MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Ladner

To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1237

AN ACT TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE PEER COMMITTEE TO REVIEW THE OPERATIONS OF THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES AND REPORT ITS FINDINGS TO THE LEGISLATURE BY DECEMBER 1, 2021; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

(4) The Commissioner of Child Protection Services may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the programs transferred to the department under Chapter 494, Laws of 2016.

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

(a) Describe a mechanism for the transfer of any equipment, supplies, records, furnishings or other materials, resources or funds dedicated to the operation of the Office of Family and Children's Services of the Department of Human

Services, which may be useful to the Department of Child Protection Services;

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

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

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

(e) Identify other areas deemed relevant by the commissioner and make recommendations thereon to achieve an orderly transition.

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

(7) The Mississippi Department of Child Protection Services shall submit a copy of the federal Annual Progress and Services Report (APSR) to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1 of each year.

(8) (a) The Commissioner of Child Protection Services shall hire a Coordinator of Services for Victims of Human Trafficking and Commercial Sexual Exploitation within the Department of Child Protection Services whose duties shall include, but not be limited to, the following:

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

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

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

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

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

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

(c) The Commissioner shall require two (2) hours of training regarding the subject of identifying, assessing, and providing comprehensive services to a child who has experienced or is alleged to have experienced commercial sexual exploitation or human trafficking. The training must be incorporated into the pre-service training requirements of all Mississippi Department of Child Protection Services family specialists, adoption specialists, licensure specialists, direct supervisors of family protection specialists, direct supervisors of adoption specialists, and direct supervisors of licensure specialists.

(9) The PEER Committee shall review the operations of the Mississippi Department of Child Protection Services, and report its findings to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the

Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1, 2021, and every two (2) years thereafter. The review shall consist of the following:

(a) A review of any measures of program performance reported to any state or federal agency, and the outcomes or outputs associated with these measures;

(b) Statistics associated with the department's direct service personnel involved in providing services to Mississippi's families and children. Such statistics shall include, but not be limited, to direct service personnel caseloads and turnover rates;

(c) Sources and uses of department funding; and

(d) Any other matters that the PEER Committee considers to be pertinent to the performance of agency programs.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.