By: Representatives Cockerham, Owen, McCarty To: Rules

HOUSE CONCURRENT RESOLUTION NO. 57

A CONCURRENT RESOLUTION URGING THE MISSISSIPPI COMMISSION ON CHILDREN'S JUSTICE TO CREATE A STUDY COMMITTEE TO CONSIDER AND RECOMMEND PROPOSALS FOR STATUTORY REVISIONS TO THE DEFINITION OF "NEGLECTED CHILD" UNDER THE MISSISSIPPI YOUTH COURT LAW; TO CREATE PROPOSALS TO ESTABLISH A "HOPE NAVIGATOR PROGRAM" THAT CONNECTS FAMILIES TO RESOURCES AND SERVICES THAT ENCOURAGE FAMILY PRESERVATION; TO CREATE RECOMMENDATIONS OR PROPOSALS THAT WILL IMPROVE OUR CHILD WELFARE SYSTEM AND PRESERVE AND PROMOTE FAMILY STABILITY, INDEPENDENCE AND PRESERVATION.

WHEREAS, the public policy of this state, as expressed in Mississippi Code Annotated, Section 93-13-1, is that parents are entitled to custody of their minor children, and are charged with their care, nurture, welfare and education; and

WHEREAS, over thirty percent (30%) of the children in Mississippi live in families with household incomes at or below the poverty level; and

WHEREAS, countless studies over the years have demonstrated that poverty is especially harmful to children during the early years of life; and

WHEREAS, the effects of living in poverty can persist well into adulthood, and maybe linked to overall poor health, higher rates of mortality, and chronic stress in adulthood; and

WHEREAS, parents living in poverty struggle to care for their children due to barriers in obtaining adequate housing, transportation, and physical and mental health care; and

WHEREAS, the current definition of "neglected child" in Mississippi Code Annotated, Section 43-21-105(l) of the Mississippi Youth Court Act, includes any failure by a parent to provide care for their child, whether intentional or through no fault of their own; and

WHEREAS, the current mandatory reporting requirements in Mississippi Code Annotated, Section 43-21-353, for any act meeting the statutory definition of neglect creates a response even where a parent does not willfully or intentionally fail to provide care to their child; and

WHEREAS, approximately seventy percent (70%) of the maltreatment reports to the Mississippi Department of Child Protection Services involve allegations of "child neglect," with recurring issues based on the family's inability to provide adequate care and resources for their children because of inadequate financial resources, often without any intent on the part of the parents to abuse or neglect their children; and

WHEREAS, social science confirms that any removal of a child from the family is a deeply traumatic event in a child's life even when necessary for the safety and well-being of a child; and

WHEREAS, an unnecessary removal of a child from the family causes deep traumatic injury to a child that can have lifelong adverse consequences; and

WHEREAS, in protecting the best interests of the child, our child welfare system should be designed to prevent the unnecessary removal of children from their homes and should be supportive of parents who strive to provide care to their children in spite of adverse socioeconomic conditions or lack of financial resources; and

WHEREAS, even though foster care is a necessary intervention to protect children in extreme cases of abuse or willful neglect, research has demonstrated that unnecessarily placing children in foster care can inflict lifelong trauma on a child, including negatively impacting a child's physical, mental, and emotional health and well-being; and

WHEREAS, the public policy of this state expressed in the Family Preservation Act, Mississippi Code Annotated, Section 43-51-1 et seq., and the Children's Trust Fund Act, Mississippi Code Annotated, Section 93-21-301 et seq., establishes a preference for coordinated programs and services among public and private agencies to prevent child maltreatment and preserve families; and

WHEREAS, the Children's Trust Fund Act and Family Preservation Act recognize that there is a need to assist private organizations and public agencies in identifying, establishing, and coordinating community-based educational and prevention programs that will preserve and strengthen families; and

WHEREAS, other states have also identified poverty as a significant obstacle for families involved with the child welfare system, and are developing strategies to provide concrete support to families to help to lift them out of poverty, and in doing so, reduce the risk for entry into the child protection system; and

WHEREAS, a number of states are developing new approaches to respond to allegations of child neglect that are premised on poverty and inadequate resources, by shifting to a response that offers families a continuum of services that allows children to remain safely in their homes without the need for state intervention; and

WHEREAS, the state must develop a coordinated response to such cases among public and private child welfare and family preservation agencies to provide concrete support to families, help to lift them out of poverty, and in doing so, reduce risk for entry into the child welfare system; NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That we urge:

(1) The Mississippi Commission on Children's Justice to convene a study committee for the purpose of making

recommendations and/or proposals to the Legislature in the following areas:

(a) Amendments to the statutory definition of "neglected child" under the Mississippi Youth Court Law, Mississippi Code Annotated, Section 43-21-105(l), and any related statutes to limit their application, and the requirements for reporting and investigation that follow therefrom, to instances where parents intentionally or willfully fail to provide care for their children; and

(b) Establishment of a "Hope Navigator Program" that will assist families in need or at risk in locating resources and services that will promote family preservation, prevent the unnecessary removal of children from their homes and serve as an alternative and investigation when children lack necessary care through no fault of their parents; and

(c) Any changes to the child welfare and child protection systems that will promote the public policies of this state as reflected in the Family Preservation Act, Mississippi Code Annotated, Section 43-51-1 et seq., and the Children's Trust Fund Act, Mississippi Code Annotated, Section 93-21-301 et seq.; and

(d) The enhancement of federal revenue, and any public or private grants, donations or contributions from any source that may be available to support the child welfare and child protection systems in Mississippi, and the establishment of the Hope

Navigator Project, including, but not limited to, federal reimbursements under Title IV-E of the Social Security Act, 42 USCA Section 670 et seq., and federal reimbursements under Title XIX of the Social Security Act, 42 USCA Section 1396 et seq.; and

(e) Any related recommendations or proposals that will improve the child welfare and child protection systems in this state, in order to promote family preservation, stability, and independence, and improve the welfare of the children of this state.

(2) The study committee should consist of designees or representatives from the following offices, agencies or organizations:

(a) Office of the Governor;

(b) Mississippi Department of Human Services;

(c) Mississippi Department of Child Protection Services;

(d) Mississippi Department of Education;

(e) Mississippi Division of Medicaid;

(f) Mississippi Department of Health;

(g) Mississippi Department of Mental Health;

(h) Mississippi Bureau of Investigation (Human Trafficking Subcommittee);

(i) Mississippi Attorney General;

(j) Mississippi Children's Safe Center/University of Mississippi Medical Center (Dr. Scott Benton or Dr. Courtney Walker);

(k) Child Advocacy Clinic at the University of Mississippi School of Law (David Calder);

(l) Child Advocacy Clinic at the Mississippi College School of Law (Shirley Kennedy);

(m) Mississippi Bar Association;

(n) Mississippi Youth Court Judges' Council;

(o) Department of Finance and Administration;

(p) Mississippi Jurist in Residence (Honorable John Hudson);

(q) Child Advocacy Centers of Mississippi;

(r) Designees from the Commission on Children's Justice who will facilitate the meetings of the study committee;

(s) Any other persons that the Commission on Children's Justice identifies as a stakeholder or representative who can contribute to the work of the study committee;

(t) Designee from the Jackson State University School of Public Health.

(3) The Children's Justice Commission is requested to provide a report of its findings and recommendations to the Speaker of the House of Representatives and the Lieutenant Governor on or before December 1, 2021, before the 2022 Regular Legislative Session.

BE IT FURTHER RESOLVED, That the Commission on Children's Justice is requested to create and facilitate a special committee to address the issues outlined in this resolution.

BE IT FURTHER RESOLVED, That copies of this resolution be furnished to the Commission on Children's Justice and to the members of the Capitol Press Corps.

~ OFFICIAL ~

ST: The Mississippi Commission on Children's Justice; urge to create a study committee to consider and recommend proposals.