

Title 18: Mississippi Department of Child Protection Services

Part 302: Function and Structure of the Agency

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Chapter 1 DIRECT SERVICES

Rule 1.1. *Service Array* – The Mississippi Department of Child Protection Services (MDCPS or Agency) may provide any of the following services either through direct service provision, contract, collaboration with, or referral to other service providers:

1. Prevention of Child Abuse/Neglect Services - provided to families when support services are identified in the initial safety assessment. These services are not court ordered and the family's progress on the Family Service Plan is monitored by MDCPS.
2. Family Preservation Program (FPP) - home-based prevention service that provides: parent education, child management training, creative and flexible scheduling, and assists families when there is an eminent risk of removal
3. Mississippi Centralized Intake & Assessment (MCIA) - Any person who has reason to suspect the abuse of a child must make a report by telephone to 1-800-222-8000. Reports may also be sent to <https://reportabuse.mdcps.ms.gov/>.
4. Placement Services through Continuum of Care - available for children who cannot be safely maintained in their homes.
 - a. Intake and Assessment Centers (Emergency Shelters)
 - b. Qualified Residential Treatment Programs (QRTP)
 - c. Specialized Group Care for Minor Victims of Sex Trafficking (SGC)
 - d. Supervised Independent Living (SIL)
 - e. Teen Maternity Homes
 - f. Therapeutic Foster Homes
 - g. Therapeutic Group Home Services
 - h. Traditional Foster Homes
 - i. Traditional Group Home Services
5. Intensive In-Home Services - designed to provide therapeutic services to children who are in the state's custody placed in MDCPS foster or adoptive

homes who are experiencing behavioral problems.

6. Reunification Services - designed to provide services to children who can remain or return home to their immediate or extended family if they are participating in intensive in-home services. Children must be in the legal custody of MDCPS and be placed in licensed foster homes or adoptive placements prior to or after the adoption finalization to provide stabilization in order to prevent disruption.
7. Mississippi Youth Programs Around the Clock (MYPAC) - administered by Mississippi Medicaid through outsourced providers and designed to enable children to remain safely in their homes while providing needed therapeutic and residential services.
8. Regional Mental Health Centers - available statewide and provide assessments for children and adults and offer counseling, anger management classes, drug and alcohol screenings and treatment programs.
9. EPSDT - Early Periodic Screening Diagnosis and Treatment ensures that all Medicaid eligible children receive comprehensive and preventative health care to the maximum extent allowable.
10. Independent Living Services (IL) – provides services to ensure that foster youth fourteen (14) years of age or older are provided an opportunity to acquire basic life skills which will enable them to live independently, responsibly, and to be self-sufficient by the time their foster care services are terminated.
11. Service to Promote Timely Adoptions (Adoption Services) - Contract agencies assist MDCPS in promoting timely adoptions by accepting referrals and attending adoption placement meetings in efforts to move children quickly into permanent homes.
12. Post Adoption Services (“Intensive In-Home Services”) - available to all adoptive parents to monitor and assist with any problems or disruptions that may arise and to stabilize the placement.
13. Language Interpretation Services and Deaf Interpretation Services - provide interpretation and translation of foreign languages and interpretation services for the hearing impaired.

Source: Miss. Code Ann. §§ 43-26-1, 43-15-13, 43-15-17, 43-21-353, 43-26-5, 43-26-7

Rule 1.2. *Federal Grant Programs* – MDCPS may apply for, receive and expend federal funds including, but not limited to, the following federal grant programs and services available through these grants:

1. Title IV-B Subpart 1 (Child Welfare Services) [42 U.S.C. 621 § 421]: The purpose of this subpart is to promote state flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families.
2. Title IV-B 2 - Promoting Safe and Stable Families [42 U.S.C. 629 § 430]: The purpose of this program is to enable states [and eligible tribes] to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support.
3. Title IV-E Foster Care: The federal Foster Care Program provides safe and stable out-of-home care for children until the children are safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency.
4. Title IV-E Adoption Assistance: The Adoption Assistance Program provides funds to facilitate the timely placement of children, whose special needs or circumstances would otherwise make it difficult to place, with adoptive families.
5. Child Abuse Prevention and Treatment Act (CAPTA): This program provides funding to states to develop, operate, expand, and enhance activities to prevent, assess, investigate, prosecute, and treat child abuse and neglect.
6. The Family First Prevention Services Act reforms the child welfare financing streams (Title IV-E and Title IV-B) to provide services to families at risk of entering the child welfare system by allowing federal reimbursement for mental health services, substance abuse treatment, and in-home parenting skills training.

Source: Miss. Code Ann. §§ 43-26-1 and 43-26-17

Rule 1.3. *Service Animals* – The federal government defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Dogs that provide only emotional support are not considered service animals. Though not included in the federal definition of a service animal, federal regulations also provide certain specific protections related to the use of miniature horses by individuals with disabilities.

Service animals are allowed to accompany individuals with disabilities in MDCPS facilities where the public, program participants, clients, or other invitees are normally allowed to go. Service animals must be harnessed, leashed, or tethered unless these devices interfere with the service animal's work or the individual's

disability prevents use of these devices. An individual must control the service animal through voice, signals, or other means if a harness, leash, or tether cannot be used.

1. Use of Miniature Horses as Service Animals. A miniature horse is allowed as a service animal if it has been individually trained to do work or perform tasks for the benefit of the individual with a disability and it is reasonable for MDCPS to permit the animal to be used as a service animal. There is a four-part assessment determination whether a miniature horse can be accommodated in the facility:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features.
 - b. Whether the handler has sufficient control of the miniature horse.
 - c. Whether the miniature horse is housebroken.
 - d. Whether the miniature horse's presence in a specific facility comprises legitimate safety requirements that are necessary for safe operation.
2. Inquiries.
 - a. MDCPS employees will not ask an individual any questions when the task performed by an animal is obvious – e.g., if the service dog is observed guiding a blind person or pulling a wheelchair.
 - b. MDCPS employees will not ask about the individual's disability, require medical or other documentation, such as proof the animal has been certified, trained, or licensed as a service animal, or ask that the dog demonstrate its ability to perform a task.
 - c. When the task an animal performs is not obvious, MDCPS employees will ask two questions:
 - i. Is the animal required because of a disability?
 - ii. What work or task has the service animal been trained to perform?
3. Excluding a Service Animal. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.
4. Removing a Service Animal.
 - a. MDCPS employees will not ask an individual with a disability to remove his or her service animal from the premises unless:

- b. the animal is out of control and the owner does not take effective action to control it, or
 - c. the animal is not housebroken.
 - d. MDCPS employees will offer the individual the opportunity to obtain services without the animal's presence if there is a legitimate reason to remove the animal.
5. Care and Supervision. MDCPS employees are not responsible for the care or supervision of a service animal on Agency premises.

Source: Miss. Code Ann. § 43-6-155; 42 U.S.C. §§ 12131, et seq.; 28 C.F.R. §§ 35.104, 35.136

Rule 1.4. *Case Records* – Case records will contain sufficient and accurate information to identify the clients; support decisions about interventions or services; and document the delivery of services. MDCPS will maintain a case record for each individual client or family which will comply with all legal requirements.

Source: Miss. Code Ann. § 43-6-155

Rule 1.5. *Case Record Destruction* – the destruction of case records involving children will be completed in compliance with the Youth Court Act and the following procedures:

1. Non-MDCPS Custody Related Cases

- a. Three (3) years after case closure, case records involving Case Management and Investigations-Unsubstantiated may be completely destroyed.
- b. Ten (10) years after case closure, or when the youngest child reaches 21 years of age (whichever occurs last) the case records involving the following service types may be completely destroyed:
 - i. Prevention of Abuse/Neglect of Children
 - ii. Protection Services - Child
 - iii. Interstate Compact Services
 - iv. Investigations-Substantiated

2. MDCPS Custody Related Cases

- a. After the youngest child who was in custody reaches age 28, the case record involving the following service types may be completely destroyed:

- i. Ten (10) years after case closure, foster home case records may be completely destroyed.
- ii. When the case is closed because of legal finalization, any case record involving adoption should be submitted in its entirety to the Adoption Unit in State Office. If more than one county record is involved, all should be submitted.

Source: Miss. Code Ann. §§ 43-21-265, 43-26-1, and 43-26-19

Rule 1.6. *Client Access to Case Records* – Service recipients or their designated legal representatives may access any record, report or investigation relevant to the matter heard by the youth court, consistent with legal requirements found in Miss. Code Ann. § 43-21-261. Records of children shall not be disclosed except under order by the youth court which will specify the criteria under which they are disclosed. The identity of the reporter should be removed prior to disclosure.

Source: Miss. Code Ann. §§ 43-21-261 and 43-26-1

Chapter 2 FINANCIAL MANAGEMENT

Rule 2.1. *Financial Planning* – The Agency will make a financial plan for each foster child reflecting the needs of the child which require expenditure of funds. These funds may include, but are not limited to, allowances, clothing, therapy, all school needs, health and dental needs, uniforms, church trips, club dues.

Source: Miss. Code Ann. § 43-26-1

Rule 2.2. *SSI/SSA/Child Support Funds* – All foster children who receive SSI/SSA benefits will be set up for direct deposit. When a child is released from the custody of MDCPS and there are SSI/SSA funds remaining in a child’s account, all SSI/SSA funds will be disbursed back to the Social Security Administration after all outstanding bills are paid. Under no circumstances shall the Agency release funds to a child or caretaker when there are SSI/SSA funds remaining in the child’s account.

Foster children who leave the custody of MDCPS and have funds remaining in their individual account(s) must have the funds returned after all outstanding bills are paid.

Excess funds remaining in “Child’s Own Funds-Child Support” may be released to the child’s legal guardian or caretaker after all outstanding bills are paid. If the child has been emancipated by the court, funds may be released to the child after all outstanding bills are paid.

Source: Miss. Code Ann. § 43-26-1

Rule 2.3. *Support Services* – provided directly to foster children/clients through MDCPS staff, through the purchase of services from providers outside MDCPS, or by services provided without cost by other agencies and community providers.

Support services are those services needed in addition to the services the Agency provides. Support services provided must relate to the need of the client as identified through the assessment and service planning process and needed to prevent removal from the home.

The broad categories of support services provided by MDCPS are as follows:

1. Personal Needs
2. Medical Needs
3. Mental Health/Counseling
4. Independent Living

5. Referral Services

Under no circumstances shall the vendor for support services be a resource parent unless prior written approval is received from the MDCPS Budget and Financial Planning Unit.

Personal Needs

Initial Clothing – A one-time only service when a child enters custody for the first time. If there are extenuating circumstances and a child re-enters custody and is in need of clothing, prior written approval must be obtained from the Budget and Financial Planning Unit before the service is entered. An initial clothing allowance is not used when a child is moved from one placement to another.

Child Clothing – Allowance may be used only for a child who is in a non-licensed placement that does not receive a board payment, a child who was previously in custody, or a child who is placed in a Medicaid (short or long term) facility.

School Supplies – Foster parents receiving a board payment are responsible for providing school supplies for children placed in their homes based on school supply limits. When the child is in a non-licensed placement that does not receive a board payment, school supply limits are based on the foster child's current grade level, regardless of using regional funds, county funds child, or child's own funds.

Housing, Rent, Utilities – If payment of rent or utilities (water/gas/electric) or deposits for rent or utilities is requested, the service being requested must be specified along with a thorough justification. This is a one-time service; however, if additional service is needed due to unusual circumstances written justification is required as well as written approval from an Assistant Deputy Commissioner.

Home Improvement – Purchase of items needed for the home include furniture, appliances, home repair, bedding, cleaning supplies and kitchen items.

The Agency will not purchase beds, cribs, furniture, mattresses for licensed resource homes in order to place a child in the home. If the home is licensed, it should have the necessary items for a child to be placed in the home.

MDCPS may be able to assist a non-licensed relative placement and/or prevention case in an emergency situation with a one-time service of a purchase of needed items or services. However, all furniture/bedding purchased by MDCPS for a foster child in a non-licensed relative placement will be removed from the home at the time the child is removed from the home. This is a one-time service for the unlicensed relative placement or one-time service for prevention cases in order to prevent removal of the child.

Legal Documents – For purchase of legal documents such as birth certificates, death certificates or service of summons.

Personal Hygiene Needs – This is a one-time service used when a child is placed in custody or for a prevention case management to prevent removal. Allowable items include: toothpaste, toothbrush, soap, shampoo, hair brushes, combs, lotion, deodorant, feminine hygiene products, diapers, diaper wipes, shaving items.

Other Unmet Personal Needs – car seat, luggage, diaper bags, and any other instances where there is no designated support service listed.

Transportation – Transportation is a one-time payment for bus tickets and gasoline, unless there are extenuating circumstances that may occur in working with parent/guardian to prevent removal or to reunify children with their families.

Special Allowances – may be given to a foster child who has a special need that is not met with their board payment or monthly allowance. This is not an allowance that is given to a foster child every month regardless of whether they have their own funds. Written justification is required regarding what the special allowance is needed for and why it is needed.

Monthly Allowance – Because monthly allowances are included in board payments to resource homes/facilities, county offices are not permitted to give a foster child a monthly allowance. In cases where the foster child is placed in an unlicensed placement or Medicaid facility, MDCPS will be responsible for providing the monthly allowance to the child. For a foster child under the age of 13, the check must be made payable to the resource parent. For a foster child 13 and over, the check should be made payable to the child.

Birthday Allowance – Allowance amount based on the age of the foster child. For a foster child under the age of 13, the check must be made payable to the resource parent. For a foster child 13 and over, the check should be made payable to the child.

Christmas Allowance – Allowance amount based on the age of the foster child. For a foster child under the age of 13, the check must be made payable to the resource parent. For a foster child 13 and over, the check should be made payable to the child.

Medical Needs

Prior approval from State Office for the use of state funds is required before any medical services are rendered paid. Approval will be granted only for costs above what Medicaid will pay. Medical needs include the following services:

1. Initial medical – completed on all children entering custody
2. Unmet needs for hospital, doctor, dentist, nurse, medical technician, when these needs are not paid by Medicaid or private insurance
3. Private sitter

4. Home health care
5. Hospice care
6. Maternity home care
7. Therapeutic services
8. Prescription glasses
9. Prescription drugs/medication
10. Hearing aids
11. Immunizations
12. Other unmet medical needs

Mental Health/Counseling

Services may be used only when a child in custody is not eligible for Medicaid or for a child in custody who is receiving Medicaid and the cost of service exceeds what Medicaid will pay. Services may also be used for a child during an investigation, or for a child in a protection/prevention case if s/he does not have Medicaid or private insurance. Mental Health/Counseling services include:

1. Psychological evaluation
2. Psychiatric evaluation
3. Testing/therapy/treatment
4. Individual counseling
5. Family counseling
6. Substance abuse counseling/treatment
7. Other counseling services

Independent Living

The following independent living stipends are available to youth who participate in the Independent Living Program and meet the requirements for each stipend:

1. Pre-Assessment Stipend (Initial)
2. Post-Assessment Stipend (Final)

3. Life Skills Training Stipend
4. Youth Retreat Stipend
5. Newsletter Stipend
6. High School Graduation Stipend
7. GED or Certificate of Attendance Stipend
8. College Graduation Stipend
9. Youth Trainer Stipend

The above stipends require a hand receipt signed by the youth when the stipend is issued.

In addition, the following independent living stipends are available to youth who participate in the Independent Living Program and meet the requirements for each stipend:

1. Senior Year Stipend
2. College Bound Stipend
3. Start Up Stipend

The above stipends require itemized receipts. Also, the above stipends must be issued to the vendor(s). A reimbursement payment may be issued to an individual, including the youth, in the event a payment was made directly by the individual to the vendor and proof of payment was rendered.

ETV Stipends are also available under the following circumstances:

1. All ETV (Education and Training Voucher Program) monies disbursed require itemized receipts.
2. Full time students may receive up to \$5,000.00 per year.
3. Part time students may receive up to \$2,500.00 per year.
4. Youth may receive a maximum of \$750.00 for computer needs while they are enrolled in school.
5. Youth may receive a maximum of \$1,000.00 for transportation needs (insurance, repairs, maintenance) while they are enrolled in school.
6. Youth may receive \$150.00 per month toward off campus housing while enrolled in school.

7. Youth may receive a monthly allowance of \$150.00 while they are enrolled in school.

The above amounts are subtracted from the youth's ETV monies of \$5,000.00 or \$2,500.00; they are not in addition to the ETV monies.

Informational and Referral Services

These services include:

1. Housing/shelter
2. Energy assistance
3. Health/Education Services
4. Treatment/Rehabilitation Services
5. Legal Services
6. Domestic Violence Shelters/Services
7. Crisis Counseling
8. Home Extension Services
9. Civic/Church group
10. Veteran/Military Services
11. Other referral services

Source: Miss. Code Ann. §§ 43-15-17 and 43-26-1

Chapter 3 HUMAN CAPITAL

Rule 3.1. *Background Checks* – All employees must be free from criminal or abuse history that could pose a safety risk to children. The following must complete and sign a Permission For Background Check form, which gives permission for a criminal background check, a Child Abuse Central Registry check, and validation of driving records, as applicable:

1. Applicants recommended for new hire, promotion or transfer to a position which involves contact with children;
2. Employees who may transport clients; and
3. Volunteers and interns assisting in a position which involves contact with children

Any background checks may be conducted by MDCPS under the following guidelines:

1. MDCPS may fingerprint and perform a criminal record check on every employee, contract worker, intern, or volunteer (i) who has direct access to children or vulnerable adults, or (ii) who are in a position of fiduciary responsibility. Every employee is required to have a background check due to the sensitive nature of this agency.
2. Under this authority, it is the intent of the department to fingerprint and/or perform criminal record checks on any person who is employed, or who volunteers their service, as the department deems necessary. This may take the form of performing criminal record checks on all employees and volunteers of the department, only employees and volunteers of divisions of the department, or only employees and volunteers of a part of a division of the department.
3. It shall be the policy of the MDCPS that all employees classified in positions designated by the Commissioner to be checked for a criminal record shall first have their identifying information (name, date of birth, and valid social security number or driver's license number) checked against the Sex Offender Registry, Central Registry, and the National Crime Information Center (NCIC) database for any identifiable criminal records. If no criminal history is found on the state level, the employee will be required to provide fingerprint images. If fingerprint collection is necessary for newly hired employees, it shall take place within the first three (3) months of employment via accepted law enforcement methods suitable for analysis by fingerprint examiners.
4. The Division of Human Capital shall develop a method for the collection of fingerprint images in such a manner as to assure timely collection and a defensible chain of custody.

5. The Division of Human Capital may collect fingerprint images utilizing their trained investigators or may employ the services of a reliable third-party collector such as a local law enforcement entity, state law enforcement entity, or a federal law enforcement entity.
6. Each fingerprint image collected shall be forwarded to the Federal Bureau of Investigation for analysis against current national crime databases.
7. The identification of a past conviction for a felony or crime (either state or federal) involving the following may result in termination, or denial of employment, contract work, Internship, or volunteer work:
 - a. Drugs, including but not limited to unlawful possession or distribution or intent to distribute unlawfully.
 - b. Crimes against the person, including but not limited to abuse of a child or an elderly person, abduction, kidnapping, conspiring to detain a sane person in a mental treatment facility, murder, manslaughter, aiding another to commit suicide, poisoning, sexual crimes, assault and battery, mayhem, robbery, conspiracy or attempt to commit such crimes, or being an accessory before the fact to any such crime. Any offense against a child or a parent's rightful custody and control of a child listed in Mississippi Code §97-5-1 through §97-5-7, §97-5-23 through §97-5-41, or §97-19-53 is a disqualifying conviction.
 - c. Weapons or explosives.
 - d. Fraud, embezzlement, or extortion, including but not limited to violations of
 - i. §97-19-3 9 (obtaining the signature of another under false pretense to defraud);
 - ii. §97-19-71 (defrauding a state or federally funded assistance program).
 - iii. §97- 9-85 (false representation of identity, social security number, or credit card number to obtain anything of value);
 - iv. §97-45-19 (identity theft); or
 - v. §97-45-3 (computer fraud)
 - e. Election crimes; §97-13-25 (falsely registering to vote); §97-13-31 (influencing or unlawfully assisting a voter to mark a ballot); §97-13-36 (voting in more than one place); §97-13-37 (procuring a vote through threat of violence or boycott); or §97-13-39 (intimidating a

person to prevent voting);

- f. Cruelty to animals: §97-41-1 (torture or cruelly beat or mutilate a living creature); §97-41-16 (malicious killing, maiming, or injuring a dog); §97-41- 11 (staging fights between gamecocks or other animals); § 97-41-19 (staging fighting matches between dogs);
- g. Other crimes not specifically mentioned herein which, in the opinion of the Executive Director, may conflict with the mission of the department.

- 8. Upon the discovery of criminal conviction(s) pursuant to this policy, a committee composed of the affected division director, the affected deputy administrator, and the executive director will meet to decide the proper course of action. This decision will be based on the recency of the identified conviction(s), the nature and details of each conviction, and the identification of a pattern of convictions.

Source: Miss. Code Ann. § 43-26-1

Rule 3.2. *Employee Grievances* – The State Personnel Board (SPB) Employee Handbook outlines the procedure for the employee grievance process.

Source: Miss. Code Ann. § 43-26-1

Rule 3.3. *Compensation and Benefits* – Compensation is tied to the SPB classifications of staff positions and is listed on the SPB website. Benefits available to state employees are negotiated by the State Personnel Board and the Department of Finance and Administration. Information about open enrollment periods for insurance products is communicated to employees by Human Capital.

Source: Miss. Code Ann. § 43-26-1

Rule 3.4. *Performance Appraisals* – Every employee who is employed for twelve (12) continuous months will have an annual performance appraisal review (PAR). New employees must have a PAR at six months and at the end of the first year. In addition, when supervisors leave or employees are promoted, reclassified, reallocated, or transferred to another supervisor they must have a Close-Out PAR.

Source: Miss. Code Ann. § 43-26-1

Chapter 4 CONFIDENTIAL INFORMATION

Rule 4.1. *Safeguards Required by Social Security Act* – MDCPS provides safeguards which restrict the use or disclosure of information concerning applicants and recipients of AFDC, Medicaid, child support or social services to purposes directly connected with the administration of the programs.

Source: 42 U.S.C. § 671 and Miss. Code Ann. § 43-21-261

Rule 4.2. *Confidentiality of Case Records* – All case records shall be kept confidential and shall not be disclosed except as provided by the state youth court disclosure laws.

Source: Miss. Code Ann. §§ 43-21-257 and 43-21-259

Rule 4.3. *Child-Specific Information* – May be released on a limited basis to individuals, agencies, and organizations with a “need and right to know” for the purpose of providing services to the child. These individuals, agencies, and organizations include:

1. Placement Resources
2. Educational providers
3. Medical/Dental providers
4. Mental Health providers

Any person or entity provided access to child-specific information under this rule shall be required to maintain the information in accordance with state and federal laws and regulations regarding confidentiality.

Source: Miss. Code Ann. § 43-21-261

Rule 4.4. *Photographs and Interviews* – All photographs including videos, media presentations, and publications of foster children are covered under the confidentiality law.

1. Photographs

A foster child’s face may not be shown, unless there has been a termination of the child’s parent’s rights (TPR).

A general group setting is permissible if all of the children’s parent’s rights have been terminated.

A child may not be identified as a foster child, unless the situation involves a recognition or honor of the child, then only with approval of the Agency, the natural

parents if TPR has not been achieved, and the Guardian ad Litem (GAL)

2. Interviews

A foster child may not be interviewed nor any photographs of him/her published in the MDCPS annual report, or any document or publication which would be used as a marketing tool.

If in the best interest of the child, foster children who are 14 years and older may be interviewed with the written consent of the Agency, the birth parents (if TPR has not been achieved), and the GAL.

One of the following people must be present during the interview: the MDCPS employee, resource parent(s), a representative of the private agency if applicable, and the GAL.

Source: Miss. Code Ann. §§ 43-21-257 and 43-21-259

Rule 4.5. *Disclosure of Records* – Agency records or any records involving children and the contents thereof will not be disclosed to the public at the county or service area level and will only be disclosed by State Office through the public records request process.

Source: Miss. Code Ann. §§ 43-21-261 and 43-26-1

Rule 4.6. *Requests by Parents/Legal Guardians* – If a custodial or non-custodial legal parent, legal guardian, or legal custodian requests information from the case record in regard to an upcoming youth court hearing, the information will be made available.

Source: Miss. Code Ann. § 43-21-261

Rule 4.7. *Prosecuting Attorneys and Law Enforcement* – Agency records or any records involving children and the contents thereof may be provided to prosecutorial agencies or law enforcement agencies without a court order.

Source: Miss. Code Ann. § 43-21-261

Chapter 5 **PROCUREMENT OF SERVICES**

Rule 5.1. *Bid Process* – MDCPS shall enter into contracts and service agreements with due regard for practices that promote efficient use of resources. These contracts and service agreements come through the Office of Contracts and Procurement as a Request for Information (RFI)/Request for Proposals (RFP) or a formal bidding process, which includes, unless prohibited by law or regulation, at least the following:

1. open, public solicitation of bids;
2. selection/award criteria; and
3. formal procedures for rating proposals, selecting contract providers, and awarding contract

MDCPS shall follow the procedures stipulated in the MDCPS Sub-grantee Manual and by the State Personnel Board-Personal Service Contract Procurement Regulations.

Source: Miss. Code Ann. § 43-26-1

Rule 5.2. *Contracts* – All written contracts must contain all significant terms and conditions in accordance with applicable law including, but not limited to, the following:

1. roles and responsibilities of participating agencies;
2. services to be provided;
3. clearly defined performance goals;
4. measurable outcomes;
5. service authorization, including eligibility criteria;
6. provisions for training and technical support, as necessary;
7. duration of contract, including delineation of follow-up services;
8. policies and procedures for sharing information;
9. methods for resolving disputes;
10. a plan and procedure for timely payment, and consequences for failure to pay;
11. documentation necessary for, and means of reporting to, funding or oversight bodies and

12. conditions for termination of the contract.

Non-contractual service agreements include, as appropriate:

1. services exchanged or provided, and/or the goals and objectives of such collaborations;
2. roles and responsibilities of each organization, including reporting responsibilities;
3. procedures for sharing information;
4. confidentiality protections, including signed written consent forms;
5. assignment of case coordination responsibilities;
6. service authorization procedures, including accepting or rejecting cases; and
7. how to resolve communication difficulties.

Source: Miss. Code Ann. § 43-26-1

Rule 5.3. *Monitoring of Purchased Services* – MDCPS will monitor the activities of its sub-grantees by following the Single Audit Act Amendments of 1996 (PL 104-156), the Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and the OMB Circular A-133 Compliance Supplement.

MDCPS will monitor each project, program, sub-grant, function, or activity supported by the federal award to assure compliance with applicable federal regulations and that performance goals are achieved in fulfilling the terms of the contract.

Contractors who provide human or social services must:

1. have sufficient human and financial resources to fulfill the terms of the contract; and
2. be licensed or otherwise legally authorized to provide the contracted services.

Contracts for MDCPS shall include:

1. service quality, client satisfaction, and outcomes that accord with MDCPS' expectations;
2. criteria for evaluating vendor performance; and

3. protocols for routine communication of related data.

Improvement Plans

If the contracting monitoring identifies areas of concern, MDCPS shall:

1. develop an improvement plan in conjunction with the contractor; and
2. ensure contractor follow-up and remediation

The Initial Report of Findings and Recommendations that is forwarded to the sub-grantee will require a written response from the sub-grantee within fifteen (15) working days. Upon receipt of the response from the sub-grantee, the Agency will assess each response for adequacy. If all responses are adequate, the response will be accepted by a letter to the sub-grantee clearing all findings. If any responses do not adequately address the findings, the sub-grantee will be notified in writing by the issuance of a Status Report, which will require a second response from the sub-grantee within ten (10) working days.

If the sub-grantee fails to satisfactorily resolve all of the monitoring findings, the Agency will issue a Final Notice Letter to the sub-grantee demanding that the sub-grantee refund the amount of questioned costs and advising the sub-grantee of the procedures to follow if they wish to request an administrative hearing.

If the sub-grantee does not respond to the Final Notice Letter, the sub-grantee will be referred to the Office of the Attorney General to recover the unresolved questioned costs, and MDCPS will begin procedures for debarment and suspension against the sub-grantee organization and the sub-grantee authorized official.

Source: Miss. Code Ann. § 43-26-1

Chapter 6 HUMAN TRAFFICKING

Rule 6.1. *Definition* – An “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 the child, sexual abuse, sexual exploitation, commercial sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. “Abused child” also means a child who is or has been trafficked within the meaning of the Mississippi Human Trafficking Act by any person, without regard to the relationship of the person to the child.

Human Trafficking is broadly defined as the recruitment, harboring, transportation, provision or obtaining of a person through the use of force, fraud or coercion, for the purpose of subjection to involuntary servitude or forced labor or services.

Source: Miss. Code Ann. § 97-3-54.1; 43-21-105(m)

Rule 6.2. *Authority* – MDCPS will employ a Human Trafficking Coordinator to, among other things, develop and coordinate services within MDCPS and with outside service providers for victims of human trafficking and commercial sexual exploitation.

Source: Miss. Code Ann. § 43-26-1

Rule 6.3. *Reporting and Notification* – If, during the course of a child abuse, neglect, or exploitation investigation, an MDCPS employee suspects a child has been or is being trafficked, or a parent has been or is being trafficked and the child is at risk, the employee will immediately provide this information to MCIA.

MCIA will immediately call the local law enforcement office in the jurisdiction where the alleged trafficking occurred and notify the MDCPS Statewide Human Trafficking Coordinator and the National Human Trafficking Hotline. MCIA will also notify the MDCPS Human Trafficking Coordinator.

The assigned MDCPS investigator will notify the local Federal Bureau of Investigation office of any human trafficking reports received. The assigned MDCPS investigator will also notify the district attorney’s office and appropriate state and federal prosecutors within forty-eight (48) hours of receiving the report.

The following information will be given to other law enforcement agencies when informing them of reports involving suspected human trafficking:

1. The name and address of the child;
2. The names and addresses of the parents;
3. The name and address of the suspected perpetrator;

4. The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;
5. A brief statement of the facts indicating that the child has been abused and any other information from the Agency files or known to the investigator making the investigation, including medical records or other records, which may assist law enforcement or the district attorney in investigating and/or prosecuting the case; and,
6. What, if any, action is being taken by MDCPS.

Source: Miss. Code Ann. §§ 43-21-353, 43-26-1; 42 U.S.C. § 671(a)(9)(c)

Rule 6.4. *Investigation Initiation* – The assigned MDCPS investigator will investigate and make a preliminary report to the appropriate prosecutor’s office within twenty-four (24) hours of initiating the investigation and will make additional reports as new information becomes available.

MDCPS will advise the clerk of the youth court and the youth court prosecutor of all cases involving trafficking reported to the Agency within twenty-four (24) hours of initiating the investigation.

The assigned MDCPS investigator will complete and send a district attorney referral to the Attorney General’s office and the MDCPS Statewide Human Trafficking Coordinator.

Source: Miss. Code Ann. §§ 43-21-353, 43-26-1

Rule 6.5. *Investigating with Law Enforcement* – Law enforcement should be the primary investigator of all felony reports of abuse received by MDCPS, including human trafficking. MDCPS will not initiate an investigation of a human-trafficking report without law enforcement.

MDCPS will provide law enforcement with all names and facts known at the time of the report and disclose all facts discovered during the investigation. If local law enforcement does not respond or refuses to accompany the MDCPS investigator, the investigator should contact the Mississippi Bureau of Investigation Human Trafficking Special Victim’s Unit investigator in their area, or the Human Trafficking investigator for the Attorney General’s Office.

MDCPS and law enforcement must jointly investigate the reported trafficking and file a preliminary report with the prosecutor’s office within twenty-four (24) hours of the preliminary investigation.

An MDCPS worker must immediately respond to the scene or location chosen by law enforcement if an officer requests assistance with a child s/he reasonably suspects is a victim of human trafficking or commercial sexual exploitation. This

applies only if the law enforcement officer requests MDCPS assistance through the MDCPS hotline.

Source: Miss. Code Ann. §§ 43-21-353, 43-26-1

Rule 6.6. *Investigation Procedures Generally* – Within twenty-four (24) hours of receiving any report of trafficked children, the following must occur as part of the investigation:

1. Make in-person contact with the child to determine appropriate next steps for the child’s protection;
 - a. If in-person contact cannot be made within twenty-four (24) hours, the MDCPS worker must immediately notify the MDCPS Human Trafficking Coordinator and law enforcement, and document all steps taken to make contact with the child as well as the steps that will be taken to locate and ascertain the safety of the child.
2. Attempt to have an on-site interview with the child’s caretaker;
3. Attempt to have law enforcement or an appropriate investigator conduct an on-site interview with the child’s suspected offender; and
4. Document and assess the safety of other children in the care or custody of the caretaker and/or who may be at risk of abuse by the suspected offender.

The MDCPS Human Trafficking Coordinator must be notified within twenty-four (24) hours. The MDCPS Human Trafficking Coordinator will activate the emergency specialized human trafficking assessment team to assist with consultation or interventions of the alleged human trafficking report as needed during the investigation. The emergency specialized human trafficking assessment team will be made up of the following:

1. An MDCPS investigator;
2. A law enforcement investigator certified by the Mississippi Human Trafficking Operational Task Force Board; and
3. A victim advocate certified by the Attorney General’s office.

Source: Miss. Code Ann. § 43-26-1

Rule 6.7. *Investigation Procedures for Children in Care* – Upon receipt of a report that a child in MDCPS custody has been involved in human trafficking, MCIA will indicate the report concerns trafficking of a child in care. The report will go to the Special Investigations Unit, and

1. MCIA must immediately notify local law enforcement in the jurisdiction where the alleged trafficking occurred.
2. MCIA must immediately notify and send copies of the report to the National Human Trafficking Hotline and MDCPS Statewide Human Trafficking Coordinator.

MDCPS SIU Investigators will assist law enforcement as needed and continuously assess if the parents or caretakers are able to protect the child from further trafficking. Both SIU Investigators and law enforcement involved in the investigation are required to make additional reports to prosecutors as new information or evidence becomes known.

If the SIU Investigator is given permission to enter the residence, the investigator will immediately assess the child’s mental and physical state by conducting a minimal-facts interview with the foster child. The SIU Investigator should do the following:

1. If law enforcement does not object, contact the Children’s Advocacy Centers of Mississippi (CAC) and request a human trafficking assessment or forensic interview as soon as possible.
2. Determine if a medical examination is necessary, and if it is, take the child for a medical exam.

Source: Miss. Code Ann. § 43-26-1

Rule 6.8. *Investigation Procedures for Children Not in Care* – Upon receipt of a report that a child not currently in MDCPS custody has been involved in human trafficking, MCIA will indicate the report concerns human trafficking and assign it a Level Three. MCIA will then notify the MDCPS Statewide Human Trafficking Coordinator, MDCPS Coordinator, the National Human Trafficking Hotline, and local law enforcement in the jurisdiction where the alleged trafficking occurred. A minimal facts interview must be conducted with the child:

1. Assess the child’s mental and physical state and determine if a medical examination is necessary. If a medical examination is needed, take the child for a medical exam only if the parent or guardian consents. If the parent refuses consent and there is reason to suspect they were aware of or participated in the trafficking, call the youth court for an emergency removal order.
2. If there is any indication the child is a victim of human trafficking, the child should be referred to the CAC for a forensic interview unless:
 - a. Law enforcement requests otherwise; or

- b. The child's parent refuse to consent to the interview. If the parent refuses to consent, consult with the youth court.

Source: Miss. Code Ann. § 43-26-1

Rule 6.9. *Assessment or Forensic Interview* – If law enforcement agrees, the CAC will complete the human trafficking assessment or forensic interview. The findings from this assessment or interview must be shared with law enforcement, the circuit and youth courts, the federal court, and the appropriate prosecutor's offices within twenty-four (24) hours of receipt. If the CAC confirms the child has been trafficked or otherwise subjected to ANE, the Agency must determine if the child can safely remain in the home environment without putting him/herself or other residents at risk.

Source: Miss. Code Ann. § 43-26-1

Rule 6.10. *Placement of Human Trafficking Victim* – If custody is required, MDCPS will locate a placement where the child is safe and not likely to recruit other foster children. The placement must ensure the child will have no access to adult perpetrators involved in human trafficking. If a placement requires a therapeutic ruling, the CAC will assist MDCPS in obtaining this recommendation from a mental health counselor at their facility.

Source: Miss. Code Ann. § 43-26-1

Rule 6.11. *Intentional Victims of Human Trafficking* – Under the Trafficking Victims Protection Act, a foreign child under the age of eighteen (18) who is a victim of a "severe form of human trafficking" is eligible for federal and state benefits and services to the same extent as a refugee upon a determination by HHS to issue an Interim Assistance Letter or Eligibility Letter.

The State Refugee Coordinator (SRC) will notify the Administration for Children and Families' Office of Trafficking in Persons (OTIP) to facilitate the provision of interim assistance no later than twenty-four (24) hours after discovery that a victim:

1. Is under 18 years of age;
2. Is neither a U.S. citizen nor a Lawful Permanent Resident; and,
3. May be a victim of trafficking in persons.

Source: Miss. Code Ann. § 43-26-1; 22 U.S.C. § 7105

Rule 6.12. *Unaccompanied Refugee Minor Program* – International minor victims without a parent or legal guardian in the U.S. may be eligible for services under the Unaccompanied Refugee Minors (URM) program. The Administration for Children

and Families' Office of Refugee Resettlement determines whether a child is eligible for the URM program. A child victim of trafficking with an Eligibility Letter who has no available parent or legal guardian in the United States may be eligible for the URM program.

A URM child in Mississippi will be placed in a therapeutic foster home or group home setting according to individual needs and services required after adjudication by the appropriate court.

URM children can receive intensive case management, education, health care, mental health counseling, independent living skills training, assistance with family reunification and repatriation, and other services until they turn 18 or such higher age, as set forth in the foster care rules of the state.

Source: Miss. Code Ann. § 43-26-1

Chapter 7 LIMITED ENGLISH PROFICIENCY

Rule 7.1. *Overview* – MDCPS will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in MDCPS services, activities, programs, and other benefits. A person with LEP means an individual whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English. An individual with limited English proficiency may be competent in English for certain types of communication (e.g., speaking or understanding), but still be limited English proficient for other purposes (e.g., reading or writing). Reasonable steps for meaningful access and equal opportunity includes the following:

1. MDCPS will ensure meaningful communication between LEP clients and MDCPS staff and provide translation of information contained in vital documents.
2. All interpreters, translators, and other aids who are needed to comply with this policy will be provided without cost to the person being served, and clients and their families will be informed of the availability of such assistance free of charge.
3. Language assistance will be provided through the use of qualified interpreters or qualified multilingual staff, document translations, formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services.
4. Staff who may have direct contact with LEP individuals will be trained in effective communication techniques, including the use of an interpreter.
5. MDCPS will conduct a regular review of the language access needs of the client population, as well as implement, update and monitor implementation of this administrative rule and any related MDCPS policies and procedures on a reasonably regular basis.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. § 92.4

Rule 7.2. *Implementation* – MDCPS will designate an employee to be responsible for overseeing the administration and execution of LEP services in accordance with this Chapter and related MDCPS policies and procedures. MDCPS will:

1. Maintain an accurate and current list of names, languages, phone numbers, and hours of availability of every language assistance resource available to MDCPS staff;
2. Contact the appropriate bilingual staff member or interpreter, if an interpreter is needed, if an employee who speaks the needed language is available and qualified to interpret; and

3. Keep up to date and accurate lists of outside contract and volunteer interpreters.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.3. *Statewide Monitoring Plan* – MDCPS will monitor the provision of language assistance services to LEP persons, including, but not limited to, assessment of changes in demographics, types of services, and effectiveness of policies and procedures. MDCPS will also monitor the provision of language assistance services to LEP persons through the use of site visits at least two (2) times each year, which site visits should include review of an LEP person’s case records, assessment of MDCPS staff and contractors’ knowledge of language assistance policies and procedures, review of availability and accuracy of lists of interpreters, bilingual staff and other resources, and other information as mandated by MDCPS policies and procedures.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.4. *Identifying LEP Needs at Intake* – When a person makes a report to Mississippi Centralized Intake (MCI) and is identified as an LEP person, MDCPS will utilize an on-call list of interpreters to assist the LEP person, documenting the need for LEP services and notifying the appropriate county of such need. At the time a report is made, MDCPS will inquire if anyone in the reported household requires interpreter services, attempt to determine the primary language if applicable, and notify the appropriate county of such needed LEP services.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.5. *Identifying LEP Persons in the Field* – MDCPS will utilize “I Speak” language cards when encountering an LEP individual on a visit or in a county office in order to identify language and communication needs of the LEP individual. Language identification posters and “I Speak” cards will also be posted in each county office in accordance with MDCPS policies and procedures. A telephone interpreting service may be used to identify an individual’s primary language when needed in accordance with MDCPS policies and procedures.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.6. *Utilization of Interpreters* – Once an LEP person is identified, MDCPS will contact the assigned interpreter for every contact made with the LEP person as set forth in MDCPS policies and procedures. Appointments will be made only when the appropriate interpreter is available.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.7. *Interpreter Qualifications* – MDCPS staff interpreters and translators, as well as contractors and volunteers, should meet the following qualifications:

1. Ability to communicate in both English and the LEP person’s primary language accurately and effectively;
2. Interpret to and from English and the LEP person’s primary language accurately and impartially;
3. Possess appropriate knowledge of specialized terms and concepts used frequently in the provisions of MDCPS services and programs or possess willingness to ask for clarification, as needed, from any or all parties about unfamiliar terms and concepts;
4. Understand and follow the obligation to maintain confidentiality;
5. Understand the roles of interpreters and the ethics associated with being an interpreter; and
6. For those providing written translations, have the ability to translate written documents effectively.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.8. *Obtaining a Qualified Interpreter* – MDCPS will ensure that each LEP individual receives competent oral and written language assistance services necessary to ensure meaningful access to all aspects of MDCPS foster care and adoption programs. If an LEP client requests an interpreter, one will be provided.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.9. *Use of Family and Friends as Interpreters* – Minor children, other clients, family members, or other adult friends of LEP persons may not serve as primary interpreters. A specific request from an LEP individual that a family member or friend be present to act as a secondary interpreter for them will be documented in the case file, and an MDCPS interpreter will be present and used as the primary interpreter due to issues of competency of interpretation, confidentiality, privacy, and conflicts of interest.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92

Rule 7.10. *Translations*

1. Written Translations. When vital documents must be translated, those documents will be submitted electronically or via fax to the designated employee at the MDCPS state office, who will ensure the documents are translated and returned as soon as possible.

2. Online Translation Services Prohibited. MDCPS staff may not use online translation services in an attempt to provide interpreter services themselves.

Source: Miss. Code Ann. § 43-26-3; 42 U.S.C. § 2000d; 45 C.F.R. Part 92