

NOTICE OF PROPOSED RULE ADOPTION

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

Mississippi Department of Human Services
Donald R. Taylor, Executive Director
c/o Rickie Felder, Director
Division of Family & Children’s Services
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Specific Legal Authority authorizing the promulgation of Rule: Mississippi Code, annotated; Sections: 43-21-353(6)(7)(8), 43-21-257, 43-21-261(17), 43-21-355, 43-21-105(m)(v)(x), 43-21-357
1978 ICWA
Reference to Rules repealed, amended or suspended by the Proposed Rule: Amending the DFCS policy manual

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: 1) Removed several sections that were “practice” to a DFCS Worker’s Practice Guide; 2) Created a section on screening reports and developed a “Level” system of response time as well as a 72 hour response time on reports that are not felony child abuse/neglect; 3) Created assessment tools to help the DFCS worker make a better determination on a report; 4) Created a section for additional information on an existing investigation by assigning this new information as “post-allegation”; 5) Created a section explaining to the DFCS worker how to handle reports of “Child on Child” abuse/neglect; 6) Enhanced the section of reports on Native Americans by adding the counties the Mississippi Band of Choctaw Indians reside as well as questions the DFCS worker must ask to determine if the child is Indian; 7) Enhanced the definition of “other settings” where abuse/neglect occur and how the DFCS worker should handle these reports; and 8) Included instruction to the DFCS worker on steps to take when a child fatality is discovered during an investigation of child abuse/neglect.
This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

- An oral proceeding is scheduled on this rule on Date: October 26, 2006 Time: 10:30 a.m.
Place: Mississippi Department of Human Services, Division of Family and Children’s Services, 750 N. State Street, Jackson, MS, 39202
If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least 5 day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.
- An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

- The agency has determined that an economic impact statement is not required for this rule, or
- The concise summary of the economic impact statement required is attached.

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

Date Rule Proposed: October 6, 2006 **Proposed Effective Date of Rule:** November 30, 2006

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