

REPORT AND RECOMMENDATIONS OF THE TASK FORCE  
ON FOSTER CARE AND ADOPTION AND OTHER RELATED  
MATTERS

CREATED BY SENATE BILL 2384 2023 REGULAR  
LEGISLATIVE SESSION

PRESENTED TO

LIEUTENANT GOVERNOR C. DELBERT HOSEMANN, JR.  
AND THE MISSISSIPPI SENATE

AND

SPEAKER PHILIP GUNN  
AND THE MISSISSIPPI HOUSE OF REPRESENTATIVES

December 1, 2023

Honorable C. Delbert Hosemann, Jr.  
Lieutenant Governor  
Mississippi State Senate

Honorable Philip A. Gunn  
Speaker of the House  
Mississippi House of Representatives

Re: Recommendations of the Foster Care and Adoption Task Force.

Dear Lieutenant Governor Hoseman and Speaker Gunn:

This report represents the culmination of the hearings and discussions, both formal and informal, by the Task Force on Foster Care and Adoption created by Senate Bill 2384 in the 2023 Regular Session. The Task Force began in August 2023, meeting regularly and in its deliberations developed recommendations to the Legislature that the Task Force feels are practical and achievable for the 2024 Regular Session.

It was an honor to serve as Co-chairs of this Task Force. Each member of this task force used their experience and wisdom to craft these recommendations.

In closing, this Task Force was a valuable and worthwhile process, and it is our hope that the Legislature will seriously consider the recommendations made to it and enact beneficial legislation for our state.

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Chair of Judiciary A and Chair of Judiciary En Banc  
Mississippi House of Representatives

Brice Wiggins, District 52  
Chair of Judiciary, Division A  
Mississippi State Senate

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Performance Evaluation and  
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Mississippi)

## SUMMARY

### Scope of the Task Force's Review

Senate Bill 2384 established the Foster Care and Adoption Task Force to perform a comprehensive review of statutes affecting adoptions including youth court provisions for the purpose of making recommendations to the Legislature to revise provisions to assist in the overall placement of youth.

Senate Bill 2384 listed the following areas of concentration for the task force:

- Perform a comprehensive review and draft any necessary proposed revision of adoption statutes;
- Review the use of "reasonable efforts" and "diligent search" in the Child Protection Services statutes and determine whether a uniform definition is needed for each term, and, if so, to draft recommended language;
- Draft a definition (or examples through a nonexhaustive list) of what constitutes "compelling and extraordinary reasons why termination of parental rights would not be in the best interests of the child";
- Draft definitions of neglect as "willful" or "nonwillful" with a proposal for different courses of action depending on the type of neglect;
- Review of the Guardian Ad Litem role in the foster care system and termination of parental rights process, including the proper responsibility for payment of Guardians Ad Litem, how much they should be paid, whether more Guardians Ad Litem are needed, and whether Title IV-E funds can be used for that purpose;
- Review whether parent representatives should be provided, and if so, how to pay them and whether Title IV-E funds could be used to pay them;
- Review of the timeframes and guidelines followed once a child comes into Child Protection Services' custody and how to balance the length of these timeframes, the best interests of the child, and the interest of the biological parent(s);
- Review of the requirement to have concurrent permanency plans, whether this is currently taking place, and, if so, whether it is effective, and, if not effective, what needs to happen to ensure the courts and Child Protection Services are pursuing concurrent plans;
- Review of the requirement for a psychological assessment or evaluation for each child coming into custody, whether this is necessary in every case, and, if so, how to address the major shortage of medical providers that will be able to provide the services;

- Review of the diagnostic and evaluation shelters, whether the number is sufficient, and whether children are staying in these facilities too long before placement;
- Review of the course of action when a parent tests positive for drugs or alcohol, including when a mother tests positive for drugs during labor and delivery;
- Review of Title IV-E funding, whether these funds are being legally maximized, how they are being used and whether there are changes that need to be made to get the most out of these federal funds;
- To review laws, policies and procedures in other states;
- To review fatherhood initiative proposals and develop proposed policies to increase fatherhood participation of absent fathers; and
- Any other issues related to the Mississippi foster care system or adoption that the task force finds appropriate to address.

**1) Perform a comprehensive review and draft any necessary proposed revisions of adoption statutes.**

**Recommendations:**

(a) Waive the adoption filing fee for an adoption involving CPS; and set a time deadline for chancery courts to hear adoption cases (concerning children in CPS custody only, not private adoptions). Pursuant to Miss. Code § 91-17-3, chancery courts have exclusive jurisdiction to finalize adoptions. During the last legislative session, efforts were made to amend the statute to allow full-time county court judges sitting as Youth Court judges to finalize adoption, which would expedite a child's path to permanency since that child's case would remain with one court/one judge/one GAL during the child's journey through termination of parental rights and instead of having to move to chancery court at the adoption stage. However, as this legislative effort was unsuccessful, other revisions to the TPR and adoption statutes are being considered that would similarly hasten permanency outcomes without removing adoptions of children in state custody away from the chancery court's jurisdiction.

(b) Do not remove the phrase "may accept" a written voluntary release. There are very good reasons for requiring court approval for a written voluntary release (WVR) that involves the best interests of children. For example, a parent who wishes to avoid child support could just execute a written voluntary release (WVR), and the court's hands could be tied to prevent same.

(c) Move the following paragraph of subsection (10) of Section 93-17-3 to Section 93-15-107(5) instead of its current misplacement in the adoption chapter. *"Once the petition for termination of parental rights is filed with the court of competent jurisdiction, the court shall hold a hearing on the petition within one hundred twenty (120) calendar days of the date the petition is filed. For purposes of this section, the one hundred twenty (120) calendar daytime period will commence when perfected service is made on the parents."*

(d) Shorten the hearing requirement from one hundred twenty (120) calendar days to ninety (90) days and allow "extraordinary circumstances".

During this past session, the Legislature added subsection (10) to Miss. Code § 93-17-3, which includes the following language: Once the petition for termination of parental rights is filed with the court of competent jurisdiction, the court shall hold a hearing on the petition within one hundred twenty (120) calendar days of the date the petition is filed. For purposes of this section, the one hundred twenty (120) calendar period commences when perfected service is made on the parents.

This recommendation also includes allowing the court to continue the TPR hearing after the 90 days for "extraordinary circumstances." *Those extraordinary circumstances are specified in the Arkansas statute and include:*

(a) *The Supreme Court orders the suspension of in-person court proceedings; and*

(b) *One of the following has occurred:*

(i) *The POTUS has declared a national emergency; or*

(ii) The Governor has declared a state of emergency or a statewide public health emergency.

(c) If the best interests of the child is served and the chancellor makes specific findings of such.

(e) Use Agency Representation model. One agency attorney should “drive” the case from start to finish. This attorney would attach at the shelter hearing, even when the plan is still reunification. The attorney would see the case through to final resolution, including possible adoption. *In the agency representation model, the agency is the client. An attorney-client relationship exists between the agency and the attorney, and the agency directs the representation.*

(f) Use Arkansas's Parent Representative. CPS can fund an expansion of the state’s current parent representation model as significant agency funds will be saved by reducing the length of time that children are in state custody and federal Title IV-E funding is also available. The Arkansas model regarding parent representation (Arkansas Code § 9-27-316) has a fund called the “Juvenile Court Representation Fund” that includes all monies collected by the clerk. The court may direct that money from the fund be used in providing counsel for indigent parents at the trial level of neglect proceedings (the “monies” cannot be based on filing fees as that would run afoul of the Transparency Act). If the court finds that a parent is indigent and the fund does not have sufficient funds to pay reasonable attorney’s fees and expenses, and state funds are exhausted, the court may order the county to pay said fees. These funds may be used in providing counsel for indigent parents or custodians at the trial level in dependency-neglect proceedings, however, Arkansas specifically provides that parents have a right to appointed counsel once the matter becomes a TPR matter.

(g) Require representation for indigent parents as follows:

Miss. Code Ann. § 43-21-201(2) should be amended to read as follows:

When a party first appears before the youth court, the judge shall ascertain whether he is represented by counsel and, if not, inform him of his rights (h) guardian who is a party in an abuse, neglect or termination of parental rights proceeding is indigent, the youth court judge ~~may~~ shall appoint counsel to represent the indigent **custodial** parent or guardian in the proceeding. *The court may appoint counsel to represent a non-custodial parent if the court determines that the non-custodial parent is indigent and has demonstrated a significant custodial relationship with the child. All parents shall have the right to have appointed counsel in termination of parental rights hearings, and the court shall appoint counsel if the court makes a finding that the parent is indigent and counsel is requested by the parent. For purposes of this section, indigency shall be determined pursuant to Section 25-32-9 and Rule 7.3 of the Mississippi Rules of Criminal Procedures.*

When a party first appears before the youth court, the judge shall ascertain whether he is represented by counsel and, if not, inform him of his rights including his right to counsel. If the court determines that a parent or guardian who is a party in an abuse, neglect or termination of parental rights proceeding is

indigent, the youth court judge shall appoint counsel to represent the indigent parent or guardian in the proceeding.

(h) Use Title IV-E Funding to cover costs of legal representation. The agency can use Title IV-E funding to help cover the administrative costs of the legal representation provided by attorneys representing the agency, children in Title IV-E foster care, children who are candidates for Title IV-E foster care, and their parents for preparation for and participation in judicial determinations in all stages of foster care legal proceedings. Additional state funding for parent attorneys may also be required.<sup>1</sup>

- 2) **Review the use of “reasonable efforts” and “diligent search” in the Child Protection Services statutes and determine whether a uniform definition is needed for each term, and if so, draft recommended language.**

**Recommendations:**

- (a) Define "reasonable efforts" as follows:

Miss. Code Ann. § 43-21-105(gg) should be amended to read as follows:

Reasonable efforts means the exercise of reasonable care and due diligence by the Department of Human Services, the Department of Child Protection Services, or any appropriate entity or person ~~to use services appropriate and available services to prevent the unnecessary removal of the child from the home or provide other services related to meeting the needs of the child and the parents~~ appropriate to the child’s background, accessible, and available to meet the individualized needs of the child and child’s family to prevent removal and reunify the family as soon as safely possible consistent with the best interests of the child.

Reasonable efforts must be made in collaboration with the family and must address the individualized needs of the family that brought the child to the attention of the Department of Child Protection Services and must not consist of required services that are not related to the family’s needs.

- (b) The phrase "diligent search" should not be codified.

- 3) **Draft a definition (or examples through a non-exhaustive list) of what constitutes “compelling and extraordinary reasons” why termination of parental rights would not be in the best interests of the child.**

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<sup>1</sup> For e.g., the Arkansas model concerning parent representation has a fund called the “Juvenile Court Representation Fund,” which includes all monies collected by the clerk. The court may direct that money from the fund be used in providing counsel for indigent parents at the trial level of neglect proceedings (the “monies” cannot be based on filing fees as that would run afoul of the Transparency Act). If the court finds that a parent is indigent and the fund does not have sufficient funds to pay reasonable attorney’s fees and expenses, and state funds are exhausted, the court may order the county to pay said fees. These funds may be used in providing counsel for indigent parents or custodians at the trial level in dependency-neglect proceedings, however Arkansas specifically provides that all parents, including non-custodial and putative, have a right to appointed counsel once the matter becomes a TPR matter.



**Recommendation:**

Add new paragraphs as follows: Miss. Code Ann. § 93-15-103(m) and § 43-21-105(ii) should be amended to read as follows:

Compelling and extraordinary reasons why termination of parental rights would not be in the child's best interests may include but are not limited to:

- (1) When a child is being cared for by a relative and that relative, who is otherwise an appropriate, safe, and loving placement for the child, is unwilling to participate in termination of parental rights proceedings;
  - (2) Guardianship is available;
  - (3) When the natural parent(s) are incarcerated but subject to be released within a reasonable time and could be given an opportunity to work a service plan toward possible reunification;
  - (4) When a natural parent is terminally ill and unable to care or provide for the child;
  - (5) The absence of the parent is due to the parent's admission or commitment to any institution or health facility or due to active service in State or Federal armed forces;
  - (6) A child twelve (12) years or older objects to the termination of parental rights;
  - (7) The child is placed in a residential treatment facility and adoption is unlikely or undesirable or the child is not in an adoptive placement or it is likely the child will age out of the Department of Child Protection Services' custody rather than be adopted;
  - (8) For compliance with the Indian Child Welfare Act;
  - (9) The agency has not provided services within the time frames indicated in the case plan and there is evidence that the family may achieve reunification within six months or there is a finding that reasonable efforts were not made.
- 4) Draft definitions of neglect as “willful” or “nonwillful” with a proposal for different courses of action depending on the type of neglect.**

**Recommendations:**

(a) Miss. Code Ann. § 43-21-105(l) should be revised to read as follows:

(l) “Neglected child” means a child:

- (i) Whose parent, guardian or custodian or any person responsible for his care or support, neglects or refuses, when able so to do, to provide for him proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his well-being; however, a parent who

withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter; or

(ii) Who is otherwise without proper care, custody, supervision or support; or

(iii) Who, for any reason, lacks the special care made necessary for him by reason of his mental condition, whether the mental condition is having mental illness or having an intellectual disability; or

(iv) ~~Who, for any reason, lacks the care necessary for his health, morals or well-being.~~ However, a child shall not be considered “neglected” based solely on the failure of a parent or caretaker to provide the child with food, clothing, or shelter necessary to sustain life or health of the child, if that failure results from the financial inability or lack of resources of the parent or caretaker, unless available resources or relief services that would meet the needs and protect the safety and welfare of the child have been offered and refused and the child is in imminent risk of harm.

**\*\*ADD SAME NEGLECT LANGUAGE TO SECTION 43-21-301(3)(a) and 43-21-303(1)(b)(i)**

(b) Miss. Code Ann. § 43-21-105(1) should be revised to read as follows:

Jurisdiction of the child in the cause shall attach at the time of the offense, ~~or the allegation of abuse, neglect, or exploitation,~~ and shall continue thereafter for that offense, or allegation, until the child’s twentieth birthday, unless sooner terminated by order of the youth court. The youth court shall not have jurisdiction over offenses committed by a child on or after his eighteenth birthday, ~~nor have jurisdiction over allegations of abuse, neglect, or exploitation committed against a child after their eighteenth birthday.~~

**5) Review of the Guardian ad Litem role in the foster care system and termination of parental rights process, including the proper responsibility for payment of Guardians ad Litem, how much they should be paid, whether more Guardians ad Litem are needed, and whether Title IV-E funds can be used for that purpose.**

**Recommendations:**

(a) Rule 17(d) of the Mississippi Rules of Civil Procedure should control, and the fees paid to GALs should be paid by the counties in cases involving indigent parents. In other cases, such as general civil litigation, contested guardianships/conservatorships of adults, etc. the Rule should control and the GAL fees should be taxed as court costs.

**ROLE OF THE GUARDIAN AD LITEM (GAL)**

Rule 13 of the Uniform Youth Court Rules states in part that “The court shall appoint guardian ad litem for the child when custody is ordered or at the first judicial hearing regarding

the case, whichever occurs first . . . in every case involving an abused or neglected child which result in a judicial proceeding . . . .” U.R.Y.C.P. 13(a).

Further, “The court shall only appoint as guardian ad litem a competent person who has no adverse interest to the minor and who has received, in accordance with Section 43-21-121(4) of the Mississippi Code, the requisite child protection and juvenile justice training provided by or approved by the Mississippi Judicial College within the year immediately preceding such appointment.” U.R.Y.C.P. 13(b).

In Chancery proceedings relating to abuse and neglect, the appointed GAL shall be an attorney. Miss. Code Ann. § 93-11-65(4).

#### DUTIES OF THE GAL:

Rule 13 (c) defines the duties of the GAL. The GAL shall, “Protect the interest of the child for who he/ she has been appointed guardian ad litem; and investigate, make recommendations to the court or enter reports as necessary to hold paramount the child's best interest.” U.R.Y.C.P. 13(c)(1)-(2)

Further, “the guardian ad litem shall inform the child, and the parent(s), guardian(s), or custodian(s) that the role of the guardian ad litem is to act as an arm of the court in protecting the interest of the child, and not as the parties' attorney, and that any statements made to the guardian ad litem affecting the health, safety, or welfare of the child will be reported to the court.” U.R.Y.C.P. 13(c). Since a child has been made a party to the case in abuse and neglect cases and is entitled to representation, the guardian ad litem may serve a dual role unless a conflict arises. At that point, the minor shall have a GAL and an attorney in the proceedings beginning at the Shelter Hearing or at the point a conflict arises for the GAL.

It is important to note that Rule 13(c) requires a GAL to immediately advise the child and parents that the GAL is acting as a "best interest" attorney, and not as the "child's attorney." This is in direct conflict with the newly amended statute that provides that the child is a "party" to all youth court cases, and is therefore entitled to the appointment of a traditional attorney. In the Regular Session of 2023, House Bill 1149 amended Section 43-21-201. Section 43-21-201 now reads:

(1)(a) Each party shall have the right to be represented by counsel at all stages of the proceeding including . . . shelter . . . hearings . . . .”,

(c) A child who is alleged to have been abused or neglected shall be deemed to be a party to the proceedings under this chapter. The child shall be represented by an attorney at all stages of any proceedings held pursuant to this chapter. The court shall appoint an attorney to any child who is unrepresented. The guardian ad litem may serve a dual role as long as no conflict of interest is present. If a conflict of interest arises, the guardian ad litem shall inform the Youth Court of the conflict and the youth court shall retain the guardian ad litem to represent the best interest of the child and appoint an attorney to represent the child's preferences as required by Uniform Rule of Youth Court Practice 13(f)."

Miss. Code Ann. § 43-21-201(1)(a), (c).

(b) Create a statewide standardized pay scale for GALs.

#### HOW MUCH SHOULD GALs BE PAID:

The current rule is provided in Rule 17(d) of the Mississippi Rules of Civil Procedure:

Whenever a guardian ad litem shall be necessary, the court in which the action is pending shall appoint an attorney to serve in that capacity. In all cases in which a guardian ad litem is required, the court must ascertain a reasonable fee or compensation to be allowed and paid to such guardian ad litem for his service rendered in such cause, to be taxed as a part of the cost in such action.

M.R.C.P. 17(d).

Currently, the responsibility for payment of the Guardian ad Litem in youth court cases falls on the counties. Some counties have a permanent GAL that is paid a set salary and in other counties, the GAL is paid an hourly rate determined by the court. The rate of pay for GALs varies greatly from county to county throughout the state. Anecdotal information indicated that some counties pay GALs on an hourly basis at the rate of \$75 to \$100 per hour, with the expectation that most Youth Court cases would not involve more than ten hours of investigation and court time. As pointed out in the memo from Justice Beam to the committee, the rate of pay is negotiated at the local level resulting in serious differences depending on what part of the state the court is located. A standard pay scale would be helpful.

In TPR and adoption proceedings the fees for Guardians ad Litem are paid by MDCPS. As recommended in Justice Beam's memo and as discussed in prior committee meetings, having the same GAL throughout the court process, when possible, should reduce the work load and attorney's fees.

The term GAL applies not only in abuse/neglect cases in Youth Court, but also to cases involving mandatory appointments in chancery court. There should be no distinction in how such GALs are paid, as their duties are the same. However, the responsibilities of the GAL in chancery court are much greater, as they are usually the only neutral person investigating the case, to determine what is in the best interest of the child, so the time they expend may be greater. Recommendation: The counties should also be responsible for payment of GALs in abuse/neglect cases\* of children in chancery court.

**\*Note:** There is a conflict between the statute and the Youth Court Rule with respect to chancery court holding jurisdiction over "neglect" cases which first arise in a pending chancery proceeding. Section 43-21-151(1)(c) provides:

When a charge of *abuse* of a child first arises in the course of a custody action between the parents of the child already pending in the chancery court and no notice of such "abuse" was provided prior to such chancery proceedings, the chancery court may proceed with the investigation, hearing and determination of such "abuse" charge as a part of its hearing and determination of the custody issue as between the parents, notwithstanding the other provisions of the Youth Court Law. The proceedings in chancery court on the *abuse* charge shall be confidential in the same manner as provided in youth court proceedings.

Miss. Code. Ann. § 43-21-151(1)(c) (emphasis added). In contrast, Rule 8(c) of the Uniform Youth Court Rules provides: When a chancery court orders the department of Human Services, Division of Family and Children's Services, or other appointed intake unit, to investigate a charge of *abuse and neglect* that first arises in the court of a custody or maintenance action.” U.R.Y.C.P. 8(c) (emphasis added). To rectify this conflict, Section 43-21-151(1)(c) should be amended to include “and neglect.” This amendment would also conform Section 43-21-151 to other statutes such as Section 93-11-65(4) which references both “abuse” and “neglect.”

This conflict does not exist in Miss. Code Ann. § 93-11-65(4) which provides: "When a charge of abuse or neglect of a child first arises in the course of a custody or maintenance action pending in the chancery court pursuant to this section, the chancery court may proceed with the investigation, hearing and determination of such abuse or neglect charge as a part of its hearing and determination of the custody or maintenance issue as between the parents, as provided in Section 43-21-151, notwithstanding the other provisions of the Youth Court Law."

(c) Increase the number of GALs, especially in rural counties.

As of August 14, 2023, there were 266 certified GALs listed on the MSSC Website.

As of August 1, 2023, MDCPS had 3,719 children in custody. This would average 14 cases for every certified GAL in Mississippi. However, not all of the certified GALs actively take appointments in Youth Court. In addition, this does not include mandatory GAL appointments in chancery court.

With regard to whether more Guardians ad Litem are needed, the greatest need seems to be in the rural counties where the number of practicing attorneys are lower, and the attorneys are often required to serve more than one role in youth court. For example, one attorney may sometimes serve in different roles in different cases as a parent representative, as attorney for child or as guardian ad litem. This can be confusing for parents and children trying to understand the role of the attorney in their case.

The role of the GAL is demanding, and requires individuals committed to protecting the health, safety and welfare of the children.

#### CAN TITLE IV-E FUNDS BE USED TO PAY THE GAL:

Yes. Title IV-E will be discussed in detail later in the report, but there can be reimbursement for a portion of GAL fees in youth court cases.

**6) Review whether parent representatives should be provided, and if so, how to pay them and whether Title IV-E funds could be used to pay them.**

#### Recommendations:

(a) Parent representatives should be present in all abuse and neglect cases in youth court.

Parent representatives are needed in all abuse and neglect cases in youth court, and should be involved from the beginning of each case. In January of 2017, The Children's Bureau issued an Information Memoranda (IM) which encouraged all child welfare agencies and jurisdictions to ensure high quality legal representation to all parties in all stages of child welfare

proceedings. They went on to say that quality legal representation in court is an essential safeguard to ensure that pertinent information is conveyed to the court, all parties' legal rights are well protected, and the wishes and needs of all parties are effectively voiced. In turn, this helps the judges make the best, most informed decisions possible in every case. Legal representation for parents has the potential to support:

- More timely permanency (including reunification, adoption and guardianship)
- Increased parental engagement and perceptions of fairness
- More individualized case plans and better access to services
- More & frequent and timely family visitation
- Better judicial decision making
- Cost savings for child welfare agencies due to reduced time in foster care

(b) Youth Courts should readdress whether counsel should be appointed when the parents are having trouble complying with the service plan regardless of eligibility.

This is especially important at the Youth Court level because the parents' failure to substantially comply their service plan may be used as grounds for TPR in a subsequent TPR proceeding.

A parent's failure to substantially comply with the MDCPS service plan may be grounds for Termination of Parental Rights for children in MDCPS custody. *See* Miss. Code Ann. § 93-15-115 (providing in-depth procedure with specific, required findings to terminate the parental rights of a parent of a child who is in MDCPS custody when reasonable efforts for reunification are required).

Further, Section 93-15-121(d) provides that parental rights may be terminated if “the parent is unwilling to provide reasonably necessary food, clothing, shelter, or medical care for the child. . . .” Miss. Code Ann. § 93-15-121(d).

**7) Review of time frames and guidelines followed once a child comes into Child Protection Services’ custody and how to balance the length of these time frames, the best interests of the child, and the interests of the biological parent(s):**

**Recommendations:**

- (a) Consider Permanency Review hearings every 30 days for children under three years of age.
- (b) Permanency hearings should occur more often than every 6 months (perhaps every 90 days).
- (c) Need more resources in smaller counties.
- (d) Use technology to connect needs with resources so parents can complete their service agreements.

**8) Review of the requirements to have concurrent permanency plans, whether this is currently taking place, and, if so, whether it is effective and, if not effective, what needs to happen to ensure the courts and Child Protection Services are pursuing concurrent plans:**

**Recommendations:**

- (a) More training would be helpful with all involved to drive home the importance of concurrent plans. All court personnel have been trained in this area, and the Courts' MYCIDS data and court filing system help drive all hearing dates to meet timing requirements, set forth concurrent plans, etc.
- (b) Improve MYCIDS and notice requirements to parties and youth.
- (c) Better communication on the provider side concerning concurrent plans.
- (d) Establish regional county courts to allow for full time court staff and judges to keep track of both plans and ensure that both are being pursued.

**9) Review of the requirement for psychological assessment or reevaluation for each child coming into custody, whether this is necessary for every case, and, if so, how to address the major shortage of medical providers that will be able to provide the services:**

**Recommendations:**

- (a) No changes to current policy of requiring mental health assessments for every child within 30 days of coming into care. Mental Health assessments, not psychological assessments, are required for every child within 30 days of coming into care, per MDCPS policy. We find this policy reasonable and responsible. It allows master's-level mental health providers not psychologists to complete assessments, which addresses the shortfall of medical providers.
- (b) MDCPS change protocols to allow a master's-level mental health professional to use a standardized assessment to interview when determining therapeutic classification. Utilizing master's-level clinicians increases statewide assessment capacity, decreases waitlists, and allows for therapeutic classifications to be timelier. Because this classification is tied to funding and services, we also recommend a neutral party conduct assessments to avoid issues related to conflicts of interest. Within Mississippi's foster care system, children are classified either "therapeutic" or "non-therapeutic" for placement purposes. This classification determines the placement options, which agencies are allowed to provide services, the per diem and foster parent board rates, and whether the child is required to receive mental health counseling. Current MDCPS protocols require annual psychological assessments to be completed by a Ph.D. level psychologist to justify a "therapeutic" classification. There are too few psychologists in Mississippi who accept Medicaid, and those that do have very long waiting lists. This creates a backlog of children needing assessments for proper placements.

**10) Review of the diagnostic and evaluation shelters, whether the number is sufficient, and whether children are staying in these facilities too long before placement:**

MDCPS should provide a copy of the evaluation report from HMS that includes an assessment of the current placement array, payment structures, cross agency service delivery and placement

gaps for sub-acute care placements to the Chairpersons of the House and Senate Judiciary A Committees.

**11) Review of Title IV-E funding, whether these funds are being legally maximized, how they are being used and whether there are changes that need to be made to get the most out of these federal funds.**

What are Title IV-E funds?

As explained by Judge Hudson: Title IV-E funds are federal funds provided to states to pay a portion of foster care payments for children who are eligible. Federal dollars pay a majority of the cost. Federal law requires prerequisites to exist before reimbursement. If those are not met, the state will be responsible for 100% of the foster care cost for eligible children.

Several buckets of Title IV-E funding are available to states related to child welfare, including foster care maintenance, adoption assistance, certain administrative functions, and training costs. The federal Child Welfare Policy Manual section on Title IV-E funds details the requirements and constraints related to each area of allowable funding. Most programs are uncapped entitlements meaning there is no limit on federal reimbursements to states for those programs so long as the claims are allowable, the state has sufficient matching funds, and other requirements are met.

The receipt of Title IV-E funds is contingent upon an approved public assistance cost allocation plan that outlines the procedures to identify, measure, and allocate costs to all programs administered or supervised by the state agency. The Mississippi Department of Child Protective Services submitted its cost allocation plan to the federal government on June 29, 2023, for approval.

Goals of Title IV-E

The primary goal of Title IV-E of the Social Security Act is to support children who are under the care and custody of the public child welfare system.

The purpose of Title IV-E requirements include: reducing the number of children who are removed from their homes and placed in substitute care, improving the quality of care of children in substitute care, to return the children to their homes as soon as the conditions of the home allow, and facilitating adoption or other permanent placement for children who cannot be returned to the home.

Title IV-E Eligibility Requirements:

Title IV-E funds are only available for eligible costs incurred for IV-E eligible children.

There are 6 major requirements which must be met. The child must:

1. Be a citizen or qualified alien status-verified by MDCPS.
2. Be 0-21 years old-verified by MDCPS.
3. Be eligible under former Aid to Families with Dependent Children Program Deprivation, income-verified by MDCPS.



4. Be within proper legal jurisdiction-placement and care with MDCPS-Dependent on Court action or inaction.
5. Have an order with required judicial findings included-Dependent on court action or inaction.
6. Be living in an eligible arrangement-Licensed foster homes, juvenile guardianships, non-secure private child care institutions and some public shelters.

Title IV-E reimbursement is based on what is called the state's penetration rate--the percentage of children who are IV-E eligible compared to the total foster care population in the state. Currently, the state's penetration rate is 42% which is up from 35% in March of 2022. Under the formula, the state can only claim reimbursement on 42% of the actual expenditures. Then the reimbursement rate for allowable administrative costs is 50% of that figure. Our reimbursement rate at present is 21% of what was actually spent. Some states' penetration rates are at 75%. A higher IV-E penetration rate increases the federal share of program costs.

Example provided by MDCPS:

$$\$100 \times 42\% = \$42 \times 50\% = \$21.00$$

The penetration rate in March 2022 was 35%

$$\$100 \times 35\% = \$35 \times 50\% = \$17.50$$

Barriers to increasing the penetration rate:

One barrier to increasing Mississippi's penetration rate in the past has been due to court orders not having the necessary language/findings that are required in youth court orders for cases to be eligible for Title IV-E funds. With modifications to MYCIDS and additional training and oversight, these issues have been almost completely resolved.

What can Title IV-E funds be used for?

- All attorney general fees spent representing CPS in child welfare matters
- All CPS legal fees representing CPS in child welfare matters
- Matching county funds to the funds provided by OSPD
- Parent representation in those counties not covered by OSPD
- Local county funds expended to pay prosecutors in the responsibility to represent the state in child welfare cases-this would require prosecutors to keep up with the percentage of time spent on child welfare cases
- Local county funds expended to pay attorneys for the children when appointed in addition to the GAL.

Federal regulation not only allows for reimbursement for the cost of GALs and parent representatives, but also allows the same reimbursement for representation of the state. The cost of prosecutors on child welfare cases paid at the local level could also be considered for reimbursement. These reimbursements would fall under Title IV-E allowable administrative costs.

Title IV-E agencies can also claim allowable costs (at a rate of 75%) to provide short- and long-term training for certain individuals, including attorneys representing children or parents and GALs.

- Short-term training session topics may include the impact of child abuse and neglect on a child, issues involved in child abuse and neglect investigations, Title IV-E policies and procedures, etc.
- Long-term training can include training at educational institutions, through grants to the institutions or by direct financial assistance, to individuals seeking a bachelor's or master's degree who are employed or preparing to be employed by the Title IV-E agency. Matchable costs include salaries, fringe benefits, travel per diem, tuition, books and registration fees for students, as well as salaries, fringe benefits, travel and per diem for staff development person and assigned to training functions.

Documentation from the federal Children's Bureau also states that costs for paralegals, investigators, peer partners, or social workers may also be claimed as administrative costs (at a rate of 50%) "to the extent they are necessary to support an attorney providing independent legal representation."

Reimbursement of funds paid by counties would require a mechanism to funnel the monies through a central agency or cede to that central agency the right to seek reimbursement for those funds.

There would have to be an accurate accounting of time and payment for those services on the child welfare side.

Accomplishing reimbursement would further require a mechanism for the counties to transfer that payment to an organization like the AOC to pool and then enter a memorandum of understanding with MDCPS. As stated in the memo from Justice Beam, the exploration of accomplishing this began a couple of years ago, but has remained dormant for a couple of years after the decision to transfer all parent representation activity to OSPD. That discussion and research can be restarted.

On September 28, 2023, the Children's Bureau proposed a new rule to expand claim reimbursement for legal representation. A key change would allow Title IV-E agencies to claim administrative costs for legal representation in civil proceedings, which could include "facilitating, arranging, brokering, advocating, or otherwise linking clients with providers and services" according to the child's case plan. Additionally, costs could be reimbursed for independent legal representation provided to a relative caregiver, even when the caregiver is not a foster child's legal guardian. Public comment for this proposed rule ends on November 27, 2023.

**12) To review the fatherhood initiative proposals and develop proposed policies to increase fatherhood participation of absent fathers.**

### **Recommendations:**

(a) Pass legislation in support of fatherhood to:

- Promote public education concerning the financial and emotional responsibilities of fatherhood;
- Assist men in preparation for the legal, financial and emotional responsibilities of fatherhood; Promote the establishment of paternity at childbirth;
- Encourage fathers, regardless of marital status, to foster their emotional connection to and financial support of their children;
- Establish support mechanisms for fathers in their relationship with their children, regardless of their marital and financial status; and
- Integrate state and local services available for families.

A model for the implementation of such legislation could be the Connecticut Fatherhood Initiative (CFI) which is a broad-based, statewide collaborative effort led by the Department of Social Services, focused on changing the systems that can improve fathers' ability to be fully and positively involved in the lives of their children. See <https://portal.ct.gov/-fatherhood>

(b) Revise MDCPS policies to ensure contact with noncustodial fathers.

It is important for MDCPS to establish contact with noncustodial fathers from the outset of the Youth Court proceedings. Diligent efforts must be used to contact an absent parent (often the father) from the beginning of all YC child protection cases.

(c) Consider amending DHS child support enforcement statutes to allow courts to establish minimum child visitation schedules for noncustodial parents, if visitation is in the best interest of the child, and child support is ordered. Many of the programs are administered by the state's child support service divisions. A detailed list can be found at

<https://www.acf.hhs.gov/css/map/child-support-led-employment-programs-state>.

(d) Implement the following programs in Mississippi:

(i) Supporting Father Involvement (SFI). This program is for parents of children ages 0-11 and is a preventive intervention designed to enhance fathers' positive involvement with their children. The curriculum is based on an empirically-validated family risk model targets five aspects of family life (e.g., quality of relationship between parent and child), and highlights the potential contributions fathers make to the family. The program lasts for 16 weeks and includes two-hour long weekly group meetings. This program is typically conducted in a community-based agency, organization or provider.

(ii) Parenting Together Project (PTP). This program is an educational intervention for first time parents that focuses on the development of fathers' knowledge, skills, and commitment to the fatherhood role. The program's goals are to increase mothers' support and expectations for the fathers' involvement and to foster co-parental teamwork. The program consists of eight 2-hour sessions spread out between the second trimester of pregnancy and five months postpartum.

(iii) Proposed policies to increase fatherhood participation of absent fathers could include a requirement that any fatherhood program implemented in the state must have research evidence demonstrating its effectiveness.

### **13) Review Termination of Parental Rights Process.**

#### **Recommendations:**

Amend the TPR statutes as follows:

(a) Miss. Code Ann. § 93-15-107(1)(c) should be amended to read as follows:

Necessary parties to a termination of parental rights action shall include the child, mother of the child, the legal father of the child, the putative father of the child when known, and any agency, institution or person holding custody of the child.

*If the child is twelve (12) years or older at the time of the hearing, a summons must be issued and served upon the minor child, together with a copy of the petition, not less than seven (7) days before the hearing. The minor child shall be represented by an attorney throughout the proceedings. The court shall appoint an attorney for any minor child who is unrepresented, so the court has the benefit of knowing the child's stated interest. If the child is fourteen (14) years or older at the time of the hearing, the child's preferences regarding the termination of parental rights shall be considered by the court.*

The absence of a necessary party who has been properly served does not preclude the court from conducting the hearing or rendering a final judgment.

(b) Miss. Code Ann. § 93-15-107(1)(e) should be amended to read as follows:

The style of the case shall not include the child's name when the child is not the party plaintiff or petitioner.

(c) Miss. Code Ann. § 93-17-3(10) should be stricken and the language that currently appears there be moved to the TPR statutes, more specifically Miss. Code Ann. § 93-15-107(5). It currently reads:

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

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

(d) Miss. Code Ann. § 93-15-107(5) should be amended to read as follows:

The clerk shall docket cases seeking relief under this chapter as priority cases. The assigned judge shall be immediately notified when a case is filed in order to provide for expedited proceedings. **Once the petition for termination of parental rights is filed with the court of competent jurisdiction, the court shall hold a hearing on the petition within ninety (90) calendar days of the date the petition is filed. For purposes of this section, the ninety (90) calendar-day time period will commence when perfected service is made on the parents.**

**However, the court may continue a termination of parent rights hearing beyond the ninety (90) day deadline provided there are extraordinary circumstances including:**

- (a) The Mississippi Supreme Court orders the suspension of in-person court proceedings; and one of the following has occurred:
  - (i) The President of the United States has declared a national emergency; or**
  - (ii) The Governor has declared a state of emergency or a statewide public health emergency.<sup>2</sup>****
- (b) If the best interest of the child is served by the continuation, and the judge makes specific findings of such on the record.**

(e) Subsections (a) and (b) of Miss. Code Ann. § 93-15-121, should have the same standards as grounds for TPR. Subsection (a) requires the parent to be able to "provide an adequate permanent home for the child," and this would not be applicable to a noncustodial parent who is only seeking to maintain visitation rights, or who may be relying on family members to provide supervised visitation. Currently, these sections provide:

*(a) The parent has been medically diagnosed by a qualified mental health professional with a severe mental illness or deficiency that is unlikely to change in a reasonable period of time and which, based upon expert testimony or an established pattern of behavior, ~~makes the parent unable or unwilling to provide an adequate permanent home for the child~~ **prevents the parent, despite reasonable accommodations, from providing minimally acceptable care for the child;***

*(b) The parent has been medically diagnosed by a qualified health professional with an extreme physical incapacitation that is unlikely to change in a reasonable period of time and which, based upon expert testimony or an established pattern of behavior, prevents the parent, despite reasonable accommodations, from providing minimally acceptable care for the child;*

Miss. Code Ann. § 93-15-121(a) & (b).

(f) Define "torture" for felonious child abuse because the MSSC has held that "torture" is not enforceable under the Felony Child Abuse Statute in regard to the torture of a child, because "the term has not been defined by statute, or by precedent in Mississippi." *Wolfe v. State*, 743 So.2d 380,384 (Miss.1999).

The following definition shall be used for "torture of a child" :

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<sup>2</sup> See e.g., Ark. Code § 9-27-327(a)(4)(C)(ii); § 9-27-338(c)(3)(C)(iii).

Torture means any act, omission, or intentional neglect committed by an individual upon a child within his custody or physical control, whereby unnecessary or unjustifiable physical or mental pain or suffering is caused or permitted, regardless of whether serious physical injury results. Child torture involves treatment that is intentionally cruel, inhumane, and degrading, including but not limited to: intentionally starving a child; forcing a child to sit in urine or feces; binding or restraining a child; repeatedly physically injuring a child; exposing the child to extreme temperatures without adequate clothing or shelter; locking a child in closets or other small spaces; and forcing a child into stress positions or exercise resulting in prolonged suffering.

#### 14) Improve Foster Care.

##### Recommendations:

(a) Ensure regular social security payments received by DCPS for children in custody/foster care. Examine the issue of whether DCPS should stop taking regular social security payments made to children who are in custody, to pay for their foster care. Many states are moving to systems where these funds are held in trust for the benefit of the child after he/ she leaves custody.

(b) Clarify the timing for appeals from Youth Court.

Rule 37 of the Uniform Rules of Youth Court Practice governs appeals from Final Orders or Decrees in Youth Court; it provides: "Appeals from final orders or decrees of the court shall be pursuant to the Mississippi Rules of Appellate Procedures." U.R.Y.C.P. 37.

Currently, the recent cases decided by the Court of Appeals hold that any substantive decision by the Youth Court constitutes a "Final Order" that must be appealed within 30 days after the decision is rendered. This means that an appeal must be filed within 30 days after entry of an adjudication/disposition order; a permanency order; and any permanency review orders. See, e.g., *Interest of M.M. v. Adams County Youth Court*, 319 So.3d 1188 (Miss. Ct. App. 2021); *Interest of*

*C.R. v. Mississippi DCPS*, 363So.3d 977 (Miss. Ct. App. 2019). Failure to timely appeal will be deemed res judicata on any specific issues addressed by the Youth Court at these hearings, such as whether DCPS exercised "reasonable efforts" to provide the family with necessary resources, or whether the parent failed to substantially comply with the DCPS family service plan, so that the parent's rights should be terminated. Failure to file a timely appeal waives any right to challenge the findings of the Youth Court that supported the entry of these Orders.

In *R.B. v. Winston Cnty. DCPS*, 291 So.3d 1116, 1121 (13) (Miss. Ct. App. 2019), the Court held: "Upon review, we find that the plain language of Section 93-15-11(c) requires 'the court hearing a [TPR] petition ]' which in this case was the chancery court, to find (1) that the youth court had previously held a permanency hearing or permanency-review hearing under the Uniform Rules of Youth Court Practice and (2) that the youth court had previously 'found' that CPS had made 'reasonable efforts' to assist the parent in complying with his or her service plan, that the parents failed to substantially comply, and that reunification was not in the child's best interest. Miss. Code Ann.§ 93-15-11(c). We therefore conclude that the chancellor in this case

correctly understood Section 93-15-11(c) to require him to find that the Youth Court had held such a hearing and that the Youth Court had made the necessary findings."

However, it is arguable that none of these Youth Court Orders constitute "Final Orders," as contemplated by U.R.Y.C.P. 37 and the Mississippi Rules of Appellate Procedure, as the Youth Court proceedings are not concluded, and the case continues with the underlying goal of reunification of the child with the family, if that can be accomplished safely.

The MSSC has held that "Final Orders" must adjudicate all issues pending between the parties and resolve the merits of all claims that have been asserted. *See* M.R.C.P. 54(b) (Order that adjudicates fewer than all of the claims or the rights and liabilities of fewer than all the parties is not a final appealable Order). In *Vronsky v. Presley (In re Adoption of Karenina)*, 526 So. 2d 518, 522 (Miss. 1988), the Court held: When the "only reasonable interpretation of the ruling ... is that it finally terminates the litigation in the trial court[,]" the ruling is a final judgment because "no further act by the court [is] necessary." Only then is a judgment final and appealable. *See Davenport v. Hansaworld, USA, Inc.*, 212 So. 3d 767, 770 (Miss. 2017) ("the Court may question only a final, appealable judgment or that which 'adjudicates the merits of the controversy and settles all issues as to all the parties and requires no further action by the trial court.'" (quoting *Brown v. Collections, Inc.*, 188 So. 3d 1171, 1174 (Miss. 2016))).

The decisions by the Court of Appeals concerning piecemeal appeals of each Order entered by a Youth Court appear to be in conflict with the holding by the Mississippi Supreme Court in *E.K. v. Mississippi DCPS*, 249 So.3d 377, 378-79 (1) (Miss. 2018) where the Court reversed the Youth Court's Adjudication ruling long after the time for appeal of that Order had expired, and rendered judgment in favor of the parents. Significantly, the parents sought an Interlocutory Appeal to challenge the Youth Court's findings at both the Shelter Hearing, and the Adjudicatory Hearing, but the MSSC denied the Interlocutory Appeal, and remanded the case for further proceedings. *E.K.*, 249 So.3d at 381 (13) & n. 5. Subsequently, the Youth Court case was concluded and closed, and the child was reunited with the family. At that point, the parents appealed " ... the sufficiency of the neglect petition, the sufficiency of the evidence supporting adjudication, the lack of notice and service of process to Elizabeth and Timothy for the adjudication hearing, several of the custody orders and the orders concerning the hair-follicle drug tests." *E.K.*, 249 So.3d at 381 (15). The MSSC addressed the merits of the parents' claims concerning the Adjudication Order. *Id.* This holding appears to be in direct contradiction to the holdings by the Court of Appeals that each order entered by the Youth Court must be appealed within thirty days, or else the factual determinations and legal issues addressed in each Order will be waived.

(c) Youth Court should conditionally transfer jurisdiction to the Chancery Court in cases where permanent custody arrangements for the child is sought.

1. Under the amended version of Miss. Code Ann. § 43-21-609(b), " ... the youth court shall retain original and exclusive jurisdiction of all matters related to durable legal custody, including, but not limited to, petitions to modify the durable legal custody."

Thus, it is now clear that all efforts to modify a Youth Court Order granting Durable Legal Custody, must be presented to the Youth Court. However, it is unclear how this can be reconciled with a parallel case for permanent custody, guardianship, TPR or Adoption that is filed in chancery court. Each of these proceedings would be considered a modification of the

durable legal custody Order. This requires coordination between the Youth Courts and the chancery courts when there is a parallel petition filed that would arguably achieve permanency for the child.

2. Miss. Code Ann. §43-21-157 of the Youth Court Act, and U.R.Y.C.P. 23 provides a procedure for transferring a delinquency case to circuit court, when a child must be tried as an adult. However, Rule 23 does contain a procedure for transferring a child protection case to chancery court.
3. The MSSC set forth a judicial procedure that allows the transfer of cases from Youth Court to chancery. In *B.A.D. v. Finnegan*, 82 So.3d 608,613 (&18) (Miss. 2012), the Supreme Court held that a Youth Court may voluntarily relinquish its child protection jurisdiction to a chancery court where custody issues are pending, based on a finding that the Youth Court lacked the ability to provide long term relief to the parties. *See also, In re S.A.M.*, 826 So.2d 1266, 1279 (Miss. 2002); and *In re M.I.*, 85 So.3d 856, 860 (Miss. 2012).
4. It would appear to be appropriate and necessary for the Youth Court to conditionally transfer jurisdiction to the chancery court in cases where permanent custody arrangement for the child is sought. A conditional transfer would require the chancery court to transfer the case back to the Youth Court, if permanency is not achieved in chancery, such as when a Petition for TPR or Adoption is denied. This would allow the Youth Court to reinstate the original durable legal custody order.

## **ADDENDUM TO THE TASK FORCE REPORT**

### **INPUT FROM LINDSEY SIMMONS ON FOSTER CARE**

**Durable Legal Custody:** DLC has become common. Sometimes, particularly with family placements, it is a good option. However, it often becomes foster care purgatory. It is extremely difficult for foster parents to move forward once they have DLC. Foster parents often do not fully understand what DLC is when they agree to it. Some judges are really pushing DLC.

**Reunification:** There is too much emphasis on reunification and not enough emphasis on the true best interest of the child. Children are often removed from stable foster homes and placed with unstable, and unknown, extended family members. Family placements are ideal in theory, but in reality, foster homes are sometimes better. When a child is thriving in a foster home, let them stay and work toward reunification if that is the goal. Do not rip the child from a foster home to put them with extended family. Some judges favor any family placement over foster care and it is often to the child's detriment.

**Counties:** Every county has different policies and they operate independent of one another. One thought is to have a grading system similar to how the Department of Education grades school districts. If a county gets an A, then CPS has less oversight and allows them to do their work. If a county gets a C or lower, they have to implement some successful policies that an A-rated county is using and they are subject to frequent review by CPS Judge Dickinson and Harrison County would be a great model for struggling counties.

**Social workers:** We all know that social workers are overworked and underpaid. Social workers do not respond to human trafficking cases. These kids sit on the side of the road with cops for



hours, and often run away before a social worker can get there. Higher ups in CPS are doing well and truly understand the problems, but social workers are not implementing best practices.

If CPS would outsource more things to private agencies, that would alleviate some of the social workers' caseloads. For example, if a foster family is certified through a private agency, allow that agency's social workers to do the visits and reporting.

Hotel rooms: The use of hotel rooms for hard-to-place children should not be an option. We have a human trafficking shelter with empty beds, but we cannot get referrals because it involves more paperwork for the social workers and often requires a court order. Meanwhile kids who have likely been trafficked or sexually abused sit in a hotel where they are not getting any specialized services.

## INPUT FROM SAMANTHA KALAHAR

### TRANSITIONING YOUTH WHO ARE AGING OUT OF FOSTER CARE

- (1) In my work with transition aged youth and being a foster youth myself (years ago), there is little to no interaction between the foster youth and the GAL in most cases. The best interest of the child cannot be determined without hearing from the child when they are of an appropriate age.
- (2) The GAL should in all cases meet proactively with the youth prior to court and hear their input before determining a "best interest" recommendation.
- (3) The new legislation now makes the child a party to the case, and requires the appointment of a separate attorney if a child who is able to express his or her preference disagrees with the recommendations that will be made by a "Best Interest GAL." There should be a mandatory process to determine if the recommendations of the GAL and the youth align prior to court proceedings. This could be accomplished without unnecessarily extending the time required for adjudication by requiring the GAL to meeting with the child in advance of the Committee hearing, in order to confirm whether they agree.
- (4) Consider the recommendation that youth be given the opportunity to share their wishes in writing with the court. *This* ensures that youth have a voice but also protects them from additional trauma of having to express all wishes in front of parents, foster parents, and other adults that they don't want to alienate themselves from relationally. This also allows the youth to document their thoughts in a neutral setting prior to the intense court setting and allows for another opportunity for the GAL to determine if the interests align with their recommendation prior to court. This is how Iowa manages youth input in addition to attendance in court.
- (5) Title IV-E: Mississippi Department of Child Protection Services (MDCPS) is actively working to expand the drawdown of these funds with state plans dedicated to the programs eligible for match. I understand that kinship care, adoption assistance and after care, and preventative services were included in the latest plans submitted to the federal government.
- (6) First Place for Youth and other providers are actively working with MDCPS to develop a strategy and state plan for the ability to pull down Title IV-E funds for the

youth we are serving between ages 18-21 years. Since we currently serve this population due to the age of majority in Mississippi, we are not working on an expansion to new youth, but a model that better serves youth in what is known as Extended Foster Care based on federal criteria. This program would allow the state to receive a match for funds spent on this population that could include services at community colleges, universities, workforce development programs, and possible mental health services.