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JIR Letter

MYCIDS Update

Court Compliance with Title IV-E

The State of Mississippi is presently undergoing a federal Child and Family Services Review (CFSR) by the Children's Bureau. The goal of the review is:

- To ensure the child welfare system in Mississippi is operating in conformity with federal child welfare requirements,
- To determine what is actually happening to children and families as they are engaged in the child welfare system, and
- To assist our state in helping children and families achieve positive outcomes.

This is the third and last CFSR to be conducted in our state. Under the process, several counties are chosen for review. Files are pulled and meticulously reviewed to determine where Mississippi's strength and weaknesses are in fulfilling the above delineated goals. The action and inaction of all systems relating to child welfare will be reviewed. The state and the bureau then enter into an improvement plan (PIP) to address and correct any insufficiencies and other weaknesses.

The courts exercising jurisdiction in youth court matters are a critical part of this system. The review will examine court proceeding in order to ensure that they are properly conducted and drafted. An audit of some counties and procedures was conducted last year and the Commissioner of the Children's Bureau notified the agency that court order language was a concern. Fortunately, the Supreme Court's Commission on Children's Justice and the Judicial College had already begun addressing those issues before the report by providing critical judicial education and support. Mississippi Courts have improved. (Please see JIR letter addressing requirements of Title IV-E, <https://courts.ms.gov/commissions/childrenjustice/TitleIV-E.pdf>.)

The primary focus of the review will be in those counties under scrutiny (Hinds, Harrison, Pontotoc & Union). Improvement plans will affect the entire state. However, one inquiry of the review is the capacity of the court systems statewide to ensure each court is operating in conformity with federal requirements. This requirement impacts all youth courts.

Unfortunately, our state has lost substantial federal fiscal support to the foster care system due to agency and court shortcomings in this area. The newest update was ordered by the chief to ensure that all of our orders are in conformity with federal requirements and that federal fiscal support to foster care will not be negatively impacted by courts failing to include proper language. The new orders address the concerns of the review by:

- **Initial Custody Orders:** Requires a finding that removal is necessary because continuation in the home is contrary to the welfare of the child and requires specific factual findings justifying such conclusion by the court. Failure to include factual findings will prevent the order from being generated.
- **Reasonable efforts to prevent removal:** Federal Statutes require this finding within the first 60 days after removal. MYCIDS requires that finding to occur at either the Shelter Hearing or the Dispositional Hearing and will allow that finding to be included in either the Shelter Hearing or the Dispositional Hearing Orders, whichever occurred first. When the court finds that such reasonable efforts did exist, the system will require the drafter to include in the order specific factual findings justifying and detailing the reasonable efforts.
- **Reasonable Efforts to reunify.** MYCIDS will now require the court to find whether reasonable efforts to reunify occurred prior to the dispositional hearing. Again, the drafter will not be able to complete the orders without including factual finding of the reasonable efforts.
- **Reasonable Efforts to Complete the Plan.** Similarly, all permanency reviews and permanency hearings will require the court to address whether the department has accomplished reasonable efforts to complete the plan and will require the insertion of factual findings before the order can be completed.
- **Fiscal maximum.** As referenced above, some federal foster care support has been lost due to orders that do not contain the necessary language and findings when in fact the department has properly performed its responsibilities. This update assists you in ensuring that you require the proper testimony from the department. Justice Waller and Justice Beam are committed to ensuring that any loss of federal funds is not connected to the failure of courts. Of course, if the department has failed to establish contrary to the welfare or reasonable efforts, then the court should so find. The new update provides that alternative.
- **Timeliness.** Under the new system, the timeliness of hearing can be tracked and you will have a ready resource to reveal to you any hearings that need immediate attention.
- **No Reasonable Efforts Noted.** Forever, removed from the MYCIDS orders are these words. Under the MYCIDS update, a finding of reasonable efforts by the court will require a factual finding before an order can be generated.

The new update meets the requirements of the CFSR, but, more importantly, improves the courts' compliance with the federal guidelines which have as their goal expedited permanency for any child in the foster care system. All courts are encouraged to embrace the new rollout. If they do, we are convinced that will lead to better outcomes for children and their families.

Of course, if you have suggestions to improve the process, the folks at MYCIDS encourage your input.