MISSISSIPPI LEGISLATURE REGULAR SESSION 2024

By: Senator(s) Bryan

To: Public Health and Welfare

SENATE BILL NO. 2714

AN ACT TO CREATE NEW SECTION 43-15-12, MISSISSIPPI CODE OF 1972, TO ESTABLISH QUALIFIED RESIDENTIAL TREATMENT PROGRAMS AS ALTERNATIVE PLACEMENTS FOR CHILDREN AND YOUTH IN THE CUSTODY OF THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO SET CERTAIN REQUIREMENTS RELATED THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 43-15-12, Mississippi Code of 1972:

43-15-12. (1) The following words and phrases, for purposes of this section, shall have the meanings ascribed below:

(a) "Qualified residential treatment program" ("QRTP") shall mean a program that:

(i) Has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child;

(ii) Has registered or licensed nursing staff and other licensed clinical staff who:

1. Provide care within the scope of their practice in accordance with state law;

2. Are on-site according to the trauma-informed treatment model implemented; and

3. Are available twenty-four (24) hours a day, seven (7) days a week;

(iii) To the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

(iv) Facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information) for any known biological family and fictive kin of the child;

(v) Documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

(vi) Provides discharge planning and family-based aftercare support for at least six (6) months post-discharge; and

(vii) Is licensed and is accredited by CARF, JCAHO, COA or any other independent, not-for-profit accrediting organization approved by the Secretary of the U.S. Department of Health and Human Services.

(b) "Qualified assessor" means a trained professional or licensed clinician who is not an employee of the Department of Child Protection Services and who is not connected to, or affiliated with, any placement setting in which children are placed by the department.

(2) Within thirty (30) days of the start of a QRTP placement, a qualified assessor must:

(a) Assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool to determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting would provide the most effective and appropriate level of care for the child in the least restrictive environment;

(b) Specify in writing if it is determined the child should not be placed in a foster family home:

(i) The reasons why the needs of the child cannot be met by the family of the child or in a foster family home; and

(ii) Why the recommended placement in a QRTP is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals of the child, as specified in the child's permanency plan.

(3) (a) If the child is place in a qualified residential treatment program as defined in this chapter, the court shall,

within sixty (60) days of placement, establish in writing the following:

(i) Consideration of the assessment required under this section and any related documentation;

(ii) Determination of whether placement in foster care can meet the child's needs or, if not, whether placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment and whether that placement meets the goals of the permanency plan; and

(iii) Approval or disapproval of the child's placement in the qualified residential treatment program.

(b) If the child remains in a qualified residential treatment program, the court shall establish the following in writing at each review hearing after the initial hearing in paragraph (a) of this subsection:

(i) Whether ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home;

(ii) Whether the child's placement provides the most effective and appropriate level of care in the least restrictive environment;

(iii) Whether the placement is consistent with the child's permanency plan;

(iv) What specific treatment or service needs will be met in the placement, and how long the child is expected to need the treatment or services; and

(v) What efforts the department has made to prepare the child to return home or be placed with a relative, a legal guardian, an adoptive parent or in a foster family home.

SECTION 2. This act shall take effect and be in force from and after July 1, 2024.