



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Mississippi's At-risk Children

In June 2009, Mississippi had 3,560 children in foster care. From July 1, 2008 to June 30, 2009 Mississippi had approximately 1,876 children enter state custody and 1,839 exit custody. Of those who exited care, approximately 246 were adopted, 248 were placed in the custody of a relative, 51 aged out of the system, and 1,087 were reunified.

Mississippi completed its Program Improvement Plan (PIP) in the first quarter of calendar year 2008. During the PIP period, Mississippi met data goals including, "increased timely reunification of children with their parents or adoption, increased stability of foster care placements, and improved timeliness of initiating investigations of child maltreatment."¹ Mississippi was supposed to complete their PIP Progress Reports in March 2007; however, Hurricane Katrina devastated the Mississippi Gulf Coast on August 29, 2005. Due to this disaster, the state requested and received a year extension to completing the PIP.²

An additional caveat to the current policy and practice in Mississippi is that they are operating under a Settlement Agreement and Reform Plan, which was filed with the court on November 8, 2007. The settlement agreement lays out distinct goals, which the state must meet over a five-year period. For each year of the five-year implementation period, the annual implementation of the next year's plan must be developed 90 days before the start of the calendar year, with all parties in the settlement agreement participating. The agreement notes that the defendants in this case do not represent the Legislature of the State of Mississippi, but that the Family and Child Services department must request any state or federal/special funds in order to meet the deadlines set forth in the agreement. It also specifically orders Family and Child Services to maximize federal funding opportunities available. Fostering Connections provides Mississippi opportunities to meet some of the deadlines and requirements outlined in the settlement agreement. The settlement agreement overlaps with some of the mandatory provisions set forth in Fostering Connections.³

Mississippi's Budget Landscape

Mississippi is facing serious budget challenges for fiscal year 2010. Recently, Governor Barbour proposed a budget that would require all agencies to reduce their expenditures by 12 percent. This cut would include Family and Child Services, which is the agency overseeing child welfare in the state. At the time of the interview, it is unclear how this would affect the staffing in the child welfare department and how that would impact the Program Improvement Plan and Settlement Agreement.⁴

P.L. 110-351 State Options

The state is exploring its options around guardianship programs. Currently, Mississippi does not have a guardianship program; however, the state's practice is to place children with relatives as a first priority. Relatives have to be licensed and there is an expedited process to license relative caregivers. All foster care settings, including relative placements, must be screened prior to a child being placed in the home. The Emergency Placement Safety Checklist is used by the worker to determine the appropriateness of a relative home for placement, and criminal and child welfare background checks are completed on all household members fourteen (14) years and older before a child may be placed in the home. All relative placements approved for emergency placement must undergo the full licensure process within sixty (60) calendar days of placement. Mississippi is not operating under any waivers.

Mississippi is exploring its options in drawing down funding in the Fostering Connections Act to continue to provide services to eligible 19, 20 and 21 year olds. Presently, Mississippi has youth in custody that are 19 – 21 years old. The Youth Court determines when a child "ages" out of the system. Depending on the situation, a judge can determine how long a child remains in care. If a judge in the Youth Court does not determine a child needs to remain in care, the youth ages out at 18.

P.L. 110-351 Mandatory Provisions

Mississippi's current relative notification policy is to involve all family members active in the child's life to participate in decision-making. Additionally, the Child Support Enforcement program allows workers to access Lexis-Nexis to locate non-custodial parents who have court ordered child support payments.

Regarding educational stability, it is the state policy to try to place children within a 50-mile radius of their home, keeping them in the same school, if possible.⁵ Additionally, the 2007 settlement agreement plan calls for DFCS employees to enroll children in an accredited school within three days of placement, if necessary. The plan requires special needs assessment within 30 days of placement and DFCS is responsible for ensuring this occurs.⁶

Regarding the mandatory medical oversight plan in Fostering Connections, the plan outlined in the 2007 settlement agreement calls for children to have a health screening evaluation within 72 hours of placement, a comprehensive health assessment within 30 days of placement, regular dental examinations, mental health assessments and developmental assessments, where appropriate.⁷ It is important to note that Mississippi is making every effort to ensure the health needs of foster children are met; however, the 2008 PIP notes a shortage of Medicaid dental care providers and mental health providers throughout the state.⁸

Mississippi makes every effort to place siblings together. If siblings are not placed together, documentation is required to explain why they were separated and regular contact between the siblings is established.⁹ Per the settlement agreement agreed to in 2007, by the end of the fourth-year period set forth in the plan, 90 percent of children in custody shall have a visitation plan that includes at least monthly visits for siblings who are not placed together, unless there is a court order in the child's case barring these visits.¹⁰

The 2007 settlement agreement requires that foster youth ages 14-20 have the chance to participate in the creation of an Independent Living Service plan. In addition, under the terms of the settlement agreement, Mississippi is required to ensure transitioning youth have available an adequate source of income, living arrangement, independent living stipends, health care, and education/training vouchers. Finally, it is a requirement that transitioning youth are notified at least six months prior to the end of financial, health and/or other benefits¹¹

Family Connections Grants

Mississippi did not apply for a Family Connections Grant in 2009; however, there is a group that convened in January 2010 to explore applying for a Grant to develop a Kinship Navigator Program in the next round. One anticipated difficulty in pursuing a Kinship Navigator Grant is the match required due to Mississippi's budgetary issues.

Opportunities & Challenges

Since the lawsuit, caseloads have followed an expected trajectory. Caseloads increased, leveled off and now they are decreasing. Mississippi welcomes any technical assistance in implementing the Fostering Connections Act as well as meeting the goals laid out in the settlement agreement, over a five-year period.

Conclusion

Mississippi faces challenges similar to other states regarding budgetary issues and looks forward to exploring the additional federal funding made available in the Fostering Connections Act.

¹ July 22, 2008 Letter to Governor Barbour from Acting Assistant Secretary for Children and Families, U.S. Department of Health and Human Services

² Mississippi Department of Human Services Division of Family and Children Services. Program Improvement Plan Narrative. January 1 – March 31, 2008

³ Civil Action No. 3:04CV251LN; U.S. District Court for the Southern District of Mississippi, Jackson Division

⁴ Interview with Angie Williams on November 20, 2009

⁵ Ibid.

⁶ Civil Action No. 3:04CV251LN; U.S. District Court for the Southern District of Mississippi, Jackson Division

⁷ Civil Action No. 3:04CV251LN; U.S. District Court for the Southern District of Mississippi, Jackson Division

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⁹ Interview with Angie Williams on November 20, 2009

¹⁰ Civil Action No. 3:04CV251LN; U.S. District Court for the Southern District of Mississippi, Jackson Division

¹¹ Ibid.