

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

Cover Memorandum accompanying the August 24, 2006 filing of a Notice of Proposed Rule Adoption by the Division of Family and Children's Services proposing to issue revised 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

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

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.