

A guide provided you by
Mississippi Programs of HOPE

MISSISSIPPI PARENT HANDBOOK

A GUIDE TO YOUTH COURT FOR ABUSE AND NEGLECT CASES

A COLLABORATIVE EFFORT OF

MISSISSIPPI PROGRAMS OF HOPE

OF HOPE RISING MISSISSIPPI



THIS HANDBOOK BELONGS TO _____ . CASE # _____

*Disclaimer: This handbook is not intended to provide legal advice.
It is designed to provide support to the parents.*

Please use the chart below to help you remember dates for hearings and meeting. The blank sections at the bottom can be used to write down extra meetings you have about your child or children.			
HEARINGS & POSSIBLE MEETINGS	DATE	TIME	USE THIS COLUMN TO WRITE NOTES ABOUT WHAT YOU WOULD LIKE TO SAY AT THE HEARING/MEETING
SHELTER			
ADJUDICATION			
FULL ADJUDICATORY HEARING (if this meeting is scheduled, please see page ____) DISPOSITION			
PERMANENCY			
PERMANENCY (if needed)			
Foster Care Review			

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ROADMAP TO HELP

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THE COURT'S FIRST GOAL IS TO KEEP YOUR FAMILY TOGETHER

A child abuse, neglect, or dependency case can be very stressful. The fear, anger and uneasiness you may be experiencing, combined with not knowing what to expect, can make it even harder. The Mississippi Programs of HOPE: Parent, Child, and Family Supports Committee wants to provide hope to parents by creating this handbook. Our hope is to help by providing information about the Youth Court process and procedures. We want to help you know what to expect in upcoming hearings, meetings and other activities in your case. We want to provide you with the help you need to serve as your child's best advocate. This handbook is not your only resource. The Court itself is a major resource. Please do not be afraid to ask the Youth Court for help!

If it helps, please write down below what you are feeling:

Helpful Tips:

- **You are not alone.** Many families from all walks of life go through the Youth Court system each year.
- **Confidential.** Every document and every topic discussed about this case must not be discussed with anyone who is not involved in the case, including family, "like" kin or a service provider. This is to protect you and your child. **DO NOT POST ANYTHING ABOUT YOUR CASE ON SOCIAL MEDIA.**
- **This is a stressful time for you, your child, and your family.** Take care of yourself and find someone to talk with that you trust.
- **Get organized.** Keep all important documents (letters, emails, reports, school records, etc.) in a file or binder.
- **Write down information** from meetings and telephone conversations with MDCPS, any lawyers or anyone involved in your case. Include the date, who you spoke with and important information they gave you for next steps. We have created several places you can write information down including a Log Form at the end of this Handbook.

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- **Become knowledgeable.** Ask questions, no question is silly.
- **Ask to read records of your case.** Charges, reports, evaluations, assessments, screenings, lab results, Court orders. Put all requests in writing if needed. You may or may not be able to get a copy but you have the right to review the documents. You do not have the right to know who made the report to MDCPS.
- **Be heard. Be heard.** Respectfully speak to CPS and the Court about your hopes and dreams and your commitment to reach them. But please don't yell or interrupt someone!
- **Share information** about your child and family with the Court and the people helping, such as: school grades; strengths and abilities; family circumstances; mental health diagnoses; health or physical problems; past system involvement (CPS, etc.); and child's needs. **Be sure to talk with your lawyer before you share any private information that could be damaging to yourself. If you don't have an attorney, ask the judge if one can be appointed to represent you.**
- **Be present** mentally and physically when required.
- **First impressions do matter.** When you appear in Court or attend meetings with or for your child, it is best to dress nicely. Think of it as a job interview.
- **Make eye contact** with the Court staff, CPS worker, attorney and Judge who is speaking to you. Even if it is hard for you, it shows respect and acknowledgment when you make eye contact.
- **Be aware of your nonverbal behaviors.** Facial expressions and body language tell others about your attitudes.
- **Speak up when addressed in Court, and don't speak out** without being addressed. It could negatively impact your child's case.¹

PLEASE NOTE: This is only a handbook with general explanations. You should always discuss your case with your lawyer and have confidence in their recommendations on how to and when to share any information.

YOUR PARENTAL RIGHTS

- You have the right to an attorney but the court is not required to provide one for you. You always have the ability to hire an attorney.

¹Helpful Tips section was designed using sources from other states and parental help websites, available upon request.

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- You have the right to be included in the hearings.
- You have the right to be heard and involved in planning your case. You should identify and discuss your family's strengths and areas needing improvement with your worker to develop your Family Service Plan.
- You have a right to be told when and where the hearing(s) will take place.
- You have a right to subpoena, confront, and ask any questions of witnesses.
- You have a right to introduce evidence. This means you can have the Judge look at and consider any documents or other physical evidence you think the Judge should know.
- You have a right to remain silent, to not speak.
- You have the right to regular visits and other contact with your child, such as letters and phone calls.
- You have the right to give input into decisions affecting your child.
- You have a right to an interpreter if you do not speak English.

WHO IS INVOLVED IN YOUR CHILD'S CASE?

<p>Judge – He/she will make all decisions about custody of your child. Be sure to treat the Judge and all other Court staff with respect.</p>	<p>NAME:</p>
<p>Prosecutor – He/she represents the state's interest in the case. He/she will file the petition that details the allegation of abuse or neglect and will present the case to the Judge. He/she may ask you questions. The Prosecutor can be called the County Attorney.</p>	<p>NAME:</p>
<p>Guardian ad Litem (GAL) – He/she investigates to see what is in the best interest of your child; will speak to you and your child; and will make a report to the Court. The Judge will use this report to make his or her final decisions.</p>	<p>NAME:</p> <p>CONTACT INFO:</p>
<p>CPS Social Worker – He/she works for Child Protection Services (CPS), and will help you with certain services. The agency's goal is the safety of your child, and to try to return your child to your custody if it is safe for the child. It is very important to stay in contact with your case worker.</p>	<p>NAME:</p> <p>CONTACT INFO:</p>
<p>Parent Attorney – In some Courts, there are attorneys who may represent you. He/she will explain your relationship and will have requirements for his/her representation. You will want to discuss any questions or issues of your case with your attorney first and strongly consider following his/her recommendations on how you should continue in the case.</p>	<p>NAME:</p> <p>CONTACT INFO:</p>
<p>continued</p>	

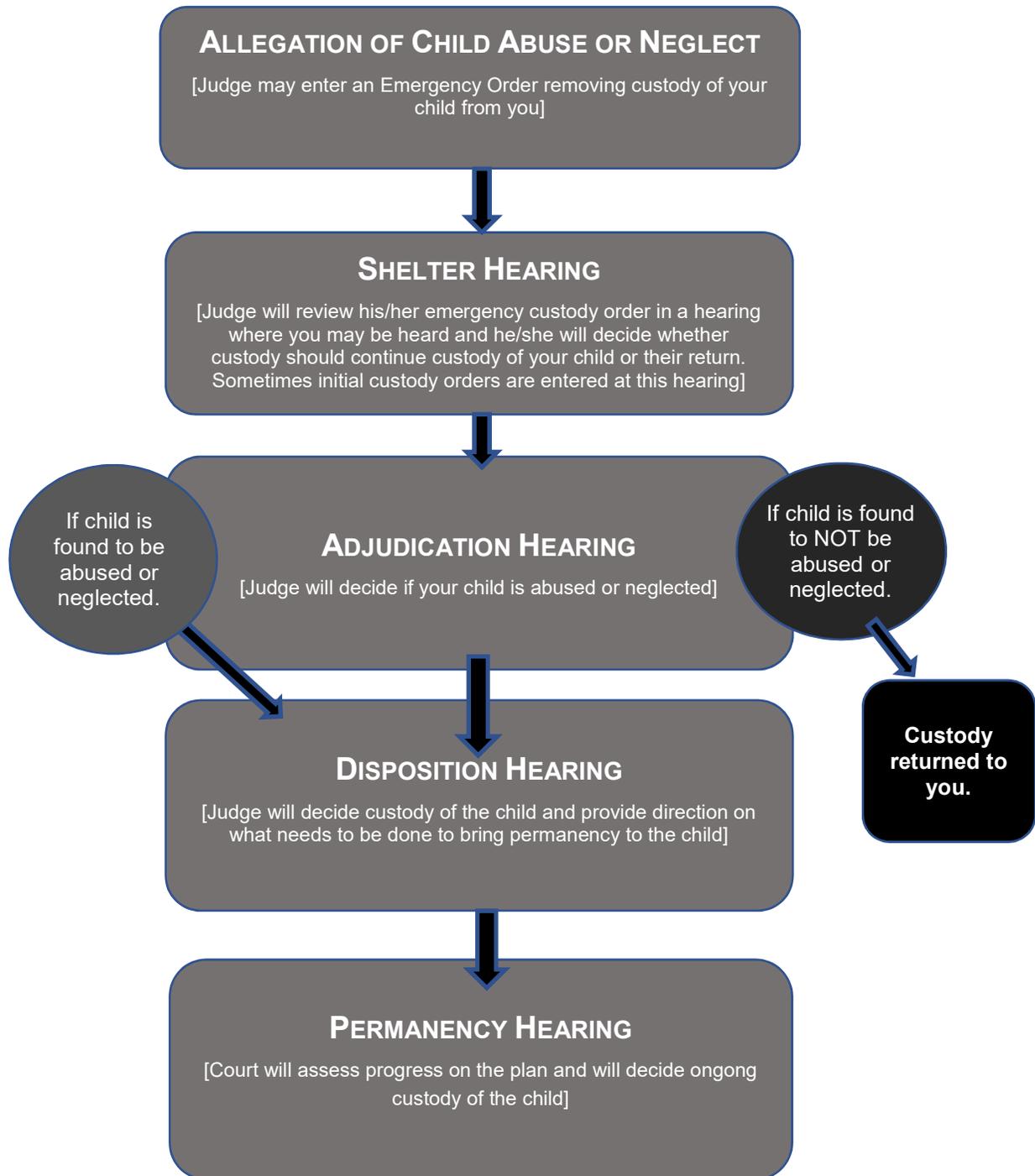
Continued Record of WHO is involved in your case:

OSPD Social Worker —in some courts the parent attorney will have a social worker who will work for you and your case. Their role is to assist you to meet the goal of safety of your child in your home and assist a return if possible	NAME: CONTACT INFO:
OSPD Parent Advocate: In some places the parent attorney will have a parent advocate serving your case. This person is a person with lived experience who has successfully exited the child welfare system and is a support person help you to successfully navigate the system	NAME: CONTACT INFO:
Assistant Attorney General: If the court orders CPS in your case to pursue TPR, CPS will be represented by this person.	NAME: CONTACT INFO:

Please use the table below to write down other important people and their contact information.

NAME:	CONTACT INFO:

FLOWCHART OF PROCESS OF YOUTH COURT



TIPS FOR COURT

- Set up child care and transportation (if needed) before the Court date.
- Dress appropriately. Think about Court as a job interview and dress to impress. Please no tank tops, shorts, or short skirts.
- Arrive 15 to 30 minutes early. If you are late or do not appear, the Judge may decide your case without you there. You may lose certain rights by not appearing.
- Turn off all electronic devices or leave your electronics in your vehicle. The Court may not allow your electronics in the building.
- Find the courtroom where your hearing will be held.
- Wait outside the courtroom until your lawyer or Court Personnel says it is time to go in.
- Bring your written questions to share with the attorney or the individual who has helped you in the Court.
- Bring any important papers, such as certificates of completion, attendance slips, or other proof of completing assigned tasks.
- Court manners require that you not speak unless you have been asked a question or if you've been directed to speak by an attorney, judge, or court staff.
- Take it seriously. Show the judge and everyone in Court respect. Address the Judge as "Judge" or "Your Honor."
- Do not curse or show anger in the courtroom. If you are unable to control your temper, ask your attorney to ask the Judge for a break.
- Listen carefully. Do not interrupt others when they are talking. Do not guess at an answer and do not lie. If you do not understand the question, ask the Judge or your attorney to explain it to you. If you do not know the answer say you don't know.
- Do not leave without understanding what the Judge has ordered. Ask any questions you have.
- Please also be aware that the Court may allow the hearing to be virtual (through zoom or other online platform). If the case is virtual, still dress appropriately, be respectful, and have all the documents you need available to present over the video call. ²

² Tips for Court section was designed using sources from other states and parental help websites, available upon request.

IT IS VERY IMPORTANT THAT YOU UNDERSTAND ALL COURT ORDERS

The following sections detail the types of hearings that take place in Youth Court.

After each hearing, the Judge will make an Order of the Court.

This order will tell you about the custody of your child. It will detail visitation your child has with you and other people and will likely have requirements YOU MUST follow.

If you do not follow the requirements of the order, **you can go to jail and/or pay a fine.**

Ask for a copy of the order to be given to you at Court or mailed to you.

Ask your attorney to go over the order with you and explain its provisions to you. If you do not understand a provision ask questions. No question is foolish.

The Guardian ad Litem, Court staff and/or the CPS worker can also help if you have questions.

DO NOT leave the Court without fully understanding the order.

SHELTER HEARING

The shelter hearing³ is the first hearing of your abuse or neglect case. When your case is called, the Judge will introduce himself or herself and explain your rights. CPS or the prosecutor will provide the Judge with information about the allegations (charges) of abuse or neglect. The prosecutor will call a witness, usually a CPS worker, to share the investigation results on if the child is abused or neglected and why the child needed to be removed and why custody should continue. If the hearing is held before removal the prosecutor will present evidence of why the child should be removed. You will be given the chance to question any witness called.

The Judge will give you an opportunity to speak once it is your turn. Once the Judge has given you permission, you can ask CPS or any other witnesses questions. You can also tell the Judge any information you feel is important to the safety of your child. You might be able to give the Judge any document or pictures you feel are important so ask the Judge if you can provide the Court with those documents or pictures.

At this hearing, the Judge will decide if your child can be returned to your custody or continued to be placed outside the home. Some Courts have shelter hearings while you still have custody of your child. In those cases, the Judge will decide if the child will remain in your custody or be placed outside the home. The prosecutor's job is to show why the child cannot safely stay in the home and what CPS has done to try to keep the child at home. These are called reasonable efforts. The Judge will issue an order. It is very important that you understand that order. If you fail to follow the order you can be held in criminal contempt, which means you can go to jail and/or pay a fine. Please make sure you understand the order. After the hearing, you may have to meet with a CPS case worker and/or the Guardian ad Litem to work on a plan to reunify your family.

You should be represented by an attorney at this and all other hearings. If you cannot afford an attorney, you should request the court to appoint one to assist you.

See the next page to make notes of your hearing date, time, allegations, and what you want to say to the judge.

³ It is possible that you could meet with a Guardian ad Litem, Case Worker for Child Protection Services, an Intake Officer of the Court, a Parent Attorney, an Attorney for the child or children, and/or the prosecutor at the courthouse the day of your hearing. All of these people are trying to gather information to see what is in the best interest of your child.

RECORD HERE notes from the Shelter Hearing. Again, make sure you ask your attorney to explain everything and ask questions until you understand.

Time and Date of SHELTER Hearing:	
What is the allegation(s):	
What you want to tell the Judge:	
What the Judge ordered:	

ADJUDICATION HEARING

It is the prosecutor's responsibility to prove that the child has been abused or neglected by evidence which is more likely true than not true⁴. It is NOT beyond a reasonable doubt. The prosecutor will read the allegations (claims) of the petition (claim). You can either admit, deny, or not contest the allegation.

- **If you admit**, the child will be determined to be abused or neglected.
- **If you do not contest**, the Court will also adjudicate the child, but you do not have to admit to any wrongdoing.
- **If you deny**, the Court may set the case for a full evidentiary hearing (trial), where the state will have to prove by evidence that the allegations in the petition are more likely true than not⁵.
 - In the case of your denial, the court will then hear the case.
 - In some courts, your case will be set down for a full evidentiary hearing on a different date.

Write down this new court hearing's date and time.

You have the right to subpoena (*suh-pea-nuh*) witnesses. This means you can require by court order for witnesses to come and testify, even if they do not want to. You must provide those names and addresses to the Court. If you do not subpoena a witness, the Court cannot make the witness appear and if you want a witness there, it is best to subpoena them. The Court will not give you a continuance of your case if someone you asked to testify does not show up if the Court did not give that witness a subpoena.

During the full evidentiary hearing, the Prosecutor will have witnesses who will testify to the allegations (claims) in the petition. You have the right to ask those witnesses questions after the Prosecutor has asked questions, so don't interrupt anyone speaking, even if you disagree with what they are saying. The Judge will let you know when you are allowed to ask these questions. Do not talk when it is not your turn. You will also be allowed to ask questions of any witness you will call. The

⁴ If you or your child are of native American descent and you or your child are a tribe member or are eligible or membership in a tribe, the prosecutor must prove that the child has been abused or neglected by evidence which is clear and convincing.

⁵ If native American "by clear and convincing evidence."

Prosecutor will also be able to ask those witnesses questions. You have the right to testify. The Prosecutor has a right to ask you questions if you choose to testify.

If you are represented by an attorney, the attorney will ask those questions on your behalf.

Once the hearing is complete, the Judge will decide if the allegations have been shown by a preponderance of the evidence⁶. Remember, this means evidence that is more likely true than not true. If the Prosecutor fails to meet that burden, your child will be returned to your custody. If the State does meet that burden of proof, the Court will rule that your child(ren) were abused or neglected. The court will adjourn (end) the hearing and schedule a disposition hearing to decide the custody of your child. The Judge may decide to have the disposition hearing immediately after the adjudication hearing or on a different day.

The Judge will make an order. **It is very important that you understand that order.** If you fail to follow the requirements of that order, you can be held in contempt. If you are found to have disobeyed an order and found in contempt, you could go to jail and/or pay a fine. **Please make sure you understand the order before you leave the Court.**

Time and Date of Adjudication Hearing:	
What is the allegation(s):	
What you might want to tell the Judge:	
What the Judge ordered:	

⁶ If you are native-American as defined above, the Judge will decide if the allegations are true by clear and convincing evidence. This is a greater burden that the prosecutor must meet.

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DISPOSITION HEARING

The Judge will review the custody of your child and decide whether the child should be returned home (reunification) or maintained in custody. In most cases, the judge will establish reunification with you as the permanent plan. In other words, the court will seek steps that will accomplish reunification of you with your child. Witnesses will be called to testify about recommendations to address the needs of your family. You will have the opportunity to ask those witnesses questions. You will also be given the opportunity to testify and tell the Court what you feel is best for your child. If you testify, the Prosecutor can ask you questions. The Judge can order you to have a mental health assessment, alcohol and drug screen(s), alcohol and drug assessment, counseling, visitation, and any other requirement the Judge feels is in the best interest of your child and your family. **Again, if you are represented by an attorney, the attorney will ask those questions on your behalf.**

If you do not understand any part of the Judge's order, ask your lawyer. If you are not represented ask the Guardian ad Litem, and/or the CPS worker. Following the Order of the Judge is very important for you to be reunited with your child. Again, this could mean you will have to go to jail and/or pay a fine If you do not follow the Judge's order, you can be held in contempt. More importantly, it will negatively affect your ability to reunite with you child. **Make sure you understand the Judge's orders.**

Time and Date of Disposition Hearing:	
Things you have accomplished:	
What you want to tell the Judge:	

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Disposition hearing continued

What the Judge ordered:	

PERMANENCY AND PERMANENCY REVIEW HEARING

It is important that you have done all the court has asked and with a sense of urgency. **The court is working on a timeline. Time is of the essence!** The court must set a permanency hearing within six months of the removal of your child and every year thereafter. Most courts will set permanency and permanency review hearings much more frequently. The Judge will again consider the custody of your child, the permanency plan and your service at these hearings. The permanency plan is what the long term plan is for your child.

The Judge will listen to testimony from the CPS case worker, the Guardian ad Litem, any parties or experts who have been involved in the case, foster parents or any other witness called by you or the state. At this hearing, you should show the Judge any progress you have made with your plan with CPS (such as completing parenting classes; mental health or alcohol and drug treatment; or any other programs you may have been required to complete). It is also important for you to show the Judge the changes in your household that impact your child. If you are represented by an attorney, they will assist you in developing this information and effectively communicating it in court.

The Judge can return your child to your custody, continue custody, change custody to another person or entity, grant durable legal custody (defined below), or refer the case for a termination of parental rights hearing.

During this hearing, the Court will be looking to see if you have followed the Court orders and completed your service plan. The Court will also be looking at whether CPS has performed **reasonable efforts** to help you in completing the plan. By law, CPS is required to perform reasonable efforts to help you complete your plan. You may contest (disagree) that CPS has given you reasonable efforts and may ask representatives of CPS any questions that would show to the Court their failure.

Durable legal custody is custody placed with another person, usually a family member or a close family friend, with the intent that the child will remain in that custody until he/she is 21 years old. It can be granted after the child has been in the custody of the proposed durable legal custodian monitored by CPS for 6 months. However, durable legal custody DOES NOT terminate your parental rights. You will not have physical or legal custody of your child but you can ask the Court to return your child at any time. The case will be closed and removed from the Court's schedule and CPS will no longer work to return the child to your home. Once you resolve the reason for your child not being in your home, it is possible for your child to be returned to your custody. You will have to ask a Court for another Court date. At that hearing, you will have to

petition the court to review and show the Court that it is now safe for the child to return to your home. In legal terms, you must prove there has been a substantial change in circumstances at your home and it is in the best interest of the child to be returned home.. It will be up to the Judge if the child is returned.

Termination of Parental Rights. If the Court finds that **sufficient progress has NOT been made** to a safe reunification even after all reasonable efforts of CPS, the Court may order that CPS files a petition to terminate parental rights (TPR). This hearing will be different than the ones above. CPS will be represented most often by an assistant attorney general. The child may have a different Guardian ad Litem, and you may be appointed an attorney. If you cannot afford an attorney, be sure to ask the Court to appoint an attorney for you. At this hearing, the Court can permanently terminate your rights to your child. The child would then be able to be legally adopted. It usually takes up to six months to bring your case to trial. This will be your last chance to prove to the Court that you have met the requirements for reunification or made genuine significant progress. The Court will hear and consider any admissible evidence of your compliance and may order the case back to Youth Court to achieve reunification.

Again, **be sure you understand the Judge's orders.** If you fail to follow the requirements of that order, you can be held in criminal contempt. If you are found to have disobeyed an order and found to be in criminal contempt you can go to jail and/or pay a fine. Please make sure you understand the order.

Time and Date of Review Hearing:	
Things you have accomplished:	
What you might want to tell the Judge:	
What the Judge ordered:	

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Time and Date of Review Hearing:	
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Things you have accomplished:	
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What you might want to tell the Judge:	
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What the Judge ordered:	
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REQUIREMENTS OF YOUR CPS WORKER

You will be assigned a CPS case worker. Work with your assigned worker. It is very important to keep in contact with the worker and respond to phone calls, texts, and/or emails.

The worker will work with you to make a family service plan:

- This family service plan will target problems,
- have goals that need to be accomplished,
- ways those goals will be accomplished,
- who is responsible for accomplishing those goals,
- what type of services are available for your needs,
- help with those services, and
- the worker will monitor the services and if they are helpful.

Please work with the worker. If you know you need help, the worker will likely have resources to help. This plan will be presented to the Judge. He or she can use your successful completion of the plan as a reason to return your child.

The worker is also required to meet with the child in their home. The worker must have at least two visits per month with the child and once a month in your home. If your worker is not meeting with you or your child, please inform the Guardian ad Litem, your attorney, and/or the Court as soon as possible. CPS is be required to prove to the Court that they have completed reasonable efforts to assist you in completing the plan. That is their obligation. The goal of CPS is to work with you to reunify your child with you.

You will have meetings with your worker and may have meetings for other services that will help you complete the family service plan. Please use the charton the next page to write down those meetings.

CPS Case Worker's Name: _____

Contact Information: _____

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TYPE OF MEETING:	DATE/ TIME/ LOCATION:	WHAT YOU WANT TO ACCOMPLISH:	WHAT WAS ACCOMPLISHED/DISCUSSED:
TYPE OF MEETING:	DATE/TIME/ LOCATION:	WHAT YOU WANT TO ACCOMPLISH:	WHAT WAS ACCOMPLISHED/DISCUSSED:
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CHILD IN NEED OF SPECIAL CARE

The Youth Court also can help children who are having mental or physical health problems. If your child needs in-patient or outpatient treatment, the Court can make a ruling that your child is a child in need of special care. The process is the same as the neglect and abuse process, but the Court will rule that the child is a child in need of special care instead of a child who is neglected or abused. This can allow for your child to get the in-patient or out-patient treatment they may need or could allow for the child to be placed in another home temporarily.

TESTIMONIAL

Court team, this space is provided for successful reunification clients or parent advocates/peer support provide words of encouragement or quotes that will build hope in the person receiving this handbook. Feel free to delete this section if you are unable to obtain any encouraging quotes.

Definitions

MISSISSIPPI CODE SECTION 43-21-105

- “**Guardian**” means a court-appointed guardian of the person of a child.
- “**Custodian**” means any person having the present care or custody of a child whether such person be a parent or otherwise.
- “**Legal custodian**” means a court-appointed custodian of the child.
- “**Neglected child**” means a child:

Whose parent, guardian or custodian or any person responsible for his or her care or support, neglects or refuses, when able so to do, to provide for him or her proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his or her well-being; however, a parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter; or

Who is otherwise without proper care, custody, supervision or support; or

Who, for any reason, lacks the special care made necessary for him or her by reason of his or her mental condition, whether the mental condition is having mental illness or having an intellectual disability; or

Who, for any reason, lacks the care necessary for his or her health, morals or well-being.

- “**Abused child**” means a child whose parent, guardian or custodian or any person responsible for his or her care or support, whether legally obligated to do so or not, has caused or allowed to be caused, upon the child, sexual abuse, sexual exploitation, commercial sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. However, physical discipline, including spanking, performed on a child by a parent, guardian or custodian in a reasonable manner shall not be deemed abuse under this section. “Abused child” also means a child who is or has been trafficked within the meaning of the Mississippi Human Trafficking Act by any person, without regard to the relationship of the person to the child.
- “**Sexual abuse**” means obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children under circumstances which indicate that the child’s health or welfare is harmed or threatened.
- “**Any person responsible for care or support**” means the person who is providing for the child at a given time. This term shall include, but is not limited to, stepparents, foster

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parents, relatives, non-licensed babysitters or other similar persons responsible for a child and staff of residential care facilities and group homes that are licensed by the Department of Human Services or the Department of Child Protection Services.

- “**Relative**” means a person related to the child by affinity or consanguinity within the third degree.
- “**Fictive kin**” means a person not related to the child legally or biologically but who is considered a relative due to a significant, familial-like and ongoing relationship with the child and family.
- “**Reasonable efforts**” means the exercise of reasonable care and due diligence by the Department of Human Services, the Department of Child Protection Services, or any other appropriate entity or person to use appropriate and available services to prevent the unnecessary removal of the child from the home or provide other services related to meeting the needs of the child and the parents.
- “**Commercial sexual exploitation**” means any sexual act or crime of a sexual nature, which is committed against a child for financial or economic gain, to obtain a thing of value for quid pro quo exchange of property or for any other purpose.

RESOURCES

While the process of working with the Youth Court can be frightening and unwanted, the goal of the Court is to help your family. The Court can be one of the best resources you have to assist you in reaching your goals. There are resources to help you meet your goals! Ask your CPS worker, your GAL, and Court staff.

Court's: Please Add Services/Resources INFO HERE

