as a social worker,
1030 master social worker or certified social worker and become a
1031 family protection specialist for the department.

1032 (2) Any person who is employed as a family protection worker
1033 for the Department of * * * ~~Human~~ Child Protection Services shall
1034 be eligible for a forgivable loan from the board which shall be
1035 used to pay the costs of the person's education at a state
1036 institution of higher learning in Mississippi to obtain a college
1037 degree that is necessary to become licensed as a social worker,
1038 master social worker or certified social worker and become a
1039 family protection specialist for the department. The annual
1040 amount of a forgivable loan award under the program shall be equal
1041 to the total cost of tuition and fees at the college or university
1042 in which the student is enrolled, not to exceed an amount equal to
1043 the highest total cost of tuition and fees assessed by a state
1044 institution of higher learning during that school year.

1045 (3) Forgivable loans made under the program shall be
1046 available to both full-time and part-time students. Students
1047 enrolling on a full-time basis may receive a maximum of two (2)
1048 annual awards. The maximum number of forgivable loans that may be
1049 made to students attending school on a part-time basis, and the
1050 maximum time period for part-time students to complete the number
1051 of academic hours necessary to obtain the necessary degree, shall
1052 be established by rules and regulations of the board. Forgivable
1053 loans made under the program shall not be based upon an



1054 applicant's financial need. A student must maintain a "C" average
1055 or higher in his or her college coursework in order to continue
1056 receiving the forgivable loan.

1057 (4) Repayment and conversion terms shall be the same as
1058 those outlined in Section 37-106-53, except for the following:

1059 (a) After a person who received a forgivable loan under
1060 the program has obtained a college degree that is necessary to
1061 become licensed as a social worker, master social worker or
1062 certified social worker and has received such a license from the
1063 Board of Examiners for Social Workers and Marriage and Family
1064 Therapists, the person shall render service as a family protection
1065 specialist for the Department of * * * Human Child Protection
1066 Services for a period of not less than three (3) years from the
1067 date that the person became a family protection specialist;

1068 (b) Any person who fails to complete his or her service
1069 obligation as a family protection specialist for the Department
1070 of * * * Human Child Protection Services for not less than three
1071 (3) years, as required under subsection (4) (a) of this section,
1072 shall become liable immediately to the board for the sum of all
1073 forgivable loan awards made to that person, plus interest accruing
1074 at the current Stafford Loan rate at the time the person
1075 discontinues his or her service.

1076 (5) It is the intent of the Legislature that the pursuit of
1077 necessary college education by family protection workers through
1078 the forgivable loan program shall not interfere with the duties of



1079 the family protection workers with the Department of * * *~~Human~~
1080 Child Protection Services. The department shall promulgate
1081 regulations regarding family protection workers who participate in
1082 the forgivable loan program to ensure that such participation does
1083 not interfere with their duties with the department.

1084 (6) The board shall promulgate rules and regulations
1085 necessary for the proper administration of the forgivable loan
1086 program established under this section. The board shall be the
1087 administering agency of the program.

1088 (7) The total amount of state funds that may be expended for
1089 this program shall not exceed Three Hundred Twenty Thousand
1090 Dollars (\$320,000.00) in any fiscal year.

1091 **SECTION 24.** Section 37-115-43, Mississippi Code of 1972, is
1092 amended as follows:

1093 37-115-43. (1) The University of Mississippi Medical
1094 Center, in collaboration with the Mississippi Department of * * *
1095 ~~Human~~ Child Protection Services and the Office of the Attorney
1096 General, is authorized and empowered to establish a Center of
1097 Excellence (Center) * * *~~r~~ to provide care for abused and
1098 neglected children at the Blair E. Batson Hospital for Children
1099 located in Jackson, Mississippi, where suspected victims of child
1100 maltreatment referred by the Department of * * *~~Human~~ Child
1101 Protection Services or law enforcement will receive comprehensive
1102 physical examinations conducted by medical professionals who
1103 specialize in child maltreatment. The University of Mississippi



1104 Medical Center shall promulgate such policies as may be necessary
1105 and desirable to carry out the programs of the Center. The Center
1106 shall serve as a resource for the assessment, investigation and
1107 prosecution of child maltreatment. The Center shall work in
1108 collaboration with the Office of the Attorney General, the
1109 Mississippi Department of * * * ~~Human~~ Child Protection Services,
1110 and other such state agencies and entities that provide services
1111 to children * * *₇ to ensure that CARE Clinic services are
1112 provided in a uniform fashion throughout the state.

1113 (2) The Department of Pediatrics may use the Center for
1114 educational and outreach programs, telemedicine consultations, to
1115 develop satellite clinics in other locations in the state in
1116 cooperation with the local community or private hospital when
1117 applicable, and to conduct major research initiatives in child
1118 maltreatment.

1119 (3) The Center of Excellence shall provide services to
1120 maltreated children and comply with national certification
1121 standards as necessary to provide services to the Department
1122 of * * * ~~Human~~ Child Protection Services, the youth courts, state
1123 child advocacy centers, district attorney's offices and law
1124 enforcement agencies.

1125 (4) There is created in the State Treasury a special fund to
1126 be known as the Children's Safe Center Fund. The University of
1127 Mississippi Medical Center shall expend funds pursuant to
1128 appropriation therefor by the Legislature for the support and



1129 maintenance of the Children's Safe Center. The University of
1130 Mississippi Medical Center is authorized to accept any and all
1131 grants, donations or matching funds from private, public or
1132 federal sources in order to add to, improve and enlarge the
1133 physical facilities of the Center and to expend any such funds for
1134 the support and maintenance of the Center. Assessments from
1135 Section 99-19-73 designated for the Children's Safe Center Fund
1136 shall be deposited into the fund. Monies remaining in the fund at
1137 the end of a fiscal year shall not lapse into the State General
1138 Fund, and any interest earned from the investment of monies in the
1139 fund shall be deposited to the credit of the fund.

1140 **SECTION 25.** Section 41-3-18, Mississippi Code of 1972, is
1141 amended as follows:

1142 41-3-18. (1) The board shall assess fees in the following
1143 amounts and for the following purposes:

1144 (a) Food establishment annual permit fee, based on the
1145 assessment factors of the establishment as follows:

1146	Assessment Category 1.....	\$ 30.00
1147	Assessment Category 2.....	100.00
1148	Assessment Category 3.....	150.00
1149	Assessment Category 4.....	200.00

1150 (b) Private water supply approval fee.....\$ 10.00

1151 The board may develop such reasonable standards, rules and
1152 regulations to clearly define each assessment category.

1153 Assessment categories shall be based upon the factors to the



1154 public health implications of the category and type of food
1155 preparation being utilized by the food establishment, utilizing
1156 the model Food Code of 1995, or as may be amended by the federal
1157 Food and Drug Administration.

1158 Any increase in the fees charged by the board under this
1159 subsection shall be in accordance with the provisions of Section
1160 41-3-65.

1161 (2) The fee authorized under subsection (1)(a) of this
1162 section shall not be assessed for:

1163 (a) Food establishments operated by public schools,
1164 public junior and community colleges, or state agencies or
1165 institutions, including, without limitation, the state
1166 institutions of higher learning and the State Penitentiary; and

1167 (b) Persons who make infrequent casual sales of honey
1168 and who pack or sell less than five hundred (500) gallons of honey
1169 per year, and those persons shall not be inspected by the State
1170 Department of Health unless requested by the producer.

1171 (3) The fee authorized under subsection (1)(b) of this
1172 section shall not be assessed for private water supplies used by
1173 foster homes licensed by the Department of * * * ~~Human Child~~
1174 Protection Services.

1175 **SECTION 26.** Section 41-67-12, Mississippi Code of 1972, is
1176 amended as follows:

1177 41-67-12. (1) The department shall assess fees in the
1178 following amounts for the following purposes:



1179 (a) A fee of One Hundred Dollars (\$100.00) shall be
1180 levied for soil and site evaluation and recommendation of
1181 individual on-site wastewater disposal systems. The department
1182 may increase the amount of the fee authorized in this paragraph
1183 (a) not more than two (2) times during the period from July 1,
1184 2016, through June 30, 2020, with the percentage of each increase
1185 being not more than five percent (5%) of the amount of the fee in
1186 effect at the time of the increase.

1187 (b) A fee of One Hundred Fifty Dollars (\$150.00) shall
1188 be levied once every three (3) years for the certification of
1189 installers and pumpers.

1190 (c) A fee of Three Hundred Dollars (\$300.00) shall be
1191 levied once every three (3) years for the registration of
1192 manufacturers.

1193 Any increase in the fee charged by the department under
1194 paragraph (b) or (c) of this subsection shall be in accordance
1195 with the provisions of Section 41-3-65.

1196 (2) In the discretion of the board, a person shall be liable
1197 for a penalty equal to one and one-half (1-1/2) times the amount
1198 of the fee due and payable for failure to pay the fee on or before
1199 the date due, plus any amount necessary to reimburse the cost of
1200 collection.

1201 (3) No fee authorized under this section shall be assessed
1202 by the department for state agencies or institutions, including,



1203 without limitation, foster homes licensed by the Mississippi
1204 Department of * * * ~~Human~~ Child Protection Services.

1205 **SECTION 27.** Section 41-87-5, Mississippi Code of 1972, as
1206 amended by Senate Bill No. 2485, 2023 Regular Session, is amended
1207 as follows:

1208 41-87-5. Unless the context requires otherwise, the
1209 following definitions in this section apply throughout this
1210 chapter:

1211 (a) "Eligible infants and toddlers" or "eligible
1212 children" means children from birth through thirty-six (36) months
1213 of age who need early intervention services because they:

1214 (i) Are experiencing developmental delays as
1215 measured by appropriate diagnostic instruments and procedures in
1216 one or more of the following areas:

1217 (A) Cognitive development;

1218 (B) Physical development, including vision or
1219 hearing;

1220 (C) Communication development;

1221 (D) Social or emotional development;

1222 (E) Adaptive development;

1223 (ii) Have a diagnosed physical or mental
1224 condition, as defined in state policy, that has a high probability
1225 of resulting in developmental delay;

1226 (iii) Are at risk of having substantial
1227 developmental delays if early intervention services are not



1228 provided due to conditions as defined in state policy. (This
1229 category may be served at the discretion of the lead agency
1230 contingent upon available resources.)

1231 (b) "Early intervention services" are developmental
1232 services that:

1233 (i) Are provided under public supervision;

1234 (ii) Are provided at no cost except where federal
1235 or state law provides for a system of payments by families,
1236 including a schedule of sliding fees;

1237 (iii) Are designed to meet the developmental needs
1238 of an infant or toddler with a disability in any one or more of
1239 the following areas:

1240 (A) Physical development;

1241 (B) Cognitive development;

1242 (C) Communication development;

1243 (D) Social or emotional development; or

1244 (E) Adaptive development;

1245 (iv) Meet the requirements of Part C of the
1246 Individuals with Disabilities Education Act (IDEA) and the early
1247 intervention standards of the State of Mississippi;

1248 (v) Include, but are not limited to, the following
1249 services:

1250 (A) Assistive technology devices and
1251 assistive technology services;

1252 (B) Audiology;



- 1253 (C) Family training, counseling and home
1254 visits;
- 1255 (D) Health services necessary to enable a
1256 child to benefit from other early intervention services;
- 1257 (E) Medical services only for diagnostic or
1258 evaluation purposes;
- 1259 (F) Nutrition services;
- 1260 (G) Occupational therapy;
- 1261 (H) Physical therapy;
- 1262 (I) Psychological services;
- 1263 (J) Service coordination (case management);
- 1264 (K) Social work services;
- 1265 (L) Special instruction;
- 1266 (M) Speech-language pathology;
- 1267 (N) Transportation and related costs that are
1268 necessary to enable an infant or toddler and her/his family to
1269 receive early intervention services; and
- 1270 (O) Vision services;
- 1271 (vi) Are provided by qualified personnel as
1272 determined by the state's personnel standards, including:
- 1273 (A) Audiologists;
- 1274 (B) Family therapists;
- 1275 (C) Nurses;
- 1276 (D) Nutritionists;
- 1277 (E) Occupational therapists;



1278 (F) Orientation and mobility specialists;
1279 (G) Pediatricians and other physicians;
1280 (H) Physical therapists;
1281 (I) Psychologists;
1282 (J) Social workers;
1283 (K) Special educators;
1284 (L) Speech and language pathologists;
1285 (M) Individuals who hold a degree in Human
1286 Development and Family Science or Child and Family Science with a
1287 concentration in child development and licensure in
1288 Pre-Kindergarten to Kindergarten;

1289 (vii) Are provided, to the maximum extent
1290 appropriate, in natural environments, including the home, and
1291 community settings in which children without disabilities would
1292 participate;

1293 (viii) Are provided in conformity with an
1294 individualized family service plan.

1295 (c) "Council" means the State Interagency Coordinating
1296 Council established under Section 41-87-7.

1297 (d) "Lead agency" means the State Department of Health.

1298 (e) "Participating agencies" includes, but is not
1299 limited to, the State Department of Education, the Department of
1300 Human Services, the Department of Child Protection Services, the
1301 State Department of Health, the Division of Medicaid, the State
1302 Department of Mental Health, the University Medical Center, the



1303 Board of Trustees of State Institutions of Higher Learning and the
1304 Mississippi Community College Board.

1305 (f) "Local community" means a county either jointly,
1306 severally, or a portion thereof, participating in the provision of
1307 early intervention services.

1308 (g) "Primary service agency" means the agency, whether
1309 a state agency, local agency, local interagency council or service
1310 provider which is designated by the lead agency to serve as the
1311 fiscal and contracting agent for a local community.

1312 (h) "Multidisciplinary team" means a group comprised of
1313 the parent(s) or legal guardian and the service providers, as
1314 appropriate, described in paragraph (b) of this section, who are
1315 assembled for the purposes of:

1316 (i) Assessing the developmental needs of an infant
1317 or toddler;

1318 (ii) Developing the individualized family service
1319 plan; and

1320 (iii) Providing the infant or toddler and his or
1321 her family with the appropriate early intervention services as
1322 detailed in the individualized family service plan.

1323 (i) "Individualized family service plan" means a
1324 written plan designed to address the needs of the infant or
1325 toddler and his or her family as specified under Section 41-87-13.

1326 (j) "Early intervention standards" means those
1327 standards established by any agency or agencies statutorily



1328 designated the responsibility to establish standards for infants
1329 and toddlers with disabilities, in coordination with the council
1330 and in accordance with Part C of IDEA.

1331 (k) "Early intervention system" means the total
1332 collaborative effort in the state that is directed at meeting the
1333 needs of eligible children and their families.

1334 (l) "Parent," for the purpose of early intervention
1335 services, means a parent, a guardian, a person acting as a parent
1336 of a child, foster parent, or an appointed surrogate parent. The
1337 term does not include the state if the child is a ward of the
1338 state where the child has not been placed with individuals to
1339 serve in a parenting capacity, such as foster parents, or when a
1340 surrogate parent has not been appointed. When a child is the ward
1341 of the state, a * * * ~~Department of Human Services~~ Department of
1342 Child Protection Services representative will act as parent for
1343 purposes of service authorization.

1344 (m) "Policies" means the state statutes, regulations,
1345 Governor's orders, directives by the lead agency, or other written
1346 documents that represent the state's position concerning any
1347 matter covered under this chapter.

1348 (n) "Regulations" means the United States Department of
1349 Education's regulations concerning the governance and
1350 implementation of Part C of IDEA, the Early Intervention Program
1351 for Infants and Toddlers with Disabilities.



1352 **SECTION 28.** Section 41-101-1, Mississippi Code of 1972, is
1353 amended as follows:

1354 41-101-1. (1) There is created the Mississippi Council on
1355 Obesity Prevention and Management, hereinafter referred to as the
1356 "council," within the State Department of Health to be in
1357 existence for the period from July 1, 2001, until July 1, 2006, or
1358 until the council is established as a nonprofit corporation,
1359 whichever is the earlier date. The council may accept and expend
1360 grants and private donations from any source, including federal,
1361 state, public and private entities, to assist it to carry out its
1362 functions.

1363 (2) The powers, functions and duties of the council shall
1364 include, but not be limited to, the following:

1365 (a) The collection and analysis of data regarding the
1366 extent to which children and adults in Mississippi suffer from
1367 obesity, and the programs and services currently available to meet
1368 the needs of overweight children and adults, and the funds
1369 dedicated by the state to maintain those programs and services.

1370 (b) The collection and analysis of data to demonstrate
1371 the economic impact on the state of treating obesity and the
1372 estimated cost savings of implementing a comprehensive statewide
1373 obesity prevention and management model.

1374 (c) The establishment and maintenance of a resources
1375 data bank containing information about obesity and related



1376 subjects accessible to educational and research institutions, as
1377 well as members of the general public.

1378 (d) Consideration of the feasibility of awarding tax
1379 incentives for work sites that promote activities to reduce
1380 obesity in the work force.

1381 (e) The establishment of recommendations to enhance
1382 funding for effective prevention and management programs and
1383 services, including Medicaid, private health insurance programs,
1384 and other state and federal funds.

1385 (f) The establishment of recommendations designed to
1386 assure that children of school age who may have early indicators
1387 of obesity have access to affordable, effective prevention and
1388 management services.

1389 (g) The establishment of recommendations for changes to
1390 statewide elementary and secondary education curricula to
1391 implement comprehensive, coordinated obesity awareness and
1392 education programs.

1393 (h) Recommendations to enhance clinical education
1394 curricula in medical, nursing and other schools of higher
1395 education to implement comprehensive, coordinated obesity
1396 awareness and education courses.

1397 (i) Recommendations to increase education and awareness
1398 among primary care physicians and other health professionals
1399 regarding the recognition, prevention and effective management of
1400 obesity.



1401 (j) Consideration of a state prevention campaign to
1402 increase public awareness of the need for early prevention and
1403 management of obesity, possibly including:

1404 (i) A broad-based public education campaign
1405 outlining health risks associated with failure to receive
1406 treatment for obesity.

1407 (ii) A health professional training campaign.

1408 (iii) A targeted public education campaign
1409 directed toward high risk populations.

1410 (k) Coordination with the United States Department of
1411 Agriculture, the United States Department of Health and Human
1412 Services, the United States Department of Education, the United
1413 States Centers for Disease Control and the National Center for
1414 Chronic Disease Prevention to share resources and information in
1415 order to ensure a comprehensive approach to obesity and
1416 obesity-related conditions.

1417 (l) Coordination with the State Departments of
1418 Education, Health, Human Services and Child Protection Services
1419 and the Division of Medicaid to share resources and information in
1420 order to ensure a comprehensive approach to obesity and
1421 obesity-related conditions.

1422 (m) Identification of and recommendations to reduce
1423 cultural, environmental and socioeconomic barriers to prevention
1424 and management of obesity in Mississippi.

1425 (3) The council shall be composed of the following members:



1426 (a) The Executive Director of the State Department of
1427 Health, or his designee;

1428 (b) The Executive Director of the Department of Human
1429 Services, or his designee;

1430 (c) The State Superintendent of Education, or his
1431 designee;

1432 (d) The Executive Director of the State Department of
1433 Mental Health, or his designee;

1434 (e) The Commissioner of Child Protection Services, or
1435 his designee;

1436 (* * *ef) A representative of the Office of the
1437 Governor, to be appointed by the Governor;

1438 (* * *fg) A member of the House of Representatives,
1439 appointed by the Speaker of the House of Representatives;

1440 (* * *gh) A member of the Senate, appointed by the
1441 Lieutenant Governor;

1442 (* * *hi) Two (2) representatives of the
1443 public-at-large, to be selected by the Governor;

1444 (* * *ij) The President of either the Mississippi
1445 Medical Association or the African-American Obesity Research and
1446 Treatment Association (AAORTA), or his designee;

1447 (* * *jk) The President of the Mississippi State
1448 Nurses Association, or his designee;

1449 (* * *kl) The President of the Mississippi Pharmacists
1450 Association, or his designee;



1451 (* * *pm) The President of the Mississippi Chapter of
1452 the American Academy of Pediatrics, or his designee;

1453 (* * *mn) The Vice Chancellor of the University of
1454 Mississippi Medical Center, or his designee;

1455 (* * *no) A representative appointed from the
1456 Mississippi state office of the American Association of Retired
1457 Persons;

1458 (* * *op) A representative of the Mississippi Dietetic
1459 Association;

1460 (* * *pq) A representative of the Mississippi
1461 Restaurant Association;

1462 (* * *qr) The President of the Mississippi Physical
1463 Therapy Association, or his designee;

1464 (* * *rs) A member appointed by the Mississippi
1465 Commissioner of Insurance;

1466 (* * *st) A representative from a food processor or
1467 food manufacturer; and

1468 (* * *tu) A representative from the Mississippi Soft
1469 Drink Association.

1470 (4) The council shall meet upon call of the Governor not
1471 later than August 1, 2001, and shall organize for business by
1472 selecting a chairman who shall serve for a one-year term and may
1473 be selected for subsequent terms. The council shall adopt
1474 internal organizational procedures necessary for efficient
1475 operation of the council. Council procedures shall include duties



1476 of officers, a process for selecting officers, quorum requirements
1477 for conducting business and policies for any council staff. Each
1478 member of the council shall designate necessary staff of their
1479 departments to assist the council in performing its duties and
1480 responsibilities. The council shall meet and conduct business at
1481 least quarterly. Meetings of the council shall be open to the
1482 public and opportunity for public comment shall be made available
1483 at each such meeting. The chairman of the council shall notify
1484 all persons who request that notice as to the date, time and place
1485 of each meeting.

1486 (5) Members of the council shall receive no compensation for
1487 their services.

1488 (6) The council shall submit a report, including proposed
1489 legislation if necessary, to the Governor and to the House and
1490 Senate Health and Welfare Committees before the convening of the
1491 2004 legislative session. The report shall include a
1492 comprehensive state plan for implementation of services and
1493 programs in the State of Mississippi to increase prevention and
1494 management of obesity in adults and children and an estimate of
1495 the cost of implementation of such a plan.

1496 (7) All departments, boards, agencies, officers and
1497 institutions of the state and all subdivisions thereof shall
1498 cooperate with the council in carrying out its purposes under this
1499 section.



1500 **SECTION 29.** Section 43-1-9, Mississippi Code of 1972, is
1501 amended as follows:

1502 43-1-9. There shall be created in each county of the state a
1503 county department of * * * ~~public welfare~~ human services which
1504 shall consist of a county director of * * * ~~public welfare~~ human
1505 services, and such other personnel as may be necessary for the
1506 efficient performance of the duties of the county department. It
1507 shall be the duty of the board of supervisors of each county to
1508 provide office space for the county department.

1509 County director. The * * * ~~commissioner~~ Executive Director
1510 of Human Services shall designate, in accordance with the rules
1511 and regulations of the State Personnel Board, with the approval of
1512 the Governor, a county director of * * * ~~public welfare~~ human
1513 services who shall serve as the executive and administrative
1514 officer of the county department and shall be responsible to the
1515 state department for its management. Such director shall be a
1516 resident citizen of the county and shall not hold any political
1517 office of the state, county, municipality or subdivision thereof.
1518 However, in cases of emergency, the * * * ~~commissioner~~ executive
1519 director may appoint a director of * * * ~~public welfare~~ human
1520 services who is a nonresident of such county, to serve during the
1521 period of emergency only.

1522 The county department of * * * ~~public welfare~~ human services
1523 shall administer within the county all forms of public assistance
1524 and welfare services, with the exception of child welfare services



1525 administered by the Department of Child Protection Services. The
1526 county department shall comply with such regulations and submit
1527 such reports as may be established or required by the state
1528 department. Subject to the approval of the state department, the
1529 county department may cooperate with other departments, agencies
1530 and institutions, state and local, when so requested, in
1531 performing services in conformity with the provisions of this
1532 chapter.

1533 In counties having two (2) judicial districts, the * * *
1534 ~~State Commissioner of Public Welfare~~ Executive Director of Human
1535 Services may create and establish in each of the judicial
1536 districts a separate county department of * * * ~~public welfare~~
1537 human services which shall consist of a director of * * * ~~public~~
1538 ~~welfare~~ human services and such other personnel as may be
1539 necessary for the efficient performance of the duties of the
1540 department thus established. In such cases the two (2)
1541 departments so established shall be dealt with as though each is a
1542 separate and distinct county department of * * * ~~public welfare~~
1543 human services, and each of the departments and each of the
1544 directors shall operate and have jurisdiction coextensive with the
1545 boundaries of the judicial district in which it is established;
1546 and, also, in such cases the words "county" and "director of * * *
1547 ~~public welfare~~ human services" when used in this chapter shall,
1548 where applicable, mean each judicial district, and the director
1549 of * * * ~~public welfare~~ human services appointed therefor; and



1550 where the board of supervisors is authorized to appropriate funds
1551 or provide office space or like assistance for one (1)
1552 county * * * ~~welfare~~ department or director, such board may, as
1553 the case may be, appropriate the amount specified by law or render
1554 the assistance required by law to each of the departments or
1555 directors. * * * ~~Provided,~~ However, * * * ~~that~~ the * * *
1556 ~~Commissioner of Public Welfare~~ Executive Director of Human
1557 Services shall not create and establish a separate county
1558 department of * * * ~~public welfare~~ human services pursuant to this
1559 paragraph in any county in which such separate county department
1560 of * * * ~~public welfare~~ human services is not in existence on
1561 January 1, 1983. * * * ~~Provided further,~~ that In addition, in
1562 any county having two (2) county departments of * * * ~~public~~
1563 ~~welfare~~ human services on January 1, 1983, but only one (1) county
1564 director of * * * ~~public welfare~~ on * * * ~~said~~ that date,
1565 the * * * ~~Commissioner of Public Welfare~~ Executive Director of
1566 Human Services shall not authorize and establish the second
1567 position of county director of * * * ~~public welfare~~ human services
1568 in such county.

1569 In any county not having two (2) judicial districts which is
1570 greater than fifty (50) miles in length, the * * * ~~Commissioner of~~
1571 ~~Public Welfare~~ Executive Director of Human Services may establish
1572 one (1) branch office of the county department of * * * ~~public~~
1573 ~~welfare~~ human services which shall be staffed with existing



1574 employees and administrative staff of such county department for
1575 not less than four (4) days per week.

1576 **SECTION 30.** Section 43-1-101, Mississippi Code of 1972, is
1577 amended as follows:

1578 43-1-101. (1) There is created the Mississippi Interagency
1579 Council on Homelessness. The purpose of the council is to
1580 establish, develop and implement a plan to reduce homelessness
1581 that includes a strong focus on the needs of homeless children,
1582 youth and families, as well as individuals and veterans who are
1583 homeless.

1584 (2) In addition to the duties prescribed in subsection (1)
1585 the council shall annually make a report to the Governor, the
1586 House of Representatives, the Senate and the public regarding the
1587 council's progress in meeting its goals and objectives.

1588 (3) The council shall be composed of the following members:

1589 (a) A representative from the Office of the Governor,
1590 appointed by the Governor;

1591 (b) The Chairperson or his designee of the Youth and
1592 Family Affairs Committee of the House of Representatives and the
1593 Chairperson or his designee of the Housing Committee of the
1594 Senate;

1595 (c) The Executive Director of the Department of * * *
1596 ~~Health and~~ Human Services or his designee;

1597 (d) The Executive Director of the Department of Mental
1598 Health or his designee;



1599 (e) The Executive Director of the Mississippi
1600 Development Authority or his designee;
1601 (f) The Commissioner of Child Protection Services or
1602 his designee;
1603 (* * *fg) The State Superintendent of the Department
1604 of Education or his designee;
1605 (* * *gh) A representative of Partners to End
1606 Homelessness, appointed by the Governor;
1607 (* * *hi) A representative of Mississippi United to
1608 End Homelessness, appointed by the Governor;
1609 (* * *ij) A representative of Open Doors Counseling
1610 Center, appointed by the Governor;
1611 (* * *jk) A representative of a school district that
1612 is working on the McKinney-Vento Homeless Education Assistance
1613 Act, appointed by the State Superintendent of Education;
1614 (* * *kl) A representative of the Mississippi Campaign
1615 to End Child Homelessness, appointed by the Governor;
1616 (* * *lm) Two (2) directors from homeless and domestic
1617 violence emergency shelters, appointed by the Governor;
1618 (* * *mn) A youth who is or has been homeless,
1619 appointed by the State Superintendent of Education;
1620 (* * *no) A representative of the Oakley Youth
1621 Development Center, appointed by the Governor;
1622 (* * *op) The Executive Director of the State Veterans
1623 Affairs Board or his designee;



1624 (* * * eg) The Executive Director of Hope Enterprises,
1625 or his designee; and

1626 (* * * er) A representative from a community action
1627 agency appointed by the Governor.

1628 (4) Appointments shall be made within thirty (30) days after
1629 July 1, 2013. Within fifteen (15) days thereafter on a day to be
1630 designated jointly by the Speaker of the House and the Lieutenant
1631 Governor, the council shall meet and organize by selecting from
1632 its membership a chairperson and a vice chairperson. The vice
1633 chairperson shall also serve as secretary and shall be responsible
1634 for keeping all records of the council. A majority of the members
1635 of the council shall constitute a quorum. In the selection of its
1636 officers and the adoption of rules, resolutions and reports, an
1637 affirmative vote of a majority of the council shall be required.
1638 All members shall be notified in writing of all meetings, and
1639 those notices shall be mailed at least fifteen (15) days before
1640 the date on which a meeting is to be held.

1641 (5) Members of the council shall serve without compensation
1642 for their services, and the council shall perform its duties
1643 without legislative appropriation or the use of any state funds
1644 for that purpose; however, the council, by approval of a majority
1645 of the appointed members of the council, is authorized to accept
1646 funds that may be donated or provided in the form of financial
1647 grants from public or private sources. In addition, any
1648 department, division, board, bureau, commission or agency of the



1649 state, or of any political subdivision thereof, shall provide, at
1650 the request of the chair of the council, such facilities,
1651 assistance and data as will enable the council to carry out its
1652 duties.

1653 **SECTION 31.** Section 43-14-1, Mississippi Code of 1972, is
1654 amended as follows:

1655 43-14-1. (1) The purpose of this chapter is to provide for
1656 the development, implementation and oversight of a coordinated
1657 interagency system of necessary services and care for children and
1658 youth, called the Mississippi Statewide System of Care, up to age
1659 twenty-one (21) with serious emotional/behavioral disorders
1660 including, but not limited to, conduct disorders, or mental
1661 illness who require services from a multiple services and multiple
1662 programs system, and who can be successfully diverted from
1663 inappropriate institutional placement. The Mississippi Statewide
1664 System of Care is to be conducted in the most fiscally responsible
1665 (cost-efficient) manner possible, based on an individualized plan
1666 of care which takes into account other available interagency
1667 programs, including, but not limited to, Early Intervention Act of
1668 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic
1669 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),
1670 waived program for home- and community-based services for
1671 developmentally disabled people, Section 43-13-117(A) (29), and
1672 waived program for targeted case management services for
1673 children with special needs, Section 43-13-117(A) (31), those



1674 children identified through the federal Individuals with
1675 Disabilities Education Act of 1997 as having a serious emotional
1676 disorder (EMD), the Mississippi Children's Health Insurance
1677 Program and waived programs for children with serious emotional
1678 disturbances, Section 43-13-117(A)(46), and is tied to clinically
1679 and functionally appropriate outcomes. Some of the outcomes are
1680 to reduce the number of inappropriate out-of-home placements
1681 inclusive of those out-of-state and to reduce the number of
1682 inappropriate school suspensions and expulsions for this
1683 population of children. This coordinated interagency system of
1684 necessary services and care shall be named the Mississippi
1685 Statewide System of Care. Children to be served by this chapter
1686 who are eligible for Medicaid shall be screened through the
1687 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
1688 and their needs for medically necessary services shall be
1689 certified through the EPSDT process. For purposes of this
1690 chapter, the Mississippi Statewide System of Care is defined as a
1691 coordinated network of agencies and providers working as a team to
1692 make a full range of mental health and other necessary services
1693 available as needed by children with mental health problems and
1694 their families. The Mississippi Statewide System of Care shall
1695 be:

1696 (a) Child centered, family focused, family driven and
1697 youth guided;

1698 (b) Community based;



1699 (c) Culturally competent and responsive; and shall
1700 provide for:
1701 (i) Service coordination or case management;
1702 (ii) Prevention and early identification and
1703 intervention;
1704 (iii) Smooth transitions among agencies and
1705 providers, and to the transition-age and adult service systems;
1706 (iv) Human rights protection and advocacy;
1707 (v) Nondiscrimination in access to services;
1708 (vi) A comprehensive array of services composed of
1709 treatment and informal supports that are identified as best
1710 practices and/or evidence-based practices;
1711 (vii) Individualized service planning that uses a
1712 strengths-based, wraparound process;
1713 (viii) Services in the least restrictive
1714 environment;
1715 (ix) Family participation in all aspects of
1716 planning, service delivery and evaluation; and
1717 (x) Integrated services with coordinated planning
1718 across child-serving agencies.

1719 Mississippi Statewide System of Care services shall be
1720 timely, intensive, coordinated and delivered in the community.
1721 Mississippi Statewide System of Care services shall include, but
1722 not be limited to, the following:



1723 (a) Comprehensive crisis and emergency response
1724 services;
1725 (b) Intensive case management;
1726 (c) Day treatment;
1727 (d) Alcohol and drug abuse group services for youth;
1728 (e) Individual, group and family therapy;
1729 (f) Respite services;
1730 (g) Supported employment services for youth;
1731 (h) Family education and support and family partners;
1732 (i) Youth development and support and youth partners;
1733 (j) Positive behavioral supports (PBIS) in schools;
1734 (k) Transition-age supported and independent living
1735 services; and
1736 (l) Vocational/technical education services for youth.
1737 (2) There is established the Interagency Coordinating
1738 Council for Children and Youth (hereinafter referred to as the
1739 "ICCCY"). The ICCCY shall consist of the following membership:
1740 (a) The State Superintendent of Public Education;
1741 (b) The Executive Director of the Mississippi
1742 Department of Mental Health;
1743 (c) The Executive Director of the State Department of
1744 Health;
1745 (d) The Executive Director of the Department of Human
1746 Services;



1747 (e) The Executive Director of the Division of Medicaid,
1748 Office of the Governor;

1749 (f) The Executive Director of the State Department of
1750 Rehabilitation Services;

1751 (g) The Executive Director of Mississippi Families as
1752 Allies for Children's Mental Health, Inc.;

1753 (h) The Commissioner of Child Protection Services;

1754 (* * *hi) The Attorney General;

1755 (* * *ij) A family member of a child or youth in the
1756 population named in this chapter designated by Mississippi
1757 Families as Allies;

1758 (* * *jk) A youth or young adult in the population
1759 named in this chapter designated by Mississippi Families as
1760 Allies;

1761 (* * *kl) A local MAP team coordinator designated by
1762 the Department of Mental Health;

1763 (* * *lm) A child psychiatrist experienced in the
1764 public mental health system designated by the Mississippi
1765 Psychiatric Association;

1766 (* * *mn) An individual with expertise and experience
1767 in early childhood education designated jointly by the Department
1768 of Mental Health and Mississippi Families as Allies;

1769 (* * *no) A representative of an organization that
1770 advocates on behalf of disabled citizens in Mississippi designated
1771 by the Department of Mental Health; and



1772 (* * *ep) A faculty member or dean from a Mississippi
1773 university specializing in training professionals who work in the
1774 Mississippi Statewide System of Care designated by the Board of
1775 Trustees of State Institutions of Higher Learning.

1776 If a member of the council designates a representative to
1777 attend council meetings, the designee shall bring full
1778 decision-making authority of the member to the meeting. The
1779 council shall select a chairman, who shall serve for a one-year
1780 term and may not serve consecutive terms. The council shall adopt
1781 internal organizational procedures necessary for efficient
1782 operation of the council. Each member of the council shall
1783 designate necessary staff of their departments to assist the ICCCY
1784 in performing its duties and responsibilities. The ICCCY shall
1785 meet and conduct business at least twice annually. The chairman
1786 of the ICCCY shall notify all ICCCY members and all other persons
1787 who request such notice as to the date, time, place and draft
1788 agenda items for each meeting.

1789 (3) The Interagency System of Care Council (ISCC) is created
1790 to serve as the state management team for the ICCCY, with the
1791 responsibility of collecting and analyzing data and funding
1792 strategies necessary to improve the operation of the Mississippi
1793 Statewide System of Care, and to make recommendations to the ICCCY
1794 and to the Legislature concerning such strategies on, at a
1795 minimum, an annual basis. The System of Care Council also has the
1796 responsibility of coordinating the local Multidisciplinary



1797 Assessment and Planning (MAP) teams and "A" teams and may apply
1798 for grants from public and private sources necessary to carry out
1799 its responsibilities. The Interagency System of Care Council
1800 shall be comprised of one (1) member from each of the appropriate
1801 child-serving divisions or sections of the State Department of
1802 Health, the Department of Human Services (* * *~~Division of Family~~
1803 ~~and Children Services and~~Division of Youth Services), the
1804 Department of Child Protection Services, the State Department of
1805 Mental Health (Division of Children and Youth, Bureau of Alcohol
1806 and Drug Abuse, and Bureau of Intellectual and Developmental
1807 Disabilities), the State Department of Education (Office of
1808 Special Education and Office of Healthy Schools), the Division of
1809 Medicaid of the Governor's Office, the Department of
1810 Rehabilitation Services, and the Attorney General's office.
1811 Additional members shall include a family member of a child, youth
1812 or transition-age youth representing a family education and
1813 support 501(c)(3) organization, working with the population named
1814 in this chapter designated by Mississippi Families as Allies, an
1815 individual with expertise and experience in early childhood
1816 education designated jointly by the Department of Mental Health
1817 and Mississippi Families as Allies, a local MAP team
1818 representative and a local "A" team representative designated by
1819 the Department of Mental Health, a probation officer designated by
1820 the Department of Corrections, a family member and youth or young
1821 adult designated by Mississippi Families as Allies for Children's



1822 Mental Health, Inc., (MSFAA), and a family member other than a
1823 MSFAA representative to be designated by the Department of Mental
1824 Health and the Director of the Compulsory School Attendance
1825 Enforcement of the State Department of Education. Appointments to
1826 the Interagency System of Care Council shall be made within sixty
1827 (60) days after June 30, 2010. The council shall organize by
1828 selecting a chairman from its membership to serve on an annual
1829 basis, and the chairman may not serve consecutive terms.

1830 (4) (a) As part of the Mississippi Statewide System of
1831 Care, there is established a statewide system of local
1832 Multidisciplinary Assessment, Planning and Resource (MAP) teams.
1833 The MAP teams shall be comprised of one (1) representative each at
1834 the county level from the major child-serving public agencies for
1835 education, human services, health, mental health and
1836 rehabilitative services approved by respective state agencies of
1837 the Department of Education, the Department of Human Services, the
1838 Department of Child Protection Services, the Department of Health,
1839 the Department of Mental Health and the Department of
1840 Rehabilitation Services. These agencies shall, by policy,
1841 contract or regulation require participation on MAP teams and "A"
1842 teams at the county level by the appropriate staff. Three (3)
1843 additional members may be added to each team, one (1) of which may
1844 be a representative of a family education/support 501(c)(3)
1845 organization with statewide recognition and specifically
1846 established for the population of children defined in Section



1847 43-14-1. The remaining members will be representatives of
1848 significant community-level stakeholders with resources that can
1849 benefit the population of children defined in Section 43-14-1.
1850 The Department of Education shall assist in recruiting and
1851 identifying parents to participate on MAP teams and "A" teams.

1852 (b) For each local existing MAP team that is
1853 established pursuant to paragraph (a) of this subsection, there
1854 shall also be established an "A" (Adolescent) team which shall
1855 work with a MAP team. The "A" teams shall provide System of Care
1856 services for youthful offenders who have serious behavioral or
1857 emotional disorders. Each "A" team shall be comprised of, at a
1858 minimum, the following five (5) members:

1859 (i) A school counselor, mental health therapist or
1860 social worker;

1861 (ii) A community mental health professional;

1862 (iii) A social services/child welfare
1863 professional;

1864 (iv) A youth court counselor; and

1865 (v) A parent who had a child in the juvenile
1866 justice system.

1867 (c) The Interagency Coordinating Council for Children
1868 and Youth and the Interagency System of Care Council shall work to
1869 develop MAP teams statewide that will serve to become the single
1870 point of entry for children and youth about to be placed in
1871 out-of-home care for reasons other than parental abuse/neglect.



1872 (5) The Interagency Coordinating Council for Children and
1873 Youth may provide input to one another and to the ISCC relative to
1874 how each agency utilizes its federal and state statutes, policy
1875 requirements and funding streams to identify and/or serve children
1876 and youth in the population defined in this section. The ICCCY
1877 shall support the implementation of the plans of the respective
1878 state agencies for comprehensive, community-based,
1879 multidisciplinary care, treatment and placement of these children.

1880 (6) The ICCCY shall oversee a pool of state funds that may
1881 be contributed by each participating state agency and additional
1882 funds from the Mississippi Tobacco Health Care Expenditure Fund,
1883 subject to specific appropriation therefor by the Legislature.
1884 Part of this pool of funds shall be available for increasing the
1885 present funding levels by matching Medicaid funds in order to
1886 increase the existing resources available for necessary
1887 community-based services for Medicaid beneficiaries.

1888 (7) The local interagency coordinating care MAP team or "A"
1889 team will facilitate the development of the individualized System
1890 of Care programs for the population targeted in this section.

1891 (8) Each local MAP team and "A" team shall serve as the
1892 single point of entry and re-entry to ensure that comprehensive
1893 diagnosis and assessment occur and shall coordinate needed
1894 services through the local MAP team and "A" team members and local
1895 service providers for the children named in subsection (1). Local



1896 children in crisis shall have first priority for access to the MAP
1897 team and "A" team processes and local System of Care services.

1898 (9) The Interagency Coordinating Council for Children and
1899 Youth shall facilitate monitoring of the performance of local MAP
1900 teams.

1901 (10) Each ICCCY member named in subsection (2) of this
1902 section shall enter into a binding memorandum of understanding to
1903 participate in the further development and oversight of the
1904 Mississippi Statewide System of Care for the children and youth
1905 described in this section. The agreement shall outline the system
1906 responsibilities in all operational areas, including ensuring
1907 representation on MAP teams, funding, data collection, referral of
1908 children to MAP teams and "A" teams, and training. The agreement
1909 shall be signed and in effect by July 1 of each year.

1910 **SECTION 32.** Section 43-14-5, Mississippi Code of 1972, is
1911 amended as follows:

1912 43-14-5. There is created in the State Treasury a special
1913 fund into which shall be deposited all funds contributed by the
1914 Department of Human Services, Department of Child Protection
1915 Services, State Department of Health, Department of Mental
1916 Health * * *~~7~~ and State Department of Rehabilitation Services
1917 insofar as recipients are otherwise eligible under the
1918 Rehabilitation Act of 1973, as amended, and State Department of
1919 Education for the operation of a statewide System of Care by MAP
1920 teams and "A" teams utilizing such funds as may be made available



1921 to those MAP teams through a Request for Proposal (RFP) approved
1922 by the ICCCY.

1923 **SECTION 33.** Section 43-15-3, Mississippi Code of 1972, is
1924 amended as follows:

1925 43-15-3. The Department of Human Services * * * ~~is hereby~~
1926 and the Department of Child Protection Services are authorized,
1927 empowered and directed to cooperate fully with the United States
1928 Children's Bureau and Secretary of Labor in establishing,
1929 extending and strengthening "child welfare services" for the
1930 protection and care of homeless, dependent and neglected children
1931 and children in danger of becoming delinquent. * * * ~~Said Those~~
1932 departments * * * ~~of Human Services is~~ are further authorized,
1933 empowered and directed to cooperate with the United States
1934 Children's Bureau and Secretary of Labor in developing plans
1935 for * * * ~~said those~~ "child welfare services" and extending any
1936 other cooperation necessary under Section 521 of Public Law No.
1937 271-74th Congress of the United States.

1938 In furtherance of the "child welfare services" referred to in
1939 the first paragraph hereof the State Treasurer is * * * ~~hereby~~
1940 authorized and directed to receive on behalf of the state, and to
1941 execute all instruments incidental thereto, federal or other funds
1942 to be used for "child welfare services," and to place such funds
1943 in a special account to the credit of the "child welfare
1944 services," which * * * ~~said~~ funds shall be expended by the
1945 Department of Human Services and the Department of Child



1946 Protection Services for the purposes and under the provisions of
1947 this article and Section 521 of Public Law No. 271-74th Congress
1948 of the United States. It shall be paid out by the State Treasurer
1949 as funds appropriated to carry out the provisions of * * *~~said~~
1950 those laws.

1951 The Department of Human Services or the Department of Child
1952 Protection Services shall issue all checks on * * *~~said the~~
1953 "child welfare services" fund to persons entitled to payment
1954 from * * *~~said the~~ fund. All such sums shall be drawn upon the
1955 "child welfare services" fund upon requisition of the Director of
1956 the Department of Human Services or the Commissioner of Child
1957 Protection Services.

1958 The money in the "child welfare services" fund shall be
1959 expended in accordance with the rules and regulations of the
1960 United States Children's Bureau and Secretary of Labor and in
1961 accordance with the plan developed by the Department of Human
1962 Services or Department of Child Protection Services and the United
1963 States Children's Bureau under Section 521 of Public Law No.
1964 271-74th Congress of the United States, and shall not be used for
1965 any other purpose.

1966 If a claim for foster care and/or adoption assistance under
1967 Title IV-E of the federal Social Security Act is not acted upon
1968 within a reasonable time after the filing of the claim, or is
1969 denied in whole or in part, the claimant may appeal to the * * *
1970 ~~Director of the Division of Family and Children's Services~~



1971 Commissioner of Child Protection Services in the manner and form
1972 prescribed by the Department of * * * ~~Human~~ Child Protection
1973 Services. The * * * ~~Director of the Division of Family and~~
1974 ~~Children's Services~~ Commissioner of Child Protection Services
1975 shall, upon receipt of such an appeal, give the claimant
1976 reasonable notice and opportunity for a fair hearing. The * * *
1977 ~~Director of the Division of Family and Children's Services~~
1978 Commissioner of Child Protection Services may also, upon his or
1979 her own motion, review any decision regarding a claim, and may
1980 consider any claim upon which a decision has not been made within
1981 a reasonable time. All decisions of the * * * ~~Director of Family~~
1982 ~~and Children's Services~~ Commissioner of Child Protection Services
1983 shall be final and binding.

1984 **SECTION 34.** Section 43-15-5, Mississippi Code of 1972, is
1985 amended as follows:

1986 43-15-5. (1) The Department of * * * ~~Human~~ Child Protection
1987 Services shall have authority and it shall be its duty to
1988 administer or supervise all public child welfare services,
1989 including those services, responsibilities, duties and powers with
1990 which the * * * ~~county departments of human~~ local offices of child
1991 protection services are charged and empowered in this article;
1992 administer and supervise the licensing and inspection of all
1993 private child placing agencies; provide for the care of dependent
1994 and neglected children in foster family homes or in institutions,
1995 supervise the care of such children and those of illegitimate



1996 birth; supervise the importation of children; and supervise the
1997 operation of all state institutions for children. The Department
1998 of * * * ~~Human~~ Child Protection Services shall be authorized to
1999 purchase hospital and medical insurance coverage for those
2000 children placed in foster care by the state or * * * ~~county~~
2001 ~~departments of human~~ local offices of child protection services
2002 who are not otherwise eligible for medical assistance under the
2003 Mississippi Medicaid Law. The Department of * * * ~~Human~~ Child
2004 Protection Services shall be further authorized to purchase burial
2005 or life insurance not exceeding One Thousand Five Hundred Dollars
2006 (\$1,500.00) for those children placed in foster care by the state
2007 or * * * ~~county departments of human~~ local offices of child
2008 protection services. All insurance coverage authorized herein may
2009 be purchased with any funds other than state funds available to
2010 the Department of * * * ~~Human~~ Child Protection Services, including
2011 those funds available to the child which are administered by the
2012 department.

2013 (2) Any person, partnership, group, corporation,
2014 organization or association desiring to operate a child
2015 residential home, as defined in Section 43-16-3, may make
2016 application for a license for such a facility to the Department
2017 of * * * ~~Human~~ Child Protection Services on the application forms
2018 furnished for this purpose by the department. If an applicant
2019 meets the published rules and regulations of the department



2020 regarding minimum standards for a child residential home, then the
2021 applicant shall be granted a license by the department.

2022 **SECTION 35.** Section 43-15-6, Mississippi Code of 1972, is
2023 amended as follows:

2024 43-15-6. (1) Any person, institution, facility, clinic,
2025 organization or other entity that provides services to children in
2026 a residential setting where care, lodging, maintenance, and
2027 counseling or therapy for alcohol or controlled substance abuse or
2028 for any other emotional disorder or mental illness is provided for
2029 children, whether for compensation or not, that holds himself,
2030 herself, or itself out to the public as providing such services,
2031 and that is entrusted with the care of the children to whom he,
2032 she, or it provides services, because of the nature of the
2033 services and the setting in which the services are provided shall
2034 be subject to the provisions of this section.

2035 (2) Each entity to which this section applies shall
2036 complete, through the appropriate governmental authority, a
2037 national criminal history record information check and a child
2038 abuse registry check for each owner, operator, employee,
2039 prospective employee, volunteer or prospective volunteer of the
2040 entity and/or any other that has or may have unsupervised access
2041 to a child served by the entity. In order to determine the
2042 applicant's suitability for employment, the entity shall ensure
2043 that the applicant be fingerprinted by local law enforcement, and
2044 the results forwarded to the Department of Public Safety. If no



2045 disqualifying record is identified at the state level, the
2046 fingerprints shall be forwarded by the Department of Public Safety
2047 to the FBI for a national criminal history record check.

2048 (3) An owner, operator, employee, prospective employee,
2049 volunteer or prospective volunteer of the entity and/or any other
2050 that has or may have unsupervised access to a child who has a
2051 criminal history of conviction or pending indictment of a crime,
2052 whether a misdemeanor or a felony, that bears upon an individual's
2053 fitness to have responsibility for the safety and well-being of
2054 children as set forth in this chapter may not provide child care
2055 or operate, or be licensed as, a residential child care program,
2056 foster parent, or foster home.

2057 (4) All fees incurred in compliance with this section shall
2058 be borne by the individual or entity to which subsection (1)
2059 applies.

2060 (5) The Department of Human Services and the Department of
2061 Child Protection Services shall have the authority to set fees, to
2062 exclude a particular crime or crimes or a substantiated finding of
2063 child abuse and/or neglect as disqualifying individuals or
2064 entities from providing foster care or residential child care, and
2065 adopt such other rules and regulations as may be required to carry
2066 out the provisions of this section.

2067 (6) Any entity that violates the provisions of this section
2068 by failure to complete sex offense criminal history record
2069 information and felony conviction record information checks, as



2070 required under subsection (3) of this section, shall be subject to
2071 a penalty of up to Ten Thousand Dollars (\$10,000.00) for each such
2072 violation and may be enjoined from further operation until it
2073 complies with this section in actions maintained by the Attorney
2074 General.

2075 (7) The Department of Human Services and the Department of
2076 Child Protection Services and/or * * * ~~its~~ their officers,
2077 employees, attorneys, agents and representatives shall not be held
2078 civilly liable for any findings, recommendations or actions taken
2079 pursuant to this section.

2080 **SECTION 36.** Section 43-15-7, Mississippi Code of 1972, is
2081 amended as follows:

2082 43-15-7. * * * ~~The county department of public welfare is~~
2083 ~~hereby~~ Any local office of child protection services is
2084 authorized to provide protective services for children as will
2085 conserve home life; assume responsibility for the care and support
2086 of dependent children needing public care away from their homes;
2087 place children found by the * * * ~~department~~ local office to be
2088 dependent or without proper care in suitable institutions or
2089 private homes, and cooperate with public and private institutions
2090 and agencies in placing such children in suitable institutions or
2091 private homes; accept custody or guardianship, through one of its
2092 designated employees, of any child, when appointed as custodian or
2093 guardian in the manner provided by law.



2094 The board of supervisors in each county is * * *~~hereby~~
2095 empowered, in its discretion, to set aside and appropriate out of
2096 the tax levied and collected to support the poor of the county or
2097 out of the county general fund necessary monies to be administered
2098 by the * * *~~county department of public welfare~~ local office of
2099 child protection services to carry out the provisions of this
2100 section.

2101 **SECTION 37.** Section 43-15-11, Mississippi Code of 1972, is
2102 amended as follows:

2103 43-15-11. (1) The board of supervisors of any county and/or
2104 the mayor and board of commissioners of any city and/or the mayor
2105 and board of aldermen of any municipality in this state are * * *
2106 ~~hereby~~ authorized and empowered, in their discretion, to expend
2107 out of any * * *~~moneys~~ monies in their respective treasuries, to
2108 be drawn by warrant thereon, a sum or sums of money not exceeding
2109 a total of Twenty-five Dollars (\$25.00) annually per One Million
2110 Dollars (\$1,000,000.00) of the assessed valuation of the real and
2111 personal property thereof for the purpose of providing for the
2112 care, support and maintenance of homeless or destitute children of
2113 any county or municipality of this state who are supported, cared
2114 for, maintained and placed for adoption by any children's home
2115 society which operates over and serves the entire State of
2116 Mississippi, and which is approved and licensed by the Mississippi
2117 Department of * * *~~Public Welfare~~ Child Protection Services.



2118 (2) The authority granted in this section is supplemental of
2119 and in addition to all existing authority for the expenditure of
2120 funds by such boards of supervisors and municipal governing
2121 authorities.

2122 **SECTION 38.** Section 43-15-15, Mississippi Code of 1972, is
2123 amended as follows:

2124 43-15-15. The * * *~~State~~ Department of * * *~~Public Welfare~~
2125 Child Protection Services shall maintain a registry of children
2126 whose custody lies with them and private or public agencies
2127 licensed by the department. * * *~~Said~~ The registry shall
2128 contain classifications of children as:

2129 (a) Temporary custody for evaluation, not to exceed
2130 three (3) months;

2131 (b) Temporary custody not to exceed one (1) year with
2132 the plan to return custody to the natural parents;

2133 (c) Temporary custody, not to exceed two (2) years,
2134 with a plan to free for adoption;

2135 (d) Children freed for adoption;

2136 (e) Children ages fourteen (14) and above who have
2137 voluntarily chosen not to be adopted and cannot be returned to
2138 their own homes; and

2139 (f) Children who are institutionalized and for whom
2140 placement in an adoptive home is not feasible.

2141 **SECTION 39.** Section 43-15-19, Mississippi Code of 1972, is
2142 amended as follows:



2143 43-15-19. (1) The * * *~~State~~ Department of * * *~~Public~~
2144 ~~Welfare~~ Child Protection Services shall maintain a Mississippi
2145 Adoption Resource Exchange registry, which shall contain a total
2146 listing of all children freed for adoption as well as a listing of
2147 all persons who wish to adopt children and who are approved by a
2148 licensed adoption agency in the State of Mississippi. * * *~~Said~~
2149 The registry shall be distributed to all county * * *~~welfare~~
2150 ~~directors~~ offices of child protection services and licensed
2151 adoption agencies within the state and shall be updated at least
2152 quarterly. The * * *~~State~~ Department of * * *~~Public Welfare~~
2153 Child Protection Services shall establish regulations for listing
2154 descriptive characteristics while protecting the privacy of the
2155 children's names. Listed names shall be removed when adoption
2156 placement plans are made for a child or when a person withdraws an
2157 application for adoption.

2158 (2) Adoptive parents shall be given the option of having
2159 their names placed in the registry. To be placed in the registry,
2160 they shall be required to give written authority to the * * *
2161 ~~county welfare department to place their names in the registry and~~
2162 ~~said authorization shall be forwarded to the State Department of~~
2163 ~~Public Welfare, Division of Social Services, for approval~~
2164 Department of Child Protection Services.

2165 **SECTION 40.** Section 43-15-21, Mississippi Code of 1972, is
2166 amended as follows:



2167 43-15-21. Anyone violating or releasing information of a
2168 confidential nature without the approval of the court with
2169 jurisdiction or the * * *~~State~~ Department of * * *~~Public Welfare~~
2170 Child Protection Services, upon being found guilty, shall be
2171 guilty of a misdemeanor and subject to a fine of no more than One
2172 Thousand Dollars (\$1,000.00) or imprisonment of six (6) months, or
2173 both.

2174 **SECTION 41.** Section 43-15-23, Mississippi Code of 1972, is
2175 amended as follows:

2176 43-15-23. (1) As used in this section the term "placing
2177 out" means to arrange for the free care of a child in a family,
2178 other than that of the child's parent, stepparent, grandparent,
2179 brother, sister, uncle or aunt or legal guardian, for the purpose
2180 of adoption or for the purpose of providing care.

2181 (2) No person, agency, association, corporation,
2182 institution, society or other organization, except a child
2183 placement agency licensed by the Department of * * *~~Public~~
2184 ~~Welfare~~ Child Protection Services under Section 43-15-5, shall
2185 request, receive or accept any compensation or thing of value,
2186 directly or indirectly, for placing out of a child.

2187 (3) No person shall pay or give any compensation or thing of
2188 value, directly or indirectly, for placing out of a child to any
2189 person, agency, association, corporation, institution, society or
2190 other organization except a child placement agency licensed by the
2191 Department of * * *~~Public Welfare~~ Child Protection Services.



2192 (4) The provisions of this section shall not be construed to
2193 (a) prevent the payment of salaries or other compensation by a
2194 child placement agency licensed by the Department of * * * ~~Public~~
2195 ~~Welfare~~ Child Protection Services to the officers or employees
2196 thereof; (b) prevent the payment of legal fees, which have been
2197 approved by the chancery court, to an attorney for services
2198 performed in regard to adoption proceedings; (c) prevent the
2199 payment of reasonable and actual medical fees or hospital charges
2200 for services rendered in connection with the birth or medical
2201 treatment of such child to the physician or hospital which
2202 rendered the services; or (d) prevent the receipt of such payments
2203 by such attorney, physician or hospital.

2204 (5) Any person, agency, association, corporation,
2205 institution, society or other organization violating the
2206 provisions of this section shall be guilty of illegal placement of
2207 children and shall be punished by a fine not to exceed Five
2208 Thousand Dollars (\$5,000.00) or by imprisonment not more than five
2209 (5) years, or both such fine and imprisonment.

2210 **SECTION 42.** Section 43-15-103, Mississippi Code of 1972, is
2211 amended as follows:

2212 43-15-103. As used in this article:

2213 (a) "Agency" means a residential child-caring agency or
2214 a child-placing agency.

2215 (b) "Child" or "children" mean(s) any unmarried person
2216 or persons under the age of eighteen (18) years.



2217 (c) "Child placing" means receiving, accepting or
2218 providing custody or care for any child under eighteen (18) years
2219 of age, temporarily or permanently, for the purpose of:

2220 (i) Finding a person to adopt the child;

2221 (ii) Placing the child temporarily or permanently
2222 in a home for adoption; or

2223 (iii) Placing a child in a foster home or
2224 residential child-caring agency.

2225 (d) "Child-placing agency" means any entity or person
2226 which places children in foster boarding homes or foster homes for
2227 temporary care or for adoption or any other entity or person or
2228 group of persons who are engaged in providing adoption studies or
2229 foster care studies or placement services as defined by the rules
2230 of the department.

2231 (e) "Department" means the Mississippi Department
2232 of * * * ~~Human Child Protection Services.~~

2233 * * * ~~Director" means the Director of the Division~~
2234 ~~of Family and Children's Services.~~

2235 ~~Division" means the Division of Family and~~
2236 ~~Children's Services within the Mississippi Department of Human~~
2237 ~~Services.~~

2238 (* * * ~~h~~f) "Family boarding home" or "foster home"
2239 means a home (occupied residence) operated by any entity or person
2240 which provides residential child care to at least one (1) child



2241 but not more than six (6) children who are not related to the
2242 primary caregivers.

2243 (* * *ig) "Group care home" means any place or
2244 facility operated by any entity or person which provides
2245 residential child care for at least seven (7) children but not
2246 more than twelve (12) children who are not related to the primary
2247 caregivers.

2248 (* * *jh) "Licensee" means any person, agency or
2249 entity licensed under this article.

2250 (* * *ki) "Maternity home" means any place or facility
2251 operated by any entity or person which receives, treats or cares
2252 for more than one (1) child or adult who is pregnant out of
2253 wedlock, either before, during or within two (2) weeks after
2254 childbirth; provided, that the licensed child-placing agencies and
2255 licensed maternity homes may use a family boarding home approved
2256 and supervised by the agency or home, as a part of their work, for
2257 as many as three (3) children or adults who are pregnant out of
2258 wedlock, and provided further, that the provisions of this
2259 definition shall not include children or women who receive
2260 maternity care in the home of a person to whom they are kin within
2261 the sixth degree of kindred computed according to civil law, nor
2262 does it apply to any maternity care provided by general or special
2263 hospitals licensed according to law and in which maternity
2264 treatment and care are part of the medical services performed and
2265 the care of children is brief and incidental.



2266 * * * ~~(1) "Office" means the Office of Licensing within~~
2267 ~~the Division of Family and Children's Services of the Mississippi~~
2268 ~~Department of Human Services.~~

2269 (* * * mj) "Person associated with a licensee" means an
2270 owner, director, member of the governing body, employee, provider
2271 of care and volunteer of a human services licensee.

2272 (* * * nk) "Related" means children, step-children,
2273 grandchildren, step-grandchildren, siblings of the whole or
2274 half-blood, step-siblings, nieces or nephews of the primary care
2275 provider.

2276 (* * * el) "Residential child care" means the provision
2277 of supervision, and/or protection, and meeting the basic needs of
2278 a child for twenty-four (24) hours per day, which may include
2279 services to children in a residential setting where care, lodging,
2280 maintenance and counseling or therapy for alcohol or controlled
2281 substance abuse or for any other emotional disorder or mental
2282 illness is provided for children, whether for compensation or not.

2283 (* * * pm) "Residential child-caring agency" means any
2284 place or facility operated by any entity or person, public or
2285 private, providing residential child care, regardless of whether
2286 operated for profit or whether a fee is charged. Such residential
2287 child-caring agencies include, but are not limited to, maternity
2288 homes, runaway shelters, group homes that are administered by an
2289 agency, and emergency shelters that are not in private residence.



2290 **SECTION 43.** Section 43-15-105, Mississippi Code of 1972, is
2291 amended as follows:

2292 43-15-105. (1) The * * * ~~Division of Family and Children's~~
2293 ~~Services~~ Department of Child Protection Services shall be the
2294 licensing authority * * * ~~for the department~~ under this article,
2295 and is vested with all the powers, duties and responsibilities
2296 described in this article. The * * * ~~division~~ department shall
2297 make and establish rules and regulations regarding:

2298 (a) Approving, extending, denying, suspending and
2299 revoking licenses for foster homes, residential child-caring
2300 agencies and child-placing agencies;

2301 (b) Conditional licenses, variances from department
2302 rules and exclusions;

2303 (c) Basic health and safety standards for licensees;
2304 and

2305 (d) Minimum administration and financial requirements
2306 for licensees.

2307 (2) The * * * ~~division~~ department shall:

2308 (a) Define information that shall be submitted to
2309 the * * * ~~division~~ department with an application for a license;

2310 (b) Establish guidelines for the administration and
2311 maintenance of client and service records, including staff
2312 qualifications, staff to client ratios;

2313 (c) Issue licenses in accordance with this article;



- 2314 (d) Conduct surveys and inspections of licensees and
2315 facilities;
- 2316 (e) Establish and collect licensure fees;
- 2317 (f) Investigate complaints regarding any licensee or
2318 facility;
- 2319 (g) Have access to all records, correspondence and
2320 financial data required to be maintained by a licensee or
2321 facility;
- 2322 (h) Have authority to interview any client, family
2323 member of a client, employee or officer of a licensee or facility;
2324 and
- 2325 (i) Have authority to revoke, suspend or extend any
2326 license issued by the * * * ~~division~~ department.

2327 **SECTION 44.** Section 43-15-107, Mississippi Code of 1972, is
2328 amended as follows:

2329 43-15-107. (1) Except as provided in Section 43-15-111, no
2330 person, agency, firm, corporation, association or other entity,
2331 acting individually or jointly with any other person or entity,
2332 may establish, conduct or maintain foster homes, residential
2333 child-caring agencies and child-placing agencies or facility
2334 and/or engage in child placing in this state without a valid and
2335 current license issued by and under the authority of the * * *
2336 ~~division~~ department as provided by this article and the rules of
2337 the * * * ~~division~~ department. Any out-of-state child-placing
2338 agency that provides a full range of services, including, but not



2339 limited to, adoptions, foster family homes, adoption counseling
2340 services or financial aid, in this state must be licensed by
2341 the * * *~~division~~ department under this article.

2342 (2) No license issued under this article is assignable or
2343 transferable.

2344 (3) A current license shall at all times be posted in each
2345 licensee's facility, in a place that is visible and readily
2346 accessible to the public.

2347 (4) (a) Except as otherwise provided in paragraph (b) of
2348 this subsection, each license issued under this article expires at
2349 midnight (Central Standard Time) twelve (12) months from the date
2350 of issuance unless it has been:

2351 (i) Previously revoked by the * * *~~office~~
2352 department; or

2353 (ii) Voluntarily returned to the * * *~~office~~
2354 department by the licensee.

2355 (b) (i) For any child-placing agency located in
2356 Mississippi that remains in good standing, the license issued
2357 under this article expires at midnight (Central Standard Time)
2358 twenty-four (24) months from the date of issuance unless it has
2359 been:

2360 1. Previously revoked by the * * *~~office~~
2361 department; or

2362 2. Voluntarily returned to the * * *~~office~~
2363 department by the licensee.



2364 (ii) Any child-placing agency whose license is
2365 governed by this paragraph (b) shall submit the following
2366 information to the * * * ~~office~~ department annually:

2367 1. A copy of an audit report and IRS Form 990
2368 for the agency;

2369 2. The agency's fee schedule; and

2370 3. The agency's client list.

2371 (c) A license may be renewed upon application and
2372 payment of the applicable fee, provided that the licensee meets
2373 the license requirements established by this article and the rules
2374 and regulations of the * * * ~~division~~ department.

2375 (5) Any licensee or facility which is in operation at the
2376 time rules are made in accordance with this article shall be given
2377 a reasonable time for compliance as determined by the rules of
2378 the * * * ~~division~~ department.

2379 **SECTION 45.** Section 43-15-109, Mississippi Code of 1972, is
2380 amended as follows:

2381 43-15-109. (1) An application for a license under this
2382 article shall be made to the * * * ~~division~~ department and shall
2383 contain information that the * * * ~~division~~ department determines
2384 is necessary in accordance with established rules.

2385 (2) Information received by the office through reports,
2386 complaints, investigations and inspections shall be classified as
2387 public in accordance with Title 25, Chapter 61, Mississippi Code
2388 of 1972, Mississippi Public Records Act.



2389 **SECTION 46.** Section 43-15-113, Mississippi Code of 1972, is
2390 amended as follows:

2391 43-15-113. (1) If a license is revoked, the * * *~~division~~
2392 department may grant a new license after:

2393 (a) Satisfactory evidence is submitted to the * * *
2394 ~~division~~ department, evidencing that the conditions upon which
2395 revocation was based have been corrected; and

2396 (b) Inspection and compliance with all provisions of
2397 this article and applicable rules.

2398 (2) The * * *~~division~~ department may only suspend a license
2399 for a period of time which does not exceed the current expiration
2400 date of that license.

2401 (3) When a license has been suspended, the * * *~~division~~
2402 department may completely or partially restore the suspended
2403 license upon a determination that the:

2404 (a) Conditions upon which the suspension was based have
2405 been completely or partially corrected; and

2406 (b) Interests of the public will not be jeopardized by
2407 restoration of the license.

2408 **SECTION 47.** Section 43-15-115, Mississippi Code of 1972, is
2409 amended as follows:

2410 43-15-115. (1) The * * *~~division~~ department may, for the
2411 purpose of ascertaining compliance with the provisions of this
2412 article and its rules and regulations, enter and inspect on a
2413 routine basis the facility of a licensee.



2414 (2) Before conducting an inspection under subsection (1),
2415 the * * *~~division~~ department shall, after identifying the person
2416 in charge:

2417 (a) Give proper identification;

2418 (b) Request to see the applicable license;

2419 (c) Describe the nature and purpose of the inspection;

2420 and

2421 (d) If necessary, explain the authority of the * * *
2422 ~~division~~ department to conduct the inspection and the penalty for
2423 refusing to permit the inspection.

2424 (3) In conducting an inspection under subsection (1),
2425 the * * *~~division~~ department may, after meeting the requirements
2426 of subsection (2):

2427 (a) Inspect the physical facilities;

2428 (b) Inspect records and documents;

2429 (c) Interview directors, employees, clients, family
2430 members of clients and others; and

2431 (d) Observe the licensee in operation.

2432 (4) An inspection conducted under subsection (1) shall be
2433 during regular business hours and may be announced or unannounced.

2434 (5) The licensee shall make copies of inspection reports
2435 available to the public upon request.

2436 (6) The provisions of this section apply to on-site
2437 inspections and do not restrict the * * *~~division~~ department from
2438 contacting family members, neighbors or other individuals, or from



2439 seeking information from other sources to determine compliance
2440 with the provisions of this article.

2441 **SECTION 48.** Section 43-15-117, Mississippi Code of 1972, is
2442 amended as follows:

2443 43-15-117. (1) Except as provided in this article, no
2444 person, agency, firm, corporation, association or group children's
2445 home may engage in child placing, or solicit money or other
2446 assistance for child placing, without a valid license issued by
2447 the * * *~~division~~ department. No out-of-state child-placing
2448 agency that provides a full range of services, including, but not
2449 limited to, adoptions, foster family homes, adoption counseling
2450 services or financial aid, may operate in this state without a
2451 valid license issued by the * * *~~division~~ department. No
2452 child-placing agency shall advertise in the media markets in
2453 Mississippi seeking birth mothers or their children for adoption
2454 purposes unless the agency holds a valid and current license
2455 issued either by the * * *~~division~~ department or the authorized
2456 governmental licensing agency of another state that regulates
2457 child-placing agencies. Any child-placing agency, physician or
2458 attorney who advertises for child placing or adoption services in
2459 Mississippi shall be required by the * * *~~division~~ department to
2460 show their principal office location on all media advertising for
2461 adoption services.

2462 (2) An attorney who provides legal services to a client in
2463 connection with proceedings for the adoption of a child by the



2464 client, who does not receive, accept or provide custody or care
2465 for the child for the purposes specified in Section 43-15-103(c),
2466 shall not be required to have a license under this article to
2467 provide those legal services.

2468 (3) An attorney, physician or other person may assist a
2469 parent in identifying or locating a person interested in adopting
2470 the parent's child, or in identifying or locating a child to be
2471 adopted. However, no payment, charge, fee, reimbursement of
2472 expense, or exchange of value of any kind, or promise or agreement
2473 to make the same, may be made for that assistance.

2474 (4) Nothing in this section precludes payment of reasonable
2475 fees for medical, legal or other lawful services rendered in
2476 connection with the care of a mother, delivery and care of a child
2477 including, but not limited to, the mother's living expenses, or
2478 counseling for the parents and/or the child, and for the legal
2479 proceedings related to lawful adoption proceedings; and no
2480 provision of this section abrogates the right of procedures for
2481 independent adoption as provided by law.

2482 (5) The * * * ~~division~~ department is specifically authorized
2483 to promulgate rules under the Administrative Procedures Law, Title
2484 25, Chapter 43, Mississippi Code of 1972, to regulate fees charged
2485 by licensed child-placing agencies, if it determines that the
2486 practices of those licensed child-placing agencies demonstrates
2487 that the fees charged are excessive or that any of the agency's
2488 practices are deceptive or misleading; however, those rules



2489 regarding fees shall take into account the use of any sliding fee
2490 by an agency that uses a sliding fee procedure to permit
2491 prospective adoptive parents of varying income levels to utilize
2492 the services of those agencies or persons.

2493 (6) The * * * ~~division~~ department shall promulgate rules
2494 under the Administrative Procedures Law, Title 25, Chapter 43,
2495 Mississippi Code of 1972, to require that all licensed
2496 child-placing agencies provide written disclosures to all
2497 prospective adoptive parents of any fees or other charges for each
2498 service performed by the agency or person, and file an annual
2499 report with the * * * ~~division~~ department that states the fees and
2500 charges for those services, and to require them to inform
2501 the * * * ~~division~~ department in writing thirty (30) days in
2502 advance of any proposed changes to the fees or charges for those
2503 services.

2504 (7) The * * * ~~division~~ department is specifically authorized
2505 to disclose to prospective adoptive parents or other interested
2506 persons any fees charged by any licensed child-placing agency,
2507 attorney or counseling service or counselor for all legal and
2508 counseling services provided by that licensed child-placing
2509 agency, attorney or counseling service or counselor.

2510 **SECTION 49.** Section 43-15-119, Mississippi Code of 1972, is
2511 amended as follows:



2512 43-15-119. (1) If the * * *~~division~~ department finds that
2513 a violation has occurred under this article or the rules and
2514 regulations of the * * *~~division~~ department, it may:

2515 (a) Deny, suspend or revoke a license or place the
2516 licensee on probation, if the * * *~~division~~ department discovers
2517 that a licensee is not in compliance with the laws, standards or
2518 regulations governing its operation, and/or it finds evidence of
2519 aiding, abetting or permitting the commission of any illegal act;
2520 or

2521 (b) Restrict or prohibit new admissions to the
2522 licensee's program or facility, if the * * *~~division~~ department
2523 discovers that a licensee is not in compliance with the laws,
2524 standards or regulations governing its operation, and/or it finds
2525 evidence of aiding, abetting or permitting the commission of any
2526 illegal act.

2527 (2) If placed on probation, the agency or licensee shall
2528 post a copy of the notice in a conspicuous place as directed by
2529 the * * *~~division~~ department and with the agency's or
2530 individual's license, and the agency shall notify the custodians
2531 of each of the children in its care in writing of the agency's
2532 status and the basis for the probation.

2533 **SECTION 50.** Section 43-15-121, Mississippi Code of 1972, is
2534 amended as follows:

2535 43-15-121. In addition to, and notwithstanding, any other
2536 remedy provided by law, the * * *~~division~~ department may, in a



2537 manner provided by law and upon the advice of the Attorney General
2538 who, except as otherwise authorized in Section 7-5-39, shall
2539 represent the * * * ~~division~~ department in the proceedings,
2540 maintain an action in the name of the state for injunction or
2541 other process against any person or entity to restrain or prevent
2542 the establishment, management or operation of a program or
2543 facility or performance of services in violation of this article
2544 or rules of the * * * ~~division~~ department.

2545 **SECTION 51.** Section 43-15-125, Mississippi Code of 1972, is
2546 amended as follows:

2547 43-15-125. The department * * * ~~of Human Services~~ and/or its
2548 officers, employees, attorneys and representatives shall not be
2549 held civilly liable for any findings, recommendations or actions
2550 taken pursuant to this article.

2551 **SECTION 52.** Section 43-15-201, Mississippi Code of 1972, is
2552 amended as follows:

2553 43-15-201. (1) An emergency medical services provider,
2554 without a court order, shall take possession of a child who is
2555 seven (7) days old or younger if the child is voluntarily
2556 delivered to the provider by the child's parent and the parent did
2557 not express an intent to return for the child.

2558 (2) The parent who surrenders the baby shall not be required
2559 to provide any information pertaining to his or her identity, nor
2560 shall the emergency medical services provider inquire as to same.
2561 If the identity of the parent is known to the emergency medical



2562 services provider, the emergency medical services provider shall
2563 keep the identity confidential.

2564 (3) A female presenting herself to a hospital through the
2565 emergency room or otherwise, who is subsequently admitted for
2566 purposes of labor and delivery, does not give up the legal
2567 protections or anonymity guaranteed under this section. If the
2568 mother clearly expresses a desire to voluntarily surrender custody
2569 of the newborn after birth, the emergency medical services
2570 provider can take possession of the child, without further action
2571 by the mother, as if the child had been presented to the emergency
2572 medical services provider in the same manner outlined above in
2573 subsection (1) of this section.

2574 (a) If the mother expresses a desire to remain
2575 anonymous, identifying information may be obtained for purposes of
2576 securing payment of labor and delivery costs only. If the birth
2577 mother is a minor, the hospital may use the identifying
2578 information to secure payment through Medicaid, but shall not
2579 notify the minor's parent or guardian without the minor's consent.

2580 (b) The identity of the birth mother shall not be
2581 placed on the birth certificate or disclosed to the Department
2582 of * * * ~~Human~~ Child Protection Services.

2583 (4) There is a presumption that by relinquishing a child in
2584 accordance with this section, the parent consents to the
2585 termination of his or her parental rights with respect to the



2586 child. As such, the parent waives the right to notification
2587 required by subsequent court proceedings.

2588 (5) An emergency medical services provider who takes
2589 possession of a child under this section shall perform any act
2590 necessary to protect the physical health or safety of the child.

2591 **SECTION 53.** Section 43-15-203, Mississippi Code of 1972, is
2592 amended as follows:

2593 43-15-203. (1) No later than the close of the first
2594 business day after the date on which an emergency medical services
2595 provider takes possession of a child pursuant to Section
2596 43-15-201, the provider shall notify the Department of * * * ~~Human~~
2597 Child Protection Services that the provider has taken possession
2598 of the child.

2599 (2) The department shall assume the care, control and
2600 custody of the child immediately on receipt of notice pursuant to
2601 subsection (1). The department shall be responsible for all
2602 medical and other costs associated with the child and shall
2603 reimburse the hospital for any costs incurred prior to the child
2604 being placed in the care of the department.

2605 **SECTION 54.** Section 43-15-207, Mississippi Code of 1972, is
2606 amended as follows:

2607 43-15-207. For the purposes of this article, an emergency
2608 medical services provider shall mean a licensed hospital, as
2609 defined in Section 41-9-3, which operates an emergency department,
2610 an adoption agency duly licensed by the Department of * * * ~~Human~~



2611 Child Protection Services, or fire station or mobile ambulance
2612 staffed with full-time firefighters, emergency medical technicians
2613 or paramedics. An emergency medical services provider does not
2614 include the offices, clinics, surgeries or treatment facilities of
2615 private physicians or dentists. No individual licensed healthcare
2616 provider, including physicians, dentists, nurses, physician
2617 assistants or other health professionals shall be deemed to be an
2618 emergency medical services provider under this article unless such
2619 individual voluntarily assumes responsibility for the custody of
2620 the child.

2621 **SECTION 55.** Section 43-16-3, Mississippi Code of 1972, is
2622 amended as follows:

2623 43-16-3. As used in this chapter, the following definitions
2624 shall apply unless the context clearly provides otherwise:

2625 (a) "Child" means a person who has not reached the age
2626 of eighteen (18) years or who has not otherwise been legally
2627 emancipated.

2628 (b) "Child residential home" means any place, facility
2629 or home operated by any person which receives children who are not
2630 related to the operators and whose parents or guardians are not
2631 residents of the same facility for supervision, care, lodging and
2632 maintenance for twenty-four (24) hours a day, with or without
2633 transfer of custody. This term does not include:

2634 (i) Residential homes licensed by the Department
2635 of * * * ~~Human~~ Child Protection Services under Section 43-15-5;



2636 (ii) Any public school;
2637 (iii) Any home operated by a state agency;
2638 (iv) Child care facilities as defined in Section
2639 43-20-5;
2640 (v) Youth camps as defined in Section 75-74-3;
2641 (vi) Health care facilities licensed by the State
2642 Department of Health; or
2643 (vii) The home of an attorney-in-fact operating
2644 under a power of attorney executed under Section 93-31-1 et seq.
2645 (c) "Department" shall mean the State Department of
2646 Health.

2647 (d) "Person" shall include an individual, partnership,
2648 organization, association or corporation.

2649 **SECTION 56.** Section 43-16-7, Mississippi Code of 1972, is
2650 amended as follows:

2651 43-16-7. * * *—(1) The operator of any child residential
2652 home shall provide notification in accordance with this chapter
2653 within sixty (60) days of beginning operation.

2654 * * *—(2) ~~All child residential homes operating on July 1,~~
2655 ~~1989, shall either apply for a license from the Department of~~
2656 ~~Public Welfare pursuant to Section 43-15-5, Mississippi Code of~~
2657 ~~1972, or file notification in accordance with this chapter, prior~~
2658 ~~to August 1, 1989.~~

2659 **SECTION 57.** Section 43-18-3, Mississippi Code of 1972, is
2660 amended as follows:



2661 43-18-3. The "appropriate public authorities" as used in
2662 Article III of the Interstate Compact on the Placement of Children
2663 shall, with reference to this state, means the * * *~~State~~
2664 ~~Department of Public Welfare. Any county department of public~~
2665 ~~welfare, likewise, when directed by the Commissioner of the State~~
2666 ~~Department of Public Welfare~~ Department of Child Protection
2667 Services, or with the approval of the Commissioner of Child
2668 Protection Services, any regional or local office of the
2669 Department of Child Protection Services shall be authorized to
2670 receive and act with reference to notices required by * * *~~said~~
2671 Article III.

2672 **SECTION 58.** Section 43-18-5, Mississippi Code of 1972, is
2673 amended as follows:

2674 43-18-5. As used in paragraph (a) of Article V of the
2675 Interstate Compact on the Placement of Children, the phrase
2676 "appropriate authority in the receiving state" with reference to
2677 this state shall mean the * * *~~State~~ Department of * * *~~Public~~
2678 ~~Welfare~~ Child Protection Services, or * * *~~7~~ with the approval of
2679 the Commissioner of * * *~~the State Department of Public Welfare,~~
2680 ~~any county department of public welfare~~ Child Protection Services,
2681 any regional or local office of the department.

2682 **SECTION 59.** Section 43-21-351, Mississippi Code of 1972, is
2683 amended as follows:

2684 43-21-351. (1) Any person or agency having knowledge that a
2685 child residing or being within the county is within the



2686 jurisdiction of the youth court may make a written report to the
2687 intake unit alleging facts sufficient to establish the
2688 jurisdiction of the youth court. The report shall bear a
2689 permanent number that will be assigned by the court in accordance
2690 with the standards established by the Administrative Office of
2691 Courts pursuant to Section 9-21-9(d), and shall be preserved until
2692 destroyed on order of the court.

2693 (2) There shall be in each youth court of the state an
2694 intake officer who shall be responsible for the accurate and
2695 timely entering of all intake and case information into the
2696 Mississippi Youth Court Information Delivery System (MYCIDS) for
2697 the Department of Human Services - Division of Youth Services,
2698 truancy matters, and the * * * ~~Division of Family and Children's~~
2699 ~~Services~~ Department of Child Protection Services. It shall be the
2700 responsibility of the youth court judge or referee of each county
2701 to ensure that the intake officer is carrying out the
2702 responsibility of this section.

2703 **SECTION 60.** Section 43-21-354, Mississippi Code of 1972, is
2704 amended as follows:

2705 43-21-354. The statewide incoming wide area telephone
2706 service established pursuant to Section 43-21-353 * * *
2707 ~~Mississippi Code of 1972,~~ shall be maintained by the Department
2708 of * * * ~~Public Welfare~~ Child Protection Services, or its
2709 successor, on a twenty-four-hour seven (7) days a week basis.



2710 **SECTION 61.** Section 43-21-357, Mississippi Code of 1972, is
2711 amended as follows:

2712 43-21-357. (1) After receiving a report, the youth court
2713 intake unit shall promptly make a preliminary inquiry to determine
2714 whether the interest of the child, other children in the same
2715 environment or the public requires the youth court to take further
2716 action. As part of the preliminary inquiry, the youth court
2717 intake unit may request or the youth court may order the
2718 Department of * * * ~~Human~~ Child Protection Services, the
2719 Department of Human Services - Division of Youth Services, any
2720 successor agency or any other qualified public employee to make an
2721 investigation or report concerning the child and any other
2722 children in the same environment, and present the findings thereof
2723 to the youth court intake unit. If the youth court intake unit
2724 receives a neglect or abuse report, the youth court intake unit
2725 shall immediately forward the complaint to the Department of * * *
2726 ~~Human~~ Child Protection Services to promptly make an investigation
2727 or report concerning the child and any other children in the same
2728 environment and promptly present the findings thereof to the youth
2729 court intake unit. If it appears from the preliminary inquiry
2730 that the child or other children in the same environment are
2731 within the jurisdiction of the court, the youth court intake unit
2732 shall recommend to the youth court:

2733 (a) That the youth court take no action;

2734 (b) That an informal adjustment be made;



2735 (c) That the Department of * * *~~Human Services,~~
2736 ~~Division of Family and Children~~ Child Protection Services * * *~~7~~
2737 monitor the child, family and other children in the same
2738 environment;

2739 (d) That the child is warned or counseled informally;

2740 (e) That the child be referred to the youth court
2741 intervention court; or

2742 (f) That a petition be filed.

2743 (2) The youth court shall then, without a hearing:

2744 (a) Order that no action be taken;

2745 (b) Order that an informal adjustment be made;

2746 (c) Order that the Department of * * *~~Human Services,~~
2747 ~~Division of Family and Children~~ Child Protection Services * * *~~7~~

2748 monitor the child, family and other children in the same
2749 environment;

2750 (d) Order that the child is warned or counseled
2751 informally;

2752 (e) That the child be referred to the youth
2753 intervention court; or

2754 (f) Order that a petition be filed.

2755 (3) If the preliminary inquiry discloses that a child needs
2756 emergency medical treatment, the judge may order the necessary
2757 treatment.

2758 **SECTION 62.** Section 43-21-405, Mississippi Code of 1972, is
2759 amended as follows:



2760 43-21-405. (1) The informal adjustment process shall be
2761 initiated with an informal adjustment conference conducted by an
2762 informal adjustment counselor appointed by the judge or his
2763 designee.

2764 (2) If the child and his parent, guardian or custodian
2765 appear at the informal adjustment conference without counsel, the
2766 informal adjustment counselor shall, at the commencement of the
2767 conference, inform them of their right to counsel, the child's
2768 right to appointment of counsel and the right of the child to
2769 remain silent. If either the child or his parent, guardian or
2770 custodian indicates a desire to be represented by counsel, the
2771 informal adjustment counselor shall adjourn the conference to
2772 afford an opportunity to secure counsel.

2773 (3) At the beginning of the informal adjustment conference,
2774 the informal adjustment counselor shall inform the child and his
2775 parent, guardian or custodian:

2776 (a) That information has been received concerning the
2777 child which appears to establish jurisdiction of the youth court;

2778 (b) The purpose of the informal adjustment conference;

2779 (c) That during the informal adjustment process no
2780 petition will be filed;

2781 (d) That the informal adjustment process is voluntary
2782 with the child and his parent, guardian or custodian and that they
2783 may withdraw from the informal adjustment at any time; and



2784 (e) The circumstances under which the informal
2785 adjustment process can be terminated under Section 43-21-407.

2786 (4) The informal adjustment counselor shall then discuss
2787 with the child and his parent, guardian or custodian:

2788 (a) Recommendations for actions or conduct in the
2789 interest of the child to correct the conditions of behavior or
2790 environment which may exist;

2791 (b) Continuing conferences and contacts with the child
2792 and his parent, guardian or custodian by the informal adjustment
2793 counselor or other authorized persons; and

2794 (c) The child's general behavior, his home and school
2795 environment and other factors bearing upon the proposed informal
2796 adjustment.

2797 (5) After the parties have agreed upon the appropriate terms
2798 and conditions of informal adjustment, the informal adjustment
2799 counselor and the child and his parent, guardian or custodian
2800 shall sign a written informal adjustment agreement setting forth
2801 the terms and conditions of the informal adjustment. The informal
2802 adjustment agreement may be modified at any time upon the consent
2803 of all parties to the informal adjustment conference.

2804 (6) The informal adjustment process shall not continue
2805 beyond a period of six (6) months from its commencement unless
2806 extended by the youth court for an additional period not to exceed
2807 six (6) months by court authorization prior to the expiration of
2808 the original six-month period. In no event shall the custody or



2809 supervision of a child which has been placed with the Department
2810 of * * * ~~Public Welfare~~ Human Services - Division of Youth
2811 Services or the Department of Child Protection Services be
2812 continued or extended except upon a written finding by the youth
2813 court judge or referee that reasonable efforts have been made to
2814 maintain the child within his own home, but that the circumstances
2815 warrant his removal and there is no reasonable alternative to
2816 custody, and that reasonable efforts will continue to be made
2817 towards reunification of the family.

2818 **SECTION 63.** Section 43-21-603, Mississippi Code of 1972, is
2819 amended as follows:

2820 43-21-603. (1) At the beginning of each disposition
2821 hearing, the judge shall inform the parties of the purpose of the
2822 hearing.

2823 (2) All testimony shall be under oath unless waived by all
2824 parties and may be in narrative form. The court may consider any
2825 evidence that is material and relevant to the disposition of the
2826 cause, including hearsay and opinion evidence. At the conclusion
2827 of the evidence, the youth court shall give the parties an
2828 opportunity to present oral argument.

2829 (3) If the child has been adjudicated a delinquent child,
2830 before entering a disposition order, the youth court should
2831 consider, among others, the following relevant factors:

2832 (a) The nature of the offense;

2833 (b) The manner in which the offense was committed;



2834 (c) The nature and number of a child's prior
2835 adjudicated offenses;

2836 (d) The child's need for care and assistance;

2837 (e) The child's current medical history, including
2838 medication and diagnosis;

2839 (f) The child's mental health history, which may
2840 include, but not be limited to, the Massachusetts Youth Screening
2841 Instrument version 2 (MAYSI-2);

2842 (g) Copies of the child's cumulative record from the
2843 last school of record, including special education records, if
2844 applicable;

2845 (h) Recommendation from the school of record based on
2846 areas of remediation needed;

2847 (i) Disciplinary records from the school of record; and

2848 (j) Records of disciplinary actions outside of the
2849 school setting.

2850 (4) If the child has been adjudicated a child in need of
2851 supervision, before entering a disposition order, the youth court
2852 should consider, among others, the following relevant factors:

2853 (a) The nature and history of the child's conduct;

2854 (b) The family and home situation; and

2855 (c) The child's need of care and assistance.

2856 (5) If the child has been adjudicated a neglected child or
2857 an abused child, before entering a disposition order, the youth



2858 court shall consider, among others, the following relevant
2859 factors:

2860 (a) The child's physical and mental conditions;

2861 (b) The child's or family's need of assistance;

2862 (c) The manner in which the parent, guardian or
2863 custodian participated in, tolerated or condoned the abuse,
2864 neglect or abandonment of the child;

2865 (d) The ability of a child's parent, guardian or
2866 custodian to provide proper supervision and care of a child; and

2867 (e) Relevant testimony and recommendations, where
2868 available, from the foster parent of the child, the grandparents
2869 of the child, the guardian ad litem of the child, representatives
2870 of any private care agency that has cared for the child, the
2871 family protection worker or family protection specialist assigned
2872 to the case, and any other relevant testimony pertaining to the
2873 case.

2874 (6) After consideration of all the evidence and the relevant
2875 factors, the youth court shall enter a disposition order that
2876 shall not recite any of the facts or circumstances upon which the
2877 disposition is based, nor shall it recite that a child has been
2878 found guilty; but it shall recite that a child is found to be a
2879 delinquent child, a child in need of supervision, a neglected
2880 child or an abused child.

2881 (7) If the youth court orders that the custody or
2882 supervision of a child who has been adjudicated abused or



2883 neglected be placed with the Department of * * * ~~Human Child~~
2884 Protection Services or any other person or public or private
2885 agency, other than the child's parent, guardian or custodian, the
2886 youth court shall find and the disposition order shall recite
2887 that:

2888 (a) (i) Reasonable efforts have been made to maintain
2889 the child within his own home, but that the circumstances warrant
2890 his removal and there is no reasonable alternative to custody; or

2891 (ii) The circumstances are of such an emergency
2892 nature that no reasonable efforts have been made to maintain the
2893 child within his own home, and that there is no reasonable
2894 alternative to custody; and

2895 (b) That the effect of the continuation of the child's
2896 residence within his own home would be contrary to the welfare of
2897 the child and that the placement of the child in foster care is in
2898 the best interests of the child; or

2899 (c) Reasonable efforts to maintain the child within his
2900 home shall not be required if the court determines that:

2901 (i) The parent has subjected the child to
2902 aggravated circumstances, including, but not limited to,
2903 abandonment, torture, chronic abuse and sexual abuse; or

2904 (ii) The parent has been convicted of murder of
2905 another child of that parent, voluntary manslaughter of another
2906 child of that parent, aided or abetted, attempted, conspired or
2907 solicited to commit that murder or voluntary manslaughter, or a



2908 felony assault that results in the serious bodily injury to the
2909 surviving child or another child of that parent; or

2910 (iii) The parental rights of the parent to a
2911 sibling have been terminated involuntarily; and

2912 (iv) That the effect of the continuation of the
2913 child's residence within his own home would be contrary to the
2914 welfare of the child and that placement of the child in foster
2915 care is in the best interests of the child.

2916 Once the reasonable efforts requirement is bypassed, the
2917 court shall have a permanency hearing under Section 43-21-613
2918 within thirty (30) days of the finding.

2919 (8) Upon a written motion by a party, the youth court shall
2920 make written findings of fact and conclusions of law upon which it
2921 relies for the disposition order. If the disposition ordered by
2922 the youth court includes placing the child in the custody of a
2923 training school, an admission packet shall be prepared for the
2924 child that contains the following information:

2925 (a) The child's current medical history, including
2926 medications and diagnosis;

2927 (b) The child's mental health history;

2928 (c) Copies of the child's cumulative record from the
2929 last school of record, including special education records, if
2930 reasonably available;

2931 (d) Recommendation from the school of record based on
2932 areas of remediation needed;



2933 (e) Disciplinary records from the school of record; and
2934 (f) Records of disciplinary actions outside of the
2935 school setting, if reasonably available.

2936 Only individuals who are permitted under the Health Insurance
2937 Portability and Accountability Act of 1996 (HIPAA) shall have
2938 access to a child's medical records which are contained in an
2939 admission packet. The youth court shall provide the admission
2940 packet to the training school at or before the child's arrival at
2941 the training school. The admittance of any child to a training
2942 school shall take place between the hours of 8:00 a.m. and 3:00
2943 p.m. on designated admission days.

2944 (9) When a child in the jurisdiction of the Youth Court is
2945 committed to the custody of the Mississippi Department of Human
2946 Services or the Department of Child Protection Services and is
2947 believed to be in need of treatment for a mental or emotional
2948 disability or infirmity, the Department of Human Services or the
2949 Department of Child Protection Services shall file an affidavit
2950 alleging that the child is in need of mental health services with
2951 the Youth Court. The Youth Court shall refer the child to the
2952 appropriate community mental health center for evaluation pursuant
2953 to Section 41-21-67. If the prescreening evaluation recommends
2954 residential care, the Youth Court shall proceed with civil
2955 commitment pursuant to Sections 41-21-61 et seq., 43-21-315 and
2956 43-21-611, and the Department of Mental Health, once commitment is
2957 ordered, shall provide appropriate care, treatment and services



2958 for at least as many adolescents as were provided services in
2959 fiscal year 2004 in its facilities.

2960 (10) Any screening and assessment examinations ordered by
2961 the court may aid in dispositions related to delinquency, but no
2962 statements or admissions made during the course thereof may be
2963 admitted into evidence against the child on the issue of whether
2964 the child committed a delinquent act.

2965 **SECTION 64.** Section 43-21-609, Mississippi Code of 1972, as
2966 amended by House Bill No. 1115, 2023 Regular Session, is amended
2967 as follows:

2968 43-21-609. In neglect and abuse cases, the disposition order
2969 may include any of the following alternatives, giving precedence
2970 in the following sequence:

2971 (a) Release the child without further action;

2972 (b) Place the child in the custody of his parents, a
2973 relative or other person subject to any conditions and limitations
2974 as the court may prescribe. If the court finds that temporary
2975 relative placement, adoption or foster care placement is
2976 inappropriate, unavailable or otherwise not in the best interest
2977 of the child, durable legal custody may be granted by the court to
2978 any person subject to any limitations and conditions the court may
2979 prescribe; such durable legal custody will not take effect unless
2980 the child or children have been in the physical custody of the
2981 proposed durable custodians for at least six (6) months under the
2982 supervision of the Department of * * * ~~Human~~ Child Protection



2983 Services. After granting durable legal custody of a minor child,
2984 the youth court shall retain original and exclusive jurisdiction
2985 of all matters related to durable legal custody, including, but
2986 not limited to, petitions to modify the durable legal custody. The
2987 requirements of Section 43-21-613 as to disposition review
2988 hearings do not apply to those matters in which the court has
2989 granted durable legal custody. In such cases, the Department
2990 of * * * ~~Human~~ Child Protection Services shall be released from
2991 any oversight or monitoring responsibilities;

2992 (c) (i) Grant durable legal relative guardianship to a
2993 relative or fictive kin licensed as a foster parent if the
2994 licensed relative foster parent or licensed fictive kin foster
2995 parent exercised physical custody of the child for at least six
2996 (6) months before the grant of durable legal relative guardianship
2997 and the Department of Child Protection Services had legal custody
2998 or exercised supervision of the child for at least six (6) months.
2999 In order to establish durable legal relative guardianship, the
3000 youth court must find the following:

3001 1. That reunification has been determined to
3002 be inappropriate;

3003 2. That the relative guardian or fictive kin
3004 guardian shows full commitment to the care, shelter, education,
3005 nurture, and reasonable medical care of the child; and



3006 3. That the youth court consulted with any
3007 child twelve (12) years of age or older before granting durable
3008 legal relative guardianship.

3009 (ii) The requirements of Section 43-21-613 as to
3010 disposition review hearings do not apply to a hearing concerning
3011 durable legal relative guardianship. However, the Department of
3012 Child Protection Services must conduct an annual review and
3013 recertification of the durable legal relative guardianship to
3014 determine whether it remains in the best interest of the child.
3015 If a material change in circumstances occurs adverse to the best
3016 interest of the child, the parent, relative guardian, fictive kin
3017 guardian, or Department of Child Protection Services may petition
3018 the court to review the durable legal relative guardianship;

3019 (d) Order terms of treatment calculated to assist the
3020 child and the child's parent, guardian or custodian which are
3021 within the ability of the parent, guardian or custodian to
3022 perform;

3023 (e) Order youth court personnel, the Department of
3024 Child Protection Services or child care agencies to assist the
3025 child and the child's parent, guardian or custodian to secure
3026 social or medical services to provide proper supervision and care
3027 of the child;

3028 (f) Give legal custody of the child to any of the
3029 following but in no event to any state training school:



3030 (i) The Department of Child Protection Services
3031 for appropriate placement; or

3032 (ii) Any private or public organization,
3033 preferably community-based, able to assume the education, care and
3034 maintenance of the child, which has been found suitable by the
3035 court. Prior to assigning the custody of any child to any private
3036 institution or agency, the youth court through its designee shall
3037 first inspect the physical facilities to determine that they
3038 provide a reasonable standard of health and safety for the child;

3039 (g) If the court makes a finding that custody is
3040 necessary as defined in Section 43-21-301(3)(b), and that the
3041 child, in the action pending before the youth court had not
3042 previously been taken into custody, the disposition order shall
3043 recite that the effect of the continuation of the child's residing
3044 within his or her own home would be contrary to the welfare of the
3045 child, that the placement of the child in foster care is in the
3046 best interests of the child, and unless the reasonable efforts
3047 requirement is bypassed under Section 43-21-603(7)(c), the order
3048 also must state:

3049 (i) That reasonable efforts have been made to
3050 maintain the child within his or her own home, but that the
3051 circumstances warrant his or her removal, and there is no
3052 reasonable alternative to custody; or

3053 (ii) The circumstances are of such an emergency
3054 nature that no reasonable efforts have been made to maintain the



3055 child within his or her own home, and there is no reasonable
3056 alternative to custody; or

3057 (iii) If the court makes a finding in accordance
3058 with subparagraph (ii) of this paragraph, the court shall order
3059 that reasonable efforts be made towards the reunification of the
3060 child with his or her family; or

3061 (h) If the court had, before the disposition hearing in
3062 the action pending before the court, taken the child into custody,
3063 the judge or referee shall determine, and the youth court order
3064 shall recite that reasonable efforts were made by the Department
3065 of Child Protection Services to finalize the child's permanency
3066 plan that was in effect on the date of the disposition hearing.

3067 **SECTION 65.** Section 43-21-801, Mississippi Code of 1972, is
3068 amended as follows:

3069 43-21-801. (1) There is established the Youth Court Support
3070 Program. The purpose of the program shall be to ensure that all
3071 youth courts have sufficient support funds to carry on the
3072 business of the youth court. The Administrative Office of Courts
3073 shall establish a formula consistent with this section for
3074 providing state support payable from the Youth Court Support Fund
3075 for the support of the youth courts.

3076 (a) (i) Each regular youth court referee is eligible
3077 for youth court support funds so long as the senior chancellor
3078 does not elect to employ a youth court administrator as set forth
3079 in paragraph (b); a municipal youth court judge is also eligible.



3080 The Administrative Office of Courts shall direct any funds to the
3081 appropriate county or municipality. The funds shall be utilized
3082 to compensate an intake officer who shall be responsible for
3083 ensuring that all intake and case information for the Department
3084 of Human Services - Division of Youth Services, truancy matters,
3085 and the * * * ~~Division of Family and Children's Services~~
3086 Department of Child Protection Services is entered into the
3087 Mississippi Youth Court Information Delivery System (MYCIDS) in an
3088 accurate and timely manner. If the court already has an intake
3089 officer responsible for entering all cases of the Department of
3090 Human Services - Division of Youth Services, truancy matters, and
3091 the * * * ~~Division of Family and Children's Services~~ Department of
3092 Child Protection Services into MYCIDS, the regular youth court
3093 referee or municipal court judge may certify to the Administrative
3094 Office of Courts that such a person is already on staff. In such
3095 a case, each regular youth court referee or municipal youth court
3096 judge shall have the sole individual discretion to appropriate
3097 those funds as expense monies to assist in hiring secretarial
3098 staff and acquiring materials and equipment incidental to carrying
3099 on the business of the court within the private practice of law of
3100 the referee or judge, or may direct the use of those funds through
3101 the county or municipal budget for court support supplies or
3102 services. The regular youth court referee and municipal youth
3103 court judge shall be accountable for assuring through private,
3104 county or municipal employees the proper preparation and filing of



3105 all necessary tracking and other documentation attendant to the
3106 administration of the youth court.

3107 (ii) Title to all tangible property, excepting
3108 stamps, stationery and minor expendable office supplies, procured
3109 with funds authorized by this section, shall be and forever remain
3110 in the county or municipality to be used by the judge or referee
3111 during the term of his office and thereafter by his successors.

3112 (b) (i) When permitted by the Administrative Office of
3113 Courts and as funds are available, the senior chancellor for
3114 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
3115 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
3116 administrator for the district whose responsibility will be to
3117 perform all reporting, tracking and other duties of a court
3118 administrator for all youth courts in the district that are under
3119 the chancery court system. Any chancery district listed in this
3120 paragraph in which a chancellor appoints a referee or special
3121 master to hear any youth court matter is ineligible for funding
3122 under this paragraph (b). The Administrative Office of Courts may
3123 allocate to an eligible chancery district a sum not to exceed
3124 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
3125 fringe benefits and equipment of the youth court administrator,
3126 and an additional sum not to exceed One Thousand Nine Hundred
3127 Dollars (\$1,900.00) for the administrator's travel expenses.

3128 (ii) The appointment of a youth court
3129 administrator shall be evidenced by the entry of an order on the



3130 minutes of the court. The person appointed shall serve at the
3131 will and pleasure of the senior chancellor but shall be an
3132 employee of the Administrative Office of Courts.

3133 (iii) The Administrative Office of Courts must
3134 approve the position, job description and salary before the
3135 position can be filled. The Administrative Office of Courts shall
3136 not approve any plan that does not first require the expenditure
3137 of the funds from the Youth Court Support Fund before expenditure
3138 of county funds is authorized for that purpose.

3139 (iv) Title to any tangible property procured with
3140 funds authorized under this paragraph shall be and forever remain
3141 in the State of Mississippi.

3142 (c) (i) Each county court is eligible for youth court
3143 support funds. The funds shall be utilized to provide
3144 compensation to an intake officer who shall be responsible for
3145 ensuring that all intake and case information for the Department
3146 of Human Services - Division of Youth Services, truancy matters,
3147 and the * * * ~~Division of Family and Children's Services~~
3148 Department of Child Protection Services is entered into the
3149 Mississippi Youth Court Information Delivery System (MYCIDS) in an
3150 accurate and timely manner. If the county court already has an
3151 intake officer or other staff person responsible for entering all
3152 cases of the Department of Human Services - Division of Youth
3153 Services, truancy matters and the * * * ~~Division of Family and~~
3154 ~~Children's Services~~ Department of Child Protection Services into



3155 MYCIDS, the senior county court judge may certify that such a
3156 person is already on staff. In such a case, the senior county
3157 court judge shall have discretion to direct the expenditure of
3158 those funds in hiring other support staff to carry on the business
3159 of the court.

3160 (ii) For the purposes of this paragraph, "support
3161 staff" means court administrators, law clerks, legal research
3162 assistants, secretaries, resource administrators or case managers
3163 appointed by a youth court judge, or any combination thereof, but
3164 shall not mean school attendance officers.

3165 (iii) The appointment of support staff shall be
3166 evidenced by the entry of an order on the minutes of the court.
3167 The support staff so appointed shall serve at the will and
3168 pleasure of the senior county court judge but shall be an employee
3169 of the county.

3170 (iv) The Administrative Office of Courts must
3171 approve the positions, job descriptions and salaries before the
3172 positions may be filled. The Administrative Office of Courts
3173 shall not approve any plan that does not first require the
3174 expenditure of funds from the Youth Court Support Fund before
3175 expenditure of county funds is authorized for that purpose.

3176 (v) The Administrative Office of Courts may
3177 approve expenditure from the fund for additional equipment for
3178 support staff appointed pursuant to this paragraph if the
3179 additional expenditure falls within the formula. Title to any



3180 tangible property procured with funds authorized under this
3181 paragraph shall be and forever remain in the county to be used by
3182 the youth court and support staff.

3183 (2) (a) (i) The formula developed by the Administrative
3184 Office of Courts for providing youth court support funds shall be
3185 devised so as to distribute appropriated funds proportional to
3186 caseload and other appropriate factors as set forth in regulations
3187 promulgated by the Administrative Office of Courts. The formula
3188 will determine a reasonable maximum amount per judge or referee
3189 per annum that will not be exceeded in allocating funds under this
3190 section.

3191 (ii) The formula shall be reviewed by the
3192 Administrative Office of Courts every two (2) years to ensure that
3193 the youth court support funds provided herein are proportional to
3194 each youth court's caseload and other specified factors.

3195 (iii) The Administrative Office of Courts shall
3196 have wide latitude in the first two-year cycle to implement a
3197 formula designed to maximize caseload data collection.

3198 (b) Application to receive funds under this section
3199 shall be submitted in accordance with procedures established by
3200 the Administrative Office of Courts.

3201 (c) Approval of the use of any of the youth court
3202 support funds distributed under this section shall be made by the
3203 Administrative Office of Courts in accordance with procedures
3204 established by the Administrative Office of Courts.



3205 (3) (a) There is created in the State Treasury a special
3206 fund to be designated as the "Youth Court Support Fund," which
3207 shall consist of funds appropriated or otherwise made available by
3208 the Legislature in any manner and funds from any other source
3209 designated for deposit into such fund. Unexpended amounts
3210 remaining in the fund at the end of a fiscal year shall not lapse
3211 into the State General Fund, and any investment earnings or
3212 interest earned on amounts in the fund shall be deposited to the
3213 credit of the fund. Monies in the fund shall be distributed to
3214 the youth courts by the Administrative Office of Courts for the
3215 purposes described in this section.

3216 (b) (i) During the regular legislative session held in
3217 calendar year 2007, the Legislature may appropriate an amount not
3218 to exceed Two Million Five Hundred Thousand Dollars
3219 (\$2,500,000.00) to the Youth Court Support Fund.

3220 (ii) During each regular legislative session
3221 subsequent to the 2007 Regular Session, the Legislature shall
3222 appropriate Two Million Five Hundred Thousand Dollars
3223 (\$2,500,000.00) to the Youth Court Support Fund.

3224 (c) No youth court judge or youth court referee shall
3225 be eligible to receive funding from the Youth Court Support Fund
3226 who has not received annual continuing education in the field of
3227 juvenile justice in an amount to conform with the requirements of
3228 the Rules and Regulations for Mandatory Continuing Judicial
3229 Education promulgated by the Supreme Court. The Administrative



3230 Office of Courts shall maintain records of all referees and youth
3231 court judges regarding such training and shall not disburse funds
3232 to any county or municipality for the budget of a youth court
3233 judge or referee who is not in compliance with the judicial
3234 training requirements.

3235 (4) Any recipient of funds from the Youth Court Support Fund
3236 shall not be eligible for continuing disbursement of funds if the
3237 recipient is not in compliance with the terms, conditions and
3238 reporting requirements set forth in the procedures promulgated by
3239 the Administrative Office of Courts.

3240 **SECTION 66.** Section 43-27-101, Mississippi Code of 1972, is
3241 amended as follows:

3242 43-27-101. For purposes of Sections 43-27-101 and 43-27-103,
3243 the following words shall have the meanings ascribed in this
3244 section, unless the context requires otherwise:

3245 (a) "Child or youth in the custody of the Department of
3246 Human Services" means an individual:

3247 (i) Who has not yet reached his eighteenth
3248 birthday;

3249 (ii) Who has been legally placed in the custody of
3250 the Department of Human Services by the youth court and for whom
3251 custody with the Department of Human Services was not sought by
3252 the parents or legal custodians or guardians for the parents' or
3253 legal custodians' or guardians' legal responsibilities to relieve



3254 themselves of the responsibility for paying for treatment for a
3255 child or youth; and

3256 (iii) Who is unable to be maintained with the
3257 family or legal guardians or custodians due to his or her need for
3258 specialized care.

3259 (b) "Child or youth under the supervision of the
3260 Department of * * * ~~Human~~ Child Protection Services" means an
3261 individual:

3262 (i) Who has not yet reached his eighteenth
3263 birthday; and

3264 (ii) Who has been referred for abuse or neglect
3265 and for whom a case has been opened and is active in the * * *
3266 ~~Division of Family and Children's Services of the Department of~~ of
3267 Child Protection Services.

3268 (c) "Plan of care" means a written plan of services
3269 needed to be provided for a child or youth and his or her family
3270 in order to provide the special care or services required.

3271 (d) "Special needs crisis" means:

3272 (i) Conduct or behavioral problems of such a
3273 severe nature and level that family or parental violence, abuse,
3274 and/or neglect pose an imminent threat or are present; or

3275 (ii) Conduct or behavioral problems of such a
3276 severe nature and level that family or parental violence, abuse,
3277 and/or neglect pose an imminent threat or are present.

3278 (e) "Specialized care" means:



3279 (i) "Self care," which means the ability to
3280 provide, sustain and protect himself or herself at a level
3281 appropriate to his or her age;

3282 (ii) "Interpersonal relationships," which means
3283 the ability to build and maintain satisfactory relationships with
3284 peers and adults;

3285 (iii) "Family life," which means the capacity to
3286 live in a family or family-type environment;

3287 (iv) "Self direction," which means the child's
3288 ability to control his or her behavior and to make decisions in a
3289 manner appropriate to his or her age;

3290 (v) "Education," which means the ability to learn
3291 social and intellectual skill from teachers in an available
3292 educational setting.

3293 (f) "Special needs child" means a child with a variety
3294 of handicapping conditions or disabilities, including emotional or
3295 severely emotional disorders. These conditions or disabilities
3296 present the need for special medical attention, supervision and
3297 therapy on a very regimented basis.

3298 **SECTION 67.** Section 43-27-103, Mississippi Code of 1972, is
3299 amended as follows:

3300 43-27-103. (1) Sections 43-27-101 and 43-27-103 shall
3301 enable the development by the Department of Human Services or the
3302 Department of Child Protection Services of a system of services
3303 for children or youth in the custody of the Department of Human



3304 Services or under the supervision of the Department of * * * ~~Human~~
3305 Child Protection Services, if funds are appropriated to * * * ~~the~~
3306 either department for that purpose. The system of services may
3307 consist of emergency response services, an early intervention and
3308 treatment unit, respite care, crisis nurseries, specialized
3309 outpatient or inpatient treatment services, special needs foster
3310 care, therapeutic foster care, emergency foster homes, and
3311 Medicaid targeted case management for abused and neglected
3312 children and youth as well as children adjudicated delinquent or
3313 in need of supervision. Any of these services that are provided
3314 shall be arranged by and coordinated through the Department of
3315 Human Services or the Department of Child Protection Services,
3316 and * * * ~~the~~ each department may contract with public or private
3317 agencies or entities to provide any of the services or may provide
3318 any of the services itself. All of the services shall be provided
3319 in facilities that meet the standards set by the Department of
3320 Human Services or the Department of Child Protection Services for
3321 the particular type of facility involved. None of the services
3322 provided shall duplicate existing services except where there is a
3323 documented need for expansion of the services.

3324 (2) A description of the services that may be provided under
3325 Sections 43-27-101 and 43-27-103 are as follows:

3326 (a) "Emergency response services" means services to
3327 respond to children or youth in severe crisis and include:

3328 (i) Emergency single-point phone lines;



3329 (ii) Crisis care coordinators staffing shifts that
3330 enable twenty-four-hour per day response as "frontline"
3331 professionals when crisis calls are received, assist with
3332 decision-making, family support, initiate plan of action and
3333 remain "on call" for the first seventy-two (72) hours for other
3334 service professionals to get in place and insure development of a
3335 plan of care;

3336 (iii) Acute care/emergency medical response
3337 through contracted services with up to five (5) regional hospitals
3338 providing emergency room services and hospitalization for up to
3339 seventy-two (72) hours with a maximum of One Hundred Dollars
3340 (\$100.00) per day;

3341 (iv) Case managers;

3342 (v) Respite services; and

3343 (vi) Assessment services contracted with social
3344 workers, psychologists, psychiatrists and other health
3345 professionals.

3346 (b) "Early intervention and treatment unit" means a
3347 unique, nonhospital crisis service in a residential context that
3348 is able to provide the level of support and intervention needed to
3349 resolve the crisis and as an alternative to hospitalization. This
3350 unit shall provide specialized assessment, including a variety of
3351 treatment options and services to best intervene in a child or
3352 youth's crisis, and provide an appropriate plan for further
3353 services upon returning to the home and community. Staff-to-child



3354 or youth ratio shall be high, with multidisciplinary, specialized
3355 services for up to six (6) children or youths at one (1) time, and
3356 with the maximum assessment and treatment planning and services
3357 being ninety (90) days for most children or youths.

3358 (c) "Respite care" means planned temporary care for a
3359 period of time ranging from a few hours within a twenty-four-hour
3360 period to an overnight or weekend stay to a maximum of ten (10)
3361 days. Care may be provided in-home or out-of-home with trained
3362 respite parents or counselors and is designed to provide a planned
3363 break for the parents from the caretaking role with the child.

3364 (d) "Crisis nurseries" means a program providing
3365 therapeutic nursery treatment services to preschool aged children
3366 who as preschoolers demonstrate significant behavioral or
3367 emotional disorders. These services shall be to therapeutically
3368 address developmental and emotional behavioral difficulties
3369 through direct intervention with the child in a nursery school
3370 environment and to intervene with parents to provide education,
3371 support and therapeutic services.

3372 (e) "Specialized outpatient or inpatient treatment
3373 services," such as sex offender treatment, means specialized
3374 treatment for perpetrators of sexual offenses with children.

3375 (f) "Special needs foster care" means foster care for
3376 those children with a variety of handicapping conditions or
3377 disabilities, including serious emotional disturbance.



3378 (g) "Therapeutic foster care" means residential mental
3379 health services provided to children and adolescents in a family
3380 setting, utilizing specially trained foster parents. Therapeutic
3381 foster care essentially involves the following features:

3382 (i) Placement with foster parents who have been
3383 carefully selected by knowledgeable, well-trained mental health
3384 and social service professionals to work with children with an
3385 emotional disturbance;

3386 (ii) Provision of special training to the foster
3387 parents to assist them in working with children with an emotional
3388 disturbance;

3389 (iii) Low staff-to-child ratio, allowing the
3390 therapeutic staff to work very closely with each child, the foster
3391 parents and the biological parents, if available;

3392 (iv) Creation of a support system among these
3393 specially trained foster parents; and

3394 (v) Payment of a special foster care payment to
3395 the foster parents.

3396 (h) "Emergency foster homes" means those homes used on
3397 a short-term basis for (i) children who are temporarily removed
3398 from the home in response to a crisis situation, or (ii) youth who
3399 exhibit special behavioral or emotional problems for whom removal
3400 from the existing home situation is necessary. In some cases they
3401 may provide an emergency placement for infants and toddlers for
3402 whom no regular foster home is available, rather than placement



3403 into an emergency shelter where older and larger groups of
3404 children are placed. Foster parents are trained to deal with the
3405 special needs of children placed in these emergency homes.

3406 (i) "Medicaid targeted case management" means
3407 activities that are related to assuring the completion of proper
3408 client evaluations; arranging and supporting treatment plans,
3409 monitoring services, coordinating service delivery and other
3410 related actions.

3411 **SECTION 68.** Section 43-27-109, Mississippi Code of 1972, is
3412 amended as follows:

3413 43-27-109. The Department of Human Services or the
3414 Department of Child Protection Services may employ a sufficient
3415 number of new family protection specialists, youth counselors and
3416 clerical staff to reduce the caseload sizes for social workers and
3417 youth counselors of * * * ~~the~~ each department and to reduce the
3418 workload on clerical staff, if funds are appropriated to the
3419 department for that purpose.

3420 **SECTION 69.** Section 43-27-113, Mississippi Code of 1972, is
3421 amended as follows:

3422 43-27-113. In any investigation by the Department of * * *
3423 ~~Human~~ Child Protection Services of a report made under Section
3424 43-21-101 et seq. of the abuse or neglect of a child as defined in
3425 Section 43-21-105, the department may request the appropriate law
3426 enforcement officer with jurisdiction to accompany the department



3427 in its investigation, and in such cases the law enforcement
3428 officer shall comply with such request.

3429 **SECTION 70.** Section 43-27-115, Mississippi Code of 1972, is
3430 amended as follows:

3431 43-27-115. The Department of Human Services * * * ~~is~~ and the
3432 Department of Child Protection Services are each authorized to
3433 employ one (1) program manager for each department region, if
3434 funds are appropriated to * * * ~~the~~ either department for that
3435 purpose, whose duties shall be to develop an ongoing public
3436 education program to inform Mississippi citizens about the needs
3437 of the state's children, youth and families, the work of the
3438 department in addressing these needs and how citizens might become
3439 involved. The Department of Human Services and the Department of
3440 Child Protection Services shall develop formal agreements of
3441 cooperation and protocol between * * * ~~the~~ each department and
3442 other providers of services to children and families including
3443 school districts, hospitals, law enforcement agencies, mental
3444 health centers and others.

3445 **SECTION 71.** Section 43-27-117, Mississippi Code of 1972, is
3446 amended as follows:

3447 43-27-117. The Department of * * * ~~Human~~ Child Protection
3448 Services is authorized to establish an online automated child
3449 welfare information system, if funds are appropriated to the
3450 department for that purpose, to give the department the capability
3451 to supply foster care, adoption and child abuse and neglect data



3452 to the federal Department of Health and Human Services in a
3453 specified format as required, and to help the department in
3454 tracking child abuse and neglect referrals and the number of
3455 children affected in those referrals.

3456 **SECTION 72.** Section 43-27-119, Mississippi Code of 1972, is
3457 amended as follows:

3458 43-27-119. There is created a joint task force of the
3459 Department of Human Services, the Department of Child Protection
3460 Services and the Attorney General's Office consisting of the
3461 executive directors of the departments, the Attorney General, any
3462 staff persons designated by the executive directors and the
3463 Attorney General, and any other persons designated by the
3464 executive directors and the Attorney General. The joint task
3465 force shall research the issue of when * * *~~the~~ each department
3466 should consider appealing court decisions that are contrary to the
3467 department's recommendations in child welfare and juvenile
3468 offender cases, and shall issue a protocol for determining the
3469 type of cases that should be appealed. The protocol shall
3470 establish the following:

3471 (a) General guidelines to be considered for appealing a
3472 case;

3473 (b) The type of information from case records and court
3474 records that should be entered into the appeal file; and



3475 (c) The individuals who have authority to set the
3476 appeals process in motion and who can make final decisions about
3477 whether an appeal should be filed or not.

3478 Not later than November 30, 1994, the joint task force shall
3479 complete its research, issue the protocol, and make
3480 recommendations to the Legislature for any administrative and
3481 legislative action necessary to properly and sufficiently address
3482 this issue.

3483 **SECTION 73.** Section 43-43-5, Mississippi Code of 1972, is
3484 amended as follows:

3485 43-43-5. All purchase of service contracts between the * * *
3486 ~~State~~ Department of * * * ~~Public Welfare~~ Human Services or the
3487 Department of Child Protection Services and individuals,
3488 associations or corporations other than state agencies shall be
3489 for the reimbursement of actual costs incurred in providing
3490 services. However, the * * * ~~State~~ Department of * * * ~~Public~~
3491 ~~Welfare~~ Human Services or the Department of Child Protection
3492 Services, in accordance with policy established by * * * ~~the State~~
3493 ~~Board of Public Welfare~~ either department, may advance one-twelfth
3494 (1/12) of the total estimated cost for providing services under
3495 the twelve-month contractual agreement, upon written request of a
3496 contractor, to give the contractor a better cash flow. Any funds
3497 so advanced shall be withheld from the contract reimbursement
3498 payments and in no case shall the final reimbursement payment to
3499 the contractor exceed the actual cost incurred in providing



3500 services. Any contractor receiving such advance payments shall be
3501 strictly liable to ensure that same is adjusted to actual cost,
3502 including repayment of excess cash advances if necessary, prior to
3503 the final closeout of the purchase of service contract.

3504 **SECTION 74.** Section 43-51-3, Mississippi Code of 1972, is
3505 amended as follows:

3506 43-51-3. As used in this chapter, unless the context clearly
3507 requires otherwise, the following words and phrases shall have the
3508 meanings respectively ascribed to them in this section:

3509 (a) "Child at imminent risk of placement" means a minor
3510 who may be reasonably expected to face, in the near future,
3511 commitment to the care or custody of the state as a result of:

3512 (i) Dependency, abuse or neglect;

3513 (ii) Emotional disturbance;

3514 (iii) Family conflict so extensive that reasonable
3515 control of the child is not exercised; or

3516 (iv) Delinquency adjudication.

3517 * * * ~~(b) Home Ties Program" means a program under the~~
3518 ~~State Department of Human Services of family preservation and~~
3519 ~~family support services.~~

3520 (* * * eb) "Family preservation services" means
3521 services designed to help families alleviate risks or crises that
3522 might lead to out-of-home placement of children. The services may
3523 include procedures to maintain the safety of children in their own
3524 homes, support to families preparing to reunify or adopt and



3525 assistance to families in obtaining services and other sources of
3526 support necessary to address their multiple needs in a culturally
3527 sensitive environment.

3528 (* * * etc) "Family support services" means preventive
3529 community-based activities designed to alleviate stress and to
3530 promote parental competencies and behaviors that will increase the
3531 ability of families to successfully nurture their children and
3532 will enable families to use other resources and opportunities
3533 available in the community. These services may include supportive
3534 networks designed to enhance child-rearing abilities of parents
3535 and to help compensate for the increased social isolation and
3536 vulnerability of families. Examples of these services and
3537 activities include: respite care for parents and other
3538 caregivers; early developmental screening of children to assess
3539 the needs of these children and assistance in obtaining specific
3540 services to meet their needs; mentoring, tutoring and health
3541 education for youth; and a range of center-based activities, such
3542 as informal interactions in drop-in centers and parent support
3543 groups, and home visiting programs.

3544 **SECTION 75.** Section 43-51-5, Mississippi Code of 1972, is
3545 amended as follows:

3546 43-51-5. (1) The * * * ~~State Department of * * * Human~~
3547 Child Protection Services * * * ~~in conjunction with the State~~
3548 ~~Department of Education~~ shall engage in a comprehensive planning
3549 process * * * ~~for the Home Ties Program~~ to develop, coordinate and



3550 implement a meaningful and responsive program of family support
3551 and family preservation services. The scope of planning shall
3552 address child welfare, housing, mental health, primary health,
3553 education, juvenile justice, community-based programs providing
3554 family support and family preservation services and other social
3555 programs that service children at imminent risk of placement and
3556 their families. In developing the plan, the department, in its
3557 discretion, may invite active participation from local consumers,
3558 practitioners, researchers, foundations, mayors, members of the
3559 Legislature and any available federal regional staff.

3560 * * * ~~(2) The Home Ties Program shall be developed as a pilot~~
3561 ~~program for a period of five (5) years in accordance with federal~~
3562 ~~guidelines promulgated by the United States Department of Health~~
3563 ~~and Human Services. The State Department of Human Services shall~~
3564 ~~oversee development of requests for proposals, contracting for~~
3565 ~~services and program evaluation.~~

3566 (* * * 32) In addition to the family preservation and family
3567 support services defined in Section 41-51-3, the * * * ~~Home Ties~~
3568 ~~Program~~ Department of Child Protection Services shall offer a wide
3569 range of services, included, but not limited to, the following:
3570 crisis resolution; teaching measures to prevent the repeated
3571 occurrence of abuse, neglect and/or family conflict; education in
3572 parenting skills, child development, communication, negotiations
3573 and home maintenance skills; child and family advocacy; and
3574 job-readiness training.



3575 **SECTION 76.** Section 43-51-7, Mississippi Code of 1972, is
3576 amended as follows:

3577 43-51-7. The * * *~~State~~ Department of * * *~~Human~~ Child
3578 Protection Services shall apply annually for any available federal
3579 funds that may be used to defray the planning and service
3580 expenses, in all or in part, of * * *~~the Home Ties Program~~ this
3581 chapter, including, but not limited to, funds available under
3582 the * * *~~Child and Family Services Program of the Social Security~~
3583 ~~Act~~ Family First Prevention Services Act.

3584 **SECTION 77.** Section 45-33-36, Mississippi Code of 1972, is
3585 amended as follows:

3586 45-33-36. (1) Upon receipt of sex offender registration or
3587 change of registration information, the Department of Public
3588 Safety shall immediately provide the information to:

3589 (a) The National Sex Offender Registry or other
3590 appropriate databases;

3591 (b) The sheriff of the county and the chief law
3592 enforcement officer of any other jurisdiction where the offender
3593 resides, lodges, is an employee or is a student or intends to
3594 reside, work, attend school or volunteer;

3595 (c) The sheriff of the county and the chief law
3596 enforcement officer of any other jurisdiction from which or to
3597 which a change of residence, employment or student status occurs;



3598 (d) The Department of Human Services, the Department of
3599 Child Protection Services, and any other social service entities
3600 responsible for protecting minors in the child welfare system;

3601 (e) The probation agency that is currently supervising
3602 the sex offender;

3603 (f) Any agency responsible for conducting
3604 employment-related background checks under Section 3 of the
3605 National Child Protection Act of 1993 (42 USC 5119(a));

3606 (g) Each school and public housing agency in each
3607 jurisdiction in which the sex offender resides, is an employee or
3608 is a student;

3609 (h) All prosecutor offices in each jurisdiction in
3610 which the sex offender resides, is an employee, or is a student;
3611 and

3612 (i) Any other agencies with criminal investigation,
3613 prosecution or sex offender supervision functions in each
3614 jurisdiction in which the sex offender resides, is an employee, or
3615 is a student.

3616 (2) The Department of Public Safety shall post changes to
3617 the public registry website within three (3) business days.
3618 Electronic notification will be available via the internet to all
3619 law enforcement agencies, to any volunteer organizations in which
3620 contact with minors or vulnerable adults might occur and any
3621 organization, company or individual who requests notification
3622 pursuant to procedures established by the Department of Public



3623 Safety. This provision shall take effect upon the state's receipt
3624 and implementation of the Department of Justice software in
3625 compliance with the provisions of the Adam Walsh Act.

3626 (3) From and after July 1, 2015, local jurisdictions
3627 receiving notification and that have the ability may notify
3628 residents when a sex offender begins residing, lodges, becomes
3629 employed, volunteers or attends school or intends to reside,
3630 lodge, work, attend school or volunteer in the area by using a
3631 website, social media, print media, email or may provide a link to
3632 the Department of Public Safety website.

3633 **SECTION 78.** Section 57-13-23, Mississippi Code of 1972, is
3634 amended as follows:

3635 57-13-23. (1) There is * * * ~~hereby~~ created and established
3636 the Mississippi Automated Resource Information System (MARIS),
3637 (heretofore created by Executive Order No. 459, dated May 26,
3638 1983, as amended by Executive Order No. 562, dated January 15,
3639 1986), which shall be the mechanism within state government for
3640 the storing, processing, extracting and disseminating of useful
3641 data and information relating to the state's resources.

3642 (2) The goal of MARIS shall be to facilitate the achievement
3643 of state agencies' responsibilities as they relate to the
3644 development, management, conservation, protection and utilization
3645 of the resources of Mississippi by making usable resource data and
3646 information more readily available and in a format that is
3647 consistent throughout state departments, agencies and



3648 institutions, and, to the extent possible, with federal and
3649 privately generated resource data banks.

3650 (3) MARIS shall be under the supervision and general policy
3651 formulations of a policy committee as the cooperative effort of
3652 state departments, agencies and institutions for the sharing of
3653 useful data acquired and generated by state agencies in
3654 discharging their individual responsibilities.

3655 (4) There is * * * ~~hereby~~ created and established the MARIS
3656 Policy Committee composed of the directors or their designees of
3657 the following departments, agencies and institutions:

3658 Center for Population Studies, University of Mississippi

3659 * * * ~~Central Data Processing Authority~~ Department of
3660 Information Technology Services

3661 Department of Agriculture and Commerce

3662 Department of Archives and History

3663 * * * ~~Department of Economic and Community Development~~
3664 Mississippi Development Authority

3665 Department of Human Services

3666 Department of Child Protection Services

3667 Department of Environmental Quality

3668 Department of Wildlife, Fisheries and Parks

3669 Mississippi Department of Transportation

3670 Mississippi Emergency Management Agency

3671 Mississippi Mineral Resources Institute, University of
3672 Mississippi



3673 Department of Finance and Administration
3674 Office of the Secretary of State
3675 Public Service Commission
3676 Remote Sensing Center, Mississippi State University
3677 State Forestry Commission
3678 State Department of Health
3679 State Oil and Gas Board
3680 State Soil and Water Conservation Commission
3681 * * *~~State Tax Commission~~ Department of Revenue
3682 University Research Center
3683 Water Management Council.

3684 (5) The MARIS Policy Committee shall elect a chairman, vice
3685 chairman and secretary, and it shall elect an executive committee
3686 from the membership of the policy committee to be composed of not
3687 less than five (5) nor more than nine (9) members, including the
3688 aforesaid officers. The policy committee may elect to the
3689 executive committee one (1) person other than from its membership.
3690 The policy committee shall determine the authority and
3691 responsibility to be exercised by the executive committee.

3692 (6) There is * * * ~~hereby~~ created and established the MARIS
3693 Task Force which shall be composed of at least one (1)
3694 representative from each of the aforesaid agencies with knowledge
3695 in computer applications to natural, cultural, industrial or
3696 economic resources to be appointed by the respective directors



3697 thereof, and any other persons deemed advisable by the policy
3698 committee.

3699 (7) The University Research Center shall house the MARIS
3700 equipment and staff and shall provide administrative support for
3701 the policy committee and technical support to all member agencies.

3702 (8) It shall be the duty of every department, agency, office
3703 and institution of the State of Mississippi, and the officers
3704 thereof, to cooperate with and assist the MARIS Policy Committee
3705 in every reasonable way.

3706 **SECTION 79.** Section 93-5-23, Mississippi Code of 1972, is
3707 amended as follows:

3708 93-5-23. When a divorce shall be decreed from the bonds of
3709 matrimony, the court may, in its discretion, having regard to the
3710 circumstances of the parties and the nature of the case, as may
3711 seem equitable and just, make all orders touching the care,
3712 custody and maintenance of the children of the marriage, and also
3713 touching the maintenance and alimony of the wife or the husband,
3714 or any allowance to be made to her or him, and shall, if need be,
3715 require bond, sureties or other guarantee for the payment of the
3716 sum so allowed. Orders touching on the custody of the children of
3717 the marriage shall be made in accordance with the provisions of
3718 Section 93-5-24. For the purposes of orders touching the
3719 maintenance and alimony of the wife or husband, "property" and "an
3720 asset of a spouse" shall not include any interest a party may have
3721 as an heir at law of a living person or any interest under a



3722 third-party will, nor shall any such interest be considered as an
3723 economic circumstance or other factor. The court may afterwards,
3724 on petition, change the decree, and make from time to time such
3725 new decrees as the case may require. However, where proof shows
3726 that both parents have separate incomes or estates, the court may
3727 require that each parent contribute to the support and maintenance
3728 of the children of the marriage in proportion to the relative
3729 financial ability of each. In the event a legally responsible
3730 parent has health insurance available to him or her through an
3731 employer or organization that may extend benefits to the
3732 dependents of such parent, any order of support issued against
3733 such parent may require him or her to exercise the option of
3734 additional coverage in favor of such children as he or she is
3735 legally responsible to support.

3736 Whenever the court has ordered a party to make periodic
3737 payments for the maintenance or support of a child, but no bond,
3738 sureties or other guarantee has been required to secure such
3739 payments, and whenever such payments as have become due remain
3740 unpaid for a period of at least thirty (30) days, the court may,
3741 upon petition of the person to whom such payments are owing, or
3742 such person's legal representative, enter an order requiring that
3743 bond, sureties or other security be given by the person obligated
3744 to make such payments, the amount and sufficiency of which shall
3745 be approved by the court. The obligor shall, as in other civil



3746 actions, be served with process and shall be entitled to a hearing
3747 in such case.

3748 At the discretion of the court, any person found in contempt
3749 for failure to pay child support and imprisoned therefor may be
3750 referred for placement in a state, county or municipal
3751 restitution, house arrest or restorative justice center or
3752 program, provided such person meets the qualifications prescribed
3753 in Section 99-37-19.

3754 Whenever in any proceeding in the chancery court concerning
3755 the custody of a child a party alleges that the child whose
3756 custody is at issue has been the victim of sexual or physical
3757 abuse by the other party, the court may, on its own motion, grant
3758 a continuance in the custody proceeding only until such allegation
3759 has been investigated by the Department of * * * Human Child
3760 Protection Services. At the time of ordering such continuance,
3761 the court may direct the party and his attorney making such
3762 allegation of child abuse to report in writing and provide all
3763 evidence touching on the allegation of abuse to the Department
3764 of * * * Human Child Protection Services. The Department of * * *
3765 Human Child Protection Services shall investigate such allegation
3766 and take such action as it deems appropriate and as provided in
3767 such cases under the Youth Court Law (being Chapter 21 of Title
3768 43, Mississippi Code of 1972) or under the laws establishing
3769 family courts (being Chapter 23 of Title 43, Mississippi Code of
3770 1972).



3771 If after investigation by the Department of * * * ~~Human~~ Child
3772 Protection Services or final disposition by the youth court or
3773 family court allegations of child abuse are found to be without
3774 foundation, the chancery court shall order the alleging party to
3775 pay all court costs and reasonable attorney's fees incurred by the
3776 defending party in responding to such allegation.

3777 The court may investigate, hear and make a determination in a
3778 custody action when a charge of abuse and/or neglect arises in the
3779 course of a custody action as provided in Section 43-21-151, and
3780 in such cases the court shall appoint a guardian ad litem for the
3781 child as provided under Section 43-21-121, who shall be an
3782 attorney. Unless the chancery court's jurisdiction has been
3783 terminated, all disposition orders in such cases for placement
3784 with the Department of * * * ~~Human~~ Child Protection Services shall
3785 be reviewed by the court or designated authority at least annually
3786 to determine if continued placement with the department is in the
3787 best interest of the child or public.

3788 The duty of support of a child terminates upon the
3789 emancipation of the child. The court may determine that
3790 emancipation has occurred pursuant to Section 93-11-65.

3791 Custody and visitation upon military temporary duty,
3792 deployment or mobilization shall be governed by Section 93-5-34.

3793 **SECTION 80.** Section 93-17-5, Mississippi Code of 1972, is
3794 amended as follows:



3795 93-17-5. (1) There shall be made parties to the proceeding
3796 by process or by the filing therein of a consent to the adoption
3797 proposed in the petition, which consent shall be duly sworn to or
3798 acknowledged and executed only by the following persons, but not
3799 before seventy-two (72) hours after the birth of the child:

3800 (a) The parents, or parent, if only one (1) parent,
3801 though either be under the age of twenty-one (21) years;

3802 (b) If both parents are dead, then any two (2) adult
3803 kin of the child within the third degree computed according to the
3804 civil law; if one of such kin is in possession of the child, he or
3805 she shall join in the petition or be made a party to the suit; or

3806 (c) The guardian ad litem of an abandoned child, upon
3807 petition showing that the names of the parents of the child are
3808 unknown after diligent search and inquiry by the petitioners. In
3809 addition to the above, there shall be made parties to any
3810 proceeding to adopt a child, either by process or by the filing of
3811 a consent to the adoption proposed in the petition, the following:

3812 (i) Those persons having physical custody of the
3813 child, except persons who are acting as foster parents as a result
3814 of placement with them by the Department of * * * ~~Human Child~~
3815 Protection Services of the State of Mississippi.

3816 (ii) Any person to whom custody of the child may
3817 have been awarded by a court of competent jurisdiction of the
3818 State of Mississippi.



3819 (iii) The agent of the * * * ~~county~~ Department
3820 of * * * ~~Human~~ Child Protection Services of the State of
3821 Mississippi that has placed a child in foster care, either by
3822 agreement or by court order.

3823 (2) The consent may also be executed and filed by the duly
3824 authorized officer or representative of a home to whose care the
3825 child has been delivered. The child shall join the petition by
3826 the child's next friend.

3827 (3) If consent is not filed, process shall be had upon the
3828 parties as provided by law for process in person or by
3829 publication, if they are nonresidents of the state or are not
3830 found therein after diligent search and inquiry, the court or
3831 chancellor in vacation may fix a date in termtime or in vacation
3832 to which process may be returnable and shall have power to proceed
3833 in termtime or vacation. In any event, if the child is more than
3834 fourteen (14) years of age, a consent to the adoption, sworn to or
3835 acknowledged by the child, shall also be required or personal
3836 service of process shall be had upon the child in the same manner
3837 and in the same effect as if the child were an adult.

3838 **SECTION 81.** Section 93-17-8, Mississippi Code of 1972, is
3839 amended as follows:

3840 93-17-8. (1) Whenever an adoption becomes a contested
3841 matter, whether after a hearing on a petition for determination of
3842 rights under Section 93-17-6 or otherwise, the court:



3843 (a) Shall, on motion of any party or on its own motion,
3844 issue an order for immediate blood or tissue sampling in
3845 accordance with the provisions of Section 93-9-21 et seq., if
3846 paternity is at issue. The court shall order an expedited report
3847 of such testing and shall hold the hearing resolving this matter
3848 at the earliest time possible.

3849 (b) Shall appoint a guardian ad litem to represent the
3850 child. Such guardian ad litem shall be an attorney, however his
3851 duties are as guardian ad litem and not as attorney for the child.
3852 The reasonable costs of the guardian ad litem shall be taxed as
3853 costs of court. Neither the child nor anyone purporting to act on
3854 his behalf may waive the appointment of a guardian ad litem.

3855 (c) Shall determine first whether or not the objecting
3856 parent is entitled to so object under the criteria of Section
3857 93-17-7 and then shall determine the custody of the child in
3858 accord with the best interests of the child and the rights of the
3859 parties as established by the hearings and judgments.

3860 (d) Shall schedule all hearings concerning the
3861 contested adoption as expeditiously as possible for prompt
3862 conclusion of the matter.

3863 (2) In determining the custody of the child after a finding
3864 that the adoption will not be granted, the fact of the surrender
3865 of the child for adoption by a parent shall not be taken as any
3866 evidence of that parent's abandonment or desertion of the child or
3867 of that parent's unfitness as a parent.



3868 (3) In contested adoptions arising through petitions for
3869 determination of rights where the prospective adopting parents
3870 were not parties to that proceeding, they need not be made parties
3871 to the contested adoption until there has been a ruling that the
3872 objecting parent is not entitled to enter a valid objection to the
3873 adoption. At that point the prospective adopting parents shall be
3874 made parties by joinder which shall show their suitability to be
3875 adopting parents as would a petition for adoption. The identity
3876 and suitability of the prospective adopting parents shall be made
3877 known to the court and the guardian ad litem, but shall not be
3878 made known to other parties to the proceeding unless the court
3879 determines that the interests of justice or the best interests of
3880 the child require it.

3881 (4) No birth parent or alleged parent shall be permitted to
3882 contradict statements given in a proceeding for the adoption of
3883 their child in any other proceeding concerning that child or his
3884 ancestry.

3885 (5) Appointment of a guardian ad litem is not required in
3886 any proceeding under this chapter except as provided in subsection
3887 (1)(b) above and except for the guardian ad litem needed for an
3888 abandoned child. It shall not be necessary for a guardian ad
3889 litem to be appointed where the chancery judge presiding in the
3890 adoption proceeding deems it unnecessary and no adoption agency is
3891 involved in the proceeding. No final decree of adoption
3892 heretofore granted shall be set aside or modified because a



3893 guardian ad litem was not appointed unless as the result of a
3894 direct appeal not now barred.

3895 (6) The provisions of Chapter 15 of this Title 93,
3896 Mississippi Code of 1972, are not applicable to proceedings under
3897 this chapter except as specifically provided by reference herein.

3898 (7) The court may order a child's birth father, identified
3899 as such in the proceedings, to reimburse the Department of * * *
3900 ~~Human~~ Child Protection Services, the foster parents, the adopting
3901 parents, the home, any other agency or person who has assumed
3902 liability for such child, all or part of the costs of the medical
3903 expenses incurred for the mother and the child in connection with
3904 the birth of the child, as well as reasonable support for the
3905 child after his birth.

3906 **SECTION 82.** Section 93-17-11, Mississippi Code of 1972, is
3907 amended as follows:

3908 93-17-11. At any time after the filing of the petition for
3909 adoption and completion of process thereon, and before the
3910 entering of a final decree, the court may, in its discretion, of
3911 its own motion or on motion of any party to the proceeding,
3912 require an investigation and report to the court to be made by any
3913 person, officer or home as the court may designate and direct
3914 concerning the child, and shall require in adoptions, other than
3915 those in which the petitioner or petitioners are a relative or
3916 stepparent of the child, that a home study be performed of the
3917 petitioner or petitioners by a licensed adoption agency or by the



3918 Department of * * * ~~Human~~ Child Protection Services, at the
3919 petitioner's or petitioners' sole expense and at no cost to the
3920 state or county. The investigation and report shall give the
3921 material facts upon which the court may determine whether the
3922 child is a proper subject for adoption, whether the petitioner or
3923 petitioners are suitable parents for the child, whether the
3924 adoption is to its best interest, and any other facts or
3925 circumstances that may be material to the proposed adoption. The
3926 home study shall be considered by the court in determining whether
3927 the petitioner or petitioners are suitable parents for the child.
3928 The court, when an investigation and report are required by the
3929 court or by this section, shall stay the proceedings in the cause
3930 for such reasonable time as may be necessary or required in the
3931 opinion of the court for the completion of the investigation and
3932 report by the person, officer or home designated and authorized to
3933 make the same.

3934 Upon the filing of that consent or the completion of the
3935 process and the filing of the investigation and report, if
3936 required by the court or by this section, and the presentation of
3937 such other evidence as may be desired by the court, if the court
3938 determines that it is to the best interests of the child that an
3939 interlocutory decree of adoption be entered, the court may
3940 thereupon enter an interlocutory decree upon such terms and
3941 conditions as may be determined by the court, in its discretion,
3942 but including therein that the complete care, custody and control



3943 of the child shall be vested in the petitioner or petitioners
3944 until further orders of the court and that during such time the
3945 child shall be and remain a ward of the court. If the court
3946 determines by decree at any time during the pendency of the
3947 proceeding that it is not to the best interests of the child that
3948 the adoption proceed, the petitioners shall be entitled to at
3949 least five (5) days' notice upon their attorneys of record and a
3950 hearing with the right of appeal as provided by law from a
3951 dismissal of the petition; however, the bond perfecting the appeal
3952 shall be filed within ten (10) days from the entry of the decree
3953 of dismissal and the bond shall be in such amount as the
3954 chancellor may determine and supersedeas may be granted by the
3955 chancellor or as otherwise provided by law for appeal from final
3956 decrees.

3957 After the entry of the interlocutory decree and before entry
3958 of the final decree, the court may require such further and
3959 additional investigation and reports as it may deem proper. The
3960 rights of the parties filing the consent or served with process
3961 shall be subject to the decree but shall not be divested until
3962 entry of the final decree.

3963 **SECTION 83.** Section 93-17-12, Mississippi Code of 1972, is
3964 amended as follows:

3965 93-17-12. In any child custody matter hereafter filed in any
3966 chancery or county court in which temporary or permanent custody
3967 has already been placed with a parent or guardian and in all



3968 adoptions, the court shall impose a fee for any court-ordered home
3969 study performed by the Department of * * * ~~Human~~ Child Protection
3970 Services or any other entity. The fee shall be assessed upon
3971 either party or upon both parties in the court's discretion. The
3972 minimum fee imposed shall be not less than Three Hundred Fifty
3973 Dollars (\$350.00) for each household on which a home study is
3974 performed. The fee shall be paid directly to the Mississippi
3975 Department of * * * ~~Human~~ Child Protection Services prior to the
3976 home study being conducted by the department or to the entity if
3977 the study is performed by another entity. The judge may order the
3978 fee be paid by one or both of the parents or guardian. If the
3979 court determines that both parents or the guardian are unable to
3980 pay the fee, the judge shall waive the fee and the cost of the
3981 home study shall be defrayed by the Department of * * * ~~Human~~
3982 Child Protection Services.

3983 **SECTION 84.** Section 93-17-53, Mississippi Code of 1972, is
3984 amended as follows:

3985 93-17-53. The purpose of Sections 93-17-51 through 93-17-67
3986 is to supplement the Mississippi adoption law by making possible
3987 through public supplemental benefits the most appropriate adoption
3988 of each child certified by the * * * ~~State~~ Department of * * *
3989 ~~Public Welfare~~ Child Protection Services as requiring a
3990 supplemental benefit to assure adoption.

3991 **SECTION 85.** Section 93-17-57, Mississippi Code of 1972, is
3992 amended as follows:



3993 93-17-57. The * * *~~State~~ Department of * * *~~Public Welfare~~
3994 Child Protection Services shall establish and administer an
3995 on-going program of supplemental benefits for adoption.
3996 Supplemental benefits and services for children under this program
3997 shall be provided out of such funds as may be appropriated to
3998 the * * *~~Mississippi~~ Division of Medicaid * * *~~Commission~~ for
3999 the medical services for children in foster care, or made
4000 available to the department from other sources.

4001 **SECTION 86.** Section 93-17-59, Mississippi Code of 1972, is
4002 amended as follows:

4003 93-17-59. Any child meeting criteria specified in Section
4004 93-17-55 for whom the * * *~~State~~ Department of * * *~~Public~~
4005 ~~Welfare~~ Child Protection Services feels supplemental benefits are
4006 necessary to improve opportunities for adoption will be eligible
4007 for the program. The adoption agency shall document that
4008 reasonable efforts have been made to place the child in adoption
4009 without supplemental benefits through the use of adoption resource
4010 exchanges, recruitment and referral to appropriate specialized
4011 adoption agencies.

4012 **SECTION 87.** Section 93-17-61, Mississippi Code of 1972, is
4013 amended as follows:

4014 93-17-61. (1) When parents are found and approved for
4015 adoption of a child certified as eligible for supplemental
4016 benefits, and before the final decree of adoption is issued, there
4017 shall be executed a written agreement between the family entering



4018 into the adoption and the Department of * * * ~~Human Child~~
4019 Protection Services. In individual cases, supplemental benefits
4020 may commence with the adoptive placement or at the appropriate
4021 time after the adoption decree and will vary with the needs of the
4022 child as well as the availability of other resources to meet the
4023 child's needs. The supplemental benefits may be for special
4024 services only or for money payments as allowed under Section
4025 43-13-115, * * * ~~Mississippi Code of 1972~~, and either for a
4026 limited period, for a long-term not exceeding the child's
4027 eighteenth birthday, or for any combination of the foregoing. The
4028 amount of the time-limited, long-term supplemental benefits may in
4029 no case exceed that which would be currently allowable for such
4030 child under the Mississippi Medicaid Law.

4031 (2) When supplemental benefits last for more than one (1)
4032 year, the adoptive parents shall present an annual written
4033 certification that the child remains under the parents' care and
4034 that the child's need for supplemental benefits continues. Based
4035 on investigation by the agency and available funds, the agency may
4036 approve continued supplemental benefits. These benefits shall be
4037 extended so long as the parents remain legally responsible for and
4038 are providing support for the child. The agency shall continue
4039 paying benefits until a child reaches twenty-one (21) years of age
4040 if the child meets the criteria stated in Section 93-17-67(1) for
4041 continuation of Medicaid coverage.



4042 (3) A child who is a resident of Mississippi when
4043 eligibility for supplemental benefits is certified shall remain
4044 eligible and receive supplemental benefits, if necessary for
4045 adoption, regardless of the domicile or residence of the adopting
4046 parents at the time of application for adoption, placement, legal
4047 decree of adoption or thereafter.

4048 **SECTION 88.** Section 93-17-63, Mississippi Code of 1972, is
4049 amended as follows:

4050 93-17-63. All records regarding such adoption shall be
4051 confidential. Anyone violating or releasing information of a
4052 confidential nature, as contemplated by Sections 93-17-51 through
4053 93-17-67 without the approval of the court with jurisdiction or
4054 the * * * ~~State Department of * * * Public Welfare~~ Child
4055 Protection Services unless such release is made pursuant to
4056 Sections 93-17-201 through 93-17-223 shall be guilty of a
4057 misdemeanor and subject to a fine not exceeding One Thousand
4058 Dollars (\$1,000.00) or imprisonment of six (6) months, or both.

4059 **SECTION 89.** Section 93-17-65, Mississippi Code of 1972, is
4060 amended as follows:

4061 93-17-65. The * * * ~~State Department of * * * Public Welfare~~
4062 Child Protection Services shall promulgate rules and regulations
4063 necessary to implement the provisions of Sections 93-17-51 through
4064 93-17-67.

4065 **SECTION 90.** Section 93-17-101, Mississippi Code of 1972, is
4066 amended as follows:



4067 93-17-101. (1) The Legislature finds that:

4068 (a) Locating adoptive families for children for whom
4069 state assistance is desirable, pursuant to the Mississippi
4070 adoption assistance law, and assuring the protection of the
4071 interests of the children affected during the entire assistance
4072 period, require special measures when the adoptive parents move to
4073 other states or are residents of another state; and

4074 (b) Providing medical and other necessary services for
4075 children, with state assistance, encounters special difficulties
4076 when the providing of services takes place in other states.

4077 (2) The purposes of Sections 93-17-101 through 93-17-109 are
4078 to:

4079 (a) Authorize the Mississippi Department of * * *
4080 ~~Public Welfare~~ Child Protection Services to enter into interstate
4081 agreements with agencies of other states for the protection of
4082 children on behalf of whom adoption assistance is being provided
4083 by the Mississippi Department of * * * ~~Public Welfare~~ Child
4084 Protection Services; and

4085 (b) Provide procedures for interstate children's
4086 adoption assistance payments, including medical payments.

4087 **SECTION 91.** Section 93-17-103, Mississippi Code of 1972, is
4088 amended as follows:

4089 93-17-103. (1) The Mississippi Department of * * * ~~Public~~
4090 ~~Welfare~~ Child Protection Services is authorized to develop,
4091 participate in the development of, negotiate and enter into one or



4092 more interstate compacts on behalf of this state with other states
4093 to implement one or more of the purposes set forth in Sections
4094 93-17-101 through 93-17-109. When so entered into, and for so
4095 long as it shall remain in force, such a compact shall have the
4096 force and effect of law.

4097 (2) For the purposes of Sections 93-17-101 through
4098 93-17-109, the term "state" shall mean a state of the United
4099 States, the District of Columbia, the Commonwealth of Puerto Rico,
4100 the Virgin Islands, Guam, the Commonwealth of the Northern Mariana
4101 Islands or a territory or possession of or administered by the
4102 United States.

4103 (3) For the purposes of Sections 93-17-101 through
4104 93-17-109, the term "adoption assistance state" means the state
4105 that is signatory to an adoption assistance agreement in a
4106 particular case.

4107 (4) For the purposes of Sections 93-17-101 through
4108 93-17-109, the term "residence state" means the state of which the
4109 child is a resident by virtue of the residence of the adoptive
4110 parents.

4111 **SECTION 92.** Section 93-17-107, Mississippi Code of 1972, is
4112 amended as follows:

4113 93-17-107. (1) A child with special needs resident in this
4114 state who is the subject of an adoption assistance agreement with
4115 another state and who has been determined eligible for Medicaid in
4116 that state shall be entitled to receive a medical assistance



4117 identification from this state upon filing with the Mississippi
4118 Department of * * * ~~Public Welfare~~ Child Protection Services a
4119 certified copy of the adoption assistance agreement obtained from
4120 the adoption assistance state which certifies to the eligibility
4121 of the child for Medicaid. In accordance with regulations of the
4122 Mississippi Department of * * * ~~Public Welfare~~ Child Protection
4123 Services, the adoptive parents shall be required, at least
4124 annually, to show that the agreement is still in force or has been
4125 renewed.

4126 (2) The Division of Medicaid, Office of the Governor, shall
4127 consider the holder of a medical assistance identification
4128 pursuant to this section as any other holder of a medical
4129 assistance identification under the laws of this state and shall
4130 process and make payment on claims on account of such holder in
4131 the same manner and pursuant to the same conditions and procedures
4132 as for other recipients of medical assistance.

4133 (3) The submission of any claim for payment or reimbursement
4134 for services or benefits pursuant to this section or the making of
4135 any statement in connection therewith, which claim or statement
4136 the maker knows or should know to be false, misleading or
4137 fraudulent shall be punishable as perjury and shall also be
4138 subject to a fine not to exceed Ten Thousand Dollars (\$10,000.00),
4139 or imprisonment for not to exceed two (2) years, or both.

4140 (4) The provisions of this section shall apply only to
4141 medical assistance for children under adoption assistance



4142 agreements from states that have entered into a compact with this
4143 state under which the other state provides medical assistance to
4144 children with special needs under adoption assistance agreements
4145 made by this state. All other children entitled to medical
4146 assistance pursuant to adoption assistance agreements entered into
4147 by this state shall be eligible to receive it in accordance with
4148 the laws and procedures applicable thereto.

4149 **SECTION 93.** Section 93-17-109, Mississippi Code of 1972, is
4150 amended as follows:

4151 93-17-109. Consistent with federal law, the Mississippi
4152 Department of * * * ~~Public Welfare~~ Child Protection Services and
4153 the Division of Medicaid, Office of the Governor of the State of
4154 Mississippi, in connection with the administration of Sections
4155 93-17-101 through 93-17-109 and any compact entered into pursuant
4156 hereto, shall include in any state plan made pursuant to the
4157 Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272),
4158 Titles IV(e) and XIX of the Social Security Act, and any other
4159 applicable federal laws, the provision of adoption assistance and
4160 medical assistance for which the federal government pays some or
4161 all of the cost provided such authority is granted under the
4162 provisions of some law of this state other than the provisions of
4163 Sections 93-17-101 through 93-17-109. Such departments shall
4164 apply for and administer all relevant federal aid in accordance
4165 with law.



4166 **SECTION 94.** Section 93-17-203, Mississippi Code of 1972, is
4167 amended as follows:

4168 93-17-203. The following words and phrases shall have the
4169 meanings ascribed herein unless the context clearly indicates
4170 otherwise:

4171 (a) "Agency" means a county * * * ~~welfare~~ department of
4172 human services, the Department of Child Protection Services, a
4173 licensed or nonlicensed adoption agency or any other individual or
4174 entity assisting in the finalization of an adoption.

4175 (b) "Adoptee" means a person who is or has been adopted
4176 in this state at any time.

4177 (c) "Birth parent" means either:

4178 (i) The mother designated on the adoptee's
4179 original birth certificate; or

4180 (ii) The person named by the mother designated on
4181 the adoptee's original birth certificate as the father of the
4182 adoptee.

4183 (d) "Board" means the Mississippi State Board of
4184 Health.

4185 (e) "Bureau" means the Bureau of Vital Records of the
4186 Mississippi State Board of Health.

4187 (f) "Licensed adoption agency" means any agency or
4188 organization performing adoption services and duly licensed by the
4189 Mississippi Department of * * * ~~Human Services, Division of Family~~
4190 ~~and Children's Services~~ Child Protection Services.



4191 **SECTION 95.** Section 93-17-209, Mississippi Code of 1972, is
4192 amended as follows:

4193 93-17-209. (1) Whenever any person specified under Section
4194 93-17-207 wishes to obtain medical, social or genetic background
4195 information about an adoptee or nonidentifying information about
4196 the birth parents of such adoptee, and the information is not on
4197 file with the bureau and the birth parents have not filed
4198 affidavits prohibiting a search to be conducted for them under the
4199 provisions of Sections 93-17-201 through 93-17-223, the person may
4200 request a licensed adoption agency to locate the birth parents to
4201 obtain the information.

4202 (2) Employees of any agency conducting a search under this
4203 section may not inform any person other than the birth parents of
4204 the purpose of the search.

4205 (3) The agency may charge the requester a reasonable fee for
4206 the cost of the search. When the agency determines that the fee
4207 will exceed One Hundred Dollars (\$100.00) for either birth parent,
4208 it shall notify the requester. No fee in excess of One Hundred
4209 Dollars (\$100.00) per birth parent may be charged unless the
4210 requester, after receiving notification under this subsection, has
4211 given consent to proceed with the search.

4212 (4) The agency conducting the search shall, upon locating a
4213 birth parent, notify him or her of the request and of the need for
4214 medical, social and genetic information.



4215 (5) The agency shall release to the requester any medical or
4216 genetic information provided by a birth parent under this section
4217 without disclosing the birth parent's identity or location.

4218 (6) If a birth parent is located but refuses to provide the
4219 information requested, the agency shall notify the requester,
4220 without disclosing the birth parent's identity or location, and
4221 the requester may petition the chancery court to order the birth
4222 parent to disclose the nonidentifying information. The court
4223 shall grant the motion for good cause shown.

4224 (7) The Mississippi Department of * * * ~~Health and Human~~
4225 Child Protection Services shall provide the bureau each year with
4226 a list of licensed adoption agencies in this state capable of
4227 performing the types of searches described in this section.

4228 **SECTION 96.** Section 93-21-305, Mississippi Code of 1972, is
4229 amended as follows:

4230 93-21-305. (1) There is * * * ~~hereby~~ established in the
4231 State Treasury a special fund to be known as the "Mississippi
4232 Children's Trust Fund."

4233 (2) The fund shall consist of any monies appropriated to the
4234 fund by the Legislature, any donations, gifts and grants from any
4235 source, receipts from the birth certificate fees as provided by
4236 subsection (2) of Section 41-57-11, and any other monies which may
4237 be received from any other source or which may be hereafter
4238 provided by law.



4239 (3) Monies in the fund shall be used only for the purposes
4240 set forth in Sections 93-21-301 through 93-21-311. Interest
4241 earned on the investment of monies in the fund shall be returned
4242 and deposited to the credit of the fund.

4243 (4) Disbursements of money from the fund shall be on the
4244 authorization of the * * * ~~Division of Family and Children's~~
4245 ~~Services of the State Department of Public Welfare~~ Department of
4246 Child Protection Services.

4247 (5) The primary purpose of the fund is to encourage and
4248 provide financial assistance in the provision of direct services
4249 to prevent child abuse and neglect.

4250 **SECTION 97.** Section 93-21-307, Mississippi Code of 1972, is
4251 amended as follows:

4252 93-21-307. The administration of the Mississippi Children's
4253 Trust Fund shall be vested in the * * * ~~Division of Family and~~
4254 ~~Children's Services of the State Department of Public Welfare~~
4255 Department of Child Protection Services. In carrying out the
4256 provisions of Sections 93-21-301 through 93-21-311, the * * *
4257 ~~Division of Family and Children's Services~~ Department of Child
4258 Protection Services shall have the following powers and duties:

4259 (a) To assist in developing programs aimed at
4260 discovering and preventing the many factors causing child abuse
4261 and neglect;



4262 (b) To prepare and disseminate, including the
4263 presentation of, educational programs and materials on child abuse
4264 and neglect;

4265 (c) To provide educational programs for professionals
4266 required by law to make reports of child abuse and neglect;

4267 (d) To help coordinate child protective services at the
4268 state, regional and local levels with the efforts of other state
4269 and voluntary social, medical and legal agencies;

4270 (e) To provide advocacy for children in public and
4271 private state and local agencies affecting children;

4272 (f) To encourage citizen and community awareness as to
4273 the needs and problems of children;

4274 (g) To facilitate the exchange of information between
4275 groups concerned with families and children;

4276 (h) To consult with state departments, agencies,
4277 commissions and boards to help determine the probable
4278 effectiveness, fiscal soundness and need for proposed educational
4279 and service programs for the prevention of child abuse and
4280 neglect;

4281 (i) To adopt rules and regulations * * *, ~~subject to~~
4282 ~~approval of the State Board of Public Welfare,~~ in accordance with
4283 the Administrative Procedures Law to discharge its
4284 responsibilities;

4285 (j) To report annually, through the annual report of
4286 the * * * ~~State Department of * * * Public Welfare~~ Child



4287 Protection Services, to the Governor and the Legislature
4288 concerning the * * * ~~division's~~ department's activities under
4289 Sections 93-21-301 through 93-21-311 and the effectiveness of
4290 those activities in fostering the prevention of child abuse and
4291 neglect;

4292 (k) To recommend to the Governor and the Legislature
4293 changes in state programs, statutes, policies and standards which
4294 will reduce child abuse and neglect, improve coordination among
4295 state agencies which provide services to prevent abuse and
4296 neglect, improve the condition of children and assist parents and
4297 guardians;

4298 (l) To evaluate and strengthen all local, regional and
4299 state programs dealing with child abuse and neglect;

4300 (m) To prepare and submit annually to the Governor and
4301 the Legislature reports evaluating the level and quality of all
4302 programs, services and facilities provided to children by state
4303 agencies;

4304 (n) To contract with public or private nonprofit
4305 institutions, organizations, agencies or schools or with qualified
4306 individuals for the establishment of community-based educational
4307 and service programs designed to reduce the occurrence of child
4308 abuse and neglect;

4309 (o) To determine the eligibility of programs applying
4310 for financial assistance and to make grants and loans from the



4311 fund for the purposes set forth in Sections 93-21-301 through
4312 93-21-311;

4313 (p) To develop, within one (1) year after July 1, 1989,
4314 a state plan for the distribution of funds from the trust fund
4315 which shall assure that an equal opportunity exists for
4316 establishment of prevention programs and for receipt of trust
4317 fund * * * ~~money~~ monies among all geographic areas in this state,
4318 and to submit the plan to the Governor and the Legislature and
4319 annually thereafter submit revisions thereto as needed;

4320 (q) To provide for the coordination and exchange of
4321 information on the establishment and maintenance of local
4322 prevention programs;

4323 (r) To develop and publicize criteria for the receipt
4324 of trust fund * * * ~~money~~ monies by eligible local prevention
4325 programs;

4326 (s) To enter into contracts with public or private
4327 agencies to fulfill the requirements of Sections 93-21-301 through
4328 93-21-311; and

4329 (t) Review, monitor and approve the expenditure of
4330 trust fund * * * ~~money~~ monies by eligible local programs.

4331 **SECTION 98.** Section 93-21-309, Mississippi Code of 1972, is
4332 amended as follows:

4333 93-21-309. (1) The * * * ~~division~~ Department of Child
4334 Protection Services may authorize the disbursement of money in the



4335 trust fund in the form of grants or loans for the following
4336 purposes, which are listed in order of preference for expenditure:

4337 (a) To assist a community private, nonprofit
4338 organization or a local public organization or agency in the
4339 establishment and operation of a program or service for the
4340 prevention of child abuse and neglect;

4341 (b) To assist in the expansion of an existing community
4342 program or service for the prevention of child abuse and neglect;

4343 (c) To assist a community private, nonprofit
4344 organization or a local public organization or agency in the
4345 establishment and operation of an educational program regarding
4346 the problems of child abuse and neglect and the problems of
4347 families and children;

4348 (d) To assist in the expansion of an existing community
4349 educational program regarding the problems of child abuse and
4350 neglect and the problems of families and children;

4351 (e) To study and evaluate community-based prevention
4352 programs, projects or services and educational programs for the
4353 problems of families and children; and

4354 (f) Any other similar and related programs, projects,
4355 services and educational programs that the * * *~~division~~
4356 department declares will implement the purposes and provisions of
4357 Sections 93-21-301 through 93-21-311.

4358 (2) For the purposes of this section, the term "educational
4359 programs" includes instructional and demonstration projects the



4360 main purpose of which is to disseminate information and techniques
4361 for the prevention of child abuse and neglect and the prevention
4362 of problems of families and children.

4363 (3) No money in the trust fund shall be expended to provide
4364 services, counseling or direct assistance for the voluntary
4365 termination of any pregnancy.

4366 **SECTION 99.** Section 93-21-311, Mississippi Code of 1972, is
4367 amended as follows:

4368 93-21-311. In making grants or loans from the trust fund,
4369 the * * * ~~division~~ Department of Child Protection Services shall
4370 consider the degree to which the applicant's proposal meets the
4371 following criteria:

4372 (a) Has as its primary purpose the development and
4373 facilitation of a community-based prevention program in a specific
4374 geographical area, which program shall utilize trained volunteers
4375 and existing community resources where practicable;

4376 (b) Is administered by an organization or group which
4377 is composed of or has participation by the county department
4378 of * * * ~~public welfare~~ human services, the county health
4379 department, the youth court or chancery court, the office of the
4380 district attorney, county or municipal law enforcement personnel,
4381 county or municipal school officials, local public or private
4382 organizations or agencies which provide programs or services for
4383 the prevention of child abuse and neglect and educational programs
4384 for the prevention of problems of families and children; and



4385 (c) Demonstrates a willingness and ability and has a
4386 plan to provide prevention program models and consultations to
4387 appropriate organizations within the community regarding
4388 prevention program development and maintenance.

4389 **SECTION 100.** Section 93-31-3, Mississippi Code of 1972, is
4390 amended as follows:

4391 93-31-3. (1) (a) A parent or legal custodian of a child,
4392 by means of a properly executed power of attorney as provided in
4393 Section 93-31-5, may delegate to another willing person or persons
4394 as attorney-in-fact any of the powers regarding the care and
4395 custody of the child other than the following:

4396 (i) The power to consent to marriage or adoption
4397 of the child;

4398 (ii) The performance or inducement of an abortion
4399 on or for the child; or

4400 (iii) The termination of parental rights to the
4401 child.

4402 (b) A delegation of powers under this section does not:

4403 (i) Change or modify any parental or legal rights,
4404 obligations, or authority established by an existing court order;

4405 (ii) Deprive any custodial or noncustodial parent
4406 or legal guardian of any parental or legal rights, obligations, or
4407 authority regarding the custody, visitation, or support of the
4408 child; or



4409 (iii) Affect a court's ability to determine the
4410 best interests of a child.

4411 (c) If both parents are living and neither parent's
4412 parental rights have been terminated, both parents must execute
4413 the power of attorney. If a noncustodial parent is absent or
4414 unknown, the custodial parent must complete the affidavit
4415 contemplated under Section 93-31-5 and attach it to the power of
4416 attorney.

4417 (d) A power of attorney under this chapter must be
4418 facilitated by either a child welfare agency that is licensed to
4419 place children for adoption and that is operating under the Safe
4420 Families for Children model or another charitable organization
4421 that is operating under the Safe Families for Children model. A
4422 full criminal history and child abuse and neglect background check
4423 must be conducted on any person who is not a grandparent, aunt,
4424 uncle, or sibling of the child if the person is:

4425 (i) Designated or proposed to be designated as the
4426 attorney-in-fact; or

4427 (ii) Is a person over the age of fifteen (15) who
4428 resides in the home of the designated attorney-in-fact.

4429 (2) A power of attorney executed under this chapter shall
4430 not be used for the sole purposes of enrolling a child in a school
4431 to participate in the academic or interscholastic athletic
4432 programs provided by that school or for any other unlawful



4433 purposes, except as may be permitted by the federal Every Student
4434 Succeeds Act (Public Law 114-95).

4435 (3) The parent or legal custodian of the child has the
4436 authority to revoke or withdraw the power of attorney authorized
4437 by this section at any time. Upon the termination, expiration, or
4438 revocation of the power of attorney, the child must be returned to
4439 the custody of the parent or legal custodian.

4440 (4) Until the authority expires or is revoked or withdrawn
4441 by the parent or legal custodian, the attorney-in-fact shall
4442 exercise parental or legal authority on a continuous basis without
4443 compensation for the duration of the power of attorney.

4444 (5) The execution of a power of attorney by a parent or
4445 legal custodian does not, in the absence of other evidence,
4446 constitute abandonment, desertion, abuse, neglect, or any evidence
4447 of unfitness as a parent unless the parent or legal custodian
4448 fails to take custody of the child or execute a new power of
4449 attorney after the one-year time limit, or after a longer time
4450 period as allowed for a serving parent, has elapsed. Nothing in
4451 this subsection prevents the Department of * * * Human Child
4452 Protection Services or law enforcement from investigating
4453 allegations of abuse, abandonment, desertion, neglect or other
4454 mistreatment of a child.

4455 (6) When the custody of a child is transferred by a power of
4456 attorney under this chapter, the child is not considered to have
4457 been placed in foster care and the attorney-in-fact will not be



4458 subject to any of the requirements or licensing regulations for
4459 foster care or other regulations relating to out-of-home care for
4460 children and will not be subject to any statutes or regulations
4461 dealing with the licensing or regulation of foster care homes.

4462 (7) (a) "Serving parent" means a parent who is a member of
4463 the Armed Forces of the United States, including any reserve
4464 component thereof, or the National Oceanic and Atmospheric
4465 Administration Commissioned Officer Corps or the Public Health
4466 Service of the United States Department of Health and Human
4467 Services detailed by proper authority for duty with the Armed
4468 Forces of the United States, or who is required to enter or serve
4469 in the active military service of the United States under a call
4470 or order of the President of the United States or to serve on
4471 state active duty.

4472 (b) A serving parent may delegate the powers designated
4473 in subsection (1) of this section for longer than one (1) year if
4474 on active-duty service or if scheduled to be on active-duty
4475 service. The term of delegation, however, may not exceed the term
4476 of active-duty service plus thirty (30) days.

4477 (8) (a) A power of attorney under this chapter must be
4478 filed in the youth court of the county where the minor child or
4479 children reside at the time the form is completed, and the clerk
4480 of the youth court will not impose or collect a filing fee. The
4481 filing is informational only, and no judicial intervention shall
4482 result at the time of filing.



4483 (b) The power of attorney must be entered into the
4484 Mississippi Youth Court Information Delivery System (MYCIDS) under
4485 Section 43-21-351, and must be administratively reviewed by the
4486 youth court judge or referee, or a person designated by the youth
4487 court judge or referee, to ensure the safety of the child or
4488 children who are the subjects of the power of attorney one (1)
4489 year after the date of execution.

4490 **SECTION 101.** Section 97-5-24, Mississippi Code of 1972, is
4491 amended as follows:

4492 97-5-24. If any person eighteen (18) years or older who is
4493 employed by any public school district or private school in this
4494 state is accused of fondling or having any type of sexual
4495 involvement with any child under the age of eighteen (18) years
4496 who is enrolled in such school, the principal of such school and
4497 the superintendent of such school district shall timely notify the
4498 district attorney with jurisdiction where the school is located of
4499 such accusation, the Mississippi Department of Education and the
4500 Department of * * * ~~Human~~ Child Protection Services, provided that
4501 such accusation is reported to the principal and to the school
4502 superintendent and that there is a reasonable basis to believe
4503 that such accusation is true. Any superintendent, or his
4504 designee, who fails to make a report required by this section
4505 shall be subject to the penalties provided in Section 37-11-35.
4506 Any superintendent, principal, teacher or other school personnel
4507 participating in the making of a required report pursuant to this



4508 section or participating in any judicial proceeding resulting
4509 therefrom shall be presumed to be acting in good faith. Any
4510 person reporting in good faith shall be immune from any civil
4511 liability that might otherwise be incurred or imposed.

4512 **SECTION 102.** Section 97-5-39, Mississippi Code of 1972, is
4513 amended as follows:

4514 97-5-39. (1) (a) Except as otherwise provided in this
4515 section, any parent, guardian or other person who intentionally,
4516 knowingly or recklessly commits any act or omits the performance
4517 of any duty, which act or omission contributes to or tends to
4518 contribute to the neglect or delinquency of any child or which act
4519 or omission results in the abuse of any child, as defined in
4520 Section 43-21-105(m) of the Youth Court Law, or who knowingly aids
4521 any child in escaping or absenting himself from the guardianship
4522 or custody of any person, agency or institution, or knowingly
4523 harbors or conceals, or aids in harboring or concealing, any child
4524 who has absented himself without permission from the guardianship
4525 or custody of any person, agency or institution to which the child
4526 shall have been committed by the youth court shall be guilty of a
4527 misdemeanor, and upon conviction shall be punished by a fine not
4528 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not
4529 to exceed one (1) year in jail, or by both such fine and
4530 imprisonment.

4531 (b) For the purpose of this section, a child is a
4532 person who has not reached his eighteenth birthday. A child who



4533 has not reached his eighteenth birthday and is on active duty for
4534 a branch of the armed services, or who is married, is not
4535 considered a child for the purposes of this statute.

4536 (c) If a child commits one (1) of the proscribed acts
4537 in subsection (2) (a), (b) or (c) of this section upon another
4538 child, then original jurisdiction of all such offenses shall be in
4539 youth court.

4540 (d) If the child's deprivation of necessary clothing,
4541 shelter, health care or supervision appropriate to the child's age
4542 results in substantial harm to the child's physical, mental or
4543 emotional health, the person may be sentenced to imprisonment in
4544 custody of the Department of Corrections for not more than five
4545 (5) years or to payment of a fine of not more than Five Thousand
4546 Dollars (\$5,000.00), or both.

4547 (e) A parent, legal guardian or other person who
4548 knowingly permits the continuing physical or sexual abuse of a
4549 child is guilty of neglect of a child and may be sentenced to
4550 imprisonment in the custody of the Department of Corrections for
4551 not more than ten (10) years or to payment of a fine of not more
4552 than Ten Thousand Dollars (\$10,000.00), or both.

4553 (2) Any person shall be guilty of felonious child abuse in
4554 the following circumstances:

4555 (a) Whether bodily harm results or not, if the person
4556 shall intentionally, knowingly or recklessly:

4557 (i) Burn any child;



4558 (ii) Physically torture any child;
4559 (iii) Strangle, choke, smother or in any way
4560 interfere with any child's breathing;
4561 (iv) Poison a child;
4562 (v) Starve a child of nourishments needed to
4563 sustain life or growth;
4564 (vi) Use any type of deadly weapon upon any child;
4565 (b) If some bodily harm to any child actually occurs,
4566 and if the person shall intentionally, knowingly or recklessly:
4567 (i) Throw, kick, bite, or cut any child;
4568 (ii) Strike a child under the age of fourteen (14)
4569 about the face or head with a closed fist;
4570 (iii) Strike a child under the age of five (5) in
4571 the face or head;
4572 (iv) Kick, bite, cut or strike a child's genitals;
4573 circumcision of a male child is not a violation under this
4574 subparagraph (iv);
4575 (c) If serious bodily harm to any child actually
4576 occurs, and if the person shall intentionally, knowingly or
4577 recklessly:
4578 (i) Strike any child on the face or head;
4579 (ii) Disfigure or scar any child;
4580 (iii) Whip, strike or otherwise abuse any child;
4581 (d) Any person, upon conviction under paragraph (a) or
4582 (c) of this subsection, shall be sentenced by the court to



4583 imprisonment in the custody of the Department of Corrections for a
4584 term of not less than five (5) years and up to life, as determined
4585 by the court. Any person, upon conviction under paragraph (b) of
4586 this subsection shall be sentenced by the court to imprisonment in
4587 the custody of the Department of Corrections for a term of not
4588 less than two (2) years nor more than ten (10) years, as
4589 determined by the court. For any second or subsequent conviction
4590 under this subsection (2), the person shall be sentenced to
4591 imprisonment for life.

4592 (e) For the purposes of this subsection (2), "bodily
4593 harm" means any bodily injury to a child and includes, but is not
4594 limited to, bruising, bleeding, lacerations, soft tissue swelling,
4595 and external or internal swelling of any body organ.

4596 (f) For the purposes of this subsection (2), "serious
4597 bodily harm" means any serious bodily injury to a child and
4598 includes, but is not limited to, the fracture of a bone, permanent
4599 disfigurement, permanent scarring, or any internal bleeding or
4600 internal trauma to any organ, any brain damage, any injury to the
4601 eye or ear of a child or other vital organ, and impairment of any
4602 bodily function.

4603 (g) Nothing contained in paragraph (c) of this
4604 subsection shall preclude a parent or guardian from disciplining a
4605 child of that parent or guardian, or shall preclude a person in
4606 loco parentis to a child from disciplining that child, if done in
4607 a reasonable manner, and reasonable corporal punishment or



4608 reasonable discipline as to that parent or guardian's child or
4609 child to whom a person stands in loco parentis shall be a defense
4610 to any violation charged under paragraph (c) of this subsection.

4611 (h) Reasonable discipline and reasonable corporal
4612 punishment shall not be a defense to acts described in paragraphs
4613 (a) and (b) of this subsection or if a child suffers serious
4614 bodily harm as a result of any act prohibited under paragraph (c)
4615 of this subsection.

4616 (3) Nothing contained in this section shall prevent
4617 proceedings against the parent, guardian or other person under any
4618 statute of this state or any municipal ordinance defining any act
4619 as a crime or misdemeanor. Nothing in the provisions of this
4620 section shall preclude any person from having a right to trial by
4621 jury when charged with having violated the provisions of this
4622 section.

4623 (4) (a) A parent, legal guardian or caretaker who endangers
4624 a child's person or health by knowingly causing or permitting the
4625 child to be present where any person is selling, manufacturing or
4626 possessing immediate precursors or chemical substances with intent
4627 to manufacture, sell or possess a controlled substance as
4628 prohibited under Section 41-29-139 or 41-29-313, is guilty of
4629 child endangerment and may be sentenced to imprisonment for not
4630 more than ten (10) years or to payment of a fine of not more than
4631 Ten Thousand Dollars (\$10,000.00), or both.



4632 (b) If the endangerment results in substantial harm to
4633 the child's physical, mental or emotional health, the person may
4634 be sentenced to imprisonment for not more than twenty (20) years
4635 or to payment of a fine of not more than Twenty Thousand Dollars
4636 (\$20,000.00), or both.

4637 (5) Nothing contained in this section shall prevent
4638 proceedings against the parent, guardian or other person under any
4639 statute of this state or any municipal ordinance defining any act
4640 as a crime or misdemeanor. Nothing in the provisions of this
4641 section shall preclude any person from having a right to trial by
4642 jury when charged with having violated the provisions of this
4643 section.

4644 (6) After consultation with the Department of * * * ~~Human~~
4645 Child Protection Services, a regional mental health center or an
4646 appropriate professional person, a judge may suspend imposition or
4647 execution of a sentence provided in subsections (1) and (2) of
4648 this section and in lieu thereof require treatment over a
4649 specified period of time at any approved public or private
4650 treatment facility. A person may be eligible for treatment in
4651 lieu of criminal penalties no more than one (1) time.

4652 (7) In any proceeding resulting from a report made pursuant
4653 to Section 43-21-353 of the Youth Court Law, the testimony of the
4654 physician making the report regarding the child's injuries or
4655 condition or cause thereof shall not be excluded on the ground
4656 that the physician's testimony violates the physician-patient



4657 privilege or similar privilege or rule against disclosure. The
4658 physician's report shall not be considered as evidence unless
4659 introduced as an exhibit to his testimony.

4660 (8) Any criminal prosecution arising from a violation of
4661 this section shall be tried in the circuit, county, justice or
4662 municipal court having jurisdiction; provided, however, that
4663 nothing herein shall abridge or dilute the contempt powers of the
4664 youth court.

4665 **SECTION 103.** Section 99-41-17, Mississippi Code of 1972, is
4666 amended as follows:

4667 99-41-17. (1) Compensation shall not be awarded under this
4668 chapter:

4669 (a) Unless the criminally injurious conduct occurred
4670 after July 1, 1991;

4671 (b) Unless the claim has been filed with the director
4672 within thirty-six (36) months after the crime occurred, or in
4673 cases of child sexual abuse, within thirty-six (36) months after
4674 the crime was reported to law enforcement or the Department
4675 of * * * ~~Human~~ Child Protection Services, but in no event later
4676 than the victim's twenty-fifth birthday. For good cause, the
4677 director may extend the time period allowed for filing a claim for
4678 an additional period not to exceed twelve (12) months;

4679 (c) To a claimant or victim who was the offender or an
4680 accomplice to the offender, or, except in cases of children under
4681 the age of consent as specified in Section 97-3-65, 97-3-97 or



4682 97-5-23, Mississippi Code of 1972, who encouraged or in any way
4683 knowingly participated in criminally injurious conduct;

4684 (d) To another person, if the award would unjustly
4685 benefit the offender or accomplice;

4686 (e) Unless the criminally injurious conduct resulting
4687 in injury or death was reported to a law enforcement officer
4688 within seventy-two (72) hours after its occurrence or unless it is
4689 found that there was good cause for the failure to report within
4690 such time;

4691 (f) To any claimant or victim when the injury or death
4692 occurred while the victim was confined in any federal, state,
4693 county or city jail or correctional facility;

4694 (g) If the victim was injured as a result of the
4695 operation of a motor vehicle, boat or airplane, unless the vehicle
4696 was used by the offender (i) while under the influence of alcohol
4697 or drugs, (ii) as a weapon in the deliberate attempt to injure or
4698 cause the death of the victim, (iii) in a hit-and-run accident by
4699 leaving the scene of an accident as specified in Section 63-3-401,
4700 (iv) to flee apprehension by law enforcement as specified in
4701 Sections 97-9-72 and 97-9-73, or (v) causes any injury to a child
4702 who is in the process of boarding or exiting a school bus in the
4703 course of a violation of Section 63-3-615;

4704 (h) If, following the filing of an application, the
4705 claimant failed to take further steps as required by the division
4706 to support the application within forty-five (45) days of such



4707 request made by the director or failed to otherwise cooperate with
4708 requests of the director to determine eligibility, unless failure
4709 to provide information was beyond the control of the claimant;

4710 (i) To a claimant or victim who, subsequent to the
4711 injury for which application is made, is convicted of any felony,
4712 and the conviction becomes known to the director;

4713 (j) To any claimant or victim who has been under the
4714 actual or constructive supervision of a department of corrections
4715 for a felony conviction within five (5) years prior to the injury
4716 or death for which application has been made;

4717 (k) To any claimant or victim who, at the time of the
4718 criminally injurious conduct upon which the claim for compensation
4719 is based, engaged in conduct unrelated to the crime upon which the
4720 claim for compensation is based that either was (i) a felony, or
4721 (ii) a delinquent act which, if committed by an adult, would
4722 constitute a felony;

4723 (l) To any claimant or victim who knowingly furnishes
4724 any false or misleading information or knowingly fails or omits to
4725 disclose a material fact or circumstance.

4726 (2) Compensation otherwise payable to a claimant shall be
4727 diminished to the extent:

4728 (a) That the economic loss is recouped from other
4729 sources, including collateral sources; and

4730 (b) Of the degree of responsibility for the cause of
4731 injury or death attributable to the victim or claimant.



4732 (3) Upon a finding that the claimant or victim has not fully
4733 cooperated with appropriate law enforcement agencies and
4734 prosecuting attorneys, an award of compensation may be denied,
4735 withdrawn or reduced.

4736 (4) Compensation otherwise payable to a claimant or victim
4737 may be denied or reduced to a claimant or victim who, at the time
4738 of the crime upon which the claim for compensation is based, was
4739 engaging in or attempting to engage in other unlawful activity
4740 unrelated to the crime upon which the claim for compensation is
4741 based.

4742 **SECTION 104.** Section 93-17-11, Mississippi Code of 1972, is
4743 amended as follows:

4744 93-17-11. (1) At any time after the filing of the petition
4745 for adoption and completion of process thereon, and before the
4746 entering of a final decree, the court may, in its discretion, of
4747 its own motion or on motion of any party to the proceeding,
4748 require an investigation and report to the court to be made by any
4749 person, officer or home as the court may designate and direct
4750 concerning the child, and shall require in adoptions except as
4751 provided in subsection (4) of this section, other than those in
4752 which the petitioner or petitioners are a relative or stepparent
4753 of the child, that a home study be performed of the petitioner or
4754 petitioners by a licensed adoption agency or by the Department of
4755 Human Services, at the petitioner's or petitioners' sole expense
4756 and at no cost to the state or county. The investigation and



4757 report shall give the material facts upon which the court may
4758 determine whether the child is a proper subject for adoption,
4759 whether the petitioner or petitioners are suitable parents for the
4760 child, whether the adoption is to its best interest, and any other
4761 facts or circumstances that may be material to the proposed
4762 adoption. The home study shall be considered by the court in
4763 determining whether the petitioner or petitioners are suitable
4764 parents for the child. The court, when an investigation and
4765 report are required by the court or by this section, shall stay
4766 the proceedings in the cause for such reasonable time as may be
4767 necessary or required in the opinion of the court for the
4768 completion of the investigation and report by the person, officer
4769 or home designated and authorized to make the same.

4770 (2) Upon the filing of that consent or the completion of the
4771 process and the filing of the investigation and report, if
4772 required by the court or by this section, and the presentation of
4773 such other evidence as may be desired by the court, if the court
4774 determines that it is to the best interests of the child that an
4775 interlocutory decree of adoption be entered, the court may
4776 thereupon enter an interlocutory decree upon such terms and
4777 conditions as may be determined by the court, in its discretion,
4778 but including therein that the complete care, custody and control
4779 of the child shall be vested in the petitioner or petitioners
4780 until further orders of the court and that during such time the
4781 child shall be and remain a ward of the court. If the court



4782 determines by decree at any time during the pendency of the
4783 proceeding that it is not to the best interests of the child that
4784 the adoption proceed, the petitioners shall be entitled to at
4785 least five (5) days' notice upon their attorneys of record and a
4786 hearing with the right of appeal as provided by law from a
4787 dismissal of the petition; however, the bond perfecting the appeal
4788 shall be filed within ten (10) days from the entry of the decree
4789 of dismissal and the bond shall be in such amount as the
4790 chancellor may determine and supersedeas may be granted by the
4791 chancellor or as otherwise provided by law for appeal from final
4792 decrees.

4793 (3) After the entry of the interlocutory decree and before
4794 entry of the final decree, the court may require such further and
4795 additional investigation and reports as it may deem proper. The
4796 rights of the parties filing the consent or served with process
4797 shall be subject to the decree but shall not be divested until
4798 entry of the final decree.

4799 (4) The court may determine that a home study in an adoption
4800 is not necessary in the case of an adoption by a stepparent or a
4801 relative or in the case of an adoption in a foster-to-adopt
4802 placement.

4803 **SECTION 105.** Section 93-17-25, Mississippi Code of 1972, is
4804 amended as follows:

4805 93-17-25. All proceedings under this chapter shall be
4806 confidential and shall be held in closed court without admittance



4807 of any person other than the interested parties, except upon order
4808 of the court. All pleadings, reports, files, testimony, exhibits
4809 and records pertaining to * * *~~adopting~~ adoption proceedings
4810 shall be confidential and shall not be public records and shall be
4811 withheld from inspection or examination by any person, and shall
4812 not be disclosed by any person except upon order of the court in
4813 which the proceeding was had on good cause shown.

4814 Upon motion of any interested person, the files of adoption
4815 proceedings, heretofore had may be placed in the confidential
4816 files upon order of the court or chancellor and shall be subject
4817 to the provisions of this chapter.

4818 Provided, however, that notwithstanding the confidential
4819 nature of said proceedings, said record shall be available for use
4820 in any court or administrative proceedings under a subpoena duces
4821 tecum addressed to the custodian of said records and portions of
4822 such record may be released pursuant to Sections 93-17-201 through
4823 93-17-223.

4824 **SECTION 106.** The appropriate court, through its clerk, shall
4825 notify the Office of the Attorney General within seven (7)
4826 business days whenever a permanency plan changes to termination of
4827 parental rights or an adoption.

4828 **SECTION 107.** Sections 43-1-51, 43-1-53, 43-1-57, 43-1-59,
4829 43-1-63, 43-51-1 and 43-51-9, Mississippi Code of 1972, which
4830 created the Division of Family and Children's Services within the
4831 Department of Human Services, provides the title for the Family



4832 Preservation Act, and requires an ongoing evaluation and report on
4833 family preservation services, are repealed.

4834 **SECTION 108.** This act shall take effect and be in force from
4835 and after July 1, 2023.

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

1 AN ACT TO PROVIDE A CLEAR PATH TO PERMANENCY FOR CHILDREN IN
2 THE CUSTODY OF THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO
3 AMEND SECTION 43-21-201, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
4 CHILDREN ALLEGED TO HAVE BEEN ABUSED OR NEGLECTED SHALL BE A PARTY
5 AND SHALL BE REPRESENTED BY COUNSEL; TO PROVIDE THAT A PARTY'S
6 RIGHT TO REPRESENTATION SHALL EXTEND TO SHELTER HEARINGS; TO
7 PROVIDE THAT THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE
8 A NECESSARY PARTY AT ALL STAGES OF THE PROCEEDINGS INVOLVING A
9 CHILD FOR WHOM THE DEPARTMENT HAS CUSTODY INCLUDING, BUT NOT
10 LIMITED TO, SHELTER, ADJUDICATORY, DISPOSITION AND PERMANENCY
11 HEARINGS; TO AMEND SECTION 43-21-501, MISSISSIPPI CODE OF 1972, TO
12 REQUIRE THE YOUTH COURT TO ISSUE A SUMMONS TO THE DEPARTMENT OF
13 CHILD PROTECTION SERVICES IF A PETITION IS FILED THAT INVOLVES A
14 CHILD FOR WHOM THE DEPARTMENT HAS CUSTODY OF OR MAY BE AWARDED
15 CUSTODY OF; TO AMEND SECTION 43-21-701, MISSISSIPPI CODE OF 1972,
16 TO ADD ADDITIONAL MEMBERS TO THE MISSISSIPPI COMMISSION ON A
17 UNIFORM YOUTH COURT SYSTEM AND PROCEDURES; TO REVISE THE QUORUM OF
18 THE COMMISSION; TO AMEND SECTION 43-21-703, MISSISSIPPI CODE OF
19 1972, TO PROVIDE THAT THE COMMISSION SHALL FILE A REPORT WITH THE
20 LEGISLATURE ON OR BEFORE A CERTAIN DATE; TO AMEND SECTION
21 93-15-107, MISSISSIPPI CODE OF 1972, TO REQUIRE THE CLERK TO
22 DOCKET TERMINATION-OF-PARENTAL-RIGHTS CASES AS PRIORITY CASES ON
23 THE COURT'S DOCKET; TO REQUIRE IMMEDIATE NOTIFICATION TO THE
24 ASSIGNED JUDGE UPON FILING; TO AMEND SECTION 93-17-3, MISSISSIPPI
25 CODE OF 1972, TO PROVIDE THAT FOR ADOPTION PROCEEDINGS THE
26 CHANCERY COURT HAS ORIGINAL EXCLUSIVE JURISDICTION OVER ALL
27 ADOPTION PROCEEDINGS EXCEPT WHEN A COUNTY COURT SITTING AS A YOUTH
28 COURT HAS ACQUIRED JURISDICTION OF A CHILD IN AN ABUSE OR NEGLECT
29 PROCEEDING; TO PROVIDE THAT THE COUNTY COURT SHALL HAVE ORIGINAL
30 EXCLUSIVE JURISDICTION TO HEAR A PETITION FOR ADOPTION OF A CHILD
31 IN AN ABUSE OR NEGLECT PROCEEDING; TO REQUIRE THE CLERK TO DOCKET
32 ADOPTION PROCEEDINGS AS PRIORITY CASES ON THE COURT'S DOCKET; TO
33 REQUIRE IMMEDIATE NOTIFICATION TO THE ASSIGNED JUDGE UPON FILING;
34 TO PROVIDE THAT FROM AND AFTER JULY 1, 2023, THE DEPARTMENT OF
35 CHILD PROTECTION SERVICES SHALL BE A STATE AGENCY SEPARATE AND
36 APART FROM THE DEPARTMENT OF HUMAN SERVICES AND NOT A SUBAGENCY



37 HOUSED WITHIN THE DEPARTMENT OF HUMAN SERVICES, AND SHALL HAVE
38 SUCH POWERS AND DUTIES AND PERFORM SUCH FUNCTIONS THAT ARE
39 ASSIGNED TO THE DEPARTMENT OF CHILD PROTECTION SERVICES BY STATE
40 LAW; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, AND TO
41 CREATE NEW SECTIONS 43-26-5, 43-26-7, 43-26-9, 43-26-11, 43-26-13,
42 43-26-15, 43-26-17, 43-26-19, 43-26-21 AND 43-26-23, MISSISSIPPI
43 CODE OF 1972, TO PRESCRIBE THE POWERS AND DUTIES OF THE DEPARTMENT
44 OF CHILD PROTECTION SERVICES AND THE COMMISSIONER OF CHILD
45 PROTECTION SERVICES; TO AMEND SECTIONS 11-46-1, 11-46-8, 25-1-109,
46 27-104-203, 37-31-107, 37-106-69, 37-115-43, 41-3-18, 41-67-12,
47 41-87-5, 41-101-1, 43-1-9, 43-1-101, 43-14-1, 43-14-5, 43-15-3,
48 43-15-5, 43-15-6, 43-15-7, 43-15-11, 43-15-15, 43-15-19, 43-15-21,
49 43-15-23, 43-15-103, 43-15-105, 43-15-107, 43-15-109, 43-15-113,
50 43-15-115, 43-15-117, 43-15-119, 43-15-121, 43-15-125, 43-15-201,
51 43-15-203, 43-15-207, 43-16-3, 43-16-7, 43-18-3, 43-18-5,
52 43-21-351, 43-21-354, 43-21-357, 43-21-405, 43-21-603, 43-21-609,
53 43-21-801, 43-27-101, 43-27-103, 43-27-109, 43-27-113, 43-27-115,
54 43-27-117, 43-27-119, 43-43-5, 43-51-3, 43-51-5, 43-51-7,
55 45-33-36, 57-13-23, 93-5-23, 93-17-5, 93-17-8, 93-17-11, 93-17-12,
56 93-17-53, 93-17-57, 93-17-59, 93-17-61, 93-17-63, 93-17-65,
57 93-17-101, 93-17-103, 93-17-107, 93-17-109, 93-17-203, 93-17-209,
58 93-21-305, 93-21-307, 93-21-309, 93-21-311, 93-31-3, 97-5-24,
59 97-5-39 AND 99-41-17, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
60 PRECEDING PROVISIONS; TO AMEND SECTION 93-17-11, MISSISSIPPI CODE
61 OF 1972, TO AUTHORIZE A COURT TO ORDER A HOME STUDY IF NECESSARY
62 IN CERTAIN ADOPTIONS; TO AMEND SECTION 93-17-25, MISSISSIPPI CODE
63 OF 1972, TO PROHIBIT CERTAIN PERSONS FROM DISCLOSING INFORMATION
64 RECEIVED DURING CLOSED ADOPTION HEARINGS OR FROM RECORDS
65 PERTAINING TO ADOPTION PROCEEDINGS; TO REPEAL SECTIONS 43-1-51,
66 43-1-53, 43-1-57, 43-1-59, 43-1-63, 43-51-1 AND 43-51-9,
67 MISSISSIPPI CODE OF 1972, WHICH CREATED THE DIVISION OF FAMILY AND
68 CHILDREN'S SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES,
69 PROVIDES THE TITLE FOR THE FAMILY PRESERVATION ACT, AND REQUIRES
70 AN ONGOING EVALUATION AND REPORT ON FAMILY PRESERVATION SERVICES;
71 AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)
Cockerham

X (SIGNED)
Wiggins

X (SIGNED)
Tullos

X (SIGNED)
Boyd

X (SIGNED)
Yancey

X (SIGNED)
Branning

