

Title 18: Mississippi Department of Child Protection Services

Part 315: Non-Relative Foster Care Licensure

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Chapter 1 GENERAL PROVISIONS

Rule 1.1. *Authority* – MDCPS is designated by state statute to “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”.

MDCPS is responsible for setting and developing standards for foster/adopt/kinship care resource homes, including those licensed by MDCPS-contracted child placing agencies.

Because MDCPS is committed to protecting the health, safety, and well-being of all children in the state who are cared for by foster family homes until the child can be safely reunited with his/her family or adopted, all foster homes and facilities that care for children in MDCPS custody must be timely licensed.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 1.2. *Definitions* – The following words and phrases, for purposes of this Part, shall have the following meanings unless the context clearly otherwise requires:

1. “Foster Care” means the 24-hour care and supervision of a child in the custody of MDCPS which is provided by a licensed Foster Family in a single-family home or in a licensed residential child caring agency in a group care setting.
 - a. Care includes the provision of food, lodging, clothing, shelter, support, ordinary transportation, recreation and training which is appropriate for the child’s age and mental and physical capacity.
 - b. It also includes working with the child’s birth parents, contributing to the creation and updating of the child’s life book and personal history, and assisting the child in maintaining cultural and ethnic connections.
2. “Foster Home” means the home of an individual or family:
 - a. That is licensed or approved by the state or tribe in which it is situated as a foster family home that meets the standards established for the licensing or approval;

- b. In which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the state or tribe to be a foster parent;
 - c. That the state or tribe deems capable of adhering to the reasonable and prudent parent standard;
 - d. That provides 24-hour substitute care for children placed away from their parents or other caretakers; and
 - e. That provides care for up to six (6) children to include biological, foster, or adopted children.
3. “Home Study” means the process by which a family and their home are determined to be a suitable placement for a child for the purposes of temporary foster care or adoption.
- a. The Child Welfare Gateway assigns three purposes to the home study process:
 - i. Educate and prepare the family for placement;
 - ii. Evaluate the fitness of the family; and
 - iii. Gather information that will help match the family with a foster child/youth whose needs the family can meet.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 1.3. *Other Agencies* – Non-relative Applicants are not allowed to work concurrently with another MDCPS contracted agency while working with MDCPS. Prospective foster parents must disclose current and/or past involvement with any other private or public child placing or adoption agencies.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 1.4. *Agency Employees and Court Personnel* – Employees of MDCPS and Youth Court personnel can be licensed by an MDCPS contracted agency as non-relative foster parents for a child who is not related to the potential foster parent OR a child who is legally freed for adoption. The Deputy Commissioner of Clinical Support and the Office of Legal Counsel shall be consulted in these cases to assess for potential conflicts and barriers. The criteria are:

- 1. Employees cannot foster a child(ren) who is on their caseload and/or in their jurisdiction.

2. Court personnel who want to foster cannot be in the same court jurisdiction of the child(ren) that they will foster or the siblings to that child(ren). In such instances, an MDCPS attorney will file a motion to recuse in all cases where it is warranted. If any court personnel refuse to recuse themselves following a motion to do so, MDCPS may consider not placing/removing a child.
3. All employees/court personnel who are approved non-relative foster parents follow the same policies and procedures, regardless of their employment position.
4. The child's MACWIS file will be restricted so the employee/court personnel cannot access the case file.
5. The Safety/Wellbeing Specialist/Supervisor and Assistant Deputy Commissioner over the appropriate unit and Service Area will decide whether to place the child in the home of the MDCPS employee/court personnel.
6. Any reports of maltreatment or concerns made while fostering will be addressed with no prejudice or special treatment of the employee/court personnel.
7. MDCPS may recommend closure of the home and removal of the child at any time due to reasonable suspicion of child abuse/neglect or for violating the foster parent agreement.
8. For MDCPS employees and court personnel considering licensure for relative/fictive kin children refer to the Relative/Fictive Kin Licensure Policy.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 1.5. *Foster Parent Requirements* – Prospective non-relative foster parents must meet the following requirements:

1. Age. Must be at least twenty-one (21) years old at the time of application.
2. Health. Must provide any existing immunization records for each household child for placement in the file.
3. Residency. Applicant(s) must be a legal resident of the United States and must reside in Mississippi.
4. Income. Applicant(s) must be financially self-sufficient without board payments. Applicant(s) working outside the home must have a plan for safe, stable and reliable childcare as well as sufficient work flexibility to meet the needs of the children. MDCPS Child Wellbeing Specialist will assist in obtaining childcare vouchers as needed.

5. Space.

- a. Applicant(s) must have adequate room in the home.
- b. Children may not sleep on couches or share a bed with another person.
- c. Only children of the same sex may share the same room. The age ranges for children sharing the same room will be based upon the identified developmental status of each child. This requirement may be waived with written approval of a MDCPS Licensure Manager if doing so would not create an unsafe environment for the child.
- d. Children must be able to access a bathroom without passing through another person's bedroom. This requirement may be waived with written approval of a MDCPS Licensure Manager if doing so would not create an unsafe environment for the child.

6. Telephone. Applicant(s) must have an active telephone service.

7. Transportation.

- a. Applicant(s) must have an operable automobile.
- b. All persons transporting children must have automobile insurance, automobile registration, and a valid driver's license.
- c. Vehicles must have the ability to safely transport all children in age-appropriate restraints. MDCPS can provide appropriate car seats if needed.

8. Occupancy. Homes may have no more than a total of six (6) children, including biological, foster, or adopted children.

- a. No more than two (2) children in the foster home may be under the age two (2);
- b. No more than one (1) child may have therapeutic/special needs; and
- c. These requirements may be waived with written approval from a MDCPS Licensure Manager for sibling sets or any other child if doing so would not create an unsafe environment for the children.

9. 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 eighteen (18) years of age and older. Fingerprinting must be completed at a minimum of every five years.

10. References. The applicant(s) shall have required references according to SAFE standards.

11. Training.

- a. Training is considered part of the application process and does not guarantee that the applicant will be accepted in the program.
- b. Pre-certification training shall include:
 - i. Trust-Based Relational Intervention (TBRI),
 - ii. Verbal de-escalation techniques,
 - iii. Mississippi PATH or other approved foster parent training curriculum,
 - iv. Universal blood borne pathogens,
 - v. Car seat safety,
 - vi. First Aid, and
 - vii. CPR.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 1.6. *Foster Parent Agreement* – MDCPS shall have a signed agreement with all foster parents which includes the following:

- 1. Confidentiality policy;
- 2. Expectations and responsibilities of the agency staff and the foster parents;
- 3. The services to be provided;
- 4. Agency policies on discipline, restraints and punishment;
- 5. The financial arrangements for children placed in the home;
- 6. The legal responsibility for damage or risk resulting from children in their home;
- 7. The amount of the board payment and breakdown of child's allowances;
- 8. Agency policies on transportation and reimbursement of expenses, if applicable.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 1.7. *Grievance Policy* – Every non-relative foster parent will be provided with a copy of the foster parent grievance policy as part of the welcome packet.

A formal grievance is a formal statement of complaint for an alleged wrong or hardship suffered which may be filed by a person who provides foster care or relative care. A formal grievance may be filed by filling out Section I of the Foster Parent Grievance Form and submitting it to MDCPS. An MDCPS representative will contact the foster parent once the grievance has been reviewed.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Chapter 2 LICENSURE PROCESS

Rule 2.1. *Foster Home Application* – Prospective foster parents must complete an application form which shall include basic demographic information on all family members; a list of any criminal charges; and permission to perform a criminal background check, Central Registry check and fingerprinting on all household members aged eighteen (18) years and older. Prospective foster parents must disclose current and/or past involvement with any other private or public child placing or adoption agencies.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 2.2. *Voluntary Withdrawal* – An applicant has the right to withdraw the application at any point during the licensure process by notifying MDCPS.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 2.3. *Screening the Application* – The licensure application will be screened to determine if the following criteria are met:

1. At least twenty-one (21) years old;
2. Able to show financial stability;
3. Housing no more than six (6) children in total. Exceptions may be considered by the MDCPS Licensure manager;
4. Not a substantiated perpetrator in MACWIS/PATHWAYS. A third level review may be requested and conducted on a case-by-case basis;
5. A legal resident of the United States and currently residing in the state of Mississippi;
6. Willing to work toward the plan of reunification or any other plan that MDCPS and the Youth Court determine is in the best interest of the child; and
7. Able to effectively communicate throughout the application process. At least one applicant in the home must have functional literacy to ensure at least one applicant reads and writes at the level necessary to assist in meeting the child's needs/communicating through training and licensing process.

If these criteria are not met, the licensure application will be screened out and a Notice of Action letter will be sent within three (3) business days of the decision to the applicant(s) through DocuSign or certified mail if an e-mail address is not on file. The Notice of Action letter will explain why the inquiry did not meet the

screening qualifications. There is no appeal process for the screening out of an inquiry.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 2.4. *Assignment of the Application* – If MDCPS determines that the applicant may proceed in the Licensure process, the application will be assigned for scheduling a date for the walk-through of the applicant’s home. MDCPS will send the applicant a Welcome Packet, through DocuSign, prior to the walk-through so the applicant can begin gathering information for the licensure process.

During the walk-through of the home, the following will be done:

1. Complete the Initial Home Environment Checklist to address any safety or non-safety issues; and
2. If safety or non-safety issues are revealed, clear instructions and deadlines will be given for correcting the issue. If a child is already in the home, MDCPS will determine and document a resolution.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 2.5. *Orientation* – MDCPS will offer orientations in a virtual classroom setting, or in-person setting, with individual applicants, at MDCPS offices or in an applicant’s home.

1. Invitations. MDCPS will provide applicants with at least two (2) training date options to attend an Orientation meeting over a period of one (1) month.
2. Participants. All adults residing in the home who will engage in the care of the child must attend an Orientation.
3. Orientation Training. The purpose of Orientation is to ensure the non-relative applicants understand the licensure process and what it means to be a foster parent. During Orientation, the trainer must go over the licensure process with the family and give them information relating to:
 - a. Required background checks;
 - b. Pre-certification training requirements (Child Safety, Travel and Finance, Mississippi PATH Training: Trauma, Removal, Separation & Attachment, Developmental Stage, Teamwork and Children Served, Permanent Connections, and Behavior Management);
 - c. Cultural diversity;

- d. Home study requirements; such as pet immunizations, financials, medical, etc.
- e. The role of the Licensure Specialist; and
- f. The requirement that non-relative foster parents work with birth families.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 2.6. *Background Checks* – Before an applicant can become licensed, MDCPS will conduct a screening of the applicant and all household members.

1. Screening. The background screening will include:

- a. Obtaining signed permission for background checks and verifying forms of identification on the applicant and all household members aged eighteen (18) and older.
- b. Conducting a MACWIS/PATHWAYS check and identifying any history with MDCPS on the applicant and all household members aged eighteen (18) and older;
- c. Conducting a search of the paper MDCPS records in the county where the applicant resides and all household members aged eighteen (18) and older;
- d. Fingerprinting the applicant and all household adults aged eighteen (18) and older;
- e. Conducting local criminal background checks (local police department AND county sheriff's office) on the applicant and all household members aged eighteen (18) and older where the applicant lived in the last five (5) years;
- f. Submitting the Child Abuse Central Registry Check form through Child Abuse Central Registry Check Form (DocuSign) on the applicant and all household members age eighteen (18) and older; and
- g. Checking the United States Department of Justice Sex Offender Registry (<https://www.nsopw.gov/>) on the applicant and all household members aged eighteen (18) and older.

2. Criminal History. A foster parent applicant or person residing in the home who has a criminal conviction or pending indictment - misdemeanor or felony - that bears upon the individual's fitness to ensure the safety and well-

being of a foster child, that person is not permitted to be licensed as a foster parent.

The license application will be denied if a fingerprint check reveals that an applicant or person residing in the home has been convicted of one of the following offenses:

- a. Felony offense against a partner;
 - b. Felony offense against a child;
 - c. Sexual assault;
 - d. Rape;
 - e. Murder;
 - f. Felony physical assault or battery within the past five years; or
 - g. Felony drug-related offense within the past five years.
3. Agency History. If non-relative foster parent applicant or person residing in the home is found to be a substantiated perpetrator in an Abuse, Neglect, or Exploitation (ANE) assessment, MDCPS will review and make a determination on closing the application. The determination will be placed in the Foster Parent file.
 4. Criminal History Justification. If an applicant's background check uncovers arrests or convictions, MDCPS will send the applicant the results of the background check along with a Criminal History Justification Form by U.S. mail, marked confidential and addressed only to the applicant. The applicant has ten (10) calendar days from the date they receive the justification form to complete it and return it to the Office of Criminal Background Checks. A timely completed form will be considered and a determination made regarding whether to proceed with licensure.
 5. Confidentiality. Criminal history information may be shared only within MDCPS and directly with the applicant, but cannot and may not be shared with MDCPS contractors, other states, spouses, or other household members.

Source: Miss. Code Ann. §§ 43-15-6, 43-15-14, 43-26-1 and 43-15-101 et seq.

Rule 2.7. *Initial Licensure Training* – All caretakers in the home, including spouses and/or secondary caregivers, must complete initial licensure training either online or in a classroom setting and pass all tests prior to becoming licensed. Applicants may begin the initial training once they have completed Orientation and a walk-through and background checks have been run on the household members.

1. Components of Training. The initial licensure training must be conducted using the approved training curriculum by MDCPS-approved trainers or staff and must consist of the following hours:
 - a. Orientation;
 - b. Teamwork and Children Served-Online;
 - c. Trauma, Removal, Separation, and Attachment;
 - d. Developmental Stages;
 - e. Behavior Management;
 - f. Medication Administration;
 - g. Permanent Connections-Online;
 - h. Travel and Finance-Online;
 - i. Safety-Online; and
 - j. CPR.
2. Training Invitations. MDCPS will provide the applicant with invitations to initial licensure training on at least three (3) occasions.
3. Failure to Complete. Failure to complete training timely does not automatically result in the closure of the application. If, after completing the initial licensure training, the applicant is unable to complete the licensure process, their training will be valid for a period of two (2) years from the date their certificate shows they completed training.

Source: Miss. Code Ann. §§ 43-26-1 et seq. and 43-15-101 et seq.

Rule 2.8. *The Home Study* – If the applicant meets the minimum qualifications to be licensed, MDCPS will begin the process of assessing the home for licensure to evaluate and educate the resource family about how to care for custody children. MDCPS will utilize the Structured Analysis Family Evaluation (SAFE) as its home study assessment to thoroughly evaluate prospective foster families.

1. Home Environment Checklist. MDCPS must complete the Initial Home Environment Checklist at the beginning of the home study, as well as complete the Final Home Environment Checklist before approval to show that any safety/non safety issues have been resolved. The Home Environment Checklist must be updated: annually from the date the license is issued; within two (2) weeks of a reported change in a Foster Family's residence; or when MDCPS determines that it is necessary.

2. Foster Family Home, Health, and Safety. The Foster Home will provide adequate and safe space:
- a. *Living Space* – Caregivers must reside in a house, mobile home, housing unit or apartment.
 - i. The home must have an adequate supply of safe drinking water.
 - ii. The home must have a properly operating kitchen with a sink, refrigerator, stove, and oven.
 - iii. The home must have at least one toilet, sink and tub or shower in operating condition.
 - iv. The home must have heating and/or cooling as required by the geographical area. It must be consistent with accepted community standards and in safe operating condition.
 - v. Caregivers must have a working phone or access to a working phone in close walking proximity. NOTE: Residences must meet state and local code requirements.
 - b. *Condition of Home* – The caregiver’s home, grounds, and all structures on the grounds of the property must be properly maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards.
 - i. The interior and exterior of the home must be free from dangerous objects/conditions, and from hazardous materials.
 - ii. The home must have adequate lighting, ventilation and proper trash and recycling disposal, if recycling is available;
 - iii. The home must be free from rodents and insect infestation.
 - iv. The home must have a proper water heater temperature. NOTE: The Department of Energy recommends 120 degrees Fahrenheit.
 - v. Weapons and ammunition must be stored separately, locked, unloaded, and inaccessible to children;
 - vi. Pets must be vaccinated in accordance with state, tribal and/or local law. *See* Mississippi Code § 41-53-1. Proof of vaccination must be provided via a rabies vaccination certificate signed by an attending, licensed veterinarian. Mississippi law requires all dogs and cats to be vaccinated for rabies. Valid Rabies

Vaccination Records for all domesticated animals on the premises (inside or on the property outside of the home).

- c. *Child Access* – The home must have conditions that prevent a child’s access (as appropriate for his or her age and development) to all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
 - i. The home shall be safeguarded, inside and out, against hazardous chemicals, cleaning materials, toxic substances, hazardous objects/equipment, and medications.
 - ii. Poisonous/hazardous substances and medications shall be stored properly and inaccessible to children.
 - iii. The foster child’s medication management and distribution is the responsibility of the adult caregiver.
- d. *Water safety* – There must be protective measures in place for a swimming pool or access to any bodies of water. This can include but is not limited to the following measures that prevent access to the pool or body of water: doors with high locks, door alarms, fence with locked gate, etc.
 - i. The home shall have lifesaving equipment/devices readily accessible. Such devices include, but are not limited to, ring buoy, pool safety hooks and poles, pool covers, rescue tubes, and/or throwable floatation devices.
 - ii. A responsible adult shall supervise a child when swimming or playing near an open body of water.
- e. *Foster Home Sleeping Arrangements* – Caregivers must provide a safe sleeping space including sleeping supplies, such as a mattress and linens, for each individual child, as appropriate for the child’s needs and age.
 - i. All children in the home must be treated equitably, meaning each child has sleeping arrangements similar to other household members.
 - ii. Caregivers must not co-sleep or bed-share with children in foster care.
 - iii. Caregivers with infants must adhere to the infant safe sleeping practices outlined in the Infant Safe to Sleep Guidelines and Protocol.

- f. *Emergency Preparedness, Fire Safety, and Evacuation Plans* – Caregivers must have emergency preparedness plans, and items in place as appropriate for the home’s geographic location.
 - i. Caregivers must post a written evacuation plan in a prominent place in the home (e.g., on a refrigerator or family bulletin board), and review it with the children.
 - ii. Caregivers must maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home.
 - iii. Caregivers must maintain first aid supplies.
 - iv. The caregiver’s home must meet the following fire safety and emergency planning requirements:
 - A. Have at least one smoke detector, one carbon monoxide detector, and one operable fire extinguisher (at least ABC 2.5 pounds) on each level of occupancy of the home;
 - B. Be free of obvious fire hazards, such as defective heating equipment or improperly stored flammable materials;
 - C. Gas heaters in the home must be vented to avoid fire and health hazards. However, unvented, fuel-fired heaters equipped with oxygen depletion safety shut-off systems may be operated in homes.
3. Transporting Foster Children. Non-relative foster parents, who transport children in their own vehicles, shall provide proof of the following:
- a. A current driver’s license;
 - b. Current auto registration;
 - c. Current automobile liability insurance.

In addition, non-relative foster parents must adhere to the following while transporting children:

- d. Smoking or vaping in a vehicle is prohibited.
- e. Firearms must be unloaded, inaccessible to children, and legally possessed if transporting children in a vehicle where firearms are present. A caregiver may transport a child while a firearm is in the vehicle only under these circumstances. The caregiver must always have possession and control of any firearms.

- f. Children in MDCPS custody who are transported in a vehicle must always be in an age-appropriate passenger restraint system in order to comply with Miss. Code Ann § 63-7-301. The foster parent shall also provide constant supervision by watching and supervising the children during the journey to ensure they are safe and comfortable.
4. Safe Sleep Requirements. The non-relative Foster Home must provide safe sleeping arrangements which accommodate the privacy needs of the child(ren) they are caring for.
- a. The bedrooms must have a finished ceiling, floor-to-ceiling permanent affixed walls, a door, a window, finished flooring, and ventilation;
 - b. The foster child must have access to a bathroom without going through another bedroom. Exceptions will be considered on a case-by-case basis and will be approved by a Licensure Manager;
 - c. All bedrooms in the home must have doors that open and close;
 - d. No more than four children of the same sex shall share a bedroom. The age ranges for children sharing the same bedroom will be based upon the identified developmental status of each child. Exceptions will be considered on a case-by-case basis and will be approved by a Licensure Manager.
 - e. The foster family must provide each foster child with a standard bed appropriate to the child's age and needs. A standard bed does not mean a cot, couch, convertible couch, portable bed, sleeping bag, or mat.
 - f. Each child shall be provided with:
 - i. A sanitary mattress with a waterproof protective mattress cover;
 - ii. A clean pillow;
 - iii. Bed linens;
 - iv. Blankets or covers as appropriate to the weather;
 - v. Separate and accessible drawers for personal belongings.
 - g. Foster children younger than seven (7) are not permitted to sleep in the top bunk bed. Foster children age seven (7) and above may only sleep in a top bunk with access to a ladder and protective railing on all open sides.;

- h. Each child must have their own bed and place for their belongings;
 - i. Two siblings of the same sex may share a full-sized bed or larger if the Licensure Specialist or Safety/Wellbeing Specialist have documented that such sleeping arrangements are appropriate.
 - j. Two siblings of the opposite sex can share a room together (not a bed) until the oldest children reach the age of ten (10), at which age they will need to be placed in separate rooms. If there are any sexual acting out behaviors or history, they will not be placed in the same room at any time. A proper assessment must be made before this determination can be made.
 - k. Children under eighteen (18) months of age must sleep in a crib.
 - l. Children who are eighteen (18) months of age or older but who have special needs that make a bed impractical should also sleep in a crib or other approved bedding.
 - m. Children over eighteen (18) months of age are not permitted to sleep in the same room as an adult who has reached their twenty-first (21st) birthday. Exceptions will be considered on a case-by-case basis when the child may require close attention and monitoring by the foster parent.
 - n. Notwithstanding any other provision of this section, a foster child who is a parent may share a room with their own child, but separate and appropriate bedding must be in that room.
5. Medication Administration. Medication must be administered to children in foster care only as directed by the prescribing physician. Medication must be administered by authorized adults. In addition, medication must be stored and transported in the original containers.
6. Interviews and Home Visits. An MDCPS worker is required to observe or interview all household members, including age-appropriate children. However, at the discretion of an MDCPS supervisor, exceptions may be made based upon the age and developmental status of the household members.
- The interviews may be completed during any one of the home visits required in the approved home study process.
7. Disclosure of Home Study. MDCPS may share copies of the Home Study with contracted partner providers and/or other states (ICPC) as necessary.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 2.9. *Licensing Decision* – A written final decision will be provided to the applicant within 120 days after receiving the application.

Approval. If the application is approved and the home is licensed, MDCPS will provide a licensure certificate to the non-relative foster family stating the full names of the non-relative foster parents, the full address of the foster home, and the date the license was issued. The certificate will be valid for two years.

Denial. If the applicant is denied licensure, MDCPS will send a Notice of Action-Licensing Decision that includes a reason for the denial to the family within three (3) business days. The applicant does not have the right to appeal the agency's decision.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Chapter 3 POST-LICENSURE

Rule 3.1. *Contacts with Foster Parents* – MDCPS will make monthly in-home visits with non-relative foster parents when foster children are placed in the home to assess the child's safety and well-being and ensure the child is receiving appropriate services.

1. In-home visits can be scheduled, but unscheduled visits will also be conducted.
2. In-home visits should be scheduled when all household members and foster children are present, whenever possible. All household members and foster children should be interviewed during the monthly visits. However, at the discretion of MDCPS, exceptions may be made based on the age and developmental status of the household members.
3. The physical home environment will be assessed during monthly in-home visits.
4. During monthly contacts with the non-relative foster parents, the MDCPS worker will focus on:
 - a. Shared Parenting and working with the foster child's birth family to maintain connections and achievement of the foster child's permanency plan;
 - b. Discipline issues with the foster child;
 - c. Marital issues that occur in connection with placement;
 - d. Discussion and referrals to available services necessary to maintain placement.

Source: Miss. Code Ann. §§ 43-15-13, 43-26-1 and 43-15-101 et seq.

Rule 3.2. *On-Going Support* – MDCPS will support Foster Families by being involved in the following activities:

1. Participating with non-relative foster families in Family Team Meetings (FTMs) which address:
 - a. Permanency issues;
 - b. Shared Parenting and issues working with the birth family; and
 - c. Issues regarding the care of the child.
2. Providing ongoing active support to strengthen the placements and prevent disruptions in the foster home.

3. Initiating a Family Team Meeting (FTM) when the foster child placement is at risk of disruption.
4. Assessing and assisting the foster parents in identifying and locating services needed by the foster parents to prevent and reduce stress and family crises.

Source: Miss. Code Ann. §§ 43-15-13, 43-26-1 and 43-15-101 et seq.

Rule 3.3. *Prudent and Reasonable Parenting* – Prudent and Reasonable Parenting includes but not limited to:

1. The non-relative foster parent must communicate decisions made on the child's behalf with their assigned MDCPS specialist, but the expectation is that the non-relative foster parent will make decisions for children in care as they would for their own children.
2. Foster children should be allowed to participate in extracurricular activities that are in their best interests.
3. Non-relative foster parents should provide for the safety and health of the child and encourage the emotional and developmental growth of the child.
4. Visitation with their birth parents or other family members must be cleared and staffed with their assigned MDCPS specialist to keep an account of said visits.

Source: Miss. Code Ann. §§ 43-15-13, 43-26-1 and 43-15-101 et seq.

Rule 3.4. *Placement Limits* – Non-relative Foster Homes are not permitted to care for more than six (6) children, including foster, biological, and adoptive children, at any given time, in accordance with the following:

1. Non-relative Foster Homes may provide care for more than three (3) foster children, up to a total of six (6), only with the documented approval of MDCPS determining that the foster children can be safely maintained in the foster home.
2. No more than two (2) children in the foster home may be under the age of two (24 months) and no more than one (1) may have therapeutic needs, including the biological and/or adoptive children without prior approval of MDCPS.

Notwithstanding the above, a sibling group may be placed together in the same non-relative foster home in excess of these limits but only upon the written approval of MDCPS determining that the foster children can be safely maintained in the home. In addition, approval to exceed these limits may be granted if at least one of the following is applicable:

1. To allow a parenting youth in foster care to remain with the child of the parenting youth;
2. To allow siblings to remain together;
3. To allow a child with an established meaningful relationship with the family to remain with the family; and
4. To allow a family with special training or skills to provide care for a child who has a severe disability.

Source: Miss. Code Ann. §§ 43-15-13 and 43-26-1

Rule 3.5. *Confidentiality and Photography* – MDCPS will ensure caution is used in allowing photographs of foster children to be taken when those photographs are accessible to the general public. Care and assessment should be taken to determine when this is feasible and appropriate due to the safety concerns it can create for the child, MDCPS specialist, or placement provider.

All children in foster care should have the opportunity to experience their lives in care as would any child living in their family home and not in the foster care system. However, the family, the child's MDCPS specialist, the placement provider, the courts and others must work together to determine when this is or is not the best interest of the child(ren).

The following standards should be followed:

1. Placement providers and MDCPS employees agree to maintain personal information regarding the foster children and birth families confidential in accordance with MDCPS Policy and state statute.
2. Authorization by the Youth Court and MDCPS is explicitly required before any placement provider uses or discloses any confidential information in any manner.
3. Non-relative foster parents shall not post photographs of foster children or any other information, no matter how vague, regarding the foster child(ren) or their families on the internet or any type of public or private social networking website such as Facebook, X, Twitter, Instagram, Snapchat, Pinterest, etc. without permission of the Youth Court and/or the child's biological parents/caregiver from whom they were removed.
4. Group Photos. Children in foster care should be allowed to sit for school photographs – a school photo in a yearbook is acceptable, as well as any other school-related activities. At no time shall a child be identified as being in foster care in any public postings of pictures, videos, etc. Foster children

who are participating on teams or in extracurricular activities should also be allowed to be photographed in team photos or group pictures.

5. Consent. Discussion about photographing children in foster care, when deemed to be safe and appropriate, can be held with parents, foster parents/residential staff in the regular Family Team Meetings and the parents' wishes should be documented. The birth parent can give their consent to MDCPS for their child's photographs to be used on a non-relative foster parent or licensed facility's social networking website.

Source: Miss. Code Ann. §§ 43-15-13, 43-21-251 et seq. and 43-26-1

Rule 3.6. *Travel Expenses* – Reimbursement for any travel expenses is at the sole discretion of MDCPS. Routine daily transportation is the responsibility of the non-relative foster parent and is not reimbursable by MDCPS. Routine daily transportation includes transportation that would be considered “typical rental responsibility,” including but not limited to, transportation to and from school, day care, extra-curricular activities, and community activities.

1. General Requirements. Reimbursement for transportation expenses incurred on behalf of a foster child may be sought when it is beyond 50 miles one way from the address of the non-relative foster parents.

For example, a foster child has an appointment that is 75 miles one way from the foster home. The non- relative foster parent(s) would be able to seek reimbursement for 25 miles for the transportation expense incurred on behalf of the foster child.

However, a non-relative foster parent may be reimbursed for any travel regardless of distance if the non-relative foster parent is transporting the child to Youth Court, or for any task – such as visitation – that is required to fulfill the child's permanency plan.

2. Medicaid. If the child is covered by Medicaid, transportation assistance is available through that program.
 - a. If reimbursement is needed, prior notice must be made with Medicaid as it will be the first step in being reimbursed for medical appointments.
 - b. Only after Medicaid has denied payment for such travel can MDCPS be requested to reimburse travel for medical appointments.
 - c. Reimbursement for transportation expenses incurred on behalf of the foster child cannot be sought when a foster child and the foster parent's biological child (if applicable) have the same transportation expense. For example, if both children attend the same school, then

reimbursement for transportation expenses from MDCPS must not be sought.

3. Reimbursement Process. To seek reimbursement for transportation expenses, the following must occur:
 - a. The non-relative foster parent(s) must be set up as a vendor in the state accounting system.
 - b. A W-9, complete with phone number and email address, must be submitted to MDCPS State Office.
 - c. Travel must be approved by the foster child's County of Responsibility Specialist.
 - d. The "Non-Employee Travel Voucher" must be submitted with a description of travel on behalf of a foster child, starting and ending points of travel (physical addresses), and odometer readings.
 - e. The voucher must identify each foster child and the associated travel.
4. Submission. Monthly reimbursement requests must be submitted by the non-relative foster parent monthly to the MDCPS specialist by the 10th of the next month. For example, the reimbursement request for January 1st through January 31st must be submitted to MDCPS by the close of business on February 10th. MDCPS can only pay will reimbursement only for transportation expenses occurring within the current state fiscal year (July 1 – June 30) and within the timelines for submission.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 3.7. *On-Going Training* – All licensed non-relative foster parents are required to receive ten (10) hours of ongoing annual training to increase their skills and ability to care for foster children.

1. Approved Training. Non-relative foster parents are permitted to receive training, with approval of MDCPS, through participation in the following:
 - a. Training sessions, seminars, workshops, or conferences specifically dealing with children or parenting issues that have been approved by MDCPS.
 - b. Training provided by a MDCPS Licensure or Adoption Specialist; and
 - c. Individual training sessions conducted as part of a home visit.

The Licensure Manager has the authority to approve other training events. Non- relative foster parents who wish to participate in any other training event must get approval from the Licensure Supervisor prior to registering for and attending the training event.

Each ongoing training should impart new skills or knowledge necessary to care for the children in the foster parent's home. The foster parent cannot seek training on the same subject unless new and updated material is presented.

2. Proof of Training. Non-relative foster parents are required to provide proof of completion to MDCPS within three (3) months of the training.
3. Carryover Hours. Non-relative foster parents who exceed the required number of ongoing training hours may roll over up to three (3) training hours to the next year.
4. Areas of Training. The training will be provided in areas approved by MDCPS. MDCPS may require training in specific areas from time to time, e.g., trauma focused training, training in verbal de-escalation.

Source: Miss. Code Ann. §§ 43-15-13 et seq., 43-15-101, and 43-26-1

Chapter 4 MAINTAINING LICENSURE STATUS

Rule 4.1. *License Re-evaluation* – The full re-evaluation process for non-relative foster parents will take place every two (2) years, with the following requirements due every year:

1. The Home Environment Checklist; and
2. Verification of ongoing training hours

MDCPS will begin the re-evaluation process at least ninety (90) calendar days prior to expiration, including:

1. Contacting the foster parents by phone or email
2. Conducting home visits
3. Delivering or mailing the re-licensure packet; and
4. Completing any other activities to ensure the home will not expire prior to re-licensure.
 - a. Background checks must be completed at least every two years, and fingerprinting is required every five (5) years.

If the re-evaluation process is not complete by the date the license is set to expire, board payments will stop and the home will not be permitted to take any children until they are fully licensed. Children in the home may be removed.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 4.2. *License Changes* – MDCPS will conduct a new Home Environment Checklist as part of any of the following license changes:

1. Relocation Within Mississippi – If the non-relative foster family relocates within Mississippi, the family must notify the Licensure Specialist and the child's specialist as soon as they know about the move or at least sixty (60) calendar days prior to the move, whichever is earliest.
2. Relocation Outside Mississippi – If the non-relative foster family relocates outside of Mississippi, the family will notify the Licensure Specialist and the child's specialist as soon as they know about the move or at least ninety (90) calendar days prior to the move, whichever is earliest. If the foster parent Mississippi license is due to expire within ninety (90) calendar days of the move, they will complete a two-year re-evaluation prior to the move. The foster family must also:
 - a. Sign a Release of Confidential Information.

- b. Complete the ICPC process to become licensed in the other state.
 - c. Become licensed in their new state.
3. Change in Number of Children – If the non-relative foster family expresses a desire to care for more, or fewer, custody children, a license change must be approved before an additional child can be placed in that home.
 4. Non-Relative Foster Family Divorce – If the non-relative foster family experiences a divorce, the Licensure Specialist will make a determination regarding in-home placement of the children and determine, with the family, whether the licensed father or licensed mother should retain placement of the children. The non-relative foster family must obtain counseling for the custody children.
 5. Non-Relative Foster Family Marriage – If the non-relative foster family experiences a marriage, the Licensure Specialist will interview the additional household member(s), complete a full background check on the new spouse prior to the marriage, if possible, but no later than fourteen (14) days after the new spouse enters the non-relative foster home. The new spouse must fully participate in the licensure process and complete the training described within two (2) months.
 6. Non-Relative Foster Parent Death – If a non-relative foster parent dies, the Licensure Specialist will ensure the custody children in the home receive counseling. MDCPS will place the resource family on “deferred” status and not place any additional children in the home until the Licensure Specialist completes an assessment that shows the family has had an adequate period of adjustment.
 7. Change in Household Members – If the non-relative foster family experiences a change in household members (children through marriage, elderly relatives, etc.), the Licensure Specialist will complete criminal background checks, including fingerprinting and local background checks, on all new household members ages eighteen (18) and older within fourteen (14) calendar days of the change. Any additional household members who will provide any care for the custody child are required to attend and complete all in-service training. MDCPS will complete a re-evaluation if an unrelated adult moves into the home to determine whether the home may remain open.
 8. Relative Parents – If a relative foster parent decides they want to be a foster parent to an unrelated child, MDCPS will determine if the home is appropriate to convert to non-relative foster home status.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 4.3. *Corrective Action Plan* –If MDCPS identifies a safety or non-safety deficiency that needs to be addressed by the non-relative foster family, MDCPS will work with the family to develop a Corrective Action Plan (CAP) or request removal of the child/closure of home.

1. The Plan. A CAP is a formal document of needs that must be addressed by the non-relative foster family which:
 - a. Identifies tasks the non-relative foster family or other participants must complete to reach the desired solution and a timeframe for completion of said tasks must be given.
 - b. Can not extend beyond six (6) consecutive months unless renewal is in the best interest of the child placed in the home. The Licensure Specialist shall not renew the plan more than once and shall not allow the plan to extend beyond one (1) year.
2. Review of Plan. The following people must review and approve the CAP or any extensions within fourteen (14) calendar days of identifying the issue (Safety/Wellbeing specialist must approve if a child is placed in the home):
 - a. Licensure Specialist;
 - b. Foster Family;
 - c. Licensure Supervisor;
 - d. Safety/Wellbeing Specialist;
 - e. Safety/Wellbeing Supervisor; and
 - f. Licensure Manager
3. CAP Refusal. If the foster family refuses to agree with a CAP, the MDCPS will have cause to close the home and steps will be taken to find alternative placement for any foster child in the home. MDCPS will also notify the Court of the issues. A Notice of Action letter will be sent to the foster family within thirty (30) calendar days of this decision. If the child is allowed to remain in the home by way of court ordered placement, the placement will be changed, the home will be closed and the family will no longer receive any board payment for that child.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 4.4. *Not Accepting Placement* – When a non-relative foster family is under investigation for a policy violation, maltreatment report, or during an appeal of the closure of their home, the foster home status will be changed from Active Status to Not Accepting Placement (NACPL) status.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 4.5. *Deferred Placement* – Deferred Placement may be used if a non-relative foster parent does not want to close their home but needs a break from being a foster parent due to personal issues.

A non-relative foster family may be placed on Deferred status, not to exceed six (6) consecutive months. If, at the end of the six (6) months, the home cannot be placed on Active status, MDCPS will close the home.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 4.6. *Revoking a License* – If it is determined a non-relative foster home should be closed, MDCPS will send a Notice of Action to the non-relative foster parents. Each case is considered individually, but a home may be closed for any of the following reasons:

1. The family requests their home be closed;
2. The family moves out of state;
3. The family refuses to cooperate with the regulations and policies of MDCPS;
4. The family moves adults or children into the home without notifying the Licensure staff;
5. Failure to complete a Corrective Action Plan;
6. The family cannot or will not act to meet MDCPS licensing requirements;
7. There is a substantiated report of child maltreatment;
8. The family presents a consistent pattern of not accepting a child without a valid reason during a 12-month period;
9. If there is a second violation of the same policy in a Licensed Home within a six (6) month period, the home could be closed; or
10. If there is a second violation of a different policy in a Licensed Home within a six (6) month period, the Specialist may recommend a CAP or home closure.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 4.7. *Administrative Reviews* – An Administrative Review is afforded to Non-relative foster parents when an application for renewal of a license is denied or when a license is suspended or revoked. If the Non-relative foster home was denied at any point prior to obtaining a license, they are not eligible to appeal.

1. Regional Review Hearing. The Non-relative foster family has thirty (30) calendar days from the date they receive the Notice of Action to appeal the closure of their home.
 - a. If the foster family does not respond to the Notice of Action by requesting a hearing, MDCPS will complete the closure of the home.
 - b. If the foster family appeals the closure, a Regional Review Hearing will be scheduled and held within thirty (30) calendar days of their request in writing. This meeting will include the foster family, any County of Responsibility Specialist for a child that was in that home, the Licensure Specialist/Licensure Supervisor and the Licensure Manager, when possible.
 - c. The home will be placed on Not Accepting Placement (NACPL) status and will not receive any further placements until a final decision is made.
2. Administrative Appeal Hearing. Within thirty (30) calendar days of their Regional Review Hearing, a second Notice of Action will be sent to the foster family to notify them of the decision. If the Non-relative foster family is not satisfied with that decision, they will be given the opportunity to appeal with the Office of Legal Counsel. The Non-relative foster family's request for an Administrative Appeal Hearing must be received by the MDCPS Licensure Unit within thirty (30) calendar days of the Regional Review Notice of Action. All Administrative Appeal Hearings will be conducted as follows:
 - a. The Administrative Hearing Officer will notify the Non-relative foster family of a date and time for their scheduled appeal hearing in Jackson, Mississippi. If the Non-relative foster family cannot appear at the time and location of the hearing, they must notify the Administrative Hearing Officer within five (5) calendar days of receipt of the hearing notice to reschedule the hearing.
 - b. All parties may be represented by an attorney. The Administrative Hearing Officer will have the authority to maintain the decorum of the hearing and will take reasonable steps to do so when necessary, including clearing the hearing room of any person who is disruptive. The Administrative Hearing Officer may clear the hearing room of witnesses not under examination.

- c. The Non-relative foster family must submit a witness list identifying any witnesses they intend to call as witnesses at the hearing and an exhibit list identifying documents they intend to submit at the hearing, with copies of any proposed exhibits, to adminappeals@mdcps.ms.gov at least seven days prior to the hearing.
- d. Unless approved in advance by the Administrative Hearing Officer, each side will have thirty (30) minutes to present evidence and make argument.
- e. Hearings are informal, and the Mississippi Rules of Evidence do not apply. The Administrative Hearing Officer has discretion to exclude evidence that is not relevant to the appeal.
- f. If the Non-relative foster family, without good cause, fails to appear at the hearing, such failure will be considered a withdrawal of the appeal, and the Administrative Hearing Officer may dismiss the appeal.
- g. Following the Administrative Appeal Hearing, the Administrative Hearing Officer will issue a written recommendation which will be forwarded to the Commissioner of MDCPS for adoption, modification, or reversal. The Commissioner's decision represents the final and binding decision of the agency. The final order of the MDCPS Commissioner will be emailed to the attorney of record for the Non-relative foster family or to the Non-relative foster family if not represented. The Non-relative foster family or attorney of record is presumed to have been notified on the date such notice is emailed.
- h. If it is determined that the home will remain open, MDCPS will place the home back on Active status within ten (10) business days of receiving notice. If the home license expires during the appeal process, the non-relative foster parents must complete the re-licensure process.

Source: Miss. Code Ann. §§ 43-15-13, 43-26-1 and 43-15-101 et seq.

Rule 4.8. *Re-Licensing a Closed Home* – A non-relative foster home which has been closed may be re-licensed under the following conditions:

- 1. Foster Home Closed for Less than One Year. If the non-relative foster home's license expires during a closure of less than one year, the reevaluation process must be completed. If non-relative foster home's license is still active, the following must occur:

- a. The Licensure Specialist must document why the non-relative foster home was closed, and why the family wants to become licensed again; and
 - b. The Licensure Specialist must also complete a Home Environment Checklist and may complete a background check.
 - c. The Licensure Specialist will review all supporting documents and request/obtain current documents to replace any that have expired.
2. Foster Home Closed Over One Year but Less than Two Years. If the non-relative foster home's license expires during a closure of more than one year but less than two years, the full reevaluation process must be completed. If during the time the home's license is still active, the following must occur:
 - a. MDCPS must complete a new SAFE Home Study; and
 - b. The foster family must have completed at least five (5) hours of in-service training to be re-licensed.
3. Foster Home Closed Over Two Years. The non-relative foster parents must repeat the entire licensure process and pre-certification training.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Chapter 5 OTHER LICENSURE ISSUES

Rule 5.1. *Teen Parent Foster Home* – A non-relative parent may seek to obtain the Teen Parent Foster Home service type. Those licensed with this service type may foster up to two (2) foster youth who are pregnant or foster youth who have parental responsibilities for their own child.

1. Foster Parent Teen Board Rate. The foster teen parent's child may or may not be in MDCPS custody.
 - a. If the foster teen parent's child is in custody, the Teen Parent Foster Home service type is not needed because the foster family will receive board payments for both the foster teen parent and the foster teen parent's child.
 - b. If the foster teen parent's child is not in MDCPS custody, the Teen Parent Foster Home service is required to be added as a service type to ensure that the non-relative foster home will receive an adjusted board rate to offset costs for the foster teen parent's non-custody child.
 - c. The Foster Teen Parent board rate start date is the date that the foster teen parent and foster teen parent's child are placed in the home together.
2. Placement Limits. Placement limits for the Teen Parent Foster Home service type are the same as for other types and do not change.
3. Teen Parent Foster Home Licensing Requirements. The non-relative foster home shall comply with all non-relative foster home licensure requirements, and the additional following requirements:
 - a. Agree to foster no more than two foster youth parents at any given time;
 - b. Agree to provide transportation, accompany and support the foster youth parent in meeting parental responsibilities for her child(ren) including childcare/day care, school enrollment or meetings, treatment or medical appointments, and other services based on the foster youth parent or child;
 - c. Assist pregnant teens residing in the non-relative foster home with arrangements for pre- natal care, doctor appointments, follow-up medical visits and hospital arrangements for delivery in coordination with the Safety/Well-Being Specialist/Supervisor;
 - d. Model appropriate parenting methods for the foster youth parent and work with her to adequately care for and nurture her child(ren);

- e. Teach and assist the foster youth parent in obtaining and maintaining necessary documentation and important records, including but not limited to birth records, medical documents, immunization records, and other relevant information for both her and her child;
- f. Demonstrate the ability to not undermine the foster youth parent's care for her child, nor initiate any legal proceedings, including termination of parental rights or adoption proceedings, involving the foster youth parent's child;
- g. Participate as a member of the service team through at least one of the following methods:
- h. Personal attendance at Family Team Meetings (FTMs), County Conferences/Foster Care Review, Court Reviews, etc.;
- i. Telephone conference calls or virtual meetings conducted through Teams or Zoom; or
- j. If requested, the non-relative foster parent will prepare a written report on the progress of the foster youth parent and child, including any recommendations for service.

During the two-year re-evaluation period, these families must receive a total of 10 hours of in- service training.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 5.2. *Income taxes* – Non-relative foster families are encouraged to consult a certified public accountant of their choice for guidance regarding claims on foster children residing in their home. MDCPS staff shall not offer tax advice.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 5.3. *Liability Insurance* – Non-relative foster families will be encouraged to consult an insurance agent of their choice for guidance regarding claims on foster children residing in their home. MDCPS staff shall not offer insurance advice.

Source: Miss. Code Ann. §§ 43-26-1 and 43-15-101 et seq.

Rule 5.4. *Court Ordered Home Studies* – If a court orders a home study on a family not currently involved with MDCPS, the Licensure Supervisor will notify the court and the applicants of the MDCPS fee for court-ordered home studies. A request made by a court (other than the youth court) or a private attorney must include the home study fee prior to MDCPS completing the home study.

The standard home study fee is \$350, made by check payable to the Treasurer, State of Mississippi, and sent directly to the MDCPS Finance Unit.

The Court-Ordered Home Study format will be used because these homes are not being licensed. Training and fingerprinting will be the responsibility of the agency or state who requests that service and not MDCPS.

Source: Miss. Code Ann. §§ 43-26-1, 43-15-101 et seq., and 93-17-12