

Mississippi CASA Association

Important Notice: This handbook is a reference resource only and does not constitute legal advice. Laws, agency contacts, and program structures change frequently. Always verify current information with your CASA supervisor, MDCPS, or legal counsel before relying on it in any proceeding. GAL volunteers are officers of the court and must follow their program's official guidance at all times.

1. Program Overview

Mississippi's GAL system operates through the **Mississippi CASA Association**, which coordinates local CASA programs statewide. The state child welfare agency is the **Mississippi Department of Child Protection Services (MDCPS)**, an independent cabinet-level agency established in 2012. Mississippi has operated under the **Olivia Y. federal consent decree** since 2004, which has driven significant child welfare reforms including caseload caps and service delivery benchmarks.

State Child Welfare Agency	Mississippi MDCPS
GAL Umbrella Organization	Mississippi CASA Association
Primary Governing Code	Miss. Code §§ 43-21-101 et seq.
Court of Jurisdiction	Youth Court (Chancery Court in some circuits)
GAL Appointment Statute	Miss. Code § 43-21-121
Federal Oversight	Olivia Y. Consent Decree (2004–ongoing)

2. Legal Foundation

Mississippi's child protection framework is anchored in the **Mississippi Youth Court Act (Title 43, Chapter 21)**. Youth Courts have exclusive original jurisdiction over all abuse, neglect, and dependency matters involving children under 18.

Miss. Code § 43-21-121

Guardian Ad Litem — Appointment & Duties

Requires the court to appoint a GAL in every youth court proceeding involving an abused or neglected child. The GAL represents the child's best interests independently, conducts an investigation, and makes written and oral recommendations to the court.

Miss. Code §§ 43-21-101 – 43-21-801

Mississippi Youth Court Act

Establishes jurisdiction, procedures, and standards for all youth court abuse, neglect, and dependency proceedings. Defines 'abused child' and 'neglected child,' governs emergency custody, adjudication, disposition, and permanency planning.

Miss. Code § 43-21-603

Placement Standards & Reasonable Efforts

Requires the court to consider relative placement before non-relative placement and mandates MDCPS make reasonable efforts to prevent removal and achieve reunification. GALs must independently assess and report on whether appropriate placement alternatives were considered.

Miss. Code § 43-21-613

Permanency Plans & Timelines

Requires MDCPS to develop a permanency plan within 30 days of placement. Permanency hearings must be held within 12 months of removal. GALs review and advocate regarding the adequacy and timely achievement of permanency goals.

Miss. Code § 93-15-103 et seq.

Termination of Parental Rights

Sets forth grounds for TPR including abandonment, abuse/neglect, failure to comply with a court-ordered case plan for 12 months, and lengthy prison sentences. GALs play a central role in recommending whether TPR is in the child's best interests.

3. Your Role as a Mississippi GAL

A Mississippi GAL serves as the court's independent voice for the child. Unlike the child's attorney, the GAL advocates for what the GAL independently determines serves the child's best interests.

■ Investigate

Review MDCPS case plan, school records, medical records, psychological evaluations, and prior court orders. Interview the child, foster caregiver, parents, caseworker, teachers, and therapists. Visit the current placement in person.

■ Advocate

Present best-interest findings through written reports and oral recommendations at each hearing. Request services the child is not receiving. Challenge MDCPS if reasonable efforts are inadequate. Advocate for ICWA placement preferences when tribal membership is at issue.

■ Connect

Identify and connect the child to services. Mississippi's resource landscape varies significantly by county — work with your CASA supervisor to identify available services in the specific county where the child is placed.

■ Report

Prepare written court reports before every hearing. File with the court and serve all parties. Attend every hearing and be prepared to testify. Mississippi youth courts rely heavily on GAL reports given MDCPS caseload volumes.

Olivia Y. Consent Decree Context: Mississippi's child welfare system has operated under the Olivia Y. federal consent decree since 2004. As a GAL, you can hold MDCPS accountable to consent decree benchmarks — caseload caps, monthly visits, and service delivery timelines. Document specific failures in your court reports. Courts can make adverse reasonable efforts findings that carry legal consequences.

4. The Multidisciplinary Team

MDCPS Caseworker

Responsible for the case plan, placement, and service coordination. Under Olivia Y., caseworkers should carry specified caseloads and visit children monthly. When these standards are not met, document it in your report.

MDCPS Attorney (AG Office)

Represents MDCPS in court — presents petitions and legal positions. Represents the agency, not the child's best interests.

Parent's Attorney

Appointed counsel for the biological parent(s). Represents parental interests — reunification and defense of parental rights — not the child's best interests.

Child's Attorney (if appointed)

In complex cases, the court may appoint a separate attorney for the child's expressed wishes. Client-directed — distinct from the GAL.

CASA Volunteer (GAL — You)

Independently investigating and reporting best-interest recommendations. Your independence from MDCPS and parents is the cornerstone of your role.

CASA Supervisor

Reviews your court reports, provides training and consultation, identifies community resources, and communicates with the court. Your first call.

Foster / Kinship Caregiver

Licensed or kinship caregiver providing day-to-day care. Primary source of information about daily functioning, school performance, and emotional adjustment.

Youth Court Judge / Referee

Presides over all youth court proceedings. In smaller counties, Chancery Court judge may also sit as youth court judge. Some courts use referees for routine matters.

5. The Youth Court Dependency Process

1 **Emergency Custody & Removal**

MDCPS takes child into emergency custody based on investigation. Petition filed within 5 days of taking custody or child is released.

2 **Initial Custody Hearing**

Held within 48 hours of emergency removal. Court determines probable cause and whether child remains in MDCPS custody. Court may appoint GAL at this stage.

3 **GAL Appointment & Investigation**

Court appoints GAL under Miss. Code § 43-21-121. Review the MDCPS petition and begin initial contact with the child promptly.

4 **Adjudicatory Hearing**

Court determines whether the child is 'abused' or 'neglected.' Must be held within 90 days of removal. GAL files report and participates presenting evidence and recommendations.

5 **Disposition Hearing**

Following adjudication, court enters dispositional order with case plan, placement, and required services. GAL advocates for child-specific services.

6 **Review Hearings (Every 6 Months)**

Court reviews case plan, placement, and progress every 6 months. GAL files written report before each review assessing MDCPS reasonable efforts and child well-being.

7 **Permanency Hearing (Within 12 Months)**

Court determines permanency outcome: reunification, adoption, guardianship, or PPLA. GAL advocates for the plan that best serves the child's long-term interests.

8 **TPR & Post-Permanency**

MDCPS or other party may file TPR petition under Miss. Code § 93-15-103. GAL continues to advocate through TPR and post-TPR reviews until adoption finalization.

6. Hearing Types & GAL Responsibilities

Hearing	Timing	GAL Focus
Initial Custody Hearing	Within 48 hrs	Confirm appointment; assess safety; begin ICWA inquiry
Adjudicatory Hearing	Within 90 days	File report; present evidence; support or challenge abuse/neglect finding
Disposition Hearing	Post-adjudication	Recommend services, placement, case plan; flag ICWA preferences if applicable
Judicial Review	Every 6 months	File report; assess MDCPS reasonable efforts; document Olivia Y. gaps
Permanency Hearing	Within 12 months	Advocate for best long-term permanency; flag stalled reunification
TPR Hearing	Per MDCPS petition	Support or oppose TPR; report on attachment and prospective placement
Post-TPR Review	Every 6 months	Monitor adoption; advocate for timely finalization; flag delays

7. ICWA & Tribal Inquiry in Mississippi

The **Indian Child Welfare Act (25 U.S.C. §§ 1901–1963)** has particular significance in Mississippi because of the **Mississippi Band of Choctaw Indians (MBCI)** — a federally recognized tribal nation with a reservation in Neshoba County. The MBCI maintains an active tribal court system and exercises strong ICWA jurisdictional preferences.

MBCI Tribal Court Jurisdiction: The MBCI has a defined reservation in Neshoba County. When a child is a member of or eligible for MBCI membership, the tribe may petition to transfer the case to MBCI Tribal Court under ICWA § 1911. Mississippi courts generally honor these transfers absent good cause shown. Coordinate early with the MBCI ICWA Department if Choctaw ancestry is indicated.

Mandatory ICWA Inquiry Checklist:

- ✓ Ask both biological parents about Native American or Alaska Native ancestry at the initial custody hearing — document on the record
- ✓ If Choctaw or other tribal ancestry is indicated, notify MDCPS immediately for certified mail notice to the tribe
- ✓ The MBCI — not the family, MDCPS, or GAL — determines tribal membership eligibility
- ✓ When ICWA applies, placement preferences shift to: Indian extended family, tribal member homes, other Indian families
- ✓ Active efforts standard (more demanding than reasonable efforts) applies from removal through every stage
- ✓ MBCI has the right to intervene in state court proceedings — support and facilitate tribal participation

Key Mississippi ICWA Tribal Contacts:

- Mississippi Band of Choctaw Indians (MBCI) — ICWA Dept: (601) 650-1234 | choctaw.org
- MBCI Tribal Court — (601) 650-1000 (for transfer matters)
- BIA Southeast Regional Office — Nashville, TN: (615) 564-6800
- Cherokee Nation ICWA — icwa@cherokee.org | (918) 453-5000
- Chickasaw Nation ICWA — (580) 436-2603
- NICWA — nicwa.org | (503) 222-4044
- High ICWA-risk counties: Neshoba, Newton, Leake, Scott, Winston, Attala, Kemper

8. Education Rights of Foster Youth

Miss. Code § 37-15-3 / ESSA Foster Care Provisions

School Stability for Children in Foster Care

Requires school districts and MDCPS to collaborate to maintain children in their school of origin when in their best interests — even across district lines. Transportation must be provided. GALs should advocate for a School of Origin determination at every placement change and follow up to confirm transportation is arranged.

Key Education Advocacy Checklist:

- ✓ Obtain report card, attendance records, and discipline records at every review hearing
- ✓ Ask whether the child has an active IEP or 504 Plan — IDEA rights follow the child across district boundaries
- ✓ Each Mississippi school district has a Foster Care Point of Contact — contact directly for enrollment disputes
- ✓ Document any MDCPS school stability failures — consent decree requires support for educational stability
- ✓ GALs may consent to educational decisions when no parent or caregiver has educational authority
- ✓ Report unexcused absences exceeding 10 cumulative days — proxy for placement instability and unmet needs

Extended Foster Care & Education:

Mississippi's Extended Foster Care program allows eligible youth to remain in care through age 21. Mississippi's **tuition waiver program** provides tuition waivers at Mississippi public colleges and universities for current and former foster youth. Advocate for EFC enrollment well before the youth's 18th birthday.

9. Courtroom Practice

Before the Hearing

File your written report AND serve all parties at least 5 business days before the hearing. Review the prior order for compliance gaps. Contact the MDCPS caseworker for factual updates. Prepare the child for what to expect at the hearing.

During the Hearing

Address the judge or referee as 'Your Honor.' Present your report concisely — Mississippi youth court judges have heavy dockets and value specific, fact-based reporting. Request cross-examination of witnesses when warranted. Confirm ICWA active efforts finding is on the record if applicable.

After the Hearing

Obtain a copy of the signed order. Review for any tasks assigned to MDCPS, parents, or GAL. Explain the outcome to the child in age-appropriate terms. Update your case file.

If You Disagree With the Order

Note your objection on the record before the hearing ends. Contact your CASA supervisor immediately — appeals must be filed within 30 days for most youth court orders. Document your reasoning in writing and preserve all case notes before the deadline.

10. Local Resources — Jackson Metro (Hinds County)

CASA of Mississippi — Central District — (601) 948-7867 | mississippicasa.org

MDCPS Hinds County Office — 1-800-222-8000 (statewide hotline) | mdcps.ms.gov

Mississippi Children's Home Services (MCHS) — (601) 352-7784 | mchsms.org

Blair E. Batson Hospital for Children (UMMC) — (601) 984-1000 | umc.edu/batson

Mississippi Center for Legal Services — (601) 948-6752 | mslegalservices.org

Mississippi Coalition Against Domestic Violence — (601) 981-9196 | mcadv.org | Hotline: 1-800-898-3234

Hinds County Youth Court — (601) 968-6625 | 407 E. Pascagoula St., Jackson

Stewpot Community Services — (601) 353-2759 | stewpot.org

11. Mental Health Resources

Mississippi Dept. of Mental Health (DMH) — dmh.ms.gov | (601) 359-1288

Community Mental Health Centers (14 Regional CMHCs) — Primary public MH providers for foster children statewide

Mississippi Children's Home Services (MCHS) — (601) 352-7784 | mchsms.org

TF-CBT Providers (Statewide DMH Network) — tfcbt.org/members — request TF-CBT specifically

Mississippi Crisis Line — 1-800-447-6404 (24/7)

988 Suicide & Crisis Lifeline — Dial or text 988 (24/7)

12. Housing, Statewide & Federal Resources

Mississippi Extended Foster Care (Ages 18–21) — mdcps.ms.gov — EFC enrollment before 18th birthday

Independent Living Program (Bridges) — Contact MDCPS caseworker for enrollment referral

Mississippi Tuition Waiver — Available at Mississippi public colleges for foster alumni

SNAP Mississippi — mdhs.ms.gov — aging-out youth eligible 12 months without income screening

Catholic Charities of Jackson — (601) 355-8634 | catholiccharitiesjackson.org

Gulf Coast Community Action Agency — (228) 897-3320 — south Mississippi housing assistance

Mississippi CASA Association — mississippicasa.org | (601) 948-7867

MDCPS Main Portal — mdcps.ms.gov | Abuse hotline: 1-800-222-8000

MS Center for Legal Services — mslegalservices.org | (601) 948-6752

North Mississippi Rural Legal Services — nmrls.com | (662) 234-8731

MS Court Improvement Program — Mississippi Supreme Court CIP page

Child Welfare Information Gateway — childwelfare.gov

National CASA/GAL Association — casaforchildren.org

NCTSN — nctsn.org

SAMHSA Helpline — 1-800-662-4357 (24/7, free, confidential)

HHS Children's Bureau Region IV — acf.hhs.gov/cb/region/region-4 (Atlanta)

BIA Southeast Regional Office — (615) 564-6800 | bia.gov/regional-offices/eastern