NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
Division of Family & Children's Services

FILED
OCT 03 2006
MISSISSIPPI
SECRETARY OF STATE

Mississippi Department of Human Services
Donald R. Taylor, Executive Director
c/o Rickie Felder, Director
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Specific Legal Authority Authorizing the promulgation of Rule:
42 U.S.C.675§475(5)(A)

Reference to Rules repealed, amended or suspended by the Proposed Rule : Amending the DFCS policy manual

Date Rule Proposed: August 24, 2006

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: 1) Terminology of least restrictive (most family like) added to close proximity; 2) The order of placement consideration options added; 3) MDHS defines geographical proximity as within a fifty (50) mile radius of the child's original home; and 4) Instructions to the staff of the selection process in the Mississippi Automated Child Welfare Information System (MACWIS).

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date: {Insert Date}
Time: {Insert Time}
Place: {Insert Place}

☒ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: September 29, 2006

Rita C. Graham

Signature and Title of Person Submitting Rule for Filing
Rita C. Graham, Program Administrator/Policy

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY AND CHILDREN'S SERVICES

Cover Memorandum accompanying the September 29, 2006 filing Adoption Rule-Final Notice by the Division of Family and Children's Services issuing new Proximity to Parents policy for its policy manual.

Listed below are the four new or amended rules to the agency's policy manual that accounts for the substantive differences between the former policy on proximity that was listed under the Multiethnic Placement Act policy and what is now being titled Proximity to Parents.

1. Proposed Rule:

   Section 475(5)(A) of 42 U.S.C.675, mandates that any child who is removed from their parent or guardian's home should be placed in the least restrictive (most family like) setting available and in close proximity to the parents' home.

   Current Rule:

   The child should be placed in close geographical proximity to his parent's home, consistent with the **child's best interest and special needs**. Consider the ease with which the child, his parents and family may visit each other and the availability of services the child may require.

2. Proposed Rule:

   In order of consideration, this means placement with relatives, kin, or tribal members; foster family home care; group home care; or institutional care.

   Current Rule:

   None

3. Proposed Rule:

   MDHS considers close geographical proximity to be **within a fifty (50) mile radius of the child's original home**.

Current Rule:

None

4. Proposed Rule:

The worker will select "yes" on the appropriate Placement screen in MACWIS if the child is within a fifty-mile radius of original home. If the answer is "no", the worker will choose the appropriate justification from the pick list in the drop down box on the same screen. Examples of choices in the drop down box are: Meets child's special needs, court order placement, etc. The worker's Supervisor and the Regional Director must approve any "no" selection. Prior approval must be received from the Supervisor and Regional Director before placement is made.

Current Rule:

None

Proximity to Parents

Section 475(5)(A) of 42 U.S.C.675, mandates that any child who is removed from their parent or guardian's home should be placed in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child. In order of consideration, this means placement with relatives, kin, or tribal members; foster family home care; group home care; or institutional care.

If the child must be placed away from their parents or guardians, the worker must consider a placement in close geographical proximity to his/her parent's home. MDHS considers close geographical proximity to be **within a fifty (50) mile radius of the child's original home**.

The worker will select "yes" on the appropriate Placement screen in MACWIS if the child is within a fifty-mile radius of original home. If the answer is "no", the worker will choose the appropriate justification from the pick list in the drop down box on the same screen. Examples of choices in the drop down box are: Meets child's special needs, court order placement, etc. The worker's Supervisor and the Regional Director must approve any "no" selection. Prior approval must be received from the Supervisor and Regional Director before placement is made.