

Title 18: Human Services

Part 7: Division of Family & Children Services Licensing Requirements

Part 7: Chapter 1: Licensing Requirements Manual for Residential Child Caring and Child Placing Agencies

STATE OF MISSISSIPPI

DEPARTMENT OF HUMAN SERVICES

DIVISION OF FAMILY AND CHILDREN'S SERVICES



**LICENSING REQUIREMENTS MANUAL
FOR
RESIDENTIAL CHILD CARING
AND
CHILD PLACING AGENCIES**

**CHILD ABUSE AND NEGLECT HOTLINE 1-800-222-8000
ADOPTION INFORMATION 1-800-821-9157**

**Licensing Requirements
for
Residential Child Caring Agencies
and
Child Placing Agencies**

required by

THE STATE OF MISSISSIPPI

DEPARTMENT OF HUMAN SERVICES

DIVISION OF FAMILY AND CHILDREN'S SERVICES

Effective as of July 1, 2012

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The Licensing Standards for Residential Child Caring Agencies were adopted by the State Welfare Board on March 14, 1988. In revising these standards the Department of Human Services utilized agency staff and resources and also received assistance from knowledgeable persons in the field of residential child care. These standards were reviewed and approved by representatives of licensed residential child caring agencies and child placing agencies prior to their adoption.

These standards do **not** apply to child caring agencies that operate exclusively as:

- Educational institutions (i.e. closing for holidays and vacations)
- Detention centers for youth courts
- Training schools (public)
- Day care centers
- Shelters for women and children
- Hospitals (public and private)
- Institutions for the aged/disabled
- Church affiliated schools.

(MS Code §43-15-111 – See Appendix)

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DEFINITIONS
- See Appendix for MS Code Citations -

“Abandonment”	Term used in parental rights termination proceedings, which constitutes certain grounds for termination of parental rights; to surrender rights; desertion or willful forsaking
“Abuse”	Includes sexual abuse, sexual exploitation, emotional abuse, mental injury, non-accidental physical injury or other maltreatment. See MS Code §43-21-105
“Abused Child”	Child, whose parents, guardian or custodian or any person responsible for care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon the child sexual abuse, sexual exploitation, emotional abuse, mental injury, non-accidental physical injury or other maltreatment. See MS Code §43-21-105(m)
“Adopt”	To take by choice into a legal relationship; to take voluntarily (a child of other parents) as one’s own child.
“Adoption”	Legally transferring of parental rights and obligations from natural parents to adoptive parents. A process granting social, emotional and legal family and kinship membership, usually to a child.
“Adoption Disruption”	An adoptive placement which ends prior to finalization. It can also disrupt after finalization.
“Adoptive Services”	Assistance in finding the most appropriate adoptive home for each child who is free for adoption and for whom the permanent plan is adoption.
“Administrator”	The person responsible for the on-site daily implementation and supervision of the overall facility’s operation.
“Adult” *See Note on “child” or “children”.	A person age twenty-one (21) years or older. See 93-11-65(8) for emancipation of child and see MS Code §43-21-105(d)
“Agency Provider”	A residential child-caring agency or a child-placing agency.
“Applicant”	A person who submits a written application to the licensing authority or a licensing agency to become licensed or to renew a license as a Resource Parent. An applicant means both spouses if adult household caregivers are married.

“Board Payment”	State and Federal dollars appropriated by the Mississippi Legislature for use by Resource Parents(s) for child’s food, clothing, shelter, and other needs while in state custody.
“CASA”	Acronym for Court Appointed Special Advocate for a child.
“Case Plan/ Individual Service “Plan”	A written document which is a distinct part of a child’s case record and which identifies the child’s permanent plan and target date, desired outcomes, tasks, time frames, and responsible parties. It is a comprehensive, time-limited, goal- oriented, individualized plan for the care, treatment and education of a child in care of an agency or home. The service plan is based on a current comprehensive evaluation of the child’s needs.
“Child” or “children” Note: There are different definitions in Mississippi law for “adult” and “child” according to the Section referenced.	Any unmarried person or persons under the age of eighteen. See MS Code §43-15-103(b) and §43-21-105(d)
“Child Care Staff”	A child care worker, house parent, teaching house parent or cottage worker.
“Child Placing”	Receiving, accepting or providing custody or care for any child under eighteen (18) years of age, temporarily or permanently, for the purpose of: 1. Finding a person to adopt the child; 2. Placing the child temporarily or permanently in a home for adoption; 3. Placing a child temporarily in a Resource Home or residential child-caring agency until the child is returned home or another permanent plan is achieved.
“Child-placing agency”	Any entity or person which places children in foster boarding home or foster home for temporary care or for adoption or any other entity or person or group of persons who are engaged in providing adoption studies or foster care studies or placement services as defined by the rules of the Department. See MS Code §43-15-103(c)
“Child in need of Special Care”	A child with any mental or physical illness that cannot be treated with dispositional alternatives ordinarily available to the court. See MS Code §43-15-103(o)

“Corrective Action Plan”	A plan that describes steps a Resource Parent, residential and child placing agencies must take to remedy violations of foster care requirements within a specified period of time.
“Custody”	The physical possession of the child by any person. See MS Code §43-21-105(q)
“Department”	The Mississippi Department of Human Services, the agency responsible for administering the licensing standards. See MS Code 43-15-103(e)
“Director”	The Director of the Division of Family and Children’s Services. See MS Code §43-15-103(f)
“Discipline”	An educational process by which staff assist the children to develop the self-control, self-esteem, self-reliance and self-direction necessary to assume responsibility for their actions, make daily living decisions, and live in conformity to accepted levels of social behavior.
“Disposition”	A legal term used in youth and family court proceedings describing the action(s) taken by the court.
“Division”	The unit or section of the Department that carries out licensing activities.
“Domestic Adoption”	This term relates to an adoption that involves adoptive parents and a child that are citizens and residents of the United States.
“Emergency Shelter Care”	A facility offering short term residential placement not to exceed forty-five (45) days. Its purpose is to provide care for children in an emergency.
“Final Decree of Adoption”	Decree of the court granting and finalizing the adoption and vesting legal custody of the child with the adoptive parents
“Group”	Refers to the number of children who share a common space and relate to one primary staff member (who may be assisted by others) on a consistent or daily basis.
“Group Home”	A child care facility where at least seven (7) but no more than twelve (12) children are received and maintained for the purpose of providing care, training, nurturing or transitional living services. See MS Code §43-15-103(i)

“Guardian”	The person, or persons, appointed by the court, with ongoing legal responsibility for a child. See MS Code §43-21-105(f)
“ICPC”	Interstate Compact on the Placement of Children
“Independent Living Placement”	Placement in an apartment, house, or rooming house with supervision from a licensed placement agency.
“Judge”	The judge of the Youth Court Division. See MS Code §43-21-105(b)
“Legal Custody”	The legal status created by a court order which gives the legal custodian the responsibilities of physical possession of the child and the duty to provide him with food, shelter, education and reasonable medical care, all subject to residual rights and responsibilities of the parent or guardian of the person. See MS Code §43-21-105(r)
“License”	A written document, initial and/or renewal, of a facility’s legal authorization to operate. License is based on meeting required standards developed and published by the Department.
“Licensee”	Any person, agency or entity licensed under this article. See MS Code §43-15-103(j)
“Licensure Unit	The entity within the Department responsible for overseeing all facets of residential child caring and child placing licensing.
“Maternity Home”	Any place or facility operated by any entity or person which receives, treats or cares for more than one (1) youth who is pregnant out of wedlock. See MS Code §43-15-103(k)
“Neglected”	When a child whose parent, guardian, custodian or any person responsible for his/her care or support, neglects or refuses, when able to do so, to provide for him/her proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his/her well-being. When a child is otherwise without proper care, custody, supervision or support. When a child lacks the special care made necessary for him/her by reason of his mental condition, health, morals or well-being. See MS Code §43-21-105(l)(i-iv)
“New Construction	New buildings, additions to existing building (s), or the conversion of existing building(s) or portions thereof.

“Parent”(s)	Legal parent(s), natural parent(s), adoptive parent(s), foster parent(s) (determined by context) See MS Code §43-21-105(e)
“Placing Agency”	An organization, either publicly or privately operated, legally authorized to place a child in any out of home placement, including but not limited to, a residential child care facility, Resource Home, and independent living placement.
“Placement”	A social process carried out through the framework of law, whereby a relationship is created between the child and foster/adoptive parent(s).
“Recommend”	The word “recommend” when used in these standards denotes a preferred practice or exceeding minimum standards.
“Records involving children”	Means any of the following can be identified: • All youth court records • All social records • All law enforcement records • All agency records • All other documents maintained by any representative of the state, county, municipality or other public agency insofar as they relate to the apprehension, custody, adjudication or disposition of a child who is the subject of a youth court cause See MS Code §43-21-105(u)
“Reinforcement”	Any response to a child’s behavior when systematically and regularly presented following that behavior. The delivery of positive reinforcement is considered a desirable disciplinary practice. Encouragement and praise of good behavior is often more effective than punishment, and is essential in disciplining a child. The child’s acceptance of discipline and his/her ability to profit by it depends largely upon his/her feeling that he/she is liked, accepted, and respected.
“Related”	Children, step-children, grandchildren, step-grandchildren, siblings or the whole or half-blood, step-siblings, nieces or nephews of the primary care provider. See MS Code §43-15-103(n)
“Relative”(not-parent)	A specified relationship such as a maternal aunt, paternal grandparents, brothers and etc.

“Relief Staff”	Provide for care and supervision of children when primary child care staff is off duty.
“Residential child care”	The provision of supervision, and/or protection, and meeting the basic needs of a child for twenty-four (24) hours per day. See MS Code §43-15-103(o)
“Residential child caring agency”	Any place or facility operated by any entity or person, public or private, providing residential child care, regardless of whether operated for profit or whether a fee is charged. Such residential child-caring agencies include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, and emergency shelters that are not in a private residence. See MS Code §43-15-103(p)
“Resource Home”	A home providing temporary care for a child who is in the custody of the Department and cannot return safely to his/her own home for some period of time. A Resource Home may also be a prospective adoptive home under the dual licensure policy of the Department.
“Resource Parent(s)”	Under dual licensing, resource parents are licensed to provide foster care and/or adopt.
“Sexual abuse”	Obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children under circumstances which indicate that the child’s health or welfare is harmed or threatened. See MS Code §43-21-105(n)
“Shall or Must”	The words “shall” or “must”, when used in these standards, denote a requirement or mandatory standard.
“Shelter”	Care of children in physically nonrestrictive facilities. See MS Code §43-21-105(t)
“Special Needs Child”	One who may have physical or emotional limitations.
“Termination of Parental Rights”	The court may terminate all the parental rights of the parent(s) regarding the child, and terminate the right of the child to inherit from such parent or parent(s). See MS Code §93-15-109 and §93-15-103

“Therapeutic Resource Home”	A resource home that meets both the Department of Human Services’ Child Placing Agency requirements for a Resource Home and the Department of Mental Health’s certification requirements. Services are provided in homes which serve children who are in the custody of the Department and provide an array of therapeutic interventions utilizing program staff as well as other mental health professionals. The purpose of the therapeutic resource home is to provide a therapeutic environment using specially trained resource parents as caretakers.
“Therapeutic Group Home”	A group home that meets both the Department of Human Services’ residential child caring agency requirements and the Department of Mental Health certification requirements. Services are provided in homes which typically serve children and provide an array of therapeutic interventions utilizing program staff as well as other mental health professionals. The purpose of the therapeutic group care is to provide a therapeutic environment using specially trained house parents/staff as key employees.
“Visiting Families”	Families who have been contracted by the Child Placing Agency for the purposes of youth visiting these families on occasional weekends, holidays and/or vacations. Visiting families must adhere to the same screening procedures as resource families.

Mississippi Department of Human Services

Division of Family and Children's Services

Vision

“A New Day” – We have a clean slate; we offer new opportunities for clients, staff, and stakeholders; we think with imagination and creativity; we ask how we can do something better; and we ask not why, but why not.

Mission

The mission of MDHS is to provide services for people in need by optimizing all available resources to sustain the family unit and to encourage traditional family values thereby promoting self-sufficiency and personal responsibility for all Mississippians.

Values

The Mississippi Department of Human Services, Division of Family and Children's Services has identified six values that will be honored in working with clients and each other. These are:

Competence – To be competent we have technical skills and knowledge; we work with common sense; we make informed decisions; and we follow through to achieve successful outcomes.

Integrity – To act with integrity we are honest in our interactions; we are accountable for our actions; and we do the right thing.

Responsibility – To be responsible we do what we say we are going to do; we take initiative; and we do *“Whatever It Takes”* to get the job done.

Respect – To be respectful we treat others with kindness, compassion, dignity, and honor differences of our clients and each other.

Personal Courage – To be courageous we are loyal to the Mission of the Mississippi Department of Human Services, Division of Family Children's Services; we advocate for our clients; we lead by example even when doing so carries risk.

Collaboration – To collaborate we make decisions for the common good; we share resources based on need; we work together effectively in teams; and work with a collective knowledge of all programs and services.

**LICENSING
PROCESS
AND
PROCEDURES**

I. LICENSING PROCESS

A. The Application for a License:

An application for a license shall be made on forms provided by the Mississippi Department of Human Services, Division of Family and Children's Services (hereafter known as "the Department"). All inquiries should be made to the:

Attention: Licensure Unit
Mississippi State Department of Human Services
Division of Family and Children's Services
Post Office Box 352
Jackson, MS 39205-0352

(MS Code §43-15-5(2) and §43-15-105 – Licensing Authority – See Appendix)

The applicant will be furnished with an application form and a copy of the Licensing Standards for Child Placing Agencies and Residential Child Caring Agencies (hereafter known as "the agency").

The following minimum material shall accompany the first application for a license:

1. A copy of the Articles of Incorporation and a copy of the Constitution and/or By-laws. Any agency or residential child care facility incorporated outside of the State of Mississippi shall secure authorization from the Secretary of State to do business in Mississippi.
2. A completed application form and a letter from the applicant's Board of Directors authorizing the applicant to sign the application
3. For-profit agencies must provide information on corporate structure, ownership and proprietary interest.

4. A copy of the zoning verification notice signed by the zoning administrator
5. A list of the names, addresses, occupations and term expiration of Board Members; and specify the officers of the Board of Directors
6. A statement of purpose which includes a description of the geographic area to be served, the types of children to be accepted for placement or care, the services to be provided and the program objectives
7. Verification of six (6) months capital revenue, which shall not include state funds
8. A copy of the current budget which shows both expected expenses and sources of income
9. A copy of policies regarding fees and charges for services
10. A copy of the staff organizational table including names of all employees currently holding those positions
11. A general description of each type of staff position proposed for the agency including qualification requirements
12. A copy of all policy, including but not limited to, the personnel policies and admission policies
13. A copy of the staff development and training plan that must comply with the Department's training requirements (See Section III. Personnel : Staff Development and In-Service Training)
14. Certification of occupancy requirements, elevator inspections, occupational safety and health administration codes and all other applicable safety codes
15. A copy of the plan for providing care and services
16. Copies of all forms used by the agency such as application and placement agreement
17. Certificate of compliance with the civil rights laws
18. Most recent audit and IRS Form 990
19. A diagram of all structures of the facility showing square footage and designated use of each room and location(s) on campus/grounds of each

structure, building codes, and evidence of compliance with applicable codes

20. A copy of the required fire, health and sanitation (any hazardous condition) inspections completed within the last three months
21. Current emergency policies and procedures for all natural or man-made disasters affecting the facility
22. A copy of current insurance policy coverage including, but not limited to, auto insurance for staff and volunteers who transport children, comprehensive general liability, and owner property insurance on the facility.

B. Review of Initial Application:

The Department shall notify the applicant in writing within ten (10) working days acknowledging the receipt of the application. Within thirty (30) working days, the licensing review shall begin. The review shall include on-site interviews, record reading, observation and other interviews. The Department reviews the application, and will notify the applicant, in writing, of the results of the initial review. If additional information/documents are needed for the application process, this will be noted in the response from the Department. The applicant has thirty (30) calendar days to respond, in writing, to the additional information/documents requested, by the Department, to proceed with the application process. If there is no response by the applicant within the thirty (30) calendar days, the Department will proceed with closure of the application.

C. Reapplication for a License:

If an initial application for a license or application for renewal of a license is denied, or if the license is revoked, or applicant voluntarily requests closure, an application for a new license shall not be filed for one (1) year. (MS Code 43-15-113 – See Appendix)

D. Renewal of a License:

1. At least two (2) months before the license expires, the Department shall notify the agency and request completion of a license renewal application.
2. When the agency submits a timely application for renewal, the current license shall remain in effect until the review is completed and the Department issues a license or denies the application. However, renewal must be accomplished prior to the expiration date of the current license. If the renewal application and all the required documents have not been received prior to the current license expiration date, the renewal license shall be denied.
3. A renewal application shall be sent with the following materials:

- a. A list of names, addresses, occupations and term expiration of all Board members; and specify the officers of the Board
- b. A copy of the annual report published since the last license was issued
- c. The budget for the current fiscal year, which shows capital necessary for a twelve (12) month period of operation. The agency should provide proof that twenty-five percent (25%) of the current operating budget is available in the name of the agency, which shall not include the Department board payment.
- d. The most recent financial audit review and IRS Form 990 (for adoption agencies only)
- e. The names, classifications and qualifications of current staff and work schedule
- f. A copy of the current staff organizational table, if changed since the last license was issued
- g. A description of any program review and evaluation, and changes in program content and purpose which have occurred since the last license was issued
- h. A copy of any revisions in personnel policies that have been made since the last license was issued
- i. A copy of the current staff development and in-service training plan (see Section III. Personnel: Staff Development and In-Service Training)
- j. A copy of program accreditations, license with other states, and the licensure certificate
- k. For-profit agencies must detail any changes in corporate structure, ownership or proprietary interest since the last license was issued.
- l. A current copy of the required fire and health inspections performed in the last three (3) months
- m. Any changes in the diagram or designated use of any structure or room or locations on the campus/grounds of each agency
- n. A copy of current insurance policy coverage including, but not limited to, auto insurance for staff that transports children, comprehensive general liability, and owner property insurance on the facility

- o. A copy of policies regarding fees and charges for services to prospective adoptive parents (for adoption agencies only). (MS Code 43-15-117 – See Appendix)

E. Disposition of the Application:

1. The Department shall issue a license when the review shows that the applicant substantially complies with all licensing regulations and requirements.
2. The Department shall deny a license when the review shows that the applicant does not substantially comply with licensing regulations or requirements. The Department shall send written notice to the applicant and give the reasons for the denial of the license.

F. Provisions of the License:

1. An initial license issued by the Department to a child placing agency or residential child caring agency will be valid for two consecutive six month periods. Thereafter the license will be valid for one (1) year from the date of issuance, unless revoked by the Department or voluntarily surrendered by the licensee.
2. A license shall show the beginning and ending dates of the licensing period and the services under licensure. The number of children served shall not exceed the number specified on the license (with the exception that a sibling group may be placed together in the same foster home in excess of these limits, but only upon written approval by the DFCS Regional Director determining that the foster children can be maintained safely in the home) and the age range shall not vary from the limits specified on the license.
3. A license is not transferable. The license applies only to the location and agency to whom it is issued and the services approved.
4. When a license is granted, it shall be displayed in a prominent public place in the facility and/or residential child caring agency.
5. A new agency must be in operation for one (1) year before any changes can be made to the current license.
6. An agency requesting dismissal of a child due to behavioral problems must allow the Department fourteen (14) days to make efforts to avoid a disruption in placement or to locate an alternate placement for the child. (MS Code 43-15-107 – See Appendix)

G. Revocation of a License:

Upon receipt of a report of abuse, neglect, corporal punishment, or maltreatment an investigation is conducted by the Child Protective Services; the Licensure Unit shall undertake a separate licensure investigation to determine whether the agency is in compliance with the Department's licensure standards. If any licensure standards violations are found, the agency shall submit to the Department a Corrective Action Plan (CAP), including timeframes for undertaking the actions. The Department will review the CAP and shall either approve or return a request for revision. If the facility refuses to implement, or fails to comply with the CAP and timeframes approved, the Department shall revoke the licensure.

When a child placing agency or residential child caring agency is placed on a CAP, the Licensure Unit will monitor the facility for six months via drop-in visits, announced and/or unannounced. These visits can occur at the discretion of the Licensure Unit. If the agency fails to comply with the CAP, the Department shall revoke the license.

The agency's license can be **immediately revoked if the following occurs:**

1. If evidence is found that an agency has provided to the Department false information regarding staff members working at the facility
2. If false information is provided regarding income and revenue to operate the facility
3. If the renewal application and all the required documents for licensing have not been received prior to the current license expiration date
4. If evidence of abuse, neglect, degrading punishment, corporal punishment, or other maltreatment of children in custody is found
5. If the agency provides false documents to the agency.

(MS Codes §43-15-107, §43-15-113, §43-15-119, and §43-15-123 – See Appendix)

H. On-Site Visits:

Authorized licensing staff of the Department may make scheduled and/or unannounced visits to the agency. During an on-site visit, the licensing staff will interview youth placed at the facility and the licensing staff has the authority to review all records pertaining to licensing, including financial records and minutes of board meetings. (MS Code §43-15-115 – See Appendix)

I. Special Safety Review for Two or More Reports within Last Two Years:

The Department may undertake a special safety review including an unannounced site visit, of all resource homes, group homes and other residential facilities that house children in custody with two or more reports of maltreatment, including corporal punishment, within the previous three year time frame or at the request of a senior DFCS administrator to determine whether any children placed in those facilities are at risk of harm and any licensing standards related to child safety are not being met. Representatives of the Department will interview children at the home as well as other household members/residents, and staff of the home or facility. It is imperative that the agency cooperate and not prevent access to the residents that are currently residing in the facility. Any necessary corrective actions will be identified and the facility shall have ten (10) days to submit to the Department a CAP, including timeframes for undertaking the actions.

**ADMINISTRATION
AND
ORGANIZATION**

II. ADMINISTRATION AND ORGANIZATION

A. Statement of Purpose:

The agency shall have a written statement of its philosophy, purpose, and program. The statement shall contain a description of all the services the agency provides or expects to provide and the methods of service delivery. The agency shall also provide a description of the geographical area it serves or intends to serve. This statement shall be available to the Department, referral sources and other interested persons.

1. General Requirements:

- a. An agency shall allow representatives of the Department to inspect all aspects of a program's functioning that impact children and to interview any staff member or child. The Department's representatives shall be admitted immediately and without delay and shall be given free access to all areas of a facility, including grounds. If any area of a facility is set aside for private use by the facility's owner, the Department's representatives shall be permitted to verify that no children are present in that area and that the area is inaccessible to children. Any area in which children have or have had access to is presumed to be part of the facility and not the private area of the owner/operator.
- b. An agency accepting a child who lives in another state shall show proof of compliance with the Interstate Compact on Juveniles or the Interstate Compact on the Placement of Children before admitting said child.
- c. An agency shall have an office and staff located within the state. The office shall provide adequate space for services. The agency shall also provide a room which offers privacy as a meeting place for adults and children to visit, and/or prepare for adoptive or foster care placement.

- d. The agency shall have access to, shall follow practice guidelines and shall assist the Department in meeting all requirements contained in MDHS/DFCS policies as appropriate to the services provided by the agency.

B. Governing Body:

Any child care agency accepting referrals from the Department shall be licensed by the Department as being in compliance with all laws and regulations pertaining to non-discrimination (Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990).

1. The agency shall have a governing body which exercises authority over and has responsibility for the operation, policy, and practices of the agency.
2. The governing body shall be:
 - a. A board of directors in the case of a non-profit organization
 - b. Commissioners or appointed officials of a governmental unit, or
 - c. A board of directors or individual owner(s) of a for-profit organization.
3. The agency shall have a governing body comprised of members in good standing in the community.

C. Responsibilities of the Governing Body:

1. The governing body shall assure the employment of a qualified executive director and delegate responsibility to that person for the administration and operation of the agency.
2. The governing body shall evaluate the executive director's performance annually.
3. The governing body shall maintain an administrative file which shall contain the following information and documents: incorporation; by-laws or other legal basis for existence; organizational structure; name and position of person(s) authorized to sign agreements and submit official documents; board of director's composition, including terms of membership; purchase of service agreements and insurance coverage.
4. The governing body shall approve the annual budget of anticipated income and expenditures necessary to provide the services described in its statement of

purpose. The governing body shall also approve the annual financial audit report to ensure that the provider is adequately funded and fiscally sound by reviewing and approving the provider's annual budget or cost report.

5. The governing body shall establish and utilize personnel practices for selection and retention of sufficient staff to operate the facility.
6. The governing body shall establish and utilize policies and procedures for periodic evaluation of the facility's or agency's services.
7. The governing body shall meet as often as necessary with a minimum of two meetings a year. A quorum of its members shall be present at all meetings.
8. The governing body shall maintain records of attendance and minutes of its meetings for 5 years. These records and minutes shall be available for inspection by the Department.
9. The governing body shall develop and follow policies for selection criteria of all members. (No employee of any public agency which regulates or purchases the services of a private agency or member of his/her immediate family shall be a member of the agency's governing body).
10. In the event of the closing of the agency, the agency shall develop a plan for the long- term storage of children's records. The closed records shall be kept up to a minimum of seven (7) years upon closing of the case. Adoption files should remain permanently.
11. The members of the governing body of non-profit organizations shall have no direct or indirect financial interest in the assets, leases, business transactions or in current professional services of the agency.
12. The members of the governing body of non-profit organizations shall refrain from direct administration or operation of the facility.
13. The board or its designee shall consult with the Department prior to establishing a new child care agency, changing the purpose, goals or function of the basic program, or extending services into additional program or geographic areas.
14. The board shall notify the Department when there is a change of the executive and/or chief officer of the board.
15. The board shall ensure the establishment of written operating policies including, but not limited to organizational structure, administration, personnel practices, intake, discharge, services, and behavior management practices.

D. Organizational Table:

The agency shall maintain a current organizational table showing the administrative structure and staffing, including the lines of authority.

E. Finances:

1. The governing body, with the executive director, shall be responsible for the safety and judicious use of the funds of the facility or agency.
2. The agency shall have the capital necessary for a six-month (6) period of operation. These funds shall not be direct state funds.
3. The agency shall prepare a written budget annually, which includes twenty-five percent (25%) of the budget revenue in the agency name.
4. The agency shall have financial records audited annually by an independent certified public accountant or by the appropriate government auditing authority.
5. The governing body shall retain a copy of all financial records and ledgers for a minimum of five (5) years. This information should be available to the Department upon request.
6. Fees:
 - a. If fees are charged, the agency shall have written policy on fees for services in keeping with the usual charges for similar services in the community/area.
 - b. The fee policy shall describe the relationship between fees and services provided and the conditions under which fees are charged and/or waived.

F. Required Notification to the Licensing Unit:

1. The agency shall report all significant events and changes to the Department. The following changes shall be reported before they take place:
 - a. A change in ownership and/or sponsorship
 - b. A change in location
 - c. A change in the name of the agency
 - d. Any change in the structure of the living units of the facility
 - e. A change in capacity, services, population served or geographic area

served.

2. The agency shall promptly notify the Licensing Unit in the event of the death, abuse, severe accident, illness, hospitalization, runaway, kidnapping, suicide attempts, injury, neglect, exploitation or emergency medical attention of a child in care. In addition, the agency shall call Mississippi Centralized Intake at 1-800-222-8000 or make a report online at www.msabusehotline.com.

An agency shall have written procedures for the reporting and documentation of any of the above, including any written reports or notification in the child's file, written notification to the Licensure Unit and child's worker within 24 hours of occurrence.

3. In case of fire or natural disaster at the facility, the agency shall have written procedures for evacuation of the facility. The agency shall notify the Department, by any means of communication possible, as soon as possible, but no later than twenty-four (24) hours, particularly if children are moved to another location.
4. The agency shall provide written notification to the Department within ten (10) calendar days of occurrence of the following:
 - a. A change in the executive director and/or program director
 - b. If the agency is unable to maintain approval of its health, building or fire inspection certificates, the agency shall notify the Department. A Corrective Action Plan must be submitted within ten (10) calendar days.
 - c. Major remodeling, structure or maintenance changes
 - d. Change in fees or charges for services
5. All agencies requesting licensure change shall submit a request in writing.
6. Child placing agencies shall submit a demographic sheet to the Licensure Unit on all approved and/or closed resource homes within seven (7) days. Upon closing a home a reason for closure must be indicated.

PERSONNEL

III. PERSONNEL

A. Policies and Practices:

1. The agency shall have written personnel policies and practices conducive to recruitment, retention, and effective performance by qualified personnel. These policies shall reflect the agency's compliance with the civil rights laws, as amended. These policies and practices shall include at least the following:
 - a. Written job descriptions and titles for each position defining the qualifications, duties, and lines of authority
 - b. Salary scales
 - c. Description of employee benefits, including provision for annual leave, sick leave, holidays, and any other special leave
 - d. Provisions which will encourage professional growth through supervision, orientation, in-service training, and staff development
 - e. Provisions for on-the-job training by experienced direct care staff to provide support to new staff until these staff members are able to adequately care for the children (See Staff Development and In-Service Training)
 - f. Procedures for scheduling staff hours and assignments
 - g. Procedures for annual evaluation of the work and performance of each staff member and for three month evaluations of each new direct care staff member, both of which shall include provisions for employee participation in the evaluation process

- h. Description of the termination procedures established for resignation, retirement, or discharge
 - i. Grievance and discipline policies and procedures for employees
 - j. Plan for review of the personnel (policies and practices) with staff participation at least annually and when necessary.
2. The agency shall have a personnel file for each employee which shall include at least the following:
- a. The application for employment including the record of previous employment
 - b. Criminal background and Central Registry check (MS Code §43-15-6 – See Appendix P) conducted prior to employment and must be conducted annually. Sex Offender check is also conducted prior to employment and annually.
 - c. Documentation of satisfactory Criminal Information Center (CIC) check, to include National Criminal Information Database (NCID) within 30 days of employment and every five (5) years thereafter.
 - d. Four (4) letters of reference, three (3) of which are personal/professional references and one (1) from a current or previous employer
 - e. All personnel shall have a completed physical within thirty (30) days of employment. TB Test is required initially and annually thereafter.
 - f. Applicable professional credentials/certifications
 - g. Initial evaluation of all new direct care staff at three (3) months
 - h. Annual performance evaluations
 - i. Documentation of training records and conferences attended
 - j. Personnel, employment, disciplinary or counseling reports
 - k. Employee's start and termination dates and reason for separation
 - l. Current driver's license and proof of insurance for all drivers operating agency or private vehicles in transporting children

- m. Cardio Pulmonary Resuscitation (CPR) training and First Aid training documentation prior to service delivery. Every staff person must receive the CPR training annually.
 - n. Signed documentation stating that each employee has read and understands the child abuse reporting law.
 - o. Salary pay rate and time sheets for each worker.
 - p. Acknowledgement of training on agency policies and procedures.
- 3. The agency shall have procedures that safeguard the confidentiality of the personnel, financial and child records.
 - 4. The agency shall maintain the personnel file of an employee who leaves the facility for a minimum period of three (3) years.

B. Staff Functions and Qualifications:

1. Medical Requirements:

The facility shall require that any employee having contact with children in care present a medical statement from a physician prior to employment verifying that he/she suffers from no communicable disease, specific illness or disability, which would interfere with the person's ability to work with or care for children. The physician's statement shall be based on an examination performed not more than three (3) months prior to employment. The medical examination shall be updated every three (3) years. A Tuberculosis (TB) screen shall be completed annually. A record of such examination or physician's statement must include the physician's signature and date, address, phone number and shall be on file in the facility as a separate confidential medical record. All medical examinations and tuberculosis screens/tests shall be done at a licensed certified physician's office or Health Department.

- 2. The agency shall not employ or permit to volunteer an applicant who has been convicted of a sex offense, a violent crime, a crime against a child or has been adjudicated physically or mentally incompetent. (MS Codes §43-15-303, §43-15-305, and §43-15-307 – See Appendix)

3. Staffing

Professional Qualifications and Job Functions:

- a. All professional staff employed by the agency shall be qualified in their occupational field or licensed in their professional field.

- b. The agency shall employ sufficient staff to provide the fiscal, clerical, food service, housekeeping, and maintenance functions.
- c. The agency shall employ staff to perform administrative, supervisory, services, and care functions. These persons shall have the following qualifications, responsibilities, and comparable titles.

All positions must be verified by the Department:

1. The **Executive Director** shall be responsible for the general management and administration of the facility or agency in accordance with the policies of the governing body and shall be qualified by training and experience as agreed upon by the governing body. The Executive Director shall be a full-time employee working a minimum of forty (40) hours per week. The Executive Director shall have at least a master's degree in social work, administration, psychology or related area of study from an accredited school and at least two years experience in the management or supervision of child care personnel and program or a bachelor level licensed social worker or licensed counselor with four years experience in the management or supervision of child care personnel and programs. Any Executive Director or Administrator who does not meet this requirement prior to the effective date of these standards (July 01, 2012) is permitted to remain in the position.
2. The **Program Director** shall be responsible for the onsite, day-to-day development, implementation, and supervision of the programs and services of the facility, and be on-site at least forty (40) hours per week or participating in planned activities with children off-site. The Program Director shall have a master's degree in social work or a related area of study from an accredited school and at least two years experience as a case manager, management, and supervisor of a child care program. The Program Director shall be responsible for supervising, evaluating, training and monitoring the functions of all staff.
3. The **Social Worker** shall be responsible for performing intake services, providing casework or group work services for children and their families (if applicable), conducting counseling/therapy sessions with children, making sure youth have transportation to and participate in independent living skills groups, seeking placements and assessment studies related to family foster homes and adoption, planning and

coordinating the services and resources affecting children and their families. The Social Worker shall be a Licensed Master's Social Worker, or have either a master's degree in social work or a related area of study comparable with the human services field or be a Licensed Social Worker with a bachelor's degree in social work or a comparable human services field with two years experience working directly with children. This staff person must work a minimum of forty (40) hours a week.

4. The **Case Manager** shall perform casework and group work tasks for children and their families (if applicable), making sure youth have transportation to and participate in independent living skills groups, and plan and coordinate services and resources affecting the children and their families. The Case Manager shall have a bachelor's degree in social work or comparable human services field from an accredited school and at least two years related experience. The Case Manager must be a full time employee working a minimum of forty (40) hours a week.
5. The **Direct Care Supervisor** shall be responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care staff; shall have an associate of arts degree in child care or related area of study from an accredited school with at least two years experience in a facility; or a high school or equivalency diploma and at least three years experience in a facility. This applies to persons in charge of small residential group care facilities under the direction of an executive director.
6. The **Direct Care Staff** shall be responsible for the daily direct care, nurturing and supervision of the children. Direct Care Staff shall be at least twenty-one (21) years of age and shall have a high school or equivalency diploma and one (1) year experience in the caring of children.
7. All **Professional Staff** employed by the facility or agency that will provide counseling/therapy for the children shall have the licensing/certification requirements of their professional discipline, such as Mississippi State Board of Examiners for Social Workers for Marriage and Family Therapists, the Mississippi State Board of Examiners for Licensed Professional Counselors, and Mississippi State Board of examiners for Psychology.

C. Staffing Requirements:

1. The agency shall have adequate staff coverage at all times to provide for the services identified in the statement of purpose.
2. The agency shall follow the written staff/child ratio formula. The formula shall be appropriate for the agency's purpose, the type, ages, and functioning levels of the children in care. The staff/child ratio shall assure the children's safety, protection and privacy, as well as physical, hygienic, emotional and developmental needs. The facility shall count any children living with staff families in the staff/child ratio.

The following staff/child ratios shall be maintained:

- a. The agency shall have at least two (2) staff members on duty at all times when children are present and awake.
 - b. All therapeutic environments shall have one (1) direct care staff to five (5) children at all times. When two staff are on duty during sleeping hours, one staff shall remain awake at all times.
 - c. For all non-therapeutic environments, there shall be one (1) direct care staff to six (6) children when children are present and awake; and one (1) direct care staff to ten (10) children when children are asleep. At least one (1) staff must remain awake at all times.
3. The agency shall have at least one (1) social worker or comparable professional for every twelve (12) children that are in care (i.e. one (1) social worker for one (1) to twelve (12) children; two (2) social workers for thirteen (13) to twenty-four (24) children. This staff must work full time [full time is forty (40) hours per week].
 4. The agency shall have at least one direct care staff member on duty in each living unit when children are present while maintaining the appropriate staff/child ratio.
 5. The agency shall designate a staff member on the premises to be in charge at all times.
 6. The agency shall provide on-call emergency staff when only one staff member is on duty.
 7. The agency shall provide face-to-face supervision to all staff members in

carrying out their work with children and documentation of same. This shall include at least one formal conference with an agency supervisor per month.

8. Every child care staff worker who directly supervises children shall be off two (2) days per week, with a minimum of twenty-four (24) consecutive hours during which they are not working in a child care worker capacity. The maximum regularly scheduled work hours per week shall be fifty (50) hours.
9. The facility should not be used as a permanent residence for live-in child care workers or other staff members working at the facility. Staff must leave the facility when they are not working in a child care worker capacity, unless separate living quarters are provided with bedroom, bath and kitchen.

D. Volunteers:

1. An agency which utilizes volunteers who work directly with children on a regular basis shall:
 - a. Complete an application
 - b. Develop a description of duties and specify responsibilities for volunteer positions
 - c. Require four (4) personal references,
 - d. Designate a staff member to supervise and evaluate volunteers
 - e. Develop a plan for the orientation and training of volunteers on the philosophy of the agency and the needs of the children in care.
2. Volunteers shall not be expected to assume the total responsibilities of any paid staff member.
3. A record shall be kept of hours worked and activities of all volunteers.
4. Volunteers who work directly with children shall be screened in the same manner as staff (criminal background check; Central Registry check; fingerprinting). See Section III. Personnel: Policies and Practices
5. The agency shall not employ or permit to volunteer an applicant who has been convicted of a sex offense, a violent crime, a crime against a child or has been adjudicated physically or mentally incompetent or have other felony convictions. (See Appendix)

E. Student Field Placement/Internships:

1. An agency which accepts students for field placements shall:
 - a. Develop a written plan describing their tasks and functions. Copies of the plan shall be provided to each student and his/her school.
 - b. Student field placement individuals or interns who work directly with children shall be screened in the same manner as staff (criminal background check; Central Registry check; and fingerprinting). See Section III. Personnel: Policies and Practices
 - c. Designate a staff member to supervise and evaluate them
 - d. Develop a plan for the orientation and training of student interns on the philosophy of the agency and the needs of the children in care
 - e. Provide an opportunity for students to participate in developing and carrying out the service plans for the children and families they are working with directly.
2. Students shall not be expected to assume the total responsibilities of any paid staff.
3. An agency shall require four (4) professional references, including one (1) from a previous or current employer if applicable.

F. Staff Development and In-Service Training:

Agencies must provide new staff orientation that thoroughly acquaints new employees with agency policies and procedures. This process must be under the direction of qualified staff and appropriate to the position being assumed by the new employee.

Training must consist of a minimum of forty (40) hours of pre-service training and twelve (12) hours of annual training for all staff members. Pre-service training must be completed prior to staff assuming unsupervised work duties and must be documented in the employee file. Attendance at conferences and workshops appropriate to the position may be included as part of the twelve (12) hours minimum requirement for annual training.

1. Pre-Service Training shall be provided in the following areas:
 - A. Administrative procedures and overall program goals, to include specific responsibilities of assigned job duties, etc.

- B. Residents rights and responsibilities (annually)
 - C. Prevention and treatment of substance abuse
 - D. Effective means of discipline, to include crisis management, de-escalation and the management of aggressive behavior (annually)
 - E. Permanency Planning
 - F. Recognizing and reporting suspected abuse (annually)
 - G. Principles and practice of supervision
 - H. Emergency and safety procedures (annually)
 - I. The supervision and use of volunteers serving the facility
 - J. Cultural diversity/sensitivity (annually)
 - K. Effective management of medication; including psychotropic drugs, dosages and side effects (annually)
 - L. Separation and Loss. Issues of children in custody and the impact on family relationships
 - M. CPR/First Aid Training (annually)
 - N. Universal precautions for prevention of infectious diseases (annually)
 - O. Confidentiality (annually)
 - P. Reporting serious incidents (annually)
2. Additional annual in-service training topics may include but are not limited to:
- A. Child safety issues
 - B. Significance of birth family relationships
 - C. Effects of multiple placements
 - D. The impact of the media on children
 - E. Working with people with disabilities

- F. Child development
 - G. Dynamics of child sexual abuse
 - H. Working effectively with custodial agencies
 - I. Effective treatment planning
 - J. Suicide prevention
 - K. Identifying risk behaviors and managing runaways
 - L. Mental Health Diagnoses and Treatment: Post Traumatic Stress Disorder, Intermittent Explosive Disorder and Reactive Attachment Disorder
3. All therapeutic agencies shall adhere to the training hour requirements and topics as required by the Mississippi Department of Mental Health for pre-service and in-service training in addition to those required by MDHS.

G. Child Abuse and Neglect:

1. The agency shall have and follow written procedures and Mississippi law for handling any suspected incidents of child abuse or neglect involving staff or residents. The procedures shall include:
 - a. A provision for immediately reporting any suspected incident to the executive director or administrator in charge. If the incident is life threatening or there is immediate risk of harm the incident should first be reported to the appropriate authorities or emergency personnel.
 - b. A provision for the executive director or administrator in charge to immediately report the incident to the Department as soon as possible, but no later than twenty-four (24) hours of occurrence. Report child abuse and neglect to Mississippi Centralized Intake 1-800-222-8000 or www.msabusehotline.mdhs.ms.gov.
 - c. An action plan that provides immediate protection during the investigation
 - d. Provisions for preventing a recurrence of the alleged incident pending investigation
 - e. A provision for conducting an in-house investigation of the incident

after the Department has completed its investigation

- f. A procedure for evaluating the continued utilization of any staff member determined to be involved in an incident of child abuse or neglect.
2. The agency shall require each staff member to read and sign a statement that he/she has read and understands procedures for handling suspected incidents of child abuse or neglect. The statement must outline the State child abuse and neglect law and outline the staff member's responsibility to report all suspected incidents of child abuse and neglect according to the law. Employee statement shall be filed in employee's personnel file.

H. Maltreatment and Corporal Punishment of Children in Custody:

1. Maltreatment, including the use of degrading or corporal punishment, by a child placing agency or residential child caring agency on foster children is strictly forbidden by the Department. If any Department staff or providers suspect that a child in custody is being maltreated or that corporal or degrading punishment is being used at the agency or Resource Home, a formal report must be made. Examples of degrading punishment include: harsh and humiliating punishment, (including physical or emotional abuse) or verbal abuse of a child and derogatory remarks about a child and/or his family.

**RECORDS
AND
REPORTS**

IV. RECORDS AND REPORTS

A. Records Maintenance:

1. The agency shall maintain records to document services provided and administrative and fiscal accountability. Representatives of the Department shall have access to all records and reports.
2. All records shall be confidential and protected from fire, damage or theft. (MS Code §43-15-21 – See Appendix)

B. Required Records:

1. Fiscal Records and Audits
2. Statistical Records (to include number of children served with identifying information)
3. Personnel Records and training records (all information should be current/updated)
4. Employee Work Schedule Log (sign-in/sign-out or swipe record)
5. Child's Record - The facility or agency shall maintain individual records for each child in care which shall include the following:
 - a. A written Residential Service Application, including reason for referral;
 - b. Cover sheet to include child's name, birth date, race, gender, date of the admission, religious affiliation, and custodian's address and telephone

- c. Intake and medical assessment
- d. Name, address, and relationship of person with whom the child was living immediately prior to placement
- e. Social summary
- f. Psychiatric and/or psychological evaluations
- g. Copies of legal documents of importance for the child including birth certificate, Social Security card, immunization records, court orders, any agreement with parent, agency or legal custodian
- h. Current medical, dental and vision examination records, and current drug test, if applicable
- i. School records including educational placement records and reports, grade level and special education/IEP, any report notes and notices provided by the school
- j. Placement agreement
- k. Visitation plan
- l. Discharge and aftercare summary shall contain:
 - i. Services provided during care, the progress and accomplishments, assessed needs which remain to be met, and recommendations of the services needed to meet these goals
 - ii. Date of discharge, discharge summary, reason for discharge, and the name, address, telephone number, and relationship of the person(s) or agency to whom the child was discharged
 - iii. Aftercare plans which specify the responsibility for follow-up.
- m. Correspondence
- n. Social and developmental history
- o. Initial treatment, six (6) month treatment plans, Individual Service Plans, clinical reports, evaluations and daily progress notes
- p. Authorization for Payment, Termination and Breaks in service (therapeutic placements only)

- q. Acknowledgement of admission, grievance, and discipline policy
- r. Acknowledgement of agency rules and regulation policy
- s. Vocational, employment, and independent living training (if applicable)
- t. Referral to other agencies
- u. All child records must be marked "CONFIDENTIAL"

C. Resource Home Records

1. The agency shall keep separate records for each Resource Family home which shall contain:
 - a. The application
 - b. Completed home study
 - c. Current medical reports including any medical results
 - d. Criminal background and Central Registry checks which include fingerprints on all household members age 14 years and older
 - e. List of the agency workers' visits with the child and Resource Family, including dates of visits and detailed summaries for each
 - f. Four (4) letters of reference, three (3) should be personal references and one (1) from a current or previous employer
 - g. Copy of the license
 - h. Historical narrative of the care provided for each child (including all significant events) by the Resource Family
 - i. Chronological list of children/youth placed with the Resource Family, including date placed, date discharged from care and child's legal name
 - j. Narratives and all supporting documentation regarding any and all allegations of abuse, neglect, exploitation, corporeal punishment, and/or other maltreatment alleged to have occurred during the time the child was placed in that home.

- k. A termination summary for closed homes including reasons for the closure
 - l. Legal documents (including current marriage license, all divorce decrees, proof of auto insurance, and valid driver's license)
 - m. Copy of current annual CPR and First Aid training unless the home has a pool, then must be certified in CPR and First Aid
 - n. Verification of training
 - o. Copy of the board payment included in the agency's placement agreement
 - p. Signed copy of the agency's grievance policy
 - q. Signed copy of the Department's discipline policy
 - r. Transportation plan
 - s. Disaster plan/emergency plan
 - t. Current vaccination records on all pets/animals on the premises.
2. The following information regarding ALL Resource Homes shall be sent to Licensure Unit within ten (10) calendar days after a home is licensed and as information is updated:
- a. Face Sheet
 - b. Copy of all parent licenses and certifications
 - c. Background checks, criminal record, central registry check, sexual offender registry to include fingerprints on all household members age 14 years and older
 - d. Signed copies of grievance and discipline policy
 - e. Signed copies of child abuse state of compliance
 - f. Home study
 - g. Home inspection report of the checklist of minimum compliance

All of the above information will be maintained by the Licensure Unit.

D. Adoption Family Study Records:

The agency shall keep separate records for each adoptive family which shall contain (as applicable):

- a. The application, disposition of application and any re-licensure
- b. Current medical records of all family members including the foster child
- c. Disclosure statements
- d. Four (4) letters of reference, three (3) should be personal references and one (1) from a current or previous employer
- e.
- f. Criminal background and Central Registry checks to include fingerprints on all household members age 14 years and older
- g. Summary of contacts with the prospective adoptive parent from initiation of adoptive process until the adoption is finalized
- h. A copy of the written information given to the prospective adoptive parent(s) concerning a child or children to be placed for adoption
- i. Completed home study
- j. Legal documents (including current marriage license, all divorce decrees, proof of auto insurance, and valid drivers' license)
- k. Copy of the fee contract for adoptive services
- l. Verification of employment
- m. Financial statement
- n. ICPC information regarding the child
- o. Placement agreement
- p. Adoption Release Consent Form regarding parental rights
- q. Adoption Placement Affidavit
- r. Consent for Adoption
- s. Post-Placement Agreement
- t. Confidentiality policy

- u. Petition for Adoption
- v. Final Adoption Decree
- w. Summary of the post-placement visits including transportation of child to family
- x. Disaster plan / emergency plan
- y. Visitation plan, if applicable, for each child
- z. Current vaccination records on all pets on the premises.

E. Adoption Re-application:

Application for additional child/children may be taken at any point after the first adoption is legally finalized. The following information will be needed:

1. Current application forms (including current medical records for parents and child within the last twelve (12) months)
2. Criminal background and Central Registry checks for all household members age 14 years and older
3. All other requirements for adoption apply

F. Birth Parent Records

1. Birth Parents File (for children not in the Department's custody):
 - a. Application
 - b. Summary of contact with birth parent
 - c. Legal documents
 - d. Release of Parental Rights forms
 - e. Medical case assessment and medical records
 - f. Any correspondence pertaining to the birth of the child
 - g. Consent for adoption.

**RESIDENTIAL/GROUP HOME ADMISSION
AND
PLANNING**

V. ADMISSION AND PLANNING

A. Admission Procedures:

1. The agency shall have written admission policy or procedures as follows:
 - a. List of the materials and forms required from the Department or placing parent(s)
 - b. Includes a written description of the internal acceptance process
 - c. Outlines placement change procedures for the child including notification of his/her parent(s) or guardian or the Department, if the child is in Department custody, and documentation to social worker prior to any placement change
 - d. Method used to assign a child to an appropriate group
 - e. Includes a method of determining whether the agency is equipped to adequately serve the child's needs
 - f. Pre-placement visit plan for the child to the agency as well as the date and outcome of the visit shall be documented in the child's record, if applicable
 - g. Placement cannot be made based on race, color or national origin
2. The agency shall accept only children within the age range of their license.
3. No child under 10 years of age shall be placed in a congregate care setting (including group homes and shelters) unless the child has exceptional needs that cannot be met in a relative or foster family home or the child is a member of a sibling group, and the Regional Director has granted express written approval for

the congregate care placement. Sibling groups in which one or more of the siblings are under the age of 10 shall not be placed in congregate care settings for more than 45 days.

4. The facility shall not admit adult(s) as residents into child caring facilities.

B. Medical Information:

The agency shall obtain from the Department prior to admission:

1. The report of a medical examination of the child performed within 30 calendar days prior to admission. (In an emergency admission, the medical examination shall be performed within seven (7) working days) following the placement.
2. Written consent from the child's parent(s), guardian, or the Department for the executive director to authorize routine medical/dental procedures for the child, and to authorize emergency procedures when written consent cannot be obtained.

C. Orientation and Expectations:

1. The agency shall provide, prior to or at admission, an orientation to living in the facility for each child and the Department or parent(s).
2. The agency shall provide each child and the Department or parent(s) with a written list of rules governing the care of children including visitation plan, discipline policies, religious practices, and all other services available, including independent living services.
3. The agency shall provide a written description of procedures which the child and the Department or parent(s) may use to register complaints. The child desiring to make a complaint shall have access to the Department's worker(s) at all times for registering a complaint.

D. The Placement Agreement:

The placement agency shall have a signed agreement with the Department and/ or resource parent(s) which shall include:

1. A description of roles and responsibilities of all agencies and persons involved with the child in placement
2. Arrangements regarding visits, mail, telephone calls, vacations, gifts and family contact and involvement
3. The confidentiality statement regarding sharing information about the child signed

by the Department's designee

4. Methods of payment for the child's care
5. The amount of the board payment and breakdown of child's allowances.

A copy of the signed agreement shall be placed in the child's record and a copy given to the Department and/or resource parent(s).

**RESIDENTIAL/GROUP HOME
CARE AND SERVICES**

VI. CARE AND SERVICES

A. Service Plan:

1. The agency shall have completed a written service plan using the Individual Service Plan (ISP) developed by the Department's County of Responsibility within thirty (30) calendar days of placement for every child admitted into care.
2. The agency shall collaborate with all appropriate staff members and responsible agencies, the Department or parent and the child, if age appropriate, in developing and implementing the service plan for the child and the child's family.
3. The service plan shall include the following:
 - a. The date the plan is approved
 - b. An assessment of the child's and family's strengths and needs
 - c. Defined goals, staff assignments, time schedules and steps to be taken to meet the goals
 - d. The plan for family (including siblings) visitation, unless prohibited
 - e. An alternate permanency plan when a determination has been made by the Department that the child cannot return home
 - f. A plan regarding estimated length of placement, discharge, and aftercare
 - g. The estimated date for the first progress review of goal
 - h. A signed copy of the Department's Client's Rights and Responsibilities for the

appropriate age group of the child

- i. Identify services to be provided by the agency
 - j. Designation of the agency's responsibility for work with the family
 - k. A plan of preparation and transportation for Independent Living and Transition for youth
 - l. The plan shall be signed by the child's parent or legal guardian and responsible staff, when appropriate, and a copy given to each.
 - m. A plan that is initiated and maintained by the provider to provide transportation for youth to and from school and /or work.
4. The agency shall maintain contact with the child's parent(s) and the Department, if appropriate, within the parameters of a court order and shall encourage the parent(s) to communicate and visit the child in accordance with the service plan.

B. Service Plan Review:

- 1. The agency shall review each child's service plan at least every three (3) months. Written documentation of the review shall be signed, dated, and filed in the child's record.
- 2. The service plan shall be revised to include the following:
 - a. Progress made toward achieving the goals established in the previous service plan
 - b. Changes in the service plan.

C. Direct Child/Youth Care Services:

- 1. Child's Access to Social Worker or Counselor:
 - a. The child shall have access to a social worker(s) or counselor at all times and be able to schedule private appointments upon his/her own initiative.
- 2. Daily Routines:
 - a. The agency shall post the daily schedule in a prominent place.
 - b. The agency's daily routine shall provide time for privacy and individual pursuits of all children.

3. Food and Nutrition:

- a. The facility shall assign one staff member to the overall management of the food service. If this person is not a professionally qualified dietitian, monthly scheduled consultations shall be obtained on menus from a professionally qualified dietitian. Facilities which participate in the USDA Child Care Food Program administered by the Department of Education meet this requirement.
- b. The staff member in charge of food service shall plan menus at least a week in advance.
- c. The agency shall serve staff members and children in care substantially the same food, except when age or special dietary requirements dictate differences. At least one (1) staff member on duty in living units shall eat meals with the children.
- d. The child care agency shall provide wholesome nutritious and properly prepared daily meals, including: meats or meat substitutes, vegetables, milk, fruit, cereal, bread, and dessert. Nutritious snacks shall also be provided. Special dietary needs shall be provided as recommended by a physician.
- e. At least three (3) meals shall be served each day, each with a different menu. Menus shall be written in advance and shall be kept on file for one (1) year and available for review. Menus, as served, shall be retained on file for one (1) year.
- f. Between-meals and evening snacks shall be available, except when restricted for dietary or health reasons.
- g. When special dietary needs are identified, professional consultation shall be requested and modifications made as needed.
- h. Handling, storage, and preparation of food shall comply with state health standards.
- i. Food shall be of appropriate portions for the age, growth, and development of the child.

4. Clothing and Personal Belongings:

- a. The agency shall ensure that each child has his/her own clean, well fitting, attractive, seasonal clothing, including shoes, which are appropriate to age, sex, individual needs, and comparable to the community standards.

- b. The agency shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to age and ability.
 - c. The agency shall provide each child with individual items for personal hygiene and grooming, such as bathroom supplies, laundry needs or other items.
 - d. The agency shall allow a child to bring and acquire personal belongings. The agency may limit or supervise the use of these items while the child is in care.
 - e. The agency shall provide opportunities for children to learn the value and use of money through allowances, earnings, spending, and savings. Age appropriate youth shall be allowed to participate in Independent Living Life Skills activities offered through the Department. The agency shall have a means of keeping children's money safe and separate from the facility's financial accounts.
 - f. The agency shall send all personal clothing and belongings with the child when he/she leaves the facility.
 - g. The agency shall maintain an inventory of clothing and personal belongings of the child which must be signed by the parent, guardian, or the Department designee upon admission and discharge.
 - h. The agency must use the child's clothing allowance for the child or place funds in the child's personal account.
 - i. The agency must give the personal allowance to the child and allow reasonable choices in spending allowances.
5. Recreation and Leisure Activities:
- a. The agency shall have and follow a written plan for a range of indoor and outdoor recreational and leisure activities. In coed facilities, boys and girls shall have opportunities for recreation and social activities together. Such activities shall be based on the group and individual interests and needs of the children in care. Activities shall be offered throughout the year with an emphasis during the summer months. Opportunities include, but are not limited to, youth retreats and youth conferences or other activities offered through the Department, church or non-church related activities and school related activities. The agency shall have a posted schedule of the activities.
 - b. It is recommended that the agency shall allow no more than two (2) to three (3) hours of quality TV and videos a day.

6. Discipline and Punishment:

- a. The agency shall have and follow written policies on discipline and punishment which shall be available to the child, the child's parent(s) or guardian, and the Department.
- b. The policies shall include positive reinforcement by praising and encouraging children when they exhibit self-control and desired behavior, and methods for protecting children and others when a child is out of control.
- c. The child shall be advised of all the rules of the agency which apply to him/her and shall sign a policy statement that he/she has read, understands, and agrees to abide by all the rules of the agency.
- d. The agency shall be responsible for thorough training of all staff members on policies and practices concerning discipline and punishment.
- e. All discipline must be reasonable and reasonably related to the child's age, understanding, need, and level of behavior. All discipline shall be limited to the least restrictive appropriate method, administered by appropriately trained staff and documented.
- f. Punishment:

When punishment is required it shall be fair, consistent, brief, and relevant to the offense and in accordance with the agency's and the Department's written discipline policies.

The following forms of punishment shall not be used when disciplining a child:

- (1) Corporal punishment
- (2) Assignment of excessive or inappropriate work
- (3) Denial of daily needs, such as meals, snacks, and program activities
- (4) Denial of planned visits, telephone calls, mail or contacts with family that are required by the service plan
- (5) Harsh, degrading or humiliating punishment, including physical or emotional abuse, is prohibited. Verbal abuse of a child and derogatory remarks about a child or his family are prohibited.
- (6) Punishment shall not be administered by peers.

(7) A child who must be isolated from his peers shall be monitored by staff, with age appropriate adult supervision.

7. Family Visiting and Communication:

- a. The agency shall have and follow written policies that encourage and support family visitation, mail, telephone calls, and other forms of communication with family, friends, and significant others. The policy shall include approval of the visit based on the court order or the Department's approval. A copy of the policies shall be provided to all children, staff, parent(s) or guardian, and the Department.

8. Spiritual enrichment:

- a. The agency shall provide an opportunity for the child to have spiritual enrichment and education in accordance with child's own statement of preference. Children shall not be coerced to affiliate with any religious organization if there is no religious preference identified.
- b. Where sponsorship of specific children/youth by a church or other unrelated groups or individuals exists, no child shall be compelled against his/her will to visit such sponsors. If the child actively desires to make such a visit, it shall be planned with the child, in accordance with the agency's policy and child's service plan which has been approved by child's parent or guardian and child placing agency. Visiting Family Homes shall meet all licensing requirements of the Department (Section XVI).

9. Community Interaction:

- a. The agency shall have and follow written policies to involve children in community activities. The agency shall arrange transportation and supervision as needed for use of community resources.
- b. Public appearances and photographing of the children shall be permitted only when they have positive and constructive benefits for the children and respect their dignity and confidentiality. All activities involving the use of children in publicity and fundraising shall be voluntary and shall have prior documented written approval of the Department, legal guardian, the child, the parents, if available, as well as a Court Order of Limited Disclosure from the judge having jurisdiction. Prior approval shall be requested from the Department for any and all photographing of the children.
- c. The agency shall collaborate activities with other Federal and State programs for youth (including transitional living youth projects funded under Part B of Title III of the Juvenile Justice and Delinquency Prevention Act of 1974),

abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops) and school-to-work programs offered by high schools or local workforce agencies, if applicable.

- d. The agency shall not engage in practices which exploit the rights of children.
- e. The agency shall ensure that all records involving children are kept confidential and shall be disclosed only in accordance with the law. An Order of Limited Disclosure shall be issued by the court of competent jurisdiction for a child before information is released.

10. Children's Grievance Procedures:

- a. The agency shall have and follow a written grievance procedure which allows children in care to make complaints without fear of retaliation. This procedure shall be written in a clear and simple language and shall be explained to children and their legal guardian. A copy shall be provided to each individual party or a child placing agency upon request. The grievance form shall be placed in an area and made available, with easy accessibility, to the residents.

D. Health Services:

1. General:

- a. The agency shall have and follow a written plan for providing medical and dental services to all children in care. (Does not apply to Emergency Shelters.)
- b. The agency shall require a pre-admission medical examination for all children in care except for Emergency Shelters. A medical exam, to include a tuberculosis (TB) screen, shall be performed within thirty (30) days prior to admission or within seven (7) days after admission.
- c. The agency shall arrange for each child to have follow-up medical treatment and/or examinations as recommended by the medical examination.
- d. The agency shall make arrangements with a licensed physician(s) or licensed nurse practitioner to provide ongoing medical treatment for children in care.
- e. The agency shall make arrangements with a licensed hospital for the admission and treatment of children in care.
- f. The agency shall ensure that all staff are trained in CPR annually and First Aid every three (3) years and have a trained staff member on duty where children are present at all times. They shall be trained to administer first aid and

cardiopulmonary resuscitation (CPR).

- g. The agency shall have a first aid kit in each living unit consistent with the guidelines of the American Red Cross. The first aid kit shall be kept locked and inaccessible to children in care.
- h. The agency shall maintain medical and dental records for children in care. The records shall include the dates of all immunizations, examinations and any treatment for specific illnesses or medical emergency.
- i. The agency shall make arrangements with a licensed dentist(s) to provide dental care and all findings should be sent to the Custodial Agency.
- j. The agency shall ensure that each child has a dental examination annually and cleaning every six (6) months and all findings should be sent to the Custodial Agency.
- k. The agency shall ensure that each child has annual eye and hearing examinations and all findings sent to the Custodial Agency.
- l. The agency shall ensure that each child has a medical examination annually and all findings sent to the Custodial Agency.
- m. The Department shall refer all children in custody ages three and under to the Statewide Early Intervention Program for a comprehensive evaluation and screening. This recommendation can also be made by the agency or in conjunction with the parent, legal guardian.

2. Prescription and Administering of Medication:

- a. The facility shall have and follow written procedures for the prescription, administration of medication, and the disposal of outdated and unused medication. This procedure shall be given to all staff members responsible for prescribing and administering medication.
- b. The facility shall keep all medication in a locked cabinet or in a separate room with a locked door.
- c. A log shall be maintained on all medication administered as well as a youths refusal to take medications. The Department should be notified of all refusals within 24 hours.
- d. The facility shall not permit medication prescribed for one child to be given to another.

E. Educational and Vocational Services:

1. Each child in care shall attend school in accordance with state law. The agency shall plan jointly with school personnel and the Department to place children in appropriate grades, classes, and obtain an Individualized Education Plan (IEP), if applicable.
2. The agency, legal guardian, or the Department shall enroll children in school within three (3) days of admission.
3. Arrangements shall be made for children to attend school in the community when possible. They shall be enrolled in a regular school setting unless otherwise determined by the IEP. They shall be encouraged to participate in all school clubs, sports and other extracurricular activities, including all Independent Living activities.
4. If the needs of residential children can only be met by the provision of an on-campus or home schooling educational program, such program shall maintain standards of instruction comparable to those of the local public schools.
5. The agency shall arrange for specialized training for each child based on the needs of the child.
6. When the agency provides therapeutic or psychiatric treatment, they shall integrate such treatments with the child's educational program.
7. The facility shall provide support and instruction in Life Skills for Youth which include, but are not limited to, the following:
 - a. Career Planning
 - b. Education
 - c. Daily Living
 - d. Home Life
 - e. Housing and Money Management
 - f. Self Care
 - g. Social Relationships
 - h. Work Life
 - i. Work and Study Skills.
8. Children of legal work age who are not in school shall be encouraged to seek employment in the community in accordance with the service plan and in compliance with state and federal laws.

F. Interstate Compact on the Placement of Children (ICPC):

The agency shall be knowledgeable of, and abide by, the requirements of the Interstate Compact on the Placement of Children. Please refer to the ICPC section.

G. Discharge and Termination Services:

1. The agency shall have and follow written policy for termination of services procedures and have a completed discharge summary within ten (10) days after child leaves the facility.
2. The agency shall notify the Department of any potential disruption in placement and have a meeting with the Department, the child, Resource Parents or birth parents to resolve issues and avoid disruption.
3. The agency shall notify the Department prior to any change of placement or disruption of placement.
4. Prior to discharge, the child's record shall include:
 - a. A summary of services provided, an assessment of goal achievement, and identification of unmet needs
 - b. A summary of the child's behavior and circumstances, along with any observations or information that would be useful to the next caretaker or care provider, shall be given to the Department designee at discharge
 - c. A plan for after-care and follow-up services
 - d. Any recommendations for the child and his family
 - e. The date and reasons for discharge and the name, address, telephone number and relationship of the person or agency to which the child is being discharged.
5. The agency shall provide a copy of the child's medical and dental information to the person or agency responsible for future medical and dental planning and care of the child.
6. The agency shall send all personal clothing and belongings with the child or responsible adult when the child is discharged. This shall be documented on the Inventory Record.
7. The agency shall send any accrued allowances and/or monies to the legal guardian.

**H. No Decline/No Dismissal Policy for therapeutic or non-therapeutic agencies:
(Does not apply to shelters.)**

1. Therapeutic and non-therapeutic agencies shall have a clearly defined and written policy and procedure on their decline/dismissal policy. This policy shall be based on the criteria for admission and dismissal as stated in their application for license and in their program information.
2. If a youth has been determined by the Department and the agency as meeting the eligibility criteria of the agency authorized for services by the Department, the agency shall accept the child.
3. If a youth is sent to a higher level of care (such as acute care) and is ready to be released, the agency shall re-admit the youth provided there is an available bed, the youth continues to meet the agency criteria, the acute care facility recommends return to the agency and returning to the agency is in the best interest of the youth.
4. A youth who is sent to a detention center may be dismissed from the agency if there are charges that result in the youth being sent to the training school, there is incarceration, a need for acute care, or the youth continues to be a danger to self or others. This dismissal will be justified by court order and/or written recommendation of a psychiatrist or licensed psychologist or other licensed clinical staff.
5. The agency, when it is appropriate to do so, shall assist the Department with placing the youth in an acute care facility, a residential treatment center, or other appropriate placement by making placement recommendations.
6. The youth shall not be released from the agency's care until suitable placement is obtained unless the youth presents an immediate danger to self or others or other safety issues are present.
7. A youth shall not be discharged due to challenging behaviors. Challenging behaviors are defined as, but not limited to, fighting, non-compliant or defiant behavior, and verbal altercations.

The agency's therapeutic program shall be expected to adapt treatment plans to address the needs of the youth. Reasons for all declines and dismissals shall be sent to the Department's Congregate Care Director. The agency shall provide a written justification to determine if the reasons meet the terms of the Department's policy. Written justification may be provided by the agency's therapist or social worker. The agency shall not discharge youth prematurely, without giving the Department two (2) weeks notice if possible. The agency shall work with the Department to develop an appropriate discharge plan into acute care or a less restrictive environment. The agency

shall prepare the youth for transition and assist the Department in said transition. The placement shall not change until the Department receives documentation verifying that the current placement is unsafe or unsuitable. The youth shall not be discharged before receiving a termination letter from the Department's Congregate Care Director. The agency shall maintain the youth under close supervision until the proper placement is found and the transfer is complete unless the safety and well-being of the youth are compromised.

**RESIDENTIAL/GROUP HOME PHYSICAL
ENVIRONMENT**

VII. PHYSICAL ENVIRONMENT

A. Requirements for Licensure: (MS Code §43-15-107 – See Appendix)

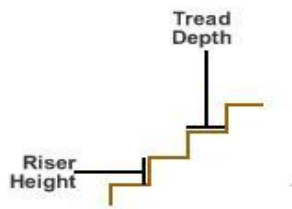
1. The agency shall be located in a residential zoning area that is accepting of the facility and its mission and purpose.
2. The agency shall submit a written plan of action to the Licensure Unit for approval prior to start-up operation and/or commencing any new construction work.
3. All agencies shall obtain approval of local fire, safety, building construction and zoning authorities. The agency shall provide documentation as follows:
 - a. Written records of inspections from the appropriate local fire, health, and safety authorities annually.
 - b. Documentation that appropriate action was taken to correct deficiencies cited by the above entities.
 - c. Evidence and documentation of a routine pest control service.
4. The following inspection(s) shall be performed annually by the Health Department in order for the facility to comply with licensing standards:
 - a. Residential child caring agencies that have a cottage-style living arrangement with a family-type kitchen in each cottage or individual group home shall be inspected using only the Mississippi Department of Health Inspection for Residential Facility (Form 750) Inspection Report. The entire form shall be completed by the Health Department Environmentalist.
 - b. Residential child caring agencies which have a separate central dining area for

all residents and/or have fifteen (15) or more persons eating together shall have both a Food Service Permit Inspection Report and a Residential Facility Inspection Report (Form 750).

- c. If a Form 750 is submitted with negative responses or “no” checked, the facility shall also submit a Corrective Action Plan within five (5) business days of receiving notification.
5. The agency shall have and follow written procedures for fire/natural disasters, including tornadoes, hurricanes, and floods which specify frequency of drills, evacuation plans and responsibilities of staff. The drills shall include an actual evacuation of children to safe areas. A posted record of the drills shall be kept as outlined below.
- a. Include a schedule for fire drills and applicable disaster drills:
 - i. Staff and children of appropriate age and functioning capacity shall be trained in the correct reporting of fires and how to extinguish small fires.
 - ii. Fire drills shall be conducted at least monthly in a residential program and must be rotated among the following time frames.

7:00 A.M. to 3:00 P.M.
3:00 P.M. to 11:00 P.M.
11:00 P.M. to 7:00 A.M.
 - iii. Disaster drills shall be conducted at least annually.
 - iv. Fire extinguishing equipment and alarms/smoke detectors shall be inspected annually by the Fire Marshall and be located throughout the facility in all resident areas and where conditions warrant (i.e., flammable storage areas) and be mounted in a secure manner.
 - b. Specify emergency escape procedures
 - c. Post escape routes at highly visible locations throughout the facility that clearly indicate your location and the nearest exit(s)
6. Written reports must follow each fire drill which must include at a minimum:
- a. Date of drill
 - b. Time required for completion of drill
 - c. Signature of staff member completing the report.

7. Facilities shall be handicapped accessible.
8. The width of doorways, when the door is in the full open position, must not be fewer than thirty-two (32) inches wide.
9. Doors opening onto stairs must have a landing at a minimum of the width of the door.
10. Minimum head room on stairs to clear all obstruction must be six feet and eight inches tall (6' 8").
11. Width of stairs must not be less than thirty-two (32) inches.
 - a. Minimum tread depth of each step of the stairs must not be less than nine (9) inches.
 - b. Maximum height of risers in each step must not exceed eight (8) inches.



12. Guards and handrails must be provided on both sides of all stairs and ramps rising more than thirty (30) inches above the floor or grade and must meet the following:
 - a. Guards and handrails must continue for the full length of the ramp or stairs.
 - b. Handrails must provide at least two (2) inches between the inner side of the rail and support wall.
 - c. Handrails must not be more than thirty-four (34) inches above the step or ramp nor less than thirty (30) inches.
13. Ramps, platforms and landings associated with the guards and handrails must be:
 - a. Designed for not less than one hundred (100) pounds per square foot
 - b. Have a slip-resistant surface
14. Locks, if provided on exit doors, shall not require the use of a key for operation from inside the building.

15. No stove or heater shall block an escape route.
16. A back splash shall be installed behind any stove.
17. Exits shall be accessible at all times.

B. Buildings and Grounds:

1. The facility and premises shall be maintained in a clean, sanitary, comfortable and safe condition.
 - a. Exterior Grounds/Environment:
 - i. The grounds shall have at least seventy-five (75) square feet of accessible exterior space for each child.
 - ii. Garbage and trash shall be secured in covered containers and removed on a weekly basis.
 - iii. Unsafe areas such as steep grades, cliffs, open pits, lakes, ponds, swimming pools, drainage ditches or other hazards must have appropriate barriers to protect children.
 - iv. Playground equipment shall be age appropriate and shall be in good repair.
 - v. The play area shall be fenced if there are conditions which may pose a danger to a child playing outside.
 - vi. The playground area and playground equipment shall be installed and setup based on the Mississippi State Board of Health Handbook for Public Playground Safety and the National Playground Standard. This Handbook includes technical safety guidelines for designing, constructing, operating and maintaining public playgrounds.
 - vii. The facility shall be located on land that is properly drained.
 - viii. Running or boisterous play is not allowed in the fenced-in-pool area.
 - ix. Glass articles, sharp metal objects and other hazardous objects are not allowed in the fenced-in pool area.

2. Swimming Pools:

- a. All entrances to the swimming pool shall be self-closing and self-latching with the latch located at least fifty-four (54) inches above the underlying ground.
- b. All chemicals for the swimming pool shall be maintained in a locked storage area.
- c. A diving board is prohibited.
- d. Markings for water depth shall be visible.
- e. A rope shall be secured across the swimming pool to indicate the four (4) foot depth.
- f. At any water activity the facility shall have one person with a current Advanced Life Saving certificate or certified life guard on duty when swimming activities are involved. An additional staff person shall be on duty at the pool when children are present.
- g. Swimming pools shall be approved by the Health Department and routinely tested according to Health Department standards.
- h. The pool shall be enclosed with protective fencing. A fence, wall or other barrier shall enclose the swimming pool so that the pool is separated from the facility or otherwise made physically inaccessible to a child.
 - 1. The wall, fence or barrier shall not contain openings for handholds or footholds accessible from the exterior side of the enclosure.
 - 2. If any window, door or other openings of the facility constitute part of the swimming pool enclosure, the openings shall be permanently secured and shall not be essential as a fire exit. Any bedroom for a facility shall not have an opening into the swimming pool area.
- i. There must be safety measures in place for all bodies of water located at or near the facility. At least one staff that is CPR certified must be present at all times in which children are at or near a body of water.

C. General Sanitation:

- 1. The water supply shall be from an approved municipal system where available.

Where a municipal system is not available, the facility shall obtain approval for the water supply from the Health Department.

2. All kitchens, food preparation, food storage, and utensil cleaning shall comply with Health Department regulations.
3. Laundry facilities shall be located in an area separate from areas occupied by children. Space for sorting, drying, and ironing shall be made available to children old enough and capable of handling their personal laundry. Laundry activities shall be monitored by a staff member and ironing activities closely supervised.
4. Sewage disposal and other water-carried wastes shall be disposed of through a municipal water sewer system. Where a municipal sewer connection is not available, the facility shall have approval from the Health Department for liquid waste disposal. All septic tanks shall be tested annually and certified by the state and/or local health authorities.

D. General Safety:

1. An agency shall have access to twenty-four (24) hour telephone service. Telephones shall be centrally located and readily available for staff use in each living unit of the facility. Emergency numbers including the fire department, police department, medical services, poison control and ambulance services shall be posted near the telephones. There shall be telephone service in all buildings housing children.
2. Sharp objects and hazardous equipment shall be secured in a locked drawer or cabinet.
3. Animals kept on the premises shall be inoculated by a veterinarian annually. Efforts shall be made to keep the grounds free from stray animals and animal feces.
4. The facility shall be free of rodents and insects and routinely inspected by a licensed pest control service.
5. Garbage and trash shall be removed promptly to avoid creating a nuisance or menace to health.
6. Animals in the Home:
 - a. An animal shall not be kept if the animal has shown aggressive behavior.
 - b. Animals shall have an annual certificate of rabies vaccination on file in the home or facility if required by law to be vaccinated.

- c. An animal that is not aggressive, but could pose a threat to the health and safety of children such as, but not limited, to lizards, snakes, and turtles, shall be routinely confined (e.g. a cage or an aquarium) in an appropriate container.
 - d. Children may be allowed to handle pets if determined that it is reasonably safe to do so.
 - e. Animals kept in the house must be house broken.
7. The agency shall maintain a smoke-free environment in all indoor areas of the home and in all vehicles used to transport a child in placement.

E. Interior/Building:

1. Living Area:

- a. The facility shall have a living room or den for the children residing in a living unit. Such space shall be equipped with age appropriate, comfortable furnishings suitable for relaxation and social interaction.
- b. The arrangement, appearance, and interior areas of the facility shall be similar to those of a home environment.

2. Dining Area:

- a. A facility shall have dining areas that permit children, staff and guests to eat together in small groups.
- b. The dining area shall be clean, well lighted, ventilated and attractively furnished.

3. Study Area:

- a. Each living unit shall have a quiet area for study purposes.
- b. Adequate lighting shall be provided for the study area.

4. Recreation Space:

- a. The facility shall have space for indoor recreation.
- b. The agency shall have a variety of safe play equipment, toys, and supplies which are age and developmentally appropriate for children in care.

5. Administrative and Counseling Space:

The facility shall have administrative and counseling space that meets the following:

- a. Space that is distinct from children's living area to serve as an administrative office for records, secretarial work and bookkeeping
- b. A designated space to allow private discussions and counseling sessions between individual children and staff

6. Bathrooms:

The facility shall have bathrooms that meet the following requirements:

- a. A bathroom with a separate toilet, bath tub or shower, and sink for each four (4) children
- b. An adequate supply of water and hot water (not to exceed 120 degrees) and cold running water
- c. Clean and sanitary bathroom(s)
- d. Separate bath and toilet facilities for boys and girls
- e. An adequate supply of soap, towels, and tissues
- f. Bathroom door locks designed to permit the opening of the locked door from the outside by staff
- g. Slip- resistant surface for each bathtub/shower
- h. A separate toilet and lavatory available for staff and visitors
- i. One handicapped accessible bathroom
- j. No passage to the bathroom through another resident's bedroom

7. Bedrooms:

- a. The facility shall have no more than four (4) children in each bedroom. The facility shall have no more than two (2) children per room that are emotionally challenged or have a behavioral disorder.
- b. All bedrooms shall have seventy-four (74) square feet for the initial occupant

and an additional fifty (50) square feet for each additional occupant and a ceiling height of at least seven and one half (7 ½) feet.

- c. The facility shall not permit non-ambulatory children to sleep above the first floor.
 - d. All bedrooms shall have a direct source of natural light (window) as well as a working light fixture in each room. Lamps may not be the sole source of light.
 - e. The facility shall provide each child with a closet, locker or bureau for clothing and personal belongings which shall be reserved for him/her alone. If it can be locked, a duplicate key or copy of combination shall be in the possession of the staff.
 - f. The facility shall provide each child with a safe and comfortable bed. Where bunk beds are used, they shall have safety rails and sufficient room to allow the occupants of both bunks to sit up in bed. Bunks may contain only two beds.
 - g. The facility shall provide separate sleeping rooms for boys and girls.
8. Staff Quarters:
- a. The facility should not be used as a permanent residence for live-in child care workers or other staff members working at the facility.
 - b. Staff must leave the facility when they are not working in a child care worker capacity, unless separate living quarters are provided with bedroom, bath and kitchen.
9. Furnishings:
- a. The facility shall be decorated and furnished to create a home-like environment.
 - b. Furnishings shall be safe, attractive, easy to maintain, and selected for their suitability to the age and development of the children in care.
 - c. The study area(s) shall have tables, chairs, lamps, and bookshelves suitable for use by the children in care.
 - d. Children shall have the opportunity to personalize their bedrooms with furnishings and possessions.

- e. Clean sheets, pillowcases, pillows and blankets shall be provided to each child. Sheets and pillowcases shall be changed at least once a week unless greater frequency is indicated.

F. Transportation Safety:

Agencies who transport children in their own vehicles must:

1. Use age-appropriate passenger restraint systems
2. Provide adequate passenger supervision as required by statute or regulation
3. Properly maintain vehicles and obtain required registration and inspection
4. Provide the agency with annual validation of current licenses, driving records, and appropriate insurance
5. Shall not transport children in the back or bed of a truck, regardless of distance
6. The number of persons in an agency owned vehicle used to transport children shall not exceed the number of available seats. Seatbelts or age appropriate child safety restraints prescribed by law shall be used when transporting children.
7. The agency staff shall provide information regarding special medical needs or problems to the operator of any vehicle transporting children.
8. Agency and privately owned vehicles used to transport children shall be equipped with a first aid kit and fire extinguisher at the time of transportation.
9. Agency shall purchase a van in the agency's name within one (1) year of opening the facility. Agency staff's private cars should only be used in case of an emergency.
10. No youth in care shall operate a motor vehicle to transport other persons. Negligence or willful misconduct of a driver under seventeen (17) years of age is imputed to person signing application for license. (MS Code §63-1-25 – See Appendix)

G. New Construction:

1. New construction at a facility includes new buildings, additions to existing buildings, or the conversion of existing buildings or portions thereof.

2. Prior to commencing new construction, the agency shall submit a plan of action to the Department and a copy of the building permit to the Department.
3. The Health Department and Fire Department must be contacted prior to commencing new construction.

MATERNITY HOMES

VIII. REQUIREMENTS FOR MATERNITY HOMES

The requirements for Residential/Group Home which pertain to the care of children prescribed under other sections of this document shall be followed. In addition, there shall be compliance with the following specific requirements for maternity homes. (MS Code §43-15-103(k) – See Appendix)

A. Staffing Requirements:

1. The maternity home shall provide a staff/child ratio of one (1) staff member to every five (5) females.
2. During sleeping hours, at least one staff member shall be awake.
3. A maternity home caring for young children and infants shall provide a ratio of at least one staff member to five (5) children. When mothers are not participating in the care, one staff member to four (4) infants shall be in effect.
4. A maternity home shall have, on the premises or otherwise readily available at all times, a registered nurse or licensed practical nurse.
5. A maternity home shall obtain consultation from a licensed practicing physician concerning medical plans and a program of medical care for the mothers and their children.

B. Staff Development:

The maternity home shall provide training for the staff which includes:

1. Medical, physical and psychological implications of pregnancy

2. Developmental needs of adolescents and infants
3. Information on legal options available to young mothers.

C. Admission and Planning:

1. The maternity home shall accept an applicant without prejudice based on her age, race, marital status, plans for the child, prior pregnancies or stage of pregnancy.
2. The maternity home shall require a complete medical examination including obstetrical information and findings prior to admission.
3. The maternity home shall compile a family medical and social history on the expectant mother and father (if available).

D. Care and Services:

1. Direct Services:

The maternity home shall provide counseling services for the young mothers, their families, the father of the child and significant others. The counseling services shall include:

- a. Preparation for delivery of the baby
- b. Decision making in relation to the child
- c. Help to the mother with family, peer and other significant relationships
- d. Employment/education planning
- e. Legal rights and obligations of birth parents in relation to parenthood, relinquishment of baby or termination of pregnancies
- f. Living arrangements
- g. Preparation for parenthood and family life for mothers keeping their babies
- h. Adoption counseling for those mothers planning to relinquish their babies for adoption
- i. Socialization and support opportunities for single parents

2. Health Services:

- a. Each expectant mother and infant shall be under the medical supervision of a licensed physician.
- b. Following delivery, each young mother shall be given medical and nursing supervision and allowed an adequate period for recovery. The length of this period and the continued limitation of activities shall be determined by the physician.
- c. A post-natal examination shall be made by a licensed physician before discharge from the maternity home.
- d. The maternity home shall have agreements with clinics and hospitals for obstetrical and related services.

3. Termination of Services and Aftercare:

- a. The maternity home shall discharge infants only to their parent(s), guardian, or the Department.
- b. **The Department's Child Protective Services shall be notified if the infant's safety is a concern.**
- c. The maternity home shall have a written policy that young mothers seeking adoptive placement for their infants shall be referred to a licensed child placing agency or the Department.
- d. Aftercare services shall be provided and/or referrals made for mothers leaving the maternity home.

E. Environmental Health and Safety:

- 1. The maternity home shall provide for diaper disposal or soiled diaper storage in a hygienic manner, as applicable.
- 2. When mothers and infants sleep in the same room, each room shall have a maximum of one (1) mother and her infant(s) and/or children.
- 3. Each mother shall have her own bed and each baby have his/her own crib.

F. Furnishings:

- 1. The maternity home shall have furniture and equipment suitable for infants for feeding, bathing, napping and transportation.

2. The maternity home shall provide supplies necessary for caring for infants such as diapers, wipes and feeding bottles.

**EMERGENCY
SHELTER
CARE
AGENCIES**

IX. REQUIREMENTS FOR EMERGENCY SHELTER CARE FACILITIES

The requirements for Residential/Group Home which pertain to the care of children prescribed under other sections of this document shall be followed. In addition, there shall be compliance with the following specific requirements for emergency shelter care facilities.

A. Admission and Planning:

1. The shelter care agency shall develop, with the Department, a plan for the temporary care of the children including the anticipated length of stay.
2. Children under ten (10) years of age shall not be placed in a congregate care setting (including group residential homes and shelters), unless the child has exceptional needs that cannot be met in another placement or the child is a member of a sibling group and express written approval is granted by the Department's Regional Director or designee. Sibling groups with one or more siblings under ten (10) years of age shall not remain in congregate care settings for more than forty-five (45) days.
3. For children who stay more than three (3) days, the shelter care facility shall cooperate with the Department in assessing the needs of the child. A plan based on the child's needs shall include the specific services to be provided by the shelter care facility and other resources required to meet the needs of the child.
4. For children who remain in care for twenty-one (21) days, an assessment shall be made to facilitate the permanent plan. The plan shall include reasons for continued care or other care and plans to eliminate barriers. Copies of the plan shall be maintained at the shelter facility as well as given to the Department.
5. The shelter care facility shall be open twenty-four (24) hours, seven (7) days per week, including holidays, for admission, except when operating at licensed

capacity.

6. The shelter care facility shall write a summary report of the care received by the child including any recommendations regarding the child and parent(s). This report shall be sent to the Department when the child leaves the shelter.
7. No child shall remain in an emergency or temporary facility for more than forty-five (45) calendar days unless there are exceptional circumstances and the DFCS Division Director has granted express written approval and documented the need for the extension. The shelter director shall notify the county of responsibility of discharge (14) fourteen calendar days prior to the forty-five (45) days.
8. No child shall be placed in more than one emergency or temporary facility within one episode of foster care, unless an immediate placement is necessary to protect the safety of the child or others as certified in writing by the Regional Director.
9. Placement decisions shall not be made based race, color, or national origin.

B. Staffing Requirements:

1. The shelter care facility shall have at least two (2) staff members on duty at all times.
2. One (1) direct care staff to six (6) children when children are present and awake and one (1) direct care staff to ten (10) children when children are asleep. At least one (1) staff shall remain awake at all times.
3. The agency shall have at least one (1) social worker or comparable professional for every twelve (12) children that are in care (i.e. one (1) social worker for one (1) to twelve (12) children; two (2) social workers for thirteen (13) to twenty-four (24) children). This staff must work full time (full time is forty (40) hours per week).

C. Health Services:

1. Any child who needs immediate medical treatment shall be referred to a licensed physician for examination and appropriate treatment shall be provided immediately.
2. The Department must be notified immediately when a child is referred for emergency medical treatment or any other serious incident.

D. Licensed Capacity:

The license capacity may be temporarily exceeded in shelter care facilities in order to serve children in emergency situations, provided the proper staff/child ratio is maintained and the total does not exceed the number of beds available.

E. Separation of Living Groups:

When shelter care is offered as one part of the program of a child care facility, a separate cottage or wing of a dormitory shall be used exclusively for shelter care. Ongoing contact with the children in regular group care is prohibited.

WILDERNESS PROGRAMS

X. REQUIREMENTS FOR WILDERNESS PROGRAMS

The requirements for Residential/Group Home which pertain to the care of children prescribed for residential care agencies shall be followed. In addition, there shall be compliance with the following specific requirements for wilderness programs.

Definition - A “wilderness program” means a residential child care program which provides a variety of outdoor activities in a wilderness environment. A wilderness treatment program offers activities that are designed to improve the emotional and behavioral adjustment of the resident participants. (A camp which provides short-term outdoor recreational activities is not considered a wilderness program).

A. Admission Requirements:

Children under ten (10) years of age shall not be accepted for care in a wilderness program.

Applicants shall be accepted without regard for race, color, or national origin.

B. Staffing Requirements:

1. Any staff member having full responsibility for supervision of residents must be at least twenty-one (21) years old.
2. The wilderness program shall have at least one (1) regular staff member on duty for every five (5) residents. There shall be a sufficient number of qualified staff to give individual attention to each resident’s physical and emotional needs at all times. During special activities, the ratio may need to be increased.
3. Staff shall be located so that at no time are residents out of sight and/or hearing of staff.

C. Training Requirements:

1. Wilderness programs shall provide orientation for all new staff to include demonstration of basic skills in proper site selection, appropriate outdoor food preparation and use of tools. A new employee shall demonstrate these skills for a period of one month under supervision before assuming primary supervision of any resident.
2. Written plans and procedures for meeting disasters and emergencies such as fires and severe weather shall be on file. All staff members shall be trained in the procedures for meeting disasters and emergencies.
3. Written plans and procedures for water safety shall be on file. All staff members shall be trained in water safety and in procedures for meeting water activity emergencies.
4. All staff shall be trained to administer first aid and cardiopulmonary resuscitation (CPR).

D. Physical Standards:

1. A wilderness program shall be established at a location where land is properly drained.
2. The location shall present no fire, health or safety hazards.
3. A tent used for sleeping purposes which remains in one location for more than two weeks shall be provided with a floor which is smooth, clean and in good repair.
4. Bathrooms/Shower - There shall be a minimum of one showerhead per fifteen (15) persons. Showerheads shall be spaced at least three (3) feet apart with a minimum of nine (9) square feet of floor space per unit.
5. Sleeping Facilities – There shall be a separate bed, bunk or cot available for every resident.
6. Adequate personal storage space shall be available for each resident to separate his/her clothing or personal belongings from belongings of other residents.

E. Safety Procedures:

1. Fire and weather safety:
 - a. Fire warning and fire fighting plans shall be developed which include training, briefing and drills in:

- i. Prevention of and actions to be taken in case of fires in structures and outdoors
 - ii. The safe use of fires and stoves
 - iii. Regular inspection of fire fighting equipment.
 - b. Weather shall be treated with respect and frequent evaluation made or obtained and acted upon. Particular care shall be taken to ensure the adequacy and appropriateness of clothing and equipment.
2. Water Safety:
- a. Prior to engaging in a water activity each resident shall be classified according to swimming ability.
 - b. The program shall not permit a resident to participate in a water activity requiring higher skills than the resident's swimming classification, except during formal instruction.
 - c. A method such as the buddy system shall be established and enforced during aquatic activities.
 - d. Lifesaving equipment shall be provided during aquatic activities and shall be immediately accessible in case of an emergency. Minimum equipment shall include the following:
 - i. A whistle or other audible signal device
 - ii. A first aid kit
 - iii. A ring buoy, rescue tube, life jacket or other appropriate flotation device with a rope attached which is sufficient in length for the area
 - e. Life jackets shall be worn during all boating activities.
 - f. Prior to any extended travel in any water craft, drills will be practiced to approximate actual "man overboard" and capsize situations.

**CHILD PLACING AGENCY
SOCIAL SERVICES**

XI. REQUIREMENTS FOR CHILD PLACING AGENCY SOCIAL SERVICES

Social services shall be provided for the child commensurate with his/her needs. These services may be performed by social services staff either in the direct employment of the agency or by a contractual arrangement with a public or private social service agency. Social services shall be a continuing process for the child during the time services are received.

A. Social Service Plan:

1. The agency shall develop a written plan for social services consistent with the policies and purposes of the agency. The plan shall include, but not be limited to the admissions procedures and a description of the services offered to children.
2. The written social service plan shall be available to parents, referring agencies and other authorized persons upon inquiry.

B. Intake/Admissions Procedures:

1. Intake/Admissions procedures shall include, but are not limited to the following:
 - a. Ascertain the type of service needed and determine if the agency can appropriately serve the child.
 - b. Placement decisions shall not be made based on race, color, or national origin.
 - c. Obtain and record information which will enable development of a plan for the child.

C. Case Plan:

1. When a child is to be placed in a resource placement, representatives of the referring

agency, the Department, appropriate family members and the child, when advisable, shall share in the development of a plan. A written case plan shall be developed within thirty (30) days and shall include at least the following:

- a. Reason for placement
- b. Goal of placement
- c. Responsibilities during placement of the agency, the child, the parents, the Department or referring agency, the Resource Family or residential facility where the child is placed
- d. Visitation plan of the child with family, if appropriate, and all safety concerns are taken into account
- e. Written permission for emergency medical or surgical care, necessary vaccinations and immunizations, and routine medical care and treatment
- f. Financial responsibilities of parents, agency and referring agency
- g. Preparation for placement, including pre-placement visit, if appropriate
- h. A schedule for regularly reviewing the case plan every six (6) months. The case review shall utilize administrative and supervisory staff to ascertain whether the child is being served in a prompt, effective manner and the progress on permanency planning for the child.

D. Discharge/Termination Service:

- 1. The decision as to when discharge or termination of services will take place shall be the responsibility of the agency and shall be determined only by the needs of the particular situation of the child and his family.
- 2. Discharge/termination shall be affected when the child no longer requires the services of the agency.

ADOPTION SERVICES

XII. REQUIREMENTS FOR ADOPTION SERVICES

The goal of adoption is to provide the child, in the absence of care and nurture by his birth family, with a family with whom he/she may develop his/her own personal identity and a new family identity. It is imperative that the child and the prospective adoptive family have the potential for compatibility. (MS Code §93-17-1 and §93-17-223 – See Appendix)

A. Administrative Practices:

1. The agency shall establish administrative policies, practices and procedures related to adoption. These shall be clearly defined and explained.
2. The agency shall establish guidelines to include criminal background checks for the use of interim placements should it become necessary to do so prior to placing the child with the adoptive parents. In such circumstances the child must be in the custody of the agency.
3. A decision on an application to adopt shall be based on a home study which shall include interviews with applicants and references, as well as medical and legal information.
4. Placement for adoption shall be made in accordance with best practices for children whose parent's rights have been terminated.
5. The agency shall ensure that the inability of prospective adoptive parents to pay a fee shall not be criteria of eligibility for applicants and shall not in any way influence the choice of the most suitable family for each child.
6. A licensed child placing agency shall not conduct or approve a home study on any of its employees or officials which includes board members, volunteers, relatives, or anyone else who has direct affiliation with the agency. Arrangements must be made with another licensed child placing agency or licensed social worker to conduct and approve

the home study, make a placement and provide post-placement supervision.

7. Home studies must be approved by a licensed social worker.

B. Adoptive Home Application:

1. The agency shall obtain preliminary written information from the prospective adoptive parents to determine if the applicant(s) are a potential resource for the child/children available.
2. The agency shall provide information to the prospective adoptive parent(s) regarding the adoption process, the agency's policies and practices, legal procedures, fees, the approximate time the process will take and types of children available. This information will enable the applicant(s) to make an informed decision as to whether they can meet the specific needs of the children available for adoption.

C. Adoptive Parent Qualifications:

1. The prospective parent shall meet the following criteria:
 - a. The applicant(s) shall be at least twenty-one (21) years old at the time of the application.
 - b. The applicant can be single or married.
 - c. Applicant(s) previously divorced shall provide documentation of same.
 - d. Applicant(s) shall be financially solvent and shall have an adequate household income exclusive of the foster care board payment.
 - e. Applicant(s) must be a resident of Mississippi for six (6) months.
 - f. Verification of medical exam completed by a physician certifying each family member has no communicable diseases, specific illnesses, or disabilities which would interfere with the family's ability to care for children.

D. Adoptive Home Study:

1. The agency shall conduct an adoptive home study to assess the appropriateness of the applicant(s) to be adoptive parent(s). The home study process shall include at least one office visit, one home visit and individual interviews with each member of the household. The home study process shall be a joint effort of the Agency and the applicant(s).

2. The agency shall include the following areas in the home study and shall include the information in the record of the adoptive applicant(s):
 - a. Motivation for adoption
 - b. Verification of training
 - c. Strengths and weaknesses of each member of the household
 - d. The attitudes and feelings of the immediate and extended family, as well as significant others, toward accepting and parenting adoptive children
 - e. Attitudes of the applicant(s) toward the birth parent(s) and the reason(s) the child is in need of adoption
 - f. The plan for discussing adoption with children of applicant(s)
 - g. The plan for discussing adoption with prospective adopted child
 - h. Emotional stability and maturity
 - i. Ability to cope with problems, stress, frustrations, crises, and loss
 - j. Capacity to give and receive affection
 - k. Child caring skills and willingness to acquire additional skills needed for the child's development
 - l. Ability to provide for the child's physical and emotional needs
 - m. Verification of marriage(s)/divorce(s)
 - n. Record of criminal convictions
 - o. Criminal background, Central Registry check, and fingerprinting of all household members age 14 years and older
 - p. Adjustment of birth children or previously adopted children
 - q. Verification from a physician that each family member has no communicable diseases, specific illnesses or disabilities, which would interfere with the family's capability to care for a child
 - r. Ability to provide financially for the child or children to be adopted; (a detailed description of the finances of the prospective adoptive parent (s) including but not

limited to income, debts, expenses, medical insurance and life insurance)

- s. Verification of employment and/or income
- t. Four personal references, including one from employer
- u. Religious orientation, if any
- v. Location and physical environment of the home
- w. Plan for child care if parent(s) works
- x. Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the family
- y. History of the origin, educational background and life experiences of applicant(s)
- z. Contingency plan for adopted child in case of death or disability of adoptive parent(s).

E. Services to Adoptive Parent(s):

1. The agency shall provide services to adoptive applicant(s) to assist them in making an informed decision about adoption. The agency shall provide the opportunity for applicant(s) to participate in the adoptive study and evaluation of the potential for meeting the needs of the children available for adoption.
2. The agency shall prepare the adoptive family for the placement of a particular child. Preparation shall include:
 - a. Information about the needs, characteristics, expectations of the child and of the child's family
 - b. Review of medical histories of the child and of the child's family
 - c. Visitation with the child prior to placement
 - d. Arrange visits
 - e. Assistance with travel arrangements.
3. The agency worker shall provide post-placement visits for the adoptive parents in domestic adoptions. The post-placement adoption visits shall be held at least two (2) times, face-to-face in the home prior to finalization and based on the needs of the child and prospective parent(s). International post-placement adoption visits are based on

the originating country of the child. Observations made during the visits shall be used in making recommendations for the finalization of the adoption.

4. The agency shall provide information regarding the methods for matching children with adoptive parents.

F. Services to Birth Parent(s):

1. The agency shall provide services to the birth parent(s), including counseling and referral to other agencies when needed, to assist them in determining the best plan of care for the child. These services shall be offered both prior to and after the birth of the child. Documentation regarding services provided by the agency to the parents shall be maintained by the agency.
2. The child placing-agency shall maintain a file for the birth parent(s) which includes:
 - a. Face sheet
 - b. Application
 - c. Legal documents, Adoption Release Consent Form and order regarding surrender of rights
 - d. Summary of contact
 - e. Birth child's birth certificate, pictures, medical records and placement visits summary until the adoption has been finalized
 - f. Correspondence.
3. The Adoption Services shall provide information to the birth mother of possible crime of statutory rape as defined in the Mississippi Code Section 97-3-65 (See Appendix).

G. Foster to Adopt:

Prospective adoptive parents desiring to adopt through foster care shall refer to the Mississippi Department of Human Services Resource Family/Licensure Policy.

**INTERSTATE COMPACT
IN THE PLACEMENT OF CHILDREN
(ICPC)**

XIII. INTERSTATE COMPACT IN THE PLACEMENT OF CHILDREN
(MS Code §43-18-1 to §43-18-17 – See Appendix)

A. Placement with a Birth Parent:

1. Whenever a child is under the jurisdiction of an appropriate court and proposed to be placed with one or both birth parents, the Compact requires the sending agency to retain jurisdiction over the child. The court in the sending state retains its responsibility for the child until dismissal.

B. Placement with a Relative:

1. Whenever a child is under the jurisdiction of an appropriate court and proposed to be placed with relatives, the Compact requires the sending agency to retain jurisdiction over the child. The court in the sending state retains its responsibility for the child until dismissal.

Note: Some states require the relative of a child to satisfy the foster home licensure standards.

C. Placement with a Resource Family:

1. A child placement with a Resource Family may occur in one of two ways:
 - a. The child is voluntarily placed into foster care by the child's birth parent (s) for a specified period of time, or
 - b. The child is under the jurisdiction of a court and a public or private child welfare agency, which is the child's custodian, and places the child into a resource home as required by the court.

D. Placement with a Residential Treatment Facility:

1. Children may be placed in a residential treatment facility under the following circumstances:
 - a. The parent(s) of a child voluntarily place their child into a facility they have selected.
 - b. A child who has been adjudicated delinquent may be committed to a facility by a court.
 - c. With the approval of the court, a child is placed into a facility by the public or private child placing agency that is the child's custodian.

Note: ICPC does not approve the placement of children in unlicensed facilities.

E. Placement for Adoptions:

1. Adoption is a complex event involving the child, the child's birth parents and the adoptive parent(s). It requires activity from social work practitioners, the legal profession and the court. It is essential for the participants to understand the dynamics involved in adoption. Adoption may include domestic (adoption of a U.S. citizen or resident alien) or international (adoption of a child from a country other than the United States or its territories) issues.
 - a. The adoption may be handled by:
 - i. the public child welfare agency in your state
 - ii. a licensed private (for profit or non-profit) child placing agency
 - iii. a private attorney

F. Private Agency and/or Independent Adoption Referral:

The following documents are required to complete the Interstate Compact on the Placement of Children (ICPC) referral of a child who will be placed for adoption in another state:

1. Form ICPC-100A completed and signed by the person with authority to be the "sending party" as defined in Article II (b) of the Compact (five (5) copies)
2. A written statement (notarized and/or court approved) that explains how the prospective adoptive parent(s) were selected by the birth father and /or birth mother (three (3) copies)

3. Genetic history on birth father and birth mother (attached outline may be used) (three (3) copies)
 - a. The history must include information about the father and mother of each birth parent as well as information about the paternal and maternal grandparents of each birth parent.
4. Birth and current health information for child to be adopted (including immunizations) and a medical report signed by examining physician (three (3) copies)
5. Termination of parental rights court orders (three (3) copies) on
 - a. Legal father
 - b. Birth father
 - c. Putative father(s)
 - d. Birth mother.

OR

6. Voluntary consent/relinquishment to adoption (three (3) originals) signed by:
 - a. Legal father
 - b. Birth father
 - c. Putative father(s)
 - d. Birth mother.
7. If termination of parental rights is required but has not yet occurred, include the plan and time frame for obtaining a court order that terminates parental rights of all fathers and birth mother (three 3 copies).
8. If termination of parental rights has not yet occurred, include a notarized statement signed by the adoptive parent(s) that acknowledges that they are aware of the legal risk involved in proceeding with the adoption (three 3 copies).
9. A legal document (court approved, if necessary) that confirms the authority of the “sending agency” to place the child for adoption (three 3 copies)
10. Adoptive family assessment (home study) on the prospective adoptive parent(s) completed by an authorized person/agency within the preceding twelve (12) months (three 3 copies)
11. If the adoption involves a child from a country other than the United States, the home study must give particular attention to:
 - a. Adoptive parents’ cultural sensitivity regarding the child’s country of origin

- b. Adoptive parents' motivation to adopt a child from another country
 - c. Adoptive parents' commitment to promoting retention of the child's heritage, customs, language, etc. from the country of origin
 - d. Adoptive parents' child rearing philosophies, methods of discipline and experience in child rearing, as well as their cognizance of the child's prior experiences in these areas in the country of origin
 - e. Adoptive parents' awareness of potential problems involving language barriers and culture shock when the child arrives in the United States and the parents' ability to help the child make the necessary transitions to American life (urban, suburban or rural, as applicable)
 - f. Verification of training.
12. A written statement (notarized and/or court approved) (three (3) copies) showing:
- a. If any money or gifts have been or will be exchanged either directly or indirectly between the birth parent(s) and adoptive parent(s)
 - b. Whether or not the birth parent(s) and adoptive parent(s) know each other's identities
 - c. If any future contacts will occur between the birth parent(s) and the adoptive parent(s).

Documents referenced above (one (1) – twelve (12)) shall be forwarded to the Department within thirty (30) days of request.

G. Home Study Related Provisions

Title IV-E Foster and Adoptive Home Study Requirements. The law adds two new Title IV-E State plan requirements at section 471(a)(25) and (26) to the Act.

- 1. Under section 471(a)(25), a State is required to have in effect a procedure for the orderly and timely interstate placement of children. Such procedures that are implemented consistent with an Interstate Compact and that meet the timely home study requirements that follow at section 471(a) (26) are considered to satisfy this provision.
- 2. Under section 471(a)(26), a State is required to complete and report on foster and adoptive home studies requested by another State within forty-five (45) days.

3. The State that requested the home study must accept the completed home study unless within 14 days of receiving the report the State determines that reliance on the report would be contrary to the child's welfare.
4. The parts of the home study involving education and training of prospective foster and adoptive parents do not have to be completed within the same forty-five (45) day timeframe. Further, States are permitted to contract with a private agency to conduct the home study.

H. Types of cases which are subject to ICPC:

1. Birth parent unification or reunification – whenever a court has jurisdiction of child to be placed
2. Kinship care by relative(s) – whenever a court has jurisdiction of child to be placed
3. Foster family care – more than thirty (30) days
4. Foster group home care – more than thirty (30) days
5. Residential Treatment Facility:
 - a. For ICPC children – by parent, agency or court
 - b. For Interstate Compact for Juveniles children, refer to Article VI of the Compact
6. Adoption:
 - a. Domestic – within the United States or its territories:
 - i. by public agency
 - ii. by private licensed child placing agency.
 - b. International:
 - i. adopted abroad by a single adoptive parent or by both adoptive parents AND the United States Citizenship and Immigration Services (USCIS) has issued an IR-4 visa for the child
 - ii. adopted abroad by “proxy”
 - iii. adopted within the United States

I. Private Adoption Entity Checklist From Mississippi to another state:

Private adoption packet should contain five (5) copies of the 100A and three (3) sets of every other document.

1. 100A completed on each child (Type 100A):
 - a. Child's name consistent with name on birth records or explanation; proof why different
 - b. Date of birth consistent with DOB on birth records
 - c. Correct entity for planning/financial responsibility
 - d. Prospective adoptive parent name/address/phone number
 - e. Lists where adoption finalized
 - f. Sending agency custody
 - g. Name & address of supervising agency/individual
2. Cover letter:
 - a. Shows name and phone number of agency handling the adoption
 - b. Indicates adoption will be finalized in Mississippi
 - c. Addresses how birth/legal father(s) rights will be terminated (if applicable)
 - d. Lists all contents of packet
 - e. Signed by entity representative
3. Consent signed by birth mother:
 - a. Signed after birth of child (notarized and signed seventy-two (72) hours after birth ...OR... ten (10) days if Indian Child Welfare Act (ICWA))
 - b. Shows that child has been relinquished to adoption entity
 - c. Consent signed by birth father. (If no consent, be sure cover letter addresses how termination of rights will be completed) AND at-risk agreement is signed by prospective adoptive parents

4. Social, family and medical information on birth parents, including physical description of birth mother and father(s)
5. American Indian statement. (If yes, proof that tribe was notified and ICWA at-risk agreement signed by prospective adoptive parents or signed statement by Indian birth mother that she does not want the tribe notified and at-risk agreement signed by prospective adoptive parents)
6. Narrative/forms on birth mother/birth father history (reasons for decision to place child for adoption)
 - a. Counseling summary reflecting that birth parents were advised of alternatives to adoption and that they chose adoption from available alternatives
7. Hospital birth and delivery form:
 - a. Document must be legible (if child one (1) year or older, must have copy of exam completed within six (6) months of proposed placement request)
 - b. Legible copy of hospital discharge signed by a hospital official, which identifies child's medical condition at time of discharge
 - c. Copies of any medical reports/assessments, etc. if applicable
 - d. If child has any special needs a more detailed assessment is required and approval by the Department is needed for a child to leave state.
8. Home study within one (1) year with provider information:
 - a. Must include name, address, and phone number of the agency and individual completing home study
 - b. Copy of current professional license
 - c. Criminal history checks must be within twelve (12) months. (Criminal background, Central Registry check and fingerprinting).
 - d. Post placement supervisory agreement
9. Legal Risk Statement:
 - a. Signed by prospective adoptive parents or Termination of Parental Rights Order on birth parents
 - b. Initial disclosure to adoptive parents/ receipt of disclosure signed by prospective

adoptive parents.

RESOURCE HOME SERVICES

XIV REQUIREMENTS FOR RESOURCE HOME SERVICES

A Resource Home provides temporary care for a child who is in the custody of the Department and cannot return safely to his/her own home for some period of time. A Resource Home may also be a prospective adoptive home under the dual licensure policy of the Department.

All Resource Homes shall complete the same licensure requirements for foster or adoptive services. A child placing agency which provides Resource Home services shall develop and follow written policies and procedures for these services. A person who wishes to become a Resource Parent shall apply to a placing agency on a form specified by the placing agency. The Department and agency shall conduct adequate screening of all prospective applicants in accordance with Items 1-17, Resource Parent Criteria in Section B. When the agency denies licensure of an applicant or closes a resource home, notice shall be faxed to the Department within five business days. The agency shall call or fax a request to the Department prior to granting a license to determine if applicant has a history with the Department which would make placement inappropriate or unsafe.

A. Resource Home Application:

1. Prospective Resource Parents shall be informed of the agency's requirements for Resource Parents, the types and ages of children to be served and the reimbursement process.
2. Prospective Resource Parents shall complete an application form which shall include basic demographic information on all family members, a list of any criminal charges, permission to perform a criminal background, Central Registry check and fingerprinting on all household members age 14 years and older, and four (4) references. Agency employees and board members are prohibited from serving as resource parents.

3. The Placing Agency shall submit to the Department a Resource Home Inquiry Data Form for each applicant prior to the family attending any training. The purpose of this form is to screen prospective Resource Parents for current and or past involvement with the Department and any other affiliations, such as other Placing Agencies.

B. Resource Parent Criteria:

1. Age: Be at least twenty-one (21) years old the time of application.
2. Health: Applicant(s) health must allow them to physically care for child (ren) and must be verified by a physician's statement including a TB test. An annual physical examination by a licensed physician is required. An annual TB test must be done by a licensed physician or the Health Department. Immunization records for each child in the home also need to be provided.
3. Marital Status: Applicant(s) may be married or single. Two or more unrelated adults living in the same household shall not be licensed. Couples who live together or persons separated, but not legally divorced, shall not be licensed.
4. Residency: Applicant(s) must be a resident of the State of Mississippi.
5. Income: Applicant(s) must be financially self-sufficient without the board payment. Applicant(s) working outside the household must have a plan for safe, stable and reliable childcare as well as sufficient work flexibility to meet the needs of the children.
6. Acceptance: Applicant(s) must be willing to accept placement of child(ren) of any racial, ethnic, religious, or educational backgrounds.
7. Space: Applicant(s) must have adequate room in the home. Children may not sleep on couches or share a bed with another person. Only same sex and similar aged children may share the same room.
8. Telephone: Applicant(s) must have telephone service.
9. Transportation: Applicant(s) must have an operable automobile or transportation plan. All persons transporting children must have automobile insurance and valid driver's license.

Vehicles must have age appropriate child restraints.

10. Occupancy: Homes may have no more than three (3) foster children and no more than a total of five (5) children, including biological, foster, or adopted children. No more than two (2) children in the foster home may be under the age two (2) or have therapeutic/special needs. However, a sibling group may be placed together in excess of these limits, but only upon written consent by the Department's appropriate Regional Director determining that the foster children can be maintained safely in the foster home.
11. Criminal History: Applicant(s) must have a clear criminal background and Central Registry check including fingerprinting on all prospective parents and all persons residing in the household fourteen (14) years of age and older.
12. References: The applicant(s) shall have four (4) personal or professional references; only one (1) of these four (4) references may be related to the applicant(s). At least one (1) reference must to be from an employer.
13. Pre-service Applicant(s) must attend at least twenty-four (24) hours of pre-service training and successfully pass all skill testing. Training is considered as part of the application process and does not guarantee that the applicant will be accepted in the program. Pre-service training shall include Mississippi PATH or other approved resource parent training curriculum, Universal blood borne pathogens, car seat safety, First Aid and CPR.
14. Home Study: Agency will conduct a study of the prospective Resource Parent's home.
15. Personal Interview: Personal interviews shall be conducted by the child placing agency. At least one (1) interview shall be conducted at the child placing agency and one (1) additional interview in the home. Each applicant will have at least one (1) individual interview.
16. Discipline: Applicant(s) must be willing to refrain from any use of corporal punishment with the foster child. Resource Parents are expected to learn and use approved forms of discipline. Corporal punishment and degrading punishment are prohibited.

17. Cooperation: Applicant(s) must be willing to work closely and cooperatively with agency staff in learning to carry out parenting procedures within prescribed guidelines. This includes attendance at monthly support meetings, following treatment recommendations, transporting child to appointments, and any other necessary procedures.

C. Resource Home Study:

1. The agency shall conduct a Resource Home study to assess the appropriateness of the applicant(s) to be Resource Parent(s). The home study process shall include at least one office visit, one home visit and individual interviews with each member of the household. The home study process shall be a joint effort of the Department, the child placing agency and the applicant(s).
2. The agency shall include the following areas in the home study and shall include the information in the record of the adoptive applicant(s):
 - a. Motivation for being Resource Parent(s)
 - b. Verification of training
 - c. Strengths and weaknesses of each member of the household
 - d. The attitudes and feelings of the immediate and extended family and significant others toward accepting and parenting children
 - e. Attitudes of the applicant(s) toward the birth parent(s) and the reason(s) the child is in need of a resource home
 - f. The plan for discussing resource care with children of applicant(s)
 - g. The plan for discussing resource care with prospective child
 - h. Emotional stability and maturity of applicant(s)
 - i. Ability to cope with problems, stress, frustrations, crises and loss
 - j. Capacity to give and receive affection
 - k. Child caring skills and willingness to acquire additional skills needed for the child's development
 - l. Ability to provide for the child's physical and emotional needs

- m. Verification of marriage(s)/divorce(s)
- n. Record of criminal convictions.
- o. Criminal background, Central Registry check and fingerprinting.
- p. Adjustment of birth children or previously adopted children
- q. Verification from a physician that each family member has no communicable diseases, specific illnesses or disabilities which would interfere with the family's capability to care for a child
- r. Ability to provide financially for the child or children; (a detailed description of the finances of the prospective Resource Parent (s) including but not limited to income, debts, expenses, medical insurance and life insurance)
- s. Verification of employment and/or income
- t. Four professional references, including one from employer
- u. Religious orientation, if any
- v. Location and physical environment of the home
- w. Plan for child care if parent(s) work
- x. Recommendations for resource care in regard to number, age, sex, characteristics and special needs of children best served by the family
- y. History of the origin, education background and life experiences of applicant(s)
- z. Contingency plan for child in case of death or disability of Resource Parent(s), if intent is to adopt

D. Responsibility of Agency to Resource Parents:

1. Orientation: The agency shall provide orientation to applicants approved to be Resource Parents to acquaint them with the agency's policies and practices.
2. Agreement: The agency shall have a signed agreement with all Resource Parents which includes the following:

- a. Confidentiality policy
- b. Expectations and responsibilities of the agency staff and the Resource Parents
- c. The services to be provided
- d. Agency policies on discipline, restraints and punishment
- e. The financial arrangements for the children placed in the home
- f. The authority the Resource Parents can exercise for the children placed in their home
- g. The actions which require agency staff authorization
- h. The legal responsibility for damage or risk resulting from children in their home
- i. The amount of the board payment and breakdown of child's allowances
- j. Agency policies on firearms in the home
- k. Agency policies on transportation and reimbursement for expenses, if applicable
- l. Ongoing In-Services Training
 - i. The agency shall provide training opportunities for Resource Parents to increase their skills and ability to care for foster children. They must receive ten (10) hours of ongoing training annually.
 - ii. The training shall be provided in the following areas:
 - 1. Roles and relationships in care of children between agency personnel, Resource Parents, child's parents and the child
 - 2. Separation and loss and the importance of a child's birth family and the child's communication with them
 - 3. Permanency planning

4. Developmental needs of children in care
5. Cultural and religious awareness and differences
6. Behavior management and discipline techniques
7. Stress management
8. Multi-cultural placement and adoption
9. CPR, First Aid, communicable diseases and other health issues
10. Understanding trauma and its impact on children
11. Prevention of abuse and neglect in Resource Homes
12. Roles in shared parenting
13. Resource Parent involvement in family team meetings and county conferences (Foster Care Review)
14. Sibling interaction
15. Normalizing behavior and reaction
16. Parenting Adolescents
17. Child Sexual Abuse
18. Other training as needed

The agency must provide training certificates, letters or verification of training to each Resource Parent for each training session attended.

No more than three (3) clock hours of the required annual in-service training may be obtained through home-based or on-line training modules.

E. Resource Home Supervision:

1. The agency shall maintain continuous supervision of the child and the Resource Home while a child is in placement. The agency shall ensure that the child is receiving care in accordance with agency standards and in relation to the child's specific needs.

2. The agency worker shall have face-to-face contact with the child at least once a month in the placement setting. The agency worker shall have a second face-to-face contact with the child at least once a month at any appropriate location without Resource Parents present. Written documentation of these interviews shall be placed in the case record.
3. The agency will have a face-to-face contact with the Resource Parent(s) at least once a month.

F. Resource Home Relicensing:

Resource Family homes shall be relicensed annually. All requirements including local background checks must be completed annually. However, fingerprinting is only required every five years.

G. Specialized Homes For Medically Fragile Children:

A licensed Resource Family specializing in medically fragile children shall comply with all foster home requirements as well as the following conditions:

1. Receive training to provide care to child with specific medical diagnoses.
2. Demonstrate the ability to care for children with special needs such as feeding tubes, heart monitors, oxygen, fetal alcohol syndrome, cerebral palsy, diabetes, diagnosed emotional or behavioral illnesses or disorders, HIV, etc.
3. Verify additional eight (8) hours of specialized training by a certified provider. The additional hours shall include CPR training, first aid, medication administration and recognition and response to child behaviors that jeopardize health and well-being.
4. Agree to be licensed for no more than one special care child at any given time. Placement of more than one special care child may be considered in cases of sibling groups or other extraordinary circumstances. Request must be submitted to the authority for approval prior to any placement. If the specialized home is caring for the siblings of a medically fragile child, these siblings will not receive the special care board rate unless they have also been certified as eligible for that benefit.
5. Understand that specialized medical/treatment Resource Parents shall provide transportation and accompany the special care foster child to all school activities treatment and medical appointments, as well as any follow-up visits.
6. Agree to stay at the hospital with a special care child in their care should the child be hospitalized.

7. Maintain important records including medical documents, immunization records and a health journal for each special care foster child placed in their home.
8. Maintain adequate school/educational records on each special care foster child placed in their home.
9. Participate as a member of the service team through at least one of the following methods:
 - a. Personal attendance at team meetings
 - b. Conference calls
 - c. Provision of a written report on the child's progress including any recommendations for service.

H. License Changes:

1. The agency shall provide to the Department a Resource Home Demographics form for new foster parent applicants and any changes that occur between recertification within five (5) calendar days, such as:
 - a. Change in address/relocation/physical location
 - b. Change in number/type of children
 - c. Change in marital status
 - d. Death/change in household members
 - e. Closure

**CHILDREN
PLACED
IN
RESIDENTIAL
CARE**

XV. REQUIREMENTS FOR CHILDREN PLACED IN RESIDENTIAL CARE

- A. The residential group care agencies to which the Department shall refer and place children shall be licensed.
- B. The Department shall select an appropriate facility for a child and document in the case record the following:
 - 1. The child's level of development, social and emotional needs and the reason the child needs a group living experience
 - 2. The child's Individual Service Plan
 - 3. The parent/child relationship and the potential for parental/ Resource Parent(s)/guardian participation in the program and visitation
 - 4. The plan for sibling visitation if not placed together, documentation on why siblings are not placed together and plan to reunite siblings
 - 5. The reason the particular residential agency was selected as the most appropriate for the child
 - 6. Statement regarding close proximity of placement to child's family and county of jurisdiction.

**VISITING
HOME
POLICIES**

XVI. REQUIREMENTS FOR VISITING FAMILY HOMES

- A. If the agency uses private family homes for visitation by children during weekends, holidays or vacations, the agency shall develop written policy and procedures including forms to be used in approving and utilizing these homes. Visiting families shall have limited involvement and decision making authority on the day-to-day activities of the children with whom they visit. Decisions about the safety, permanency and well-being of the child shall be made by the parent, legal guardian or the Department.
- B. Visiting home policies and records shall include the following:
1. Prior to visit, child's worker must given written approval for all visits
 2. A completed application listing demographic information and the family's reasons for requesting to be a visiting family home
 3. A site visit and home assessment which addresses safety issues, documentation that visiting child shall have his/her own bed and shall not share a bedroom with any adult or persons of the opposite sex
 4. Four written references which indicate the family can provide proper temporary care and supervision for a child, a criminal background and Central Registry check, and fingerprinting, shall be performed on all household members age 14 years and older.
 5. A written and signed agreement which states the roles and responsibilities of both the agency and family
 6. A signed statement agreeing to confidentiality regarding the child's situation and circumstances
 7. A signed statement from the parent or legal guardian authorizing the child's

participation in a visiting family home program

8. Employees of the Department shall not be utilized as visiting family homes.
 9. Visits shall not exceed fourteen (14) consecutive nights.
 10. Board payments shall not be made unless visiting family is also an approved Resource Home meeting all Resource Home requirements.
- C. Prior to visitation, the agency shall discuss with the visiting family the child's likes, dislikes, needs, behavior and health issues including any allergies and medications.
 - D. The agency shall provide the visiting family with emergency contact names and telephone numbers.
 - E. The child shall be in agreement to each visit. (It is recommended that a preliminary visit between the child and family take place prior to an overnight visit.)
 - F. After visitation, the agency shall talk with the child to determine his/her feelings and experiences. Pertinent information shall be recorded in the child's records.

INDEPENDENT LIVING PLACEMENTS

XVII. REQUIREMENTS FOR INDEPENDENT LIVING PLACEMENTS

The general requirements which pertain to placement of youth under other sections of this document shall be followed. In addition there shall be compliance with the following specific standards for independent living placements.

An **Independent Living placement** is defined as placement in an apartment, house, or rooming house with supervision from a licensed placement agency. A youth who has attained age seventeen (17), obtained a high school diploma, certificate of attendance or General Education Diploma (GED) and is in the custody of the Department may be placed through an agency licensed for Independent Living placements. The youth's worker, Area Social Work Supervisor (ASWS) and Independent Living Specialist must recommend this placement to the Strategies for Accessing Independent Living Services (SAILS) Advisory Board before final approval by the Independent Living Coordinator.

A. Independent Living Placement requirements:

1. Shall be located in close proximity to school, place of employment and other essential services
2. Shall comply with all fire, sanitation and safety regulations as determined by the Department's Licensing Requirements for child placing agencies
3. Shall be affordable based on the youth's established budget
4. All requests for Independent Living placements shall be presented to the Department's SAILS Advisory Board for consideration.
5. The State Independent Living Coordinator, with the recommendations of the SAILS Advisory Board, approves all Independent Living placements.
6. Shall have provisions to allow for a roommate if the conditions under Responsibilities of the Youth are followed

7. If a roommate is desired, he/she must be the same sex and in the Department's custody.
8. Shall include the reason for selection of Independent Living as the most appropriate placement for the child
9. Shall include the basis for concluding that the child exhibits self-care potential with appropriate agency assistance and has the ability to exercise sound judgment
10. The agency staff shall personally observe and determine that the living situation is safe and document the availability of specific and relevant resources that can provide suitable social, physical, vocational and emotional needs of the child.
11. Shall include an evaluation of the child's need for supervision
12. Shall obtain approval prior to placement from the legal guardian (if termination of parental rights has not been finalized) and Judge who holds jurisdiction
13. Support/Work Experience:
 - a. The agency shall allow age appropriate youth to be employed. The agency shall provide transportation to available employment sites when a particular youth is employed. The agency shall use employment and work experiences to provide constructive training for children. Children may not be substituted for staff members at the agency, nor perform required duties of agency employees.
 - b. The agency shall assign chores appropriate to the age and ability of the children in care which do not conflict with school, recreation, extracurricular activities, visitation with their families, Independent Living activities or any other activities associated with meeting the goals of the service plan.
 - c. The agency shall assist youth in transitioning from dependency to self-sufficiency.
 - d. The agency shall assist youth in receiving the education, training and services necessary to obtain employment.
 - e. The agency shall have and follow a written policy regarding the number of hours a child/youth can work, which must be approved by the Department.
 - f. The agency shall ensure compliance with laws governing the employment of minors, regardless of where the minor is employed.
 - g. The agency shall encourage youth of legal work age to seek employment in the community in accordance with service plans.

- h. The agency shall assist youth in preparing for and entering post-secondary training and educational institutions (when applicable).
- i. The agency will make available upon request personal and emotional support to youth through mentors (job coach, teachers, professionals, etc.). Mentors shall meet the same standards as staff regarding criminal records and Central Registry background checks.
- j. The agency shall provide financial, housing, counseling, employment, education and other appropriate support and services to former foster care recipients between eighteen (18) and twenty-one (21) years of age (when applicable).

B. Role of the Department:

- 1. The Department shall provide a contractual agreement of responsibilities for the youth to sign. This agreement shall be updated as circumstances change the level of income or work schedule.
- 2. The Department shall accept the board payment and disseminate the funds to the landlord for rent and any surplus funds to the youth.
- 3. The Department shall make two (2) on-site visits monthly, in accordance with the Department's policy.
- 4. The Department will provide general supervision and the agency shall provide direct supervision to every child in an Independent Living placement.

C. Responsibilities of the Youth:

- 1. Youth must be employed with sufficient income to meet the needs of his/her budget.
- 2. Youth must be an active participant and maintain involvement in the Independent Living Program.
- 3. Youth must be capable of creating a budget based on income and living within the budget.
- 4. Youth must have finances sufficient to cover the initial cost of placement (i.e. deposits, first and last months rent, if applicable).
- 5. Youth must be willing to sign and comply with a contract from the child placing agency outlining specific rules and requirements and if the contract is not fulfilled, the youth must leave the Independent Living Placement Program.
- 6. Youth must be willing to allow planned and unplanned visits to the residence by the Department's worker, IL Specialist, the placing agency and other Department staff as

deemed necessary.

7. If the youth wishes to live with a roommate(s), the roommate(s) must:
 - a. be a sibling or another youth who is also in the Department's custody
 - b. be of the same sex, if not biological siblings, and have separate bedrooms
 - c. be approved for Independent Living placements

D. Responsibilities of the Independent Living Specialist (contractor):

1. Shall assist youth, in conjunction with the Department's Worker, in selecting appropriate housing and avoiding conflict of interest regarding rental property
2. Shall meet with the youth every two (2) weeks and assist in the maintenance of the youth's budget
3. Shall compile monthly reports to be presented at the monthly SAILS Advisory Board meeting outlining the youth's previous monthly activities
4. Shall report problems or potential problems to the Department's Worker

E. Case Record:

The agency shall maintain a Case Record for every youth placed in Independent Living which shall contain the following:

1. Demographic information on the youth
2. Documentation of financial support sufficient to meet the youth's housing, clothing, food and miscellaneous expenses (See Appendix K)
3. Date, location, purpose and summary of each contact between the youth and the agency worker
4. Youth's adjustment to placement
5. Case Record shall contain a contract signed and dated by the youth and agency worker which specifies the responsibilities of the agency and the youth. The contract shall be reviewed and updated every three (3) months.
6. When the youth leaves the Independent Living placement, a termination summary shall be written, forwarded to referring agency and to the Department Independent Living Coordinator and placed in the case record.
7. The agency shall contact the youth and document the monthly contacts for the first six (6) months after leaving the placement and/or program and annually thereafter up to child's twenty-first (21st) birthday.

F. Driver's License for Youth In Care:

The Resource Parents, group home administrator, a court-appointed guardian, an employer, or any other responsible person who is willing to assume the financial obligation (liability) imposed under MS Code §63-1-25, may choose to sign the application for a youth, unless restricted by a court order. Youth must be at least age sixteen (16), to obtain a driver's license (See Appendix).

A youth who is seventeen (17) years of age or older may sign a license application without an adult's signature, but may not drive until he is covered by liability insurance.

G. Motor Vehicles for Youth in care:

Resource Parents or any other responsible adult has the freedom to purchase a motor vehicle for a youth unless restricted by a court order. The Department shall be informed of the plan to purchase a vehicle prior to the purchase. It is recommended that the Department (County of Responsibility) be notified fourteen (14) days prior to purchase and this notice must be placed in writing. Youth may purchase a vehicle with their own funds if they have a valid driver's license, proof of liability insurance and income to maintain the vehicle. In the event that a youth is placed in an apartment setting and wants to purchase a vehicle, prior approval to purchase must be given by the SAILS Advisory Board.

APPEAL PROCESS

XVIII. APPEAL PROCESS

A. Scope:

The Mississippi Department of Human Services' regulations for child placing agencies and residential child caring agencies allows for the following:

1. Administrative Grievance Hearing is afforded to all licensure applicants (in the event an application for licensure or renewal of a license is denied or a license is revoked).
2. Availability and Conditions:
 - a. The following conditions must be met before an Administrative Grievance Hearing can be held:
 - i. First, it must be a matter which can be reviewed as set out in number one (1) above.
 - ii. The aggrieved party must file an appeal by submitting, in writing, a request for an administrative hearing within ten (10) working days of the date of the Department's written notice of action sent to the individual or agency.
 - iii. The hearing shall be held as soon as possible, but no later than sixty (60) days after the receipt of the request.

B. Responsibilities of the Administrative Hearing Officer:

1. Schedule a date, time and place for the hearing

2. The Administrative Hearing Officer shall send a written notice of the scheduled hearing via Certified Mail, Return Receipt Requested, at least thirty (30) calendar days prior to the hearing date to the petitioner. If the individual requesting the appeal cannot appear at the time and location of the hearing, the individual must notify the hearing officer within ten (10) calendar days of receipt of the hearing notice to give explanations and make arrangements for rescheduling.

3. Notify the Department of the scheduled hearing

4. Notify the Department of any rescheduling

5. In the case of a Grievance Hearing, prepare and file a written finding of facts and recommendation and forward within thirty (30) days to the DFCS Division Director. The decision of the Director is final.

6. Mail decisions to each party or attorney via Certified Mail, Return Receipt Requested

C. Responsibilities of the Department:

Contact the Administrative Hearing Officer with information regarding the request.

D. Integrity of the Process:

All persons and their representatives participating in the proceedings for hearing cases shall follow the process and procedure as set forth herein, including but not limited to, being orderly, timely, ethical, honest, decent and respectful of others in all aspects of these proceedings.

E. Ex parte Communication:

Ex parte communication is prohibited. An *ex parte* communication is an improper oral or written communication to the Administrative Hearing Officer which is not on the record and reasonable prior notice was not given to all parties. This does not include discussions concerning strictly procedural matters, such as scheduling of the hearing. No party or other person directly or indirectly involved in the proceedings shall submit to the Administrative Hearing Officer any evidence, argument, analysis, inquiry, or advice whether written or oral, regarding any matter at issue in the proceedings unless such submission is being made part of the record in the presence of all parties. This excludes Department files regarding the case which the Administrative Hearing Officer will review in preparation for the hearing.

F. Withdrawal and Dismissal:

The failure of a party to attend or participate in a scheduled hearing after due notice will

result in a dismissal of the appeal and the presiding Hearing Officer may dismiss the hearing.

G. Place of Hearing and Knowledgeable Participants:

The hearings will be held in a location convenient for the parties and where the Administrative Hearing Officer deems appropriate. The Hearing Officer will have discretion in deciding location but shall take into consideration the location of the parties to be heard. The Hearing Officer may require the presence of witnesses and evidence on behalf of the applicant, licensee, or the Department. The parties are expected to make knowledgeable participants and employees available where necessary. A party's witnesses should, in general, know the file or record and be prepared to explain how it supports that party's contentions. Each party shall file with the Hearing Officer a list of witnesses they plan to call at least ten (10) calendar days prior to the hearing. The list shall contain the following:

- Name(s)
- Current Residence/Address (city, phone number, etc.)
- Brief description of testimony

H. Representation for Petitioner:

Any licensee or applicant may appear in person or be represented by an attorney at the licensee or applicant's own expense.

I. Department's Legal Representation:

The Department shall be represented by a Special Assistant Attorney General.

J. Disruptive Persons:

The Administrative Hearing Officer shall have authority to take reasonable steps to maintain the decorum of the hearing, including clearing the hearing room of any person who is disruptive.

K. Conduct of Hearing:

1. The Administrative Hearing Officer is in charge of proceedings. The Mississippi Rules of Evidence shall be relaxed for these Administrative Hearings. The Administrative Hearing Officer has the authority to examine witnesses and rule on admissibility of evidence. The Administrative Hearing Officer also has the authority to establish reasonable time limits for conducting individual hearings and requests for additional information. The Administrative Hearing Officer has the authority to issue any orders necessary to enforce his/her rulings.
2. Subject to the Administrative Hearing Officer's rulings, opportunity must be given to

all parties to respond and present evidence and argument on all issues involved. Also, the parties will have an opportunity to call any witnesses desired, but within limits set by the Administrative Hearing Officer.

3. The Administrative Hearing Officer may grant a postponement or continue the hearing for just cause. A motion for continuance of the hearing must be in writing and must be filed with the Administrative Hearing Officer. Once the action has proceeded to a hearing, no continuance may be granted without the consent of all parties involved.
4. An audio recording will be made of each hearing.
5. The parties of the hearing may conduct cross-examinations required for a full and true disclosure of the facts.
6. Before or during the hearing, the Administrative Hearing Officer may call or request any party to call a witness or witnesses that the Hearing Officer believes necessary to make a final decision.
7. At the hearing, the Department shall be the first to present all the evidence on its case- in-chief. The appealing party shall follow in presenting the same.
8. Upon notifying the parties, the Administrative Hearing Officer may communicate with Department employees who have not participated in the hearing for the purpose of using the special skills or knowledge of the Department and its staff in evaluating the evidence. The employee's communication is not part of the hearing and need not be recorded.
9. Hearings will not be opened to the general public and will be as informal as reasonably possible, keeping in mind the need to establish an orderly record. The Administrative Hearing Officer will admit evidence unless it is determined to be clearly irrelevant, immaterial, or unduly repetitious, so the parties should avoid frequent objections to questions and documents. The parties may introduce exhibits at the hearing after explaining to the Hearing Officer the necessity of admitting the exhibit as evidence or for the purpose of clarification.
10. At all hearings, each party, witness, attorney, or other person must show proper dignity, courtesy and respect for the Administrative Hearing Officer and others participating in the hearing. The Administrative Hearing Officer is authorized to act as he/she considers necessary and appropriate to maintain proper decorum and conduct. Actions may include, but are not limited to recessing the hearing to be reconvened at another time or location in Jackson, Mississippi or excluding from the hearing any party, witness, or attorney for a period and under the conditions that the Administrative Hearing Officer considers fair and just.

L. Order of Hearing Proceeding:

1. A general outline as to the conduct of a contested case proceeding is offered here for the benefit of the parties. However, a departure from this outline in order to expedite the matter or ensure the fairness of a proceeding would not be a violation of this section.
2. Administrative Hearing Officer may confer with the parties prior to the hearing to explain the order of proceedings, admissibility of evidence, to discuss the number of witnesses and other matters.
3. The hearing is called to order by the Administrative Hearing Officer.
4. Administrative Hearing Officer introduces him/herself and gives a brief statement of the nature of the proceedings, including a statement of the Administrative Hearing Officer's role in making legal rulings.
5. Administrative Hearing Officer calls upon the parties, their respective attorneys, and any other officials who may be present at the hearing to introduce themselves for the record.
6. Administrative Hearing Officer may exclude witnesses from the hearing room except during their testimony. If so, all witnesses are instructed not to discuss the case during the pendency of the proceeding. Notwithstanding the exclusion of the witnesses, parties will be permitted to stay in the hearing room along with their respective attorneys.
7. Any preliminary motions, stipulations, or agreed orders are presented.
8. Opening statements are allowed by both the Department and the aggrieved party.
9. The Department calls witnesses and the questioning proceeds as follows:
 - a. The Department questions.
 - b. Aggrieved party cross examines.
 - c. The Department redirects.
 - d. Aggrieved party re-cross examines.
 - e. Administrative Hearing Officer questions.

10. Petitioner calls witnesses and questioning proceeds as follows:

- a. Aggrieved party questions.
- b. The Department cross examines.
- c. Aggrieved party redirects.
- d. The Department re-cross examines.
- e. Administrative Hearing Officer questions.

11. After all evidence has been heard, the Administrative Hearing Officer will adjourn the hearing.

M. Recommended and Final Decisions:

Following the adjournment of the grievance hearing for the aggrieved party, the Hearing Officer will prepare a Recommended Decision. Within thirty (30) days, the Recommended Decision of the Administrative Hearing Officer will be forwarded only to the DFCS Division Director for review and consideration. The Director may adopt the Recommended Decision or modify the Recommended Decision. The Director shall subsequently forward the Final Decision of the Department to the attorneys of record, or if the party is not represented by an attorney, the Final Decision will be forwarded to that party.

MISSISSIPPI CODE OF 1972*Revised through 2003 Legislative Session***SEC. 43-15-5. Administration of child welfare services.**

(1) The State Department of Public Welfare shall have authority and it shall be its duty to administer or supervise all public child welfare services, including those services, responsibilities, duties and powers with which the county departments of public welfare are charged and empowered in this chapter; administer and supervise the licensing and inspection of all private child placing agencies; provide for the care of dependent and neglected children in foster family homes or in institutions, supervise the care of such children and those of illegitimate birth; supervise the importation of children; and supervise the operation of all state institutions for children. The State Department of Public Welfare shall be authorized to purchase hospital and medical insurance coverage for those children placed in foster care by the state or county departments of public welfare who are not otherwise eligible for medical assistance under the Mississippi Medicaid Law. The State Department of Public Welfare shall be further authorized to purchase burial or life insurance not exceeding One Thousand Five Hundred Dollars (\$1,500.00) for those children placed in foster care by the state or county departments of public welfare. All insurance coverage authorized herein may be purchased with any funds other than state funds available to the State Department of Public Welfare, including those funds available to the child which are administered by the department.

(2) Any person, partnership, group, corporation, organization or association desiring to operate a child residential home, as defined in Section 43-16-3, may make application for a license for such a facility to the State Department of Public Welfare on the application forms furnished for this purpose by the department. If an applicant meets the published rules and regulations of the

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

SEC. 43-15-6. Persons convicted of certain crimes not to be licensed as foster parent or foster home.

No person convicted of a crime affecting children or any other crime as set forth in Section 97-5-1, Mississippi Code of 1972, relating to the abandonment of a child under age six (6); Section 97-5-21, Mississippi Code of 1972, relating to seduction of a child under age eighteen (18); Section 97-5-23, Mississippi Code of 1972, relating to the touching of a child for lustful purposes; Section 97-5-35, Mississippi Code of 1972, relating to the exploitation of children; Section 97-5-39, Mississippi Code of 1972, relating to contributing to the neglect or delinquency of a child and felonious battery of a child; Section 97-5-41, Mississippi Code of 1972, relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner; Section 97-3-95, Mississippi Code of 1972, relating to sexual battery; Section 97-29-59, Mississippi Code of 1972, relating to unnatural intercourse; Section 41-29-145, Mississippi Code of 1972, relating to the distribution of controlled substances to persons under age twenty-one (21); Section 97-3-19, Mississippi Code of 1972, relating to murder and capital murder; Section 97-3-53, Mississippi Code of 1972, relating to kidnapping; Section 97-3-65, 97-3-67 or 97-3-71, Mississippi Code of 1972, relating to rape; Section 97-29-31, Mississippi Code of 1972, relating to indecent exposure; or any other offense committed in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere, shall be licensed as a foster parent or a foster home by the Mississippi Department of Public Welfare. The Department of Public Welfare is authorized to check any public records available in the State of Mississippi for such criminal information.

SEC. 43-15-21. Penalty for releasing confidential information.

Anyone violating or releasing information of a confidential nature without the approval of the court with jurisdiction or the state department of public welfare upon being found guilty shall be guilty of a misdemeanor and subject to a fine of no more than one thousand dollars (\$1,000.00) or imprisonment of six (6) months, or both.

SEC. 43-15-103. Definitions.

As used in this chapter:

- (a) "Agency" means a residential child-caring agency or a child-placing agency.
- (b) "Child" or "children" mean(s) any unmarried person or persons under the age of eighteen (18) years.
- (c) "Child placing" means receiving, accepting or providing custody or care for any child under eighteen (18) years of age, temporarily or permanently, for the purpose of:
 - (i) Finding a person to adopt the child;
 - (ii) Placing the child temporarily or permanently in a home for adoption; or

- (iii) Placing a child in a foster home or residential child-caring agency.
- (d) "Child-placing agency" means any entity or person which places children in foster boarding homes or foster homes for temporary care or for adoption or any other entity or person or group of persons who are engaged in providing adoption studies or foster care studies or placement services as defined by the rules of the department.
- (e) "Department" means the Mississippi Department of Human Services.
- (f) "Director" means the Director of the Division of Family and Children's Services.
- (g) "Division" means the Division of Family and Children's Services within the Mississippi Department of Human Services.
- (h) "Family boarding home" or "foster home" means a home (occupied residence) operated by any entity or person which provides residential child care to at least one (1) child but not more than six (6) children who are not related to the primary caregivers.
- (i) "Group care home" means any place or facility operated by any entity or person which provides residential child care for at least seven (7) children but not more than twelve (12) children who are not related to the primary caregivers.
- (j) "Licensee" means any person, agency or entity licensed under this chapter.
- (k) "Maternity home" means any place or facility operated by any entity or person which receives, treats or cares for more than one (1) child or adult who is pregnant out of wedlock, either before, during or within two (2) weeks after childbirth; provided, that the licensed child-placing agencies and licensed maternity homes may use a family boarding home approved and supervised by the agency or home, as a part of their work, for as many as three (3) children or adults who are pregnant out of wedlock, and provided further, that the provisions of this definition shall not include children or women who receive maternity care in the home of a person to whom they are kin within the sixth degree of kindred computed according to civil law, nor does it apply to any maternity care provided by general or special hospitals licensed according to law and in which maternity treatment and care are part of the medical services performed and the care of children is brief and incidental.
- (l) "Office" means the Office of Licensing within the Division of Family and Children's Services of the Mississippi Department of Human Services.
- (m) "Person associated with a licensee" means an owner, director, member of the governing body, employee, provider of care and volunteer of a human services licensee.
- (n) "Related" means children, step-children, grandchildren, step-grandchildren, siblings of the whole or half-blood, step-siblings, nieces or nephews of the primary care provider.
- (o) "Residential child care" means the provision of supervision, and/or protection, and meeting the basic needs of a child for twenty-four (24) hours per day, which may include services to children in a residential setting where care, lodging, maintenance and counseling or therapy for

alcohol or controlled substance abuse or for any other emotional disorder or mental illness is provided for children, whether for compensation or not.

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

SEC. 43-15-105. Division of Family and Children's Services to be licensing authority; duties.

(1) The Division of Family and Children's Services shall be the licensing authority for the department, and is vested with all the powers, duties and responsibilities described in this chapter. The division shall make and establish rules and regulations regarding:

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

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

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

(d) Minimum administration and financial requirements for licensees.

(2) The division shall:

(a) Define information that shall be submitted to the division with an application for a license;

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

(c) Issue licenses in accordance with this chapter;

(d) Conduct surveys and inspections of licensees and facilities;

(e) Establish and collect licensure fees;

(f) Investigate complaints regarding any licensee or facility;

(g) Have access to all records, correspondence and financial data required to be maintained by a licensee or facility;

(h) Have authority to interview any client, family member of a client, employee or officer of a licensee or facility; and

(i) Have authority to revoke, suspend or extend any license issued by the division.

SOURCES: Added by Laws 2000, Ch. 379, Sec. 3, SB2604, eff. July 1, 2000.

SEC. 43-15-107. Licensure requirements.

(1) Except as provided in Section 43-15-111, no person, agency, firm, corporation, association or other entity, acting individually or jointly with any other person or entity, may establish, conduct or maintain foster homes, residential child-caring agencies and child-placing agencies or facility and/or engage in child placing in this state without a valid and current license issued by and under the authority of the division as provided by this chapter and the rules of the division.

(2) No license issued under this chapter is assignable or transferable.

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

(4) (a) Each license issued under this chapter expires at midnight (Central Standard Time) twelve (12) months from the date of issuance unless it has been:

(i) Previously revoked by the office; or

(ii) Voluntarily returned to the office by the licensee.

(b) A license may be renewed upon application and payment of the applicable fee, provided that the licensee meets the license requirements established by this chapter and the rules and regulations of the division.

(5) Any licensee or facility which is in operation at the time rules are made in accordance with this chapter shall be given a reasonable time for compliance as determined by the rules of the division.

SEC. 43-15-111. Exemptions from licensure requirements.

The provisions of this chapter do not apply to:

(1) A facility or program owned or operated by an agency of the State of Mississippi or United States government;

(2) A facility or program operated by or under an exclusive contract with the Department of Corrections;

(3) Schools and educational programs and facilities the primary purpose of which is to provide a regular course of study necessary for advancement to a higher educational level or completion of a prescribed course of study, and which may, incident to such educational purposes, provide boarding facilities to the students of such programs.

(4) Any residential child-caring agency and/or child-placing agency operated or conducted under the auspices of a religious institution and meeting the requirements or conditions of this section shall be exempt from the licensure requirements of this chapter under the following conditions: (a) such religious institution must have a tax exempt status as a nonprofit religious institution in accordance with Section 501(c) of the Internal Revenue Code of 1954, as amended, or the real property owned and exclusively occupied by the religious institution must be exempt from location taxation, and (b) the agency or institution must be in compliance with the requirements

of the Child Residential Home Notification Act, Section 43-16-1 et seq., Mississippi Code of 1972, and must not be in violation of Section 43-16-21(c) regarding the abuse and/or neglect of any child served by such home who has been adjudicated by the youth court as an abused and/or neglected child. Nothing in this subsection shall prohibit a residential child-caring agency or child-placing agency operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this chapter.

SEC. 43-15-113. Reinstatement of license following revocation.

(1) If a license is revoked, the division may grant a new license after:

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

(b) Inspection and compliance with all provisions of this chapter and applicable rules.

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

(3) When a license has been suspended, the division may completely or partially restore the suspended license upon a determination that the:

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

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

SEC. 43-15-117. General restrictions; advertising restrictions; regulation of fees; written disclosure of fees and charges.

(1) Except as provided in this chapter, no person, agency, firm, corporation, association or group children's home may engage in child placing, or solicit money or other assistance for child placing, without a valid license issued by the division.

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

(b) An attorney, physician or other person may not:

(i) Issue or cause to be issued to any person a card, sign or device indicating that he or she is available to provide that assistance;

(ii) Cause, permit or allow any sign or marking indicating that he or she is available to provide that assistance, on or in any building or structure;

(iii) Announce or cause, permit or allow an announcement indicating that he or she is available to provide that assistance, to appear in any newspaper, magazine, directory or on radio or television; or

(iv) Advertise by any other means that he or she is available to provide that assistance.

(3) Nothing in this section precludes payment of usual and customary fees for medical, legal or other lawful services rendered in connection with the care of a mother, delivery and care of a child, or counseling for the parents and/or the child, and for the legal proceedings related to lawful adoption proceedings; and no provision of this section abrogates the right of procedures for independent adoption as provided by law.

(4) The division is specifically authorized to promulgate rules pursuant to the Administrative Procedures Act, Title 25, Chapter 43, Mississippi Code of 1972, to regulate fees charged by licensed child-placing agencies, if it determines that the practices of those licensed child-placing agencies demonstrates that the fees charged are excessive or that any of the agency's practices are deceptive or misleading; provided, that such rules regarding fees shall take into account the use of any sliding fee by an agency which uses a sliding fee procedure to permit prospective adoptive parents of varying income levels to utilize the services of such agencies or persons.

(5) The division shall promulgate rules pursuant to the Administrative Procedures Act, Title 25, Chapter 43, Mississippi Code of 1972, to require that all licensed child-placing agencies provide written disclosures to all prospective adoptive parents of any fees or other charges for each service performed by the agency or person, and file an annual report with the division which states the fees and charges for those services, and to require them to inform the division in writing thirty (30) days in advance of any proposed changes to the fees or charges for those services.

(6) The division is specifically authorized to disclose to prospective adoptive parents or other interested persons any fees charged by any licensed child-placing agency, attorney or counseling service or counselor for all legal and counseling services provided by that licensed child-placing agency, attorney or counseling service or counselor.

SEC. 43-15-119. Disciplinary proceedings.

(1) If the division finds that a violation has occurred under this chapter or the rules and regulations of the division, it may:

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

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

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

SEC. 43-15-123. Criminal penalties.

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

SEC. 43-18-1. Execution of compact.

The governor, on behalf of this state, is hereby authorized to execute a compact in substantially the following form with all other jurisdictions legally joining therein; and the legislature hereby signifies in advance its approval and ratification of such compact, which compact is as follows:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ARTICLE I.

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

- (a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.
- (b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.
- (c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis on which to evaluate a projected placement before it is made.
- (d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II.

As used in this compact:

- (a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
- (b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings or causes to be sent or brought any child to another party state.
- (c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill or mentally defective or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III.

(a) No sending agency shall send, bring or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV.

The sending, bringing or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit or other legal authorization held by the sending agency which empowers or allows it to place or care for children.

ARTICLE V.

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI.

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

- (1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
- (2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII.

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII.

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX.

This compact shall be open to or joined by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X.

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

SEC. 43-18-17. Placement by courts of delinquent children.

Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

SEC. 43-21-105. Definitions.

The following words and phrases, for purposes of this chapter, shall have the meanings ascribed herein unless the context clearly otherwise requires:

(a) "Youth court" means the Youth Court Division.

(b) "Judge" means the judge of the Youth Court Division.

(c) "Designee" means any person that the judge appoints to perform a duty which this chapter requires to be done by the judge or his designee. The judge may not appoint a person who is involved in law enforcement to be his designee.

(d) "Child" and "youth" are synonymous, and each means a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services or is married is not considered a "child" or "youth" for the purposes of this chapter.

(e) "Parent" means the father or mother to whom the child has been born, or the father or mother by whom the child has been legally adopted.

(f) "Guardian" means a court-appointed guardian of the person of a child.

(g) "Custodian" means any person having the present care or custody of a child whether such person be a parent or otherwise.

(h) "Legal custodian" means a court-appointed custodian of the child.

(i) "Delinquent child" means a child who has reached his tenth birthday and who has committed a delinquent act or, while being required to attend an alternative school program provided under Section 37-13-92, willfully and habitually absents himself therefrom.

(j) "Delinquent act" is any act, which if committed by an adult, is designated as a crime under state or federal law, or municipal or county ordinance other than offenses punishable by life imprisonment or death. A delinquent act includes escape from lawful detention and violations of the Mississippi School Compulsory Attendance Law, violations of the Uniform Controlled Substances Law and violent behavior.

(k) "Child in need of supervision" means a child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child:

(i) Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or

(ii) While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or

(iii) Runs away from home without good cause; or

(iv) Has committed a delinquent act or acts.

(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; provided, 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 said mental condition be mentally retarded or mentally ill; or

(iv) Who, for any reason, lacks the care necessary for his health, morals or well-being.

(m) "Abused child" means a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon said child sexual abuse, sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. Provided, however, that physical discipline, including spanking, performed on a child by a parent, guardian or custodian in a reasonable manner shall not be deemed abuse under this section.

(n) "Sexual abuse" means obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened.

(o) "A child in need of special care" means a child with any mental or physical illness that cannot be treated with the dispositional alternatives ordinarily available to the youth court.

(p) A "dependent child" means any child who is not a child in need of supervision, a delinquent child, an abused child or a neglected child, and which child has been voluntarily placed in the custody of the Mississippi Department of Children's Affairs by his parent, guardian or custodian.

(q) "Custody" means the physical possession of the child by any person.

(r) "Legal custody" means the legal status created by a court order which gives the legal custodian the responsibilities of physical possession of the child and the duty to provide him with food, shelter, education and reasonable medical care, all subject to residual rights and responsibilities of the parent or guardian of the person.

(s) "Detention" means the care of children in physically restrictive facilities.

(t) "Shelter" means care of children in physically nonrestrictive facilities.

(u) "Records involving children" means any of the following from which the child can be identified:

(i) All youth court records as defined in Section 43-21-251;

(ii) All social records as defined in Section 43-21-253;

(iii) All law enforcement records as defined in Section 43-21-255;

(iv) All agency records as defined in Section 43-21-257; and

(v) All other documents maintained by any representative of the state, county, municipality or other public agency insofar as they relate to the apprehension, custody, adjudication or disposition of a child who is the subject of a youth court cause.

(v) "Any person responsible for care or support" means the person who is providing for the child at a given time. This term shall include, but is not limited to, stepparents, foster parents, relatives, nonlicensed babysitters or other similar persons responsible for a child and staff of residential care facilities and group homes that are licensed by the Mississippi Department of Children's Affairs.

(w) The singular includes the plural, the plural the singular and the masculine the feminine when consistent with the intent of this chapter.

(x) "Out-of-home" setting means the temporary supervision or care of children by the staff of licensed day care centers, the staff of public, private and state schools, the staff of juvenile detention facilities, the staff of unlicensed residential care facilities and group homes and the staff of, or individuals representing, churches, civic or social organizations.

(y) "Durable legal custody" means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical possession of the child and the duty to provide him with care, nurture, welfare, food, shelter, education and reasonable medical care. All these duties as enumerated are subject to the residual rights and responsibilities of the natural parent(s) or guardian(s) of the child or children.

SEC. 93-15-103. Factors justifying adoption; grounds for termination of parental rights; alternatives.

(1) When a child has been removed from the home of its natural parents and cannot be returned to the home of his natural parents within a reasonable length of time because returning to the home would be damaging to the child or the parent is unable or unwilling to care for the child, relatives are not appropriate or are unavailable, and when adoption is in the best interest of the child, taking into account whether the adoption is needed to secure a stable placement for the child and the strength of the child's bonds to his natural parents and the effect of future contacts between them, the grounds listed in subsections (2) and (3) of this section shall be considered as grounds for the termination of parental rights. The grounds may apply singly or in combination in any given case.

(2) The rights of a parent with reference to a child, including parental rights to control or withhold consent to an adoption, and the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of the parent and child terminated by the execution of a written voluntary release, signed by the parent, regardless of the age of the parent.

(3) Grounds for termination of parental rights shall be based on one or more of the following factors:

(a) A parent has deserted without means of identification or abandoned a child as defined in Section 97-5-1, or

(b) A parent has made no contact with a child under the age of three (3) for six (6) months or a child three (3) years of age or older for a period of one (1) year; or

(c) A parent has been responsible for a series of abusive incidents concerning one or more children; or

(d) When the child has been in the care and custody of a licensed child caring agency or the Department of Human Services for at least one (1) year, that agency or the department has made diligent efforts to develop and implement a plan for return of the child to its parents, and:

(i) The parent has failed to exercise reasonable available visitation with the child; or

(ii) The parent, having agreed to a plan to effect placement of the child with the parent, fails to implement the plan so that the child caring agency is unable to return the child to said parent; or

(e) The parent exhibits ongoing behavior which would make it impossible to return the child to the parent's care and custody:

(i) Because the parent has a diagnosable condition unlikely to change within a reasonable time such as alcohol or drug addiction, severe mental deficiencies or mental illness, or extreme physical incapacitation, which condition makes the parent unable to assume minimally, acceptable care of the child; or

(ii) Because the parent fails to eliminate behavior, identified by the child caring agency or the court, which prevents placement of said child with the parent in spite of diligent efforts of the child caring agency to assist the parent; or

(f) When there is an extreme and deep-seated antipathy by the child toward the parent or when there is some other substantial erosion of the relationship between the parent and child which was caused at least in part by the parent's serious neglect, abuse, prolonged and unreasonable absence, unreasonable failure to visit or communicate, or prolonged imprisonment; or

(g) When a parent has been convicted of any of the following offenses against any child: (i) rape of a child under the provisions of Section 97-3-65, (ii) sexual battery of a child under the provisions of Section 97-3-95(c), (iii) touching a child for lustful purposes under the provisions of Section 97-5-23, (iv) exploitation of a child under the provisions of Section 97-5-31, (v) felonious abuse or battery of a child under the provisions of Section 97-5-39(2), (vi) carnal knowledge of a step or adopted child or a child of a cohabitating partner under the provisions of Section 97-5-41, or (vii) murder of another child of such parent, voluntary manslaughter of another child of such parent, aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter, or a felony assault that results in the serious bodily injury to the surviving child or another child of such parent; or

(h) The child has been adjudicated to have been abused or neglected and custody has been transferred from the child's parent(s) for placement pursuant to Section 43-15-13, and a court of competent jurisdiction has determined that reunification shall not be in the child's best interest.

(4) Legal custody and guardianship by persons other than the parent as well as other permanent alternatives which end the supervision by the Department of Human Services should be considered as alternatives to the termination of parental rights, and these alternatives should be selected when, in the best interest of the child, parental contacts are desirable and it is possible to secure such placement without termination of parental rights.

(5) When a parent has been convicted of rape of a child under the provisions of Section 97-3-65, sexual battery of a child under the provisions of Section 97-3-95(c), touching a child for lustful purposes under the provisions of Section 97-5-23, exploitation of a child under the provisions of Section 97-5-31, felonious abuse or battery of a child under the provisions of Section 97-5-39(2), or carnal knowledge of a step or adopted child or a child of a cohabitating partner under the provisions of Section 97-5-41, notice of the conviction shall be forwarded by the circuit clerk of the county in which the conviction occurred to the Mississippi Department of Human Services, Division of Social Services.

(6) In any case where a child has been removed from the parent's home due to sexual abuse or serious bodily injury to the child, the court shall treat such case for termination of parental rights as a preference case to be determined with all reasonable expedition.

SEC. 93-15-109. Termination of parental rights.

After hearing all the evidence in regard to such petition, if the chancellor, family court judge or county court judge is satisfied by clear and convincing proof that the parent or parents are within the grounds requiring termination of parental rights as set forth in this chapter, then the court may terminate all the parental rights of the parent or parents regarding the child, and terminate the right of the child to inherit from such parent or parents. The termination of the parental rights of one (1) parent may be made without affecting the parental rights of the other parent, should circumstances and evidence ever so warrant.

SEC. 93-17-1. Jurisdiction to alter names and legitimate offspring; legitimation by subsequent marriage.

(1) The chancery court or the chancellor in vacation, of the county of the residence of the petitioners shall have jurisdiction upon the petition of any person to alter the names of such person, to make legitimate any living offspring of the petitioner not born in wedlock, and to decree said offspring to be an heir of the petitioner.

(2) An illegitimate child shall become a legitimate child of the natural father if the natural father marries the natural mother and acknowledges the child.

SEC. 93-17-223. One birth parent prohibited from divulging identity of other parent.

In cases where only one (1) of the birth parents has authorized the release of identifying information, that birth parent shall be prohibited from divulging to the adoptee the identity, or any information reasonably calculated to lead to discovery of the identity, of the other birth parent, and shall execute a sworn affidavit stating that no such information shall be revealed. The refusal of any birth parent to comply with this prohibition shall constitute an act of bad faith

under the terms of Secs. 93-17-201 through 93-17-223, and such birth parent shall be subject to civil liability for the release of such information.

SEC. 97-3-65. Rape; carnal knowledge of child under fourteen years of age.

(1) Every person eighteen (18) years of age or older who shall be convicted of rape by carnally and unlawfully knowing a child under the age of fourteen (14) years, upon conviction, shall be sentenced to death or imprisonment for life in the State Penitentiary; provided, however, any person thirteen (13) years of age or over but under eighteen (18) years of age convicted of such crime shall be sentenced to such term of imprisonment as the court, in its discretion, may determine. In all cases where the child is under the age of fourteen (14) years it shall not be necessary to prove penetration of the child's private parts where it is shown the private parts of the child have been lacerated or torn in the attempt to have carnal knowledge of the child.

(2) Every person who shall forcibly ravish any person of the age of fourteen (14) years or upward, or who shall have been convicted of having carnal knowledge of any person above the age of fourteen (14) years without such person's consent, by administering to such person any substance or liquid which shall produce such stupor or such imbecility of mind or weakness of body as to prevent effectual resistance, upon conviction, shall be imprisoned for life in the State Penitentiary if the jury by its verdict so prescribes; and in cases where the jury fails to fix the penalty at life imprisonment the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine.

(3) This section shall apply whether the perpetrator is married to the victim or not.

(4) The Department of Public Safety shall collect all data relating to spousal rape violations and convictions under this section. Such information shall include the name and age of all victims and violators of spousal rape under this section. The information collected under this subsection shall be subject to all confidentiality requirements imposed by law for criminal records. The Department of Public Safety shall provide such data excluding the identification of victims and unconvicted violators to the Clerk of the House of Representatives and the Secretary of the Senate on January 1, 1994, and each year thereafter for a period of three (3) years.

APPLICATION FOR A LICENSE

STATE OF MISSISSIPPI
DEPARTMENT OF HUMAN SERVICES
FAMILY AND CHILDREN'S SERVICES

☐ INITIAL APPLICATION

☐ RENEWAL APPLICATION

Application is here by made for a License to conduct or operate a:

☐ Residential child caring agency

☐ Child Placing Agency

Applicant

Name of Organization/Agency

Name and title of Director/Administrator - Social Security Number

Mailing
Address

Street or Box No. City State Zip

Location
if different

Street Address City State Zip

Telephone No. _____

I/We certify that all information submitted for this application is true and correct to the best of my/our knowledge.

I/We understand that any misrepresentation of information shall be grounds for denial of this application.

If granted a License, I/We agree to abide by the provisions therein as set forth by the Mississippi Department of Human Services.

Signed _____
Chairman of Board or Authorized Agent*

Title _____

Date _____

Address _____
Street

City State Zip

Telephone No. _____

Social Security Number _____

*Attach statement verifying that Authorized Agent has authority to submit application.

MISSISSIPPI
Form THE DEPARTMENT-4550
Revised: 09-30-01

**CERTIFICATE OF COMPLIANCE
WITH THE
CIVIL RIGHTS LAWS**

On behalf of the Board of Directors, or other governing authority, I, as authorized representative of _____, agree that this agency will comply with Title VI of the Civil Rights Law, as amended and the regulations issued pursuant to this Title and all other Civil Rights Laws. The care, services, or other benefits of the program shall be provided without discrimination because of race, color, national origin, disability age or religion.

Signed this the _____ day of _____ 20 _____

By: _____

(Signature of person who has legal authority to act for facility/agency)

Title: _____

Address: _____

Mississippi Department of Human Services
Division of Family and Children's Services
Placement Unit/Licensure

CHILD PLACING AGENCIES
RESOURCE HOME DEMOGRAPHICS

AGENCY NAME: _____

SERVICE PROVIDED: _____

Parent Information

Foster Mother: _____ **DOB:** _____ **Race:** _____

Foster Father: _____ **DOB:** _____ **Race:** _____

Location/Contact Information

ADDRESS: _____

City _____ **State** _____

County: _____ **Zip Code:** _____

Telephone Number: _____

Agency Information

Number of Children Approved For: _____

Date Approved: _____

Date Closed (Notify the Department when resource home is closed): _____

Reason for closure:

This is a demographic sheet to be completed by all agencies' resource homes. The data is necessary for tracking children in custody of DFCS, placed in child placing or child caring agency facilities through the Mississippi Automated Child Welfare Information System (MACWIS).

Please complete and return the above form on all current resource homes and your future homes when they are approved.

Child Abuse Central Registry Form

(Form must be on your agency's letter head)

TO: Mississippi Department of Human Services
Division of Family & Children's Services
Child Abuse Central Registry
P.O. Box 352
Jackson, MS 39205

FROM: Representative/Director of Requesting Agency
Agency/business Name
Street Address
City, State Zip Code
Phone Number

(Printed) Applicant's Full Name (list maiden name & list any aliases)

Social Security Number: _____ Date of Birth: _____
(Requesting Agency should verify by viewing the applicant's Drivers License and Social Security card)

Physical Address: _____

By signing this form, I give the above named agency permission to request a MDHS Child Abuse/ Neglect Central Registry background check. I understand that this information will be used only for employment purposes and will not be re-disseminated to other purpose.

Applicant signature

Date

I have witnessed the applicant's signature and the information is true and attested by my viewing of the applicant's Social Security card and Drivers License. I understand that this information must be kept confidential with my agency.

Signature of Witness
(Witness must be a representative of the requesting agency)

Date

.....
This section to be completed by MDHS Office

_____ No identifying information was found in the Central Registry

_____ The following information was found in the Central Registry

Signature of MDHS Representative

Date

Child Abuse Central Registry Check

Purpose

This form provides information to the Child Abuse Central Registry to request a check for prior substantiated abuse/neglect reports regarding applicants for foster parents, adoptive parents, or employees of residential child care facilities, child placing agencies, or day care centers.

Instructions

All requests for Child Abuse Central Registry Checks should be submitted in the enclosed format. This standards example form includes all of the necessary information and authorization to process a background check through the Department Child Abuse/ Neglect Central Registry.

The enclosed example should be used by all agencies and child caring facilities, excluding The Department employees, when making a request for a background check of the Central Registry. All agencies and child caring facilities should use that enclosed example format in its entirety, on your agency's official letterhead to request background checks. All Central Registry requests received without the requested information and authorization will be returned unprocessed to the requesting entity.

Submit the form to Mississippi Department of Human Services, Division of Family & Children Services. The bottom section will be completed by Protection Department staff and will be returned to the sending agency. If you have questions regarding this form you may contact the Department's Central Registry at 601-359-4487.

Please be advised that you must provide a self addressed stamped envelope or your central registry request will not be processed.

PERMISSION FOR BACKGROUND CHECK

Date: _____,

I give my permission for _____,

Agency

to check the states I have lived and worked in during the ten (10) previous years _____

Name of States

to conduct a background screening check with law enforcement, the Child Abuse Central Registry, previous employers, and any other persons to determine my suitability in working with children. I understand that this permission is a part of my application for a foster parent _____, adoptive parent _____, residential child care worker _____, child placing worker _____, or day care worker _____, respite care provider _____, or other child care worker _____. I further understand that this information will only be used in regard to the above application.

Date of Birth _____ Social Security Number _____

Print Name _____

Signature _____ Date _____

PERMISSION FOR BACKGROUND CHECK

Purpose

This form is for applicants for foster parent, adoptive parent, or employee of a residential care facility, child placing agency, or day care center to authorized permission for background screening check.

Instructions

The applicant is to fill in date, agency in which seeking employment, and check category of application, and sign. A copy of this form is to be maintained in the agency files.

Character and Suitability

A. Character and Suitability Requirement:

1. All applicants and holders of a child care license, all applicants for employment in a paid or voluntary position (including board members), and all current employees in paid or voluntary positions must be suitable and of good moral character in order to operate or work in a child care facility. All applicants shall be investigated to determine character and suitability to hold a license/permit or work in a child care facility. Information regarding the character and suitability shall be reviewed by the Department at the time of initial application. For purposes of this requirement, an applicant includes all board members and officers of corporations, partnerships, associations, or other legal entities having direct contact with the children in care. Because staff family members living in the home or visiting overnight in the children's living units shall also be of good character and suitability, a criminal background check shall be obtained on these individuals. Upon promulgation of these regulations, the applicant/licensee shall conduct a character and suitability review on all applicants for employment in a paid or voluntary position, and all current employees in paid or voluntary positions.

B. Review of Past History:

The review shall consist of the following components:

1. Local Criminal History Check.
2. Clearance of State Central Registry On Child Abuse/Neglect.
3. Clearance of fingerprint background check through the National Criminal Information Database (NCID), and the Mississippi Department of Public Safety/Criminal Information Center (CIC).
4. Evidence of unsuitable character may be the basis for the denial of an initial application or renewal, the suspension, or revoking of a license.
5. False or misleading statements made by the individual to the department or other government facility personnel regarding incidents or events occurring while on the job or surrounding part of any child abuse or neglect investigation conducted by the department, law enforcement or other government officials are considered as evidence of unsuitable character.
6. Applicants for a license and holders of licenses who are discovered to have had a history of (1) operating without a license and refusal to cease operations and apply for a license or permit or (2) refusal to allow the department to conduct investigations regarding their activities or allegations of abuse and neglect or history of noncompliance with minimum standards are also considered as evidencing unsuitable character.

7. Any applicant or household member who has a criminal history of conviction or pending indictment of a crime, whether a misdemeanor or a felony, that bears upon an individual's fitness to have responsibility for the safety and well-being of children as set forth in Section 43-15-6 of the Mississippi Code, may not provide child care or be licensed. Felony convictions include, but not limited to, child abuse or neglect, spousal abuse, crimes against children (including child pornography), crimes involving violence which include rape, sexual assault or homicide. If a record check reveals a felony conviction for physical assault, battery or drug-related offense, and if a court of competent jurisdiction has determined that the felony was committed, a final license shall not be granted.
8. All applicants for a license and all staff members and applicants for employment in paid or voluntary positions, must reveal on their application all past criminal convictions/or charges, except for minor traffic violations, since age 16. Driving Under the Influence is not considered a minor traffic violation and must be reported to the Department.
9. All applicants for a license and all staff members and applicants for employment in paid or voluntary positions shall submit authorization for release of Mississippi criminal information history check. Fees required shall be paid by the facility or employees of the facility.
10. No applicant shall be hired or volunteer services used if convicted of a crime in this or another state at any time if a state court of competent jurisdiction has determined a felony conviction for any of the following crimes.

Also, an applicant shall not be hired or volunteer services used if convicted as an accessory to a crime that involves a felony conviction for one of the following offenses:

- i. Any abuse or neglect against a child
- ii. Any felony against a child
- iii. Any assault or abuse against a domestic partner or former domestic partner
- iv. Any crime that has violence or threat of violence against any person. This includes but is not limited to any sex-related crime, including those listed under the finger printing policy:
 1. rape in the first or second degree
 2. sodomy in the first or second degree
 3. sexual torture.
- v. An applicant will not be hired or volunteer services used if the record check reveals that a court of competent jurisdiction determined a felony conviction has been committed.

REQUIRED HEALTH DEPARTMENT INSPECTION(S)

The following inspection(s) should be performed by the Health Department in order for the facility to comply with licensing standards:

1. Residential Child Caring Agencies who have a cottage-type living arrangement with a family-type kitchen in each cottage or individual group homes shall be inspected using only Mississippi Department of Health Inspection for Residential Facility Form(750) Inspection Report. The entire form shall be completed by the Health Department Environmentalist.
2. Residential Child Caring Agencies who have a separate central dining area for all residents and/or have 15 or more persons eating together shall have both a Food Service Permit Inspection report and a Residential Facility Inspection Report - Form 750 performed.

If a Form 750 is submitted with negative responses or “no” checked, the facility shall also submit a plan for corrective action. It may be necessary to issue a Probationary License to any facility pending corrective action.

Revised July 2010

MDHS/DFCS RESOURCE INQUIRY DATA SHEET

Protocol

The Resource Inquiry Data Sheet has been developed to assist Agency Resource Providers to certify and license families that meet the necessary requirements, to alleviate any problems and or concerns associated with families being licensed and or associated with multiple agencies and to notify the agencies if the identified family has current or past affiliations with MDHS. The inquiry sheet will be utilized as follows:

- When Provider Agencies receive inquiries from potential families, the inquiry data sheet is completed and faxed to DFCS Licensure Unit **prior** to a family attending any scheduled training
- Completed forms should be faxed to (601) 359-2390 or (601) 359-2550.
- Within 48 hours of request being received, staff will conduct the appropriate search and results sent back to the Provider Agency within 48 hours
- Once findings are provided to the requesting agency, all paperwork will be forwarded to the assigned Licensure Unit Staff person for filing.

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
Division of Family and Children Services – Licensure
RESOURCE HOME
INQUIRY DATA SHEET

Please complete this form prior to training of a potential resource home(s) and fax to: 601-359-4226 or 601-359-2390

Agency/Contact Person: _____ Fax # _____

INQUIRIES:

Name: _____
Last Maiden First Middle I

Address _____
Street City, State Zip Code

SSN: ____/____/____ D.O.B. ____/____/____ Married/Single/Divorced/Separated

If married:

Spouse Name: _____ SSN: ____/____/____ D.O.B. ____/____/____

Transfer from another agency () No () Yes _____
Name of agency

Eligible for Training () Not Eligible for Training ()

Results found: _____

=====

Name _____
Last Maiden First Middle I

Address _____
Street City, State Zip Code

SSN: ____/____/____ D.O.B. ____/____/____ Married/Single/Divorced/Separated

If married:

Spouse Name: _____ SSN: ____/____/____ D.O.B. ____/____/____

Transfer from another agency () No () Yes _____
Name of agency

Eligible for Training () Not Eligible for Training ()

Results found: _____

Source: MS Code Sec 43-15-5(2)