

# Governor signs child protection legislation

April 18, 2016

Gov. Phil Bryant today signed into law the Termination of Parental Rights Act and the Juvenile Detention Licensing Act.

“With your help we have taken that next step in making sure juvenile detention centers are licensed for safety,” the Governor told judges, child protection agency heads and children’s justice advocates who had gathered at the Mississippi Supreme Court to hear a presentation about protecting infants and toddlers who are abused and neglected.



**Gov. Phil Bryant signs the Juvenile Detention Licensing Act as Chief Justice Bill Waller Jr. and Division of Family and Children’s Services Executive Director David Chandler watch.**

The Governor and First Lady Deborah Bryant sat in on part of a presentation about the Zero to Three Safe Babies Court Team Approach and the Excel by Five program for infants and toddlers. The Governor brought with him and signed the Juvenile Detention Licensing Act. He signed the Termination of Parental Rights Act earlier in the day before attending the meeting.

Jurist in Residence John Hudson of Natchez, who has worked for many years to bring about improvements in juvenile detention facilities, said, “I think it’s a huge step forward in juvenile justice in Mississippi. It will mean that when children are placed in detention facilities, we can be confident that they

are placed in a facility where their safety and well being is uppermost.”

Rankin County Court Judge Thomas Broome, chair of the Council of Youth Court Judges and co-chair of the Commission on Children’s Justice, said, “The administration of justice for children has been greatly improved today by the signing of the Termination of Parental Rights Act and Juvenile Detention Licensing Act. The Governor and the First Lady understand the importance of the collaborative efforts of all the stakeholders working together to improve the lives of children and families.”

Chief Justice Bill Waller Jr., who had asked the Legislature to revise the termination of parental rights law, said the revisions will benefit children who come under the protection of the courts.

The Termination of Parental Rights Act, House Bill 1240, introduced by Rep. Trey Lamar of Senatobia and Rep. Kimberly Campbell of Jackson, repealed problematic sections of the existing laws and replaced those with statutes which are intended to achieve permanent placement more quickly for abused and neglected children. The legislation removed provisions that blocked adoption of children by relatives in some cases and removed provisions that prevented termination of parental rights of an estranged parent in some cases.

The Termination of Parental Rights Act brings help to “lots of children who are presently hung up in

the foster care system, so that they can be placed in safe homes,” said Judge Hudson.

Judge Broome said that reunification of families is always the most desirable outcome in cases involving children. “However, in those instances in which the harm has been too great, termination of parental rights is the way these children achieve permanency, well being and safety.”

HB 1240 went into effect immediately.

HB 1240 is at this link: <http://billstatus.ls.state.ms.us/2016/pdf/history/HB/HB1240.xml>.

The Juvenile Detention Licensing Act, Senate Bill 2364, introduced by Sen. Brice Wiggins of Pascagoula, requires licensing of juvenile detention facilities by October 2017 to assure minimum standards. Facility reviews will start in October 2016. The new law increases the authority of the existing Juvenile Facilities Monitoring Unit, giving it the role of a licensing agency. Previously, the Juvenile Facilities Monitoring Unit, a part of the Department of Public Safety, could inspect and point out shortcomings, but lacked authority to force improvements. Under the new statute, if a facility fails to make improvements, it won't be licensed.

Judge Hudson said, “The main thing that this does is it creates minimum standards for all of our detention facilities to make certain that children who are detained are safely detained. The purpose was to create minimum standards that would benefit both the detention facility and make sure that children housed there would be housed safely and cared for appropriately. The primary reason was the safety of the kids. Those standards first and foremost are to protect those children who have to be detained. It also protects the facilities. It gives them a standard to qualify under, which protects them from lawsuits.”

About 15 juvenile detention facilities operate in the state. Counties which do not have a facility pay to house juvenile detainees in another county's juvenile detention center.

The Act seeks to improve training of juvenile detention facility staff and improve education provided to juveniles while they are confined.

The new statute directs input from the Council of Youth Court Judges.

The Juvenile Facilities Monitoring Unit will adopt the standards proposed by the Juvenile Detention and Alternatives Task Force in 2014. Judge Hudson, who led that organization, said giving the authority to the licensing agency and the advisory agency, rather than setting out the standards in the statute, will make it easier to upgrade those standards in the future.

Senate Bill 2364 will go into effect July 1.

SB 2364 is at this link: <http://billstatus.ls.state.ms.us/2016/pdf/history/SB/SB2364.xml>.

The Governor signed the Juvenile Detention Licensing Act at a presentation about devoting more resources to improving the lives of at risk infants and toddlers. One of the benefits of the Safe Babies Court Team approach is that abused and neglected children who receive intensive attention from the courts and child protective services are less likely to become juvenile delinquents who would land in detention.

Forrest County Court Judge Michael McPhail, who implemented the Zero to Three and Excel by Five programs a decade ago, estimates that they have saved Forrest County \$1 million that would have been spent dealing with juvenile delinquents.

Forty communities across the state use the Excel by Five program.

The Safe Babies Court Team is a community engagement and systems-change initiative focused on improving how the courts, child welfare agencies, and related child-serving organizations work together, share information, and expedite services for young children in the child welfare system. The Safe Babies Court Teams help very young victims of maltreatment by protecting babies from further harm and addressing the damage already done. Each Safe Babies Court Team is a public-private collaboration between Zero to Three, local courts, community leaders, child and family advo-

cates, child welfare agencies, early care and education providers, government agencies, private philanthropies, nonprofit and private service providers, and attorneys committed to improving the community's response to child abuse and neglect.

Janie Huddleston, director of the Washington, D.C.-based Quality Improvement Center for Research-Based Infant-Toddler Court Teams, and Josie Brown of Hattiesburg, Senior Community Coordinator for the Forrest County Zero to Three program, gave an overview of the programs. Some of those gathered to hear about the programs included Dr. David Chandler, director of the Division of Family and Children's Services, John Davis, executive director of the Mississippi Department of Human Services, and Youth Services Director James Maccarone. Chief Justice Waller, Children's Justice Commission members Justice Dawn Beam and Court of Appeals Judge Virginia Carlton, Mississippi Judicial College Director Randy Pierce and University of Mississippi School of Law Child Advocacy Center Director David Calder were among participants.

Huddleston said, "We talked with agency directors, the governor and other staff about how we can all work together to improve the lives of infants and toddlers....We have the opportunity to move forward."

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