



# **MDCPS Policies & Procedures**

## **Foster Care Licensure**



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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 or her family or adopted. All Foster Homes and facilities that care for children in MDCPS custody must be timely licensed.<sup>1</sup>

## **Section 1: The Resource Inquiry**

### **1.1 Interest.**

All persons who contact MDCPS that are interested in becoming a licensed Foster Parent will be considered. Interested persons should be directed to MDCPS Permanency Support Services.

### **1.2 Initial Screening.**

A. The Licensure Area Social Work Supervisor (ASWS) must ensure the applicant is:

1. at least twenty-one (21) years old;
  - a. Exceptions may be considered for expedited placements with relatives only.
2. able to show household income;
3. housing no more than four (4) children;
4. married or single;
  - a. Unrelated adults are not permitted to live in the home.
  - b. Cohabiting persons who are not-married will not be considered for licensure.
  - c. Exceptions for unmarried couples may be considered for expedited placements with relatives only.
5. not a substantiated perpetrator in MACWIS; and
6. a legal Mississippi resident.
  - a. Permanent legal residents may obtain a foster home license if all adult household members are legally in the United States.

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<sup>1</sup> Section 3.1 [MSA 2d](#) at 8, *Olivia Y. v. Bryant*, 351 F.Supp.2d 543 (5th Cir. Nov. 18, 2004).



- B. If these criteria are not met, the Licensure ASWS must screen the inquiry out. The ASWS must then send the applicant a Notice of Action letter through DocuSign or certified mail if an e-mail address is not on file. A Notice of Action letter must be sent within three (3) business days of the decision to screen out the inquiry. The Notice of Action letter must explain why the inquiry did not meet the screening qualifications.

### **1.3 Assigning the Inquiry.**

- A. The Licensure process commences at the time of the inquiry.
- B. If the Licensure ASWS determines that the applicant may proceed in the Licensure process, the Licensure ASWS must assign the inquiry to a Licensure Specialist within three (3) business days of the determination to proceed.
- C. The Licensure Specialist must make direct contact with the applicant within two (2) business days from the day assigned and schedule a meeting to deliver an informational packet that includes:
  - 1. An introductory letter from the Licensure Unit explaining the licensure process; and
  - 2. An invitation, in writing via e-mail or U.S. mail, to attend an orientation meeting, with a list of the dates, times, and locations of upcoming meetings.
- D. The Licensure Specialist should go over the packet with the applicant and be prepared to answer any questions.

## **Section 2: Orientation**

### **2.1 Orientation Schedule.**

Orientation will be held at least twice each month in each MDCPS region. It may be taught in a classroom setting or with individual applicants, at MDCPS offices or in an applicant's home. Orientation is usually taught by a Licensure Specialist, Adoption Specialist, or Licensure Supervisor.

### **2.2 Orientation Invitations.**

The Licensure Specialist must provide applicants with at least two (2) invitations to attend an orientation meeting in their area over a period of one (1) month. The Licensure Specialist should reach out to the applicants by phone, e-mail, or in person communication, prior to each scheduled orientation session to encourage attendance.



### **2.3 Who Must Participate.**

All adults residing in the home who will engage in the care of the child must attend an Orientation. When a married couple applies, both spouses must participate. If the applicant does not attend an Orientation within the first month of inquiry and has not discussed any extenuating circumstances with the Licensure Specialist, the inquiry must be closed. The Licensure Specialist or ASWS must then send a Notice of Action to the applicants that their inquiry has been closed.

### **2.4 Orientation Curriculum.**

- A. The purpose of orientation is to ensure the Foster Parent applicants understand the licensure process. During Orientation, the Licensure Specialist must go over the licensure process with the family and give them information relating to:
1. Required Background checks;
  2. Pre-service Training requirements;
  3. Cultural diversity;
  4. Home Study requirements;
  5. The role of the Licensure Specialist; and
  6. The requirement that Foster Parents work with birth families.

### **2.5 Completing Orientation.**

Once the applicants have completed Orientation, the Licensure Specialist must provide the applicants with all additional forms necessary for the Home Study, and begin the Home Study process.

### **2.6 Working with Other Agencies.**

Foster Parent Applicants are not permitted to work concurrently with another agency while working with MDCPS.



### **Section 3: Background Checks**

#### **3.1 Background Checks, Generally.**

Before an applicant can become licensed, the Licensure Specialist or Adoption Specialist is required to conduct a screening of the applicant and all household members fourteen (14) years of age and older. **The Background Check must be done as early as possible in the Licensure Process.** The Licensure Specialist or Adoption Specialist must:

- A. Obtain signed permission for background checks and verify forms of identification;
- B. Fingerprint the applicant<sup>2</sup> and all household members age fourteen (14) and older;
- C. Conduct local criminal background checks (local police department **AND** county sheriff's office) on the applicant and all household members age fourteen (14) and older;
- D. Conduct a MACWIS check and identify any history with MDCPS;
- E. Conduct a search of the paper MDCPS records in the county where the applicant resides;
- F. Conduct a Social Media check on the applicant and all household members age fourteen (14) and older;
- G. Submit the Child Abuse Central Registry Check form through [DocuSign](#); and
- H. Check the state Sex Offender Registry.

#### **3.2. Criminal History.**

- A. Local criminal history must be routed to the Office of Criminal Background Checks along with documents obtained during fingerprinting so that all information can be considered together. They can be routed separately if one is available before the other.
- B. The results of applicants with no charges or arrests will be routed to the Fingerprint Operator and other designees via MDCPS e-mail. The results of applicants with charges or arrests will be routed to the Fingerprint Operator via DocuSign as soon as the dispositional information can be obtained.

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<sup>2</sup> The United States Department of Justice requires that fingerprint images must be submitted twice before a request can be made for the records to be checked using the applicant's name only. If an applicant's fingerprints cannot physically be obtained, follow the designated fingerprint procedures for that circumstance.



- C. If a Foster Parent applicant or person residing in the home 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.<sup>3</sup>
- D. If a fingerprint check reveals that an applicant or person residing in the home has been convicted of one of the following offenses, the Licensure Specialist must deny the license:
1. Felony offense against a partner;
  2. Felony offense against a child;
  3. Sexual Assault;
  4. Rape;
  5. Murder;
  6. Felony physical assault or battery within the past five years; or
  7. Felony drug related offense within the past five years.<sup>4</sup>
- E. If a Foster Parent applicant or a person residing in the home has a criminal conviction or pending indictment that does not bear upon the individual's fitness to ensure the safety and well-being of a foster child, then the Licensure Specialist must staff the case with their supervisor.
- F. At any point during the Licensure Process, Licensure Staff can consult with the Office of Criminal Background Checks and/or seek MDCPS legal assistance to request additional information, guidance, or to make requests based on child safety needs or agency requirements.

### **3.3 Agency History.**

If a Foster Parent applicant or person residing in the home is found to be a substantiated perpetrator in an Abuse, Neglect, or Exploitation assessment, the Licensure Specialist must

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<sup>3</sup> Miss. Code Ann. § 43-15-6.

<sup>4</sup> 42 U.S.C. 671.



obtain a copy of the ANE report, and criminal conviction (if convicted), and staff the case with their supervisor and the Licensure ASWS.

### **3.4 Criminal History Justification.**

- A. If the background check uncovers arrests or convictions, the Office of Criminal Background Checks must 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 Justification must not be sent by e-mail. The Applicant has ten (10) days from the date they receive the justification form to complete it and return it to the Office of Criminal Background Checks.
- B. While the applicant is completing the justification form, the Licensure Specialist should discuss the results of the background check with the applicant.
- C. After the applicant has been given an opportunity to challenge or explain the results of the background check, the ASWS and Licensure Specialist must approve or deny the license.

### **3.5 Confidentiality**

- A. Criminal history information can be shared only within MDCPS and directly with the applicant, but cannot be shared with MDCPS contractors, other states, spouses, or other household members.
- B. An applicant's criminal history must be kept in a locked area at all times.

## **Section 4: Withdrawal of the Application**

### **4.1 Closing the Application**

- A. The applicant has the right to withdraw their application at any point during the licensure process. When a Foster Parent applicant determines that they would like to withdraw their application, they must notify the Licensure Specialist within three (3) calendar days. The Licensure Specialist shall then:
  - 1. Document the withdrawal in the Licensure file;
  - 2. Complete a Notice of Action- Licensure Decision; and



3. Notify the Office of Criminal Background Checks within two (2) business days that the applicant has withdrawn their application.
- B. If the applicant fails to participate in the licensure process for one (1) month, the Licensure Specialist should reach out to the applicant by in person communication, phone, e-mail, or certified mail to determine whether the applicant is interested in continuing with the licensure process.
1. If the applicant wishes to continue, the Licensure Specialist must discuss with the applicant the importance of completing all steps in the process timely;
  2. If the applicant does not wish to continue with the licensure process, the Licensure Specialist must submit the application to the Licensure ASWS for closure; or
  3. If the Licensure Specialist cannot make contact with the applicant after three (3) attempts, the Licensure Specialist must submit the application to the Licensure ASWS for closure.
- C. This section does not apply to Expedited Relative Foster Parent Applicants.

## **Section 5: The Home Study Process**

### **5.1 Generally.**

If the applicant meets the minimum qualifications, the Licensure Specialist must begin the Home Study Process. This process is designed to evaluate and educate the Foster Family about how to care for foster children.

### **5.2 Home Environment Checklist.**

MDCPS must complete the Home Environment Checklist at the beginning of the home study and enter it in MACWIS. 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 the Licensure Specialist and ASWS determine that it is necessary. The completed Checklist must be entered in MACWIS within thirty (30) calendar days of completion.

### **5.3 Home Visits.**

The Licensure Specialist shall conduct home visits in a manner outlined by the approved home study process. This information can be found in the Home Study Desk Guide.



#### **5.4 Interviews.**

The Licensure Specialist is required to interview all household members, including age-appropriate children. These interviews may be completed during any one of the home visits required by the approved home study process.

#### **5.5 References.**

- A. As part of the Home Study, the Licensure Specialist must contact references who can attest to the applicant's character and fitness to care for foster children. This may be done in an interview or through a written statement provided by the reference. The Licensure Specialist must:
  - 1. Contact four (4) personal references provided by the applicant;
    - a. Only one (1) of these references can be a relative;
  - 2. If employed, contact the applicant's employer for additional references.
- B. The Licensure Specialist must inform the references that any information they provide may be discussed with the applicant without disclosing their name. The Licensure Specialist is not permitted to share the specific comments given by the references.

### **Section 6: Pre-Service Training**

The Licensure Specialist must ensure that all applicants on their caseload successfully complete Pre-Service Training. Applicants may begin pre-service training once they have completed Orientation.

#### **6.1 Pre-Service Training Requirements.**

- A. The Licensure Specialist must ensure that all caretakers in the home, including spouses, complete pre-service training either online or in a classroom setting. The hours must consist of:
  - 1. Mississippi PATH (Parents as Tender Healers);
  - 2. Child Safety Course;
  - 3. CPR Training or Certification; and
  - 4. Travel and Finance Training.



- B. The MDCPS-approved Trainer, Licensure Specialist, or Adoption Specialist must conduct the pre-service training using the approved training curriculum at the pace deemed most effective for the families in attendance.

### **6.2 Training Invitations.**

The assigned Licensure Specialist or Adoption Specialist must provide the applicant monthly invitations by e-mail or U.S. mail to attend pre-service training in their area on at least three (3) occasions.

### **6.3 Failure to Complete Training.**

- A. If the applicant has not started pre-service training classes within two (2) months of attending orientation or discussed extenuating circumstances with the Licensure Specialist, the Licensure Specialist may—with Supervisor approval—close the application. The Licensure ASWS must then send a Notice of Action to the applicant. The Licensure Specialist is not permitted to close an Expedited Relative Foster Home for this reason, but must discuss the appropriate course of action with their supervisor.
- B. If the applicant is unable to complete the application process but is still interested in becoming a Foster Parent, the training will be valid for a period of two (2) years from the date of the last training class completed.

### **6.4 Training Certificate.**

Upon successful completion of each training module, the Licensure Specialist must provide the applicant with a certificate of completion for agency sponsored trainings only. The Licensure Specialist must document the training and place copies of the certificate in the paper file and in MACWIS.

## **Section 7: Licensing Decision**

### **7.1 Final Decision.**

The assigned Licensure or Adoption ASWS, with input and recommendations from the assigned Licensure or Adoption Specialist, must make the decision to license the home or deny the application. A decision to deny the application may be made after any step in the licensure process. Copies of the home study will not be shared with individuals, other agencies, or states without first going through the proper ICPC process.



## **7.2 Time to Make a Decision.**

A written final decision must be given to the applicant within:

- A. One hundred twenty (120) days of the date the applicant completed both orientation and screening for Non-Relative Foster Homes; or
- B. Ninety (90) days of the initial intake for Expedited Relative Foster Homes.

## **7.3 Notice of Action.**

If the Licensure Specialist and Licensure ASWS deny the application, the Licensure Specialist must send a Notice of Action that includes a reason for the denial to the family within three (3) business days. A copy of the Notice of Action must also be sent to the Bureau Director of Licensure.

## **7.4 Monthly Contacts with the Foster Parents.**

- A. Prior to placing a child in the home, the COR Worker must get approval from the Licensure Specialist and Licensure ASWS.
- B. The COR Worker must notify the Licensure Worker and Licensure ASWS as soon as the child is placed in the home.
- C. MDCPS must make monthly contact while children are placed in the home to assess the child's safety and well-being and ensure the child is receiving appropriate services.<sup>5</sup>

## **7.5 Placement Limits.**

Foster Homes are not permitted to care for more than five (5) children, including foster, biological, and adoptive children, at any given time, in accordance with the following:<sup>6</sup>

- A. Foster Homes may provide care for more than three (3) foster children, up to a total of five (5), only with the documented approval of the Licensure Director determining that the foster children can be safely maintained in the foster home.<sup>7</sup>
- B. No more than two (2) children in the foster home may be under the age of two or have therapeutic needs, including the biological and/or adoptive children.<sup>8</sup>

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<sup>5</sup> Section 5.1.d [MSA 2d](#) at 14.

<sup>6</sup> Section 4.1 [MSA 2d](#) at 9.

<sup>7</sup> Section 4.1.a [MSA 2d](#) at 9.



- C. Notwithstanding the above, a sibling group may be placed together in the same foster home in excess of these limits, but only if they are the only children in the home, and only upon the written approval of the Licensure Bureau Director determining that the foster children can be safely maintained in the home.<sup>9</sup>

## **Section 8: In-Service Training**

### **8.1 In-Service Training Requirements.**

All licensed Foster Parents are required to receive ten (10) hours of ongoing annual training, five (5) of which must be in a classroom setting. The Licensure Specialist shall ensure that the Foster Parents in their caseload are notified of the availability of home-based and online training opportunities, as well as dates, times, and locations of classroom based classes.

### **8.2 Approved In-Service Training.**

- A. Foster Parents are permitted to receive training, with approval of the Licensure Specialist, through participation in the following:
1. Training sessions, seminars, workshops, or conferences specifically dealing with children or parenting issues that have been approved by the National Association of Social Workers, Mississippi Chapter or the Child Welfare Training Institute (CWTI);
  2. Training provided by a MDCPS Licensure or Adoption Specialist; and
  3. Individual training sessions conducted as part of the home visits.
- B. The Licensure Specialist has the authority to approve other training events. Foster Parents who wish to participate in any other training event must get permission from the Licensure Specialist prior to registering for and attending the training event.

### **8.3 Proof of Training.**

Foster Parents are required to provide a certificate or other proof of completion to the Licensure Specialist within three (3) months of the training. The Licensure Specialist must place documentation of completion of in-service training hours in the paper file and in MACWIS.

### **8.4 Carryover Hours.**

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<sup>8</sup> Section 4.1.b [MSA 2d](#) at 9.

<sup>9</sup> Section 4.1.c [MSA 2d](#) at 9.



Foster Parents who exceed the required number of in-service training hours, may roll over up to three (3) training hours to the next year. The Licensure Specialist must document the total number of hours completed and indicate in the paper file and in MACWIS that the family is eligible to roll hours over to the next year.

## **Section 9: Foster Home Re-Evaluation**

### **9.1 License Re-Evaluation.**

- A. The full re-evaluation process must take place every two (2) years, with the following requirements due every year:
  - 1. The Home Environment Checklist; and
  - 2. Verification of in-service training hours (see **Section 8.1**).
- B. The Licensure Specialist must begin the re-licensing process ninety (90) days prior to expiration.
  - 1. If the renewal process is not completed by the date the license is set to expire, the agency will consider the home “In-Review” for an additional thirty (30) days only.

### **9.2 License Changes.**

The Licensure Specialist must conduct a new Home Environment Checklist annually or if any of the following occur:

- A. If the Foster Family relocates within Mississippi the family must notify the Licensure Specialist and the Child’s Worker as soon as they know about the move or at least sixty (60) days prior to the move, whichever is earliest. The Licensure Specialist shall:
  - 1. Complete a new Home Environment Checklist within fourteen (14) calendar days of the Foster Family’s move;
  - 2. Complete the appropriate MACWIS screens to indicate the family has moved, include the new address, and adjust the license expiration date to be sixty (60) calendar days from the date of the move;
  - 3. If applicable, submit the information to the Licensure ASWS, who must then transfer the license to the Licensure ASWS in the Foster Family’s new county of residence;



4. Complete a relocation summary in MACWIS;
  5. Inform the Foster Family that their license will expire in sixty (60) days unless a relocation study, which includes a walk-through of the new home and a home study addendum is completed; and
  6. Work with the child's assigned CPS Worker to ensure that the Worker is aware of the move and that all steps are completed timely.
- B. If the Foster Family relocates outside of Mississippi, the family must notify the Licensure Specialist and the Child's Worker as soon as they know about the move or at least ninety (90) days prior to the move, whichever is earliest. The Licensure Specialist shall:
1. Make an Interstate Compact on the Placement of Children (ICPC) request if the Licensure Specialist and the child's CPS Worker determine that it is in the best interests of the child to move with their Foster Family;
  2. Discuss the process with the Foster Parents and inform them that they must:
    - a. Sign a release of confidential information so their file can be forwarded to another state;
    - b. Apply for a foster home license in their new state within thirty (30) calendar days of the move; and
    - c. Become licensed in their new state.
  3. If the Foster Parent's Mississippi license is due to expire within ninety (90) calendar days of the move, they must complete a license renewal prior to the move.
- C. If the Foster Family expresses a desire to care for more foster children, the Licensure Specialist shall:
1. Ensure the family has appropriate sleeping arrangements; and
  2. Discuss with the family their physical and emotional capacity for additional children and document that conversation in MACWIS;
    - a. In an emergency situation, a CPS worker may exceed the maximum capacity of a Foster Family's license. To do so, the CPS Worker must get prior approval from



the Bureau Director of Licensure. The CPS Worker must also ensure that the children remain in the home for no more than seventy-two (72) hours.

D. If the Foster Family experiences a divorce, the Licensure Specialist shall:

1. Work with the county CPS Worker to evaluate the circumstances of the divorce;
2. Make a best interest determination regarding in-home placement of the children;
3. Determine whether the licensed father or licensed mother should retain placement of the children; and
4. Inform the Foster Family that they must obtain counseling for the foster children.

E. If the Foster Family experiences a marriage, the Licensure Specialist shall:

1. Document the change in MACWIS;
2. Interview the additional household member(s) and enter that information into a MACWIS license change narrative;
3. 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 foster home; and
4. Inform the new spouse that he or she must fully participate in the licensure process and complete the training described in **Section 6** within two (2) months.

F. If a Foster Parent dies, the Licensure Specialist shall:

1. Discuss with the widow(er) the services he or she needs as a result of the loss;
2. Remove the deceased Foster Parent from the license in MACWIS; and
3. Ensure the foster children in the home receive counseling.
  - a. The agency shall 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.

G. If the Foster Family experiences a change in household members (children through marriage, elderly relatives, etc.), the Licensure Specialist shall:



1. Complete criminal background checks, including Fingerprinting and local background checks, on all new household members age fourteen (14) and older within fourteen (14) calendar days of the change;
2. Ensure that any additional household members who will provide any care for the foster child are required to attend and complete all in-service training; and
3. Complete a re-evaluation if an unrelated adult moves into the home to determine whether the home may remain open.

## **Section 10: Policy Violations and Adverse Actions**

### **10.1 Corrective Action Plans.**

- A. If the Licensure Specialist identifies a non-safety deficiency that needs to be addressed by the Foster Family, the Licensure Specialist must work with the family to develop a Corrective Action Plan (CAP). A CAP:
  1. Is a formal documentation of needs that must be addressed by the Foster Family.
  2. It contains tasks the Foster Family must complete in order to reach the desired solution and a timeframe for completion of said tasks.
  3. It cannot extend beyond six (6) months unless renewed. The Licensure Specialist shall not renew the plan more than once and shall not allow the plan to extend beyond one (1) year.
- B. The following people must review and approve the CAP or extension within fourteen (14) calendar days of identifying the issue:
  1. Licensure Specialist;
  2. Foster Family;
  3. Licensure ASWS;
  4. COR Worker;
  5. COR Supervisor; and
  6. Bureau Director of Licensure.



- C. If the family refuses to enter into a CAP, their license may be suspended or revoked. If the family is an Expedited Relative Foster Home, the Licensure Specialist and the child's CPS Worker must notify the Youth Court of the issue and the Foster Parent's refusal to address it. If the family is a Non-Relative Foster Home, the Licensure Specialist and child's Worker must determine whether the home should remain licensed.

## **10.2 Policy Violations.**

- A. If the Licensure Specialist becomes aware of a Foster Family's violation of agency policy, the Licensure Specialist shall make a report to Mississippi Centralized Intake (MCI). MCI must screen the policy violation to the Special Investigations Unit (SIU). If there is no allegation of abuse, neglect, or exploitation, the SIU Supervisor must screen the report out and send the report to the Licensure or Adoption ASWS and the Licensure or Adoption Bureau Director for that county.
- B. If the home is licensed or in the licensure process and not yet licensed, the Licensure or Adoption Unit must handle the investigation.
- C. If the home is an unlicensed court-ordered Expedited Relative Foster Home (the home was denied or the child is on a trial home placement), the report must be screened out and e-mailed to the child's COR Worker and ASWS for corrective action.
- D. The Licensure/Adoption/COR ASWS must assign the screened-out policy violation to the worker assigned to the Expedited or Non-Relative home or in the case of a court ordered placement, the COR worker for the child in that home. The Licensure/Adoption Specialist or COR Worker must interview the child within twenty-four (24) hours (excluding holidays and weekends) to ensure the child is safe. The Licensure Specialist or COR Worker must interview all children and adults in the home separately.
- E. If the allegations are determined to be true, the Licensure Specialist must work with the family to develop a CAP.
  - 1. If there is a second violation of the same policy in a non-relative Foster Home within a six (6) month period, the home shall be closed.
  - 2. If there is a second violation of a different policy in a non-relative Foster Home within a six (6) month period, the Licensure Specialist may recommend a CAP, Licensure Suspension, or Licensure Revocation.



- F. If the allegations are found not to be true, the home will remain licensed and not be subjected to a CAP.

### **10.3. Revoking the License and Closing the Home**

- A. If the Licensure Specialist identifies serious concerns regarding the quality of care provided by the Foster Family or the Foster Family has repeatedly violated agency policy, the Licensure Specialist must discuss the situation with the Licensure Supervisor. They must then determine whether the Foster Family's license should be revoked.
- B. If the Licensure ASWS determines the license should be revoked, the Licensure Specialist shall make a recommendation for closure in MACWIS and send a Notice of Action to the Foster Parents within three (3) business days. If any children are placed in the home, the COR Worker and COR Supervisor should present the factors to the court and determine whether the children should be immediately removed.
- C. The Licensure Specialist must consider each case individually, but may recommend that the home be closed for the following reasons:
  - 1. The family requests their home be closed;
  - 2. The family moves out of state;
  - 3. The family refuses to cooperate with the regulations and policies of MDCPS;
  - 4. Failure to complete a corrective action plan;
  - 5. The family cannot or will not take action to meet MDCPS licensing requirements;
  - 6. There is an evidenced report of child maltreatment;
  - 7. The family fails to take a child after MDCPS requests two (2) placements and is unable to offer a valid reason for denying such placement; or
  - 8. The family has gone without any child in the home for at least six (6) months.

### **10.4 Appeals.**

- A. Foster Parents are only permitted to appeal if their home was fully licensed. If their home was denied at any point prior to obtaining a license, they are not eligible to appeal.
- B. The Foster Family has thirty (30) calendar days from the date they receive the Notice of Action to appeal the revocation of their license. If they do not respond to the Notice of



Action with a request for a hearing, the Licensure Specialist and Licensure ASWS must revoke the license and close the home. If the Foster Family appeals the closure, the Licensure Specialist must take appropriate action to revoke or reinstate the license based on the outcome of the appeal.

### **10.5 Not Accepting Placement.**

When a Foster Family is under investigation for a policy violation, ANE, or appealing the closure of their home, their home must be put into “Not Accepting Placement” status in MACWIS. Under no circumstances should a child be placed in a home that is listed in MACWIS as “Not Accepting Placement.”

### **10.6 Deferred Placements**

- A. Deferred Placement can be used if a foster parent does not want to close their home, but needs a break from being a foster parent due to personal issues.
- B. A family may be placed on deferred status, not to exceed six (6) months, consecutively or over a certain period. If at the end of six (6) months the placement cannot be re-opened, the Licensure Specialist will close the home.
- C. The status of a home cannot be changed to “deferred” if there is an active or pending placement.
- D. If the home expires while in deferred status, the status will change to expired.

## **Section 11: Relicensing a Closed Foster Home**

### **11.1 Foster Home Closed for Less than One Year.**

The Licensure Specialist must update the Home Study in MACWIS (Home Study Addendum) and explain why the foster home was closed, and why the family wants to become licensed again. The Licensure Specialist must also complete a Home Environment Checklist and a background check.

### **11.2 Foster Home Closed Over One Year but Less than Two Years.**

The Licensure Specialist must enter a new Resource Inquiry in MACWIS and complete a new Home Study. The family must have completed at least five (5) hours of in-service training and provide an updated Medical Form.



### **11.3 Foster Home Closed Over Two Years.**

The Foster Parents must repeat the entire licensure process and pre-service training.

## **Section 12: Relative Foster Homes**

### **12.1 General Requirements.**

The Expedited Relative Foster Home licensure process enables a child to be quickly placed with biological relatives, fictive kin, or court-ordered non-relatives upon entering foster care. The content and requirements of the Expedited Relative Foster Home process are the same as those for regular foster homes, except the entire licensure process must be completed within ninety (90) days.

### **12.2. Pre-Placement Activities.**

No child can be placed in an Expedited Relative Foster Home until the child's Worker completes the COR Packet. Upon completion of the COR Packet, the COR Worker should scan the completed packet to an electronic file and enter the Expedited Relative Foster Home Inquiry in MACWIS.

### **12.3 Post-Placement Activities.**

- A. Within three (3) business days of a child entering MDCPS custody and being placed with an Expedited Relative Foster Parent:
  - 1. The child's CPS Worker must enter the Expedited Relative Inquiry in MACWIS;
  - 2. The child's CPS Worker must enter the child's placement into MACWIS as Expedited Pending Relative Resource; and
  - 3. The Licensure ASWS or Licensure Specialist shall initiate the home study.
- B. The Licensure Specialist must ensure that the entire expedited licensure process is completed within ninety (90) calendar days of the child's placement in the home.

### **12.4 Case Staffing.**

The Licensure ASWS, the Licensure Specialist, the child's COR Worker, and the COR ASWS must staff the case together at thirty (30) days, forty-five (45) days, and sixty (60) days.



### **12.5 Issuing the License.**

Once the expedited relative has been licensed, the Licensure Specialist must indicate in MACWIS and on the License that the family is approved for a specific child or sibling group. The Licensure Specialist must notify the COR Worker, the COR ASWS, and Regional Director that the home is licensed and is eligible for a board payment from the date of licensure. Once the child's CPS Worker receives notification that the home is licensed, the Worker has two (2) business days to update the child's placement in MACWIS from "Expedited Pending Placement" to "Relative Home."

### **12.6 Barriers to Licensing the Relative Foster Home.**

If it becomes apparent that the home will not become licensed within ninety (90) days of the child's placement, the Licensure Specialist must staff the case with the Licensure ASWS, the child's COR Worker, and the COR ASWS. The staffing must determine whether the child can remain in the home or whether the child should be moved. The child's COR Worker must notify the court of the agency's recommendation well before the ninety (90) day deadline so an alternative placement can be made.

### **12.7 Limits to Expedited Placements.**

A child may only be placed in two Expedited Relative Foster Homes. If the second Expedited Relative Foster Home does not work out, the Licensure Specialist must work with the Licensure ASWS, the COR Worker, and the COR ASWS to place the child in a Licensed Foster Home.

### **12.8 Waivers.**

- A. A waiver is a time-limited exception to a non-safety related deficiency that must be corrected through a Corrective Action Plan (CAP).
- B. The Licensure Specialist may waive non-safety related standards for relative foster home licensure.<sup>10</sup> Waivers must be considered on a case-by-case basis<sup>11</sup> and must be submitted in writing to the Licensure Bureau Director as part of a CAP with a deadline for the waiver to expire.
- C. The Licensure ASWS must issue the initial approval or denial of the waiver request, and the Bureau Director of Licensure has two (2) business days to respond to the request.

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<sup>10</sup> 42 U.S.C. 671.

<sup>11</sup> 42 U.S.C. 671.



The Bureau Director of Licensure has the final authority over whether to approve or deny the waiver.

- D. In the event the Bureau Director of Licensure approves a waiver, the Licensure Specialist and Licensure ASWS must make every effort to bring the Expedited Relative Foster Family into full compliance with the waived standard(s). A CAP must be initiated and reviewed six (6) months from the date of the waiver approval, with only one (1) extension given, allowing the Expedited Relative Foster Family one (1) full year to resolve the waived issue. If the issue has not been resolved at the end of the year, the child's worker, the Licensure Specialist, and Licensure ASWS must determine whether the child will remain in the placement.

### **12.9 Exceptions.**

- A. Exceptions may be provided to Expedited Relative Foster Parents for the age requirement and for the married or single requirement, but only if the Licensure Specialist discusses the reason for the exception with the Licensure ASWS. The Licensure Bureau Director must approve the exception.
- B. This exception shall only apply if the unrelated adult residing in the home has lived there for at least one (1) year.

### **12.10 Safety Issues.**

- A. If the Licensure Specialist or Licensure ASWS determines that an unlicensed Expedited Relative Foster Home cannot be licensed due to a safety issue, the Licensure Specialist shall take all reasonable efforts to immediately ensure the child's safety and to remove the child, including, if required, seeking an emergency court order.<sup>12</sup>
  - 1. If the child is not in imminent danger, the COR Worker and Licensure Specialist shall implement a safety plan and within five (5) calendar days either cure the licensing deficiency or move the child to a licensed foster home or facility, or one time only, an appropriate expedited relative placement.<sup>13</sup>
- B. If the Licensure Specialist or Licensure ASWS determines that an unlicensed Expedited Relative Foster Home cannot be licensed due to a non-safety issue, the Licensure Specialist shall, within thirty (30) calendar days of that determination, cure the licensing

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<sup>12</sup> Section 3.2.b [MSA 2d](#) at 8.

<sup>13</sup> Section 3.2.b [MSA 2d](#) at 8.



deficiency or move the child to a licensed foster home or facility, or one time only, an appropriate expedited relative placement.<sup>14</sup>

### **Section 13: Unlicensed Foster Homes**

#### **13.1 Prohibition.**

No child shall remain in a foster home or facility that cannot meet MDCPS licensing standards.<sup>15</sup>

#### **13.2 Court Orders.**

- A. If a court orders a child into a specific unlicensed placement that cannot meet MDCPS licensing standards, the COR Worker **must** tell 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. The MDCPS agent must also tell the court if there is a licensed foster home or facility is available, or one time only, an appropriate expedited relative placement.<sup>16</sup>
- B. MDCPS employees are **prohibited** from asking the court to place a child in any unlicensed placement that cannot be licensed.

#### **13.3 Documentation.**

The MDCPS representative who attended the hearing must document in MACWIS all information presented to the court as required by **Section 13.2**.<sup>17</sup> Failure to do so will result in disciplinary action.

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<sup>14</sup> Section 3.2.c [MSA 2d](#) at 8.

<sup>15</sup> Section 3.2.a [MSA 2d](#) at 8.

<sup>16</sup> Section 3.2 [MSA 2d](#) at 8.

<sup>17</sup> Section 3.2 [MSA 2d](#) at 8.