

## **Title 18: Mississippi Department of Child Protection Services**

### **Part 316: Relative / Fictive Kin Foster Care Licensure**

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## **Title 18: Mississippi Department of Child Protection Services**

### **Part 316: Relative / Fictive Kin Foster Care Licensure**

#### **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. “Relative” (as it relates to Foster Care) means an adult who is related to a child or half-sibling of the child through blood, marriage, or adoption.
2. “Fictive Kin” (as it relates to Foster Care) means a person not related to the child legally or biologically but who is considered a relative due to a significant, familial-like and ongoing relationship with the child and family, including adults related beyond the third degree, godparents, friends of the family, or other adults who have a strong familial bond with the child.
3. “Relative/Fictive Kin Foster Home” means the home of an individual or family:
  - a. Has received a license that permits a relative of the child to be approved as a relative/fictive kin foster parent and to receive reimbursement for the care of a child under the age of eighteen (18), or under the age of twenty-one (21) if the youth is attending school, vocational courses, or technical training and who entered foster care prior to their 18th birthday. This home could be either an expedited or child-specific home.

- i. Expedited Home – An Expedited Home is for licensing relative caregivers and court ordered non-relative placements to enable a child to be placed quickly with relatives/court ordered non-relatives upon entering foster care. The process shall take place in two steps, as an emergency process that enables a child to be placed with relatives as soon as the child enters placement, following an initial screen of the relative’s home and a full licensing process, to be completed no later than 90 calendar days after the child entered placement.
  - ii. Child Specific Home – A home that is licensed for a specific child with a recommendation from MDCPS or the Youth Court with jurisdiction. This could include children from the Heart Gallery or children who are legally free for adoption.
- 4. “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., 43-21-105, and 43-15-101 et seq.*

Rule 1.3. *Other Agencies* – Relative/Fictive Kin applicants are not allowed to work concurrently with another MDCPS contracted agency while working with MDCPS. If the families are already licensed with another agency, the other agency must terminate services before MDCPS begins the licensure process. If the family plans to work with a private adoption agency, they will need to notify MDCPS as MDCPS is licensing families to foster children in MDCPS care.

*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 MDCPS for a child who is legally free 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 may not foster a child(ren) who is on their caseload.

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 relative / fictive kin 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 non-relative children refer to the Non-Relative Licensure Policy.

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

Rule 1.5. *Expedited Relative: General* – The Expedited Relative Foster Home licensure process enables a child to be quickly placed with biological relatives or fictive kin upon entering foster care.

The content and requirements of the Expedited Relative Foster Home process must be completed within ninety (90) days.

No child shall remain in a foster home or facility that cannot meet MDCPS licensing standards absent an order by the state court with jurisdiction over child custody directing the placement of the child into a specific unlicensed placement. MDCPS is required to present information to the court that the foster home has not or cannot meet licensing standards.

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

Rule 1.6. *Expedited Relative: Pre-Placement Activities* – No child may be placed in an Expedited Relative Foster Home until MDCPS has:

1. Completed the Expedited Packet which includes the following:
  - a. Relative Placement Application
  - b. Child Abuse Central Registry Screening. Central registry checks have to be done completed in all states where the prospective foster parents and all adults (18 and over) living in the home lived for during the past five years.
  - c. Background Screenings Form
  - d. Relative Placement Checklist
  - e. Safe Sleep Education Acknowledgment
  - f. Statement of Understanding
  - g. Confidentiality Statement
  - h. Corporal Punishment Policy
  - i. Relative Resource Home Requirements
  - j. Review Board Payment Schedule/Process
  - k. Guidelines for Purchases
  - l. Guidelines for Interim Disaster Preparedness Plan
2. Completed local city and county background checks on any adult age eighteen (18) and over who is in the home.

If placement in an Expedited Relative Foster Home occurs after hours, MDCPS will document verbal confirmation from the law enforcement agency that the local background checks have been completed. MDCPS will run the local law enforcement background check the next business day and include it in the Expedited packet. Prior to leaving the child in the home, the Safety/Wellbeing specialist must ensure all safety issues are addressed and documented as part of the packet.

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

Rule 1.7. *Expedited Relative: Post-Placement Activities* – Within three (3) business days of a child entering MDCPS custody and being placed with an Expedited Relative Foster Parent, the home study process will be initiated and completed within ninety (90)

days of the child's placement in the home. The Expedited Relative Foster Family becomes eligible for Board Payments at the time the home becomes licensed.

If the Expedited Relative Foster Home cannot satisfy the licensure requirements and/or the child is unsafe, the home will be denied licensure and the court notified of the licensure recommendation.

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

Rule 1.8. *Expedited Relative: Licensing Issues –*

1. Safety Issues. If MDCPS determines that an unlicensed Expedited Relative Foster Home cannot be licensed due to a safety issue, MDCPS will make all reasonable efforts to immediately ensure the child's safety and to remove the child, including, if required, seeking an emergency court order.

If the child is not in imminent danger, MDCPS will implement an action plan and within five (5) calendar days either resolve the licensing deficiency or move the child to a licensed foster home or facility or an appropriate expedited relative placement.

2. Non-Safety Issue. If MDCPS determines that an unlicensed Expedited Relative Foster Home cannot be licensed due to a non-safety issue, MDCPS will, within thirty (30) calendar days of that determination, resolve the licensing deficiency or move the child to a licensed foster home or facility or an appropriate expedited relative placement.
3. Barriers to Licensing. If the home cannot be licensed and/or the child is unsafe, the home's license request will be denied. MDCPS will complete a "Notice of Home Not Being Licensed" form which clearly states all barriers to licensure and will notify the court of the recommendation so an alternate placement can be located.

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

Rule 1.9. *Non-Expedited Child Specific –* MDCPS considers families as Child Specific homes when a family asks to be licensed for a specific child, but the county did not choose to place the child in that home as an Expedited Relative Foster Home, or the child is already in a licensed home and the county/courts do not wish to move that child from the licensed placement.

Non-related child specific homes, such as those originating from the Heart Gallery, non-relative ICPC Adoption, and Adoption Only inquires, follow the Non-Relative Licensing standards.

Child Specific homes that are Relative/Fictive Kin follow the Relative Licensing standards. Once the licensure requirements are met, the home will then be

considered a Relative Foster Home for that specific child and the child can be placed in that Relative Foster Home. If the placement is not made with that child, the family will be asked to foster other children and will be changed to a Foster Home. If they do not want to foster any other children, their home will be closed.

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

- Rule 1.10. *Expedited Status Meetings* – The purpose of an Expedited Status Meeting (ESM) is to ensure there is continued assessment and action to remove identified barriers to licensing prospective kin and child-specific homes. Use of the ESM protocol may resolve child safety or well-being concerns and ensure appropriate follow-up actions and documentation of efforts to remove barriers to the licensure process within the 90-day time frame. ESM meetings are not required for every relative or child-specific placement, rather only for those where an expedited relative home placement has identified barriers to licensure.

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

- Rule 1.11. *Court Ordered Non-Licensed Placement* – All non-licensed placements are court-ordered. However, the Agency will make every attempt to license an unlicensed expedited placement.

If a court orders a child into a specific unlicensed placement that cannot meet MDCPS licensing standards, MDCPS will notify the court that the foster home has not met licensing standards and explain the reasons why the foster home has not, and cannot, meet licensing standards. MDCPS will further notify the court if there is another appropriate expedited relative placement.

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

- Rule 1.12. *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*

## Chapter 2 LICENSURE PROCESS

Rule 2.1. *Screening the Application* – For all Relative / Fictive kin applications, the licensure application will be screened to ensure the applicant satisfies the following criteria:

1. At least eighteen (18) years old;
2. Housing no more than a total of six (6) children, including foster, biological, and adoptive children, at any given time. Exceptions may be considered by MDCPS.
3. Not a substantiated perpetrator in MACWIS/PATHWAYS. Exceptions may be considered for placements with Relatives / Fictive Kin.
4. A legal resident of the United States and currently residing in the state of Mississippi.
5. 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.
6. 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 2.2. *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. *Failure to Comply* – If the applicant does not meet given deadlines after efforts to resolve barriers have been completed, MDCPS will document the reason for the closure of the application and complete a Notice of Action.

*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.
3. Schedule the family for Orientation or complete Orientation while in the home.
4. Schedule the family for fingerprints.
5. Explain all documentation required and gather signatures on any forms needed for licensure.

*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 Relative / Fictive Kin 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 Relative/Fictive Kin 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 Relative / Fictive Kin 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 and it bears upon the individual's ability to ensure the safety and well-being of a foster child:

- 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 a Relative / Fictive Kin 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. Relative / Fictive Kin 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, Relative / Fictive Kin 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 Relative / Fictive Kin 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 made for a Relative Foster Homes;
  - c. All bedrooms in the home must have doors that open and close and lock from the inside;
  - 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. References. MDCPS will follow SAFE home study guidelines for references. MDCPS will inform the references that any information they

provide may be discussed with the applicant without disclosing the reference's name. MDCPS is not permitted to share the specific comments given by the references and must redact any reference statements from the home study prior to sharing it with the court, ICPC, or any other authorized agency.

8. Disclosure of Home Study. MDCPS will not share copies of the Home Study unless approved by Office of Legal Counsel or it is requested as part of an ICPC Placement.

*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 ninety (90) calendar days of the date the child was placed in the home for Expedited .

Approval. If the application is approved and the home is licensed, MDCPS will provide a licensure certificate to the Relative / Fictive Kin foster family stating the full names of the Relative or Fictive Kin 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 Relative / Fictive Kin 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.

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

Rule 3.2. *Prudent and Reasonable Parenting* – Prudent and Reasonable Parenting includes but not limited to:

1. The Relative/Fictive Kin foster parent must communicate decisions made on the child’s behalf with their assigned MDCPS specialist, to include but not be limited to traveling in or out of state, medical concerns, etc.
2. Foster children should be allowed to participate in extracurricular activities that are in their best interests.
3. Relative/Fictive Kin 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 coordinated 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 3.3. *Placement Limits* – Relative/Fictive Kin 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. Relative/Fictive Kin 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 Relative/Fictive Kin 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.

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

Rule 3.4. *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. Relative/Fictive Kin 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 Relative/Fictive Kin 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 3.5. *Travel Expenses* – Reimbursement for any travel expenses is at the sole discretion of MDCPS. Routine daily transportation is the responsibility of the Relative/Fictive Kin 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 Relative/Fictive Kin foster parents.

For example, a foster child has an appointment that is 75 miles one way from the foster home. The Relative/Fictive Kin 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 Relative/Fictive Kin foster parent may be reimbursed for any travel regardless of distance if the Relative/Fictive Kin 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 Relative/Fictive Kin 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 Relative/Fictive Kin 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 3.6. *On-Going Training* – All licensed Relative/Fictive Kin 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. Relative/Fictive Kin 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. Relative/Fictive Kin 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. Relative/Fictive Kin foster parents are required to provide proof of completion to MDCPS within three (3) months of the training.
- 3. Carryover Hours. Relative/Fictive Kin 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 Relative/Fictive Kin 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 may 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 Relative/Fictive Kin 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 Relative/Fictive Kin 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. Relative/Fictive Kin Foster Family Divorce – If the Relative/Fictive Kin 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 Relative/Fictive Kin foster family must obtain counseling for the custody children.
  4. Relative/Fictive Kin Foster Family Marriage – If the Relative/Fictive Kin 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 Relative/Fictive Kin foster home. The new spouse must fully participate in the licensure process and complete the training described within two (2) months.
  5. Relative/Fictive Kin Foster Parent Death – If a Relative/Fictive Kin foster parent dies, the Licensure Specialist will ensure the custody children in the home receive counseling. MDCPS may 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.
  6. Change in Household Members – If the Relative/Fictive Kin 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.
  7. Relative Parents – If a relative foster parent decides they want to be a foster parent to an unrelated child, they must meet non-relative licensure standards.

*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 Relative/Fictive Kin 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 Relative/Fictive Kin foster family which:
  - a. Identifies tasks the Relative/Fictive Kin 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 Relative/Fictive Kin 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. *Revoking a License* – If it is determined a Relative/Fictive Kin foster home should be closed, MDCPS will send a Notice of Action to the Relative/Fictive Kin 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, or the relative child(ren) is no longer in custody and placed in the home and the family does not desire to convert their home to a Non-Relative Foster Home;
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. 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
9. 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 Relative/Fictive Kin foster parents when an application for renewal of a license is denied or when a license is suspended or revoked. If the Relative/Fictive Kin foster home was denied at any point prior to obtaining a license, they are not eligible to appeal.

1. Regional Review Hearing. The Relative/Fictive Kin 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 Relative/Fictive Kin foster family is not satisfied with that decision, they will be given the opportunity to appeal with the Office of Legal Counsel. The Relative/Fictive Kin 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 Relative/Fictive Kin foster family of a date and time for their scheduled appeal hearing in Jackson, Mississippi. If the Relative/Fictive Kin 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 Relative/Fictive Kin 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](mailto: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 Relative/Fictive Kin 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 Relative/Fictive Kin foster family or to the Relative/Fictive Kin foster family if not represented. The Relative/Fictive Kin 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 Relative/Fictive Kin 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 Relative/Fictive Kin 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 Relative/Fictive Kin foster home's license expires during a closure of less than one year, the reevaluation process must be completed. If the Relative/Fictive Kin foster home's license is still active, the following must occur:
  - a. The Licensure Specialist must document why the Relative/Fictive Kin 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 Relative/Fictive Kin 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 Relative/Fictive Kin 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.*