

By: Senator(s) Huggins

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2497

1 AN ACT TO CODIFY SECTION 43-1-63, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO RELEASE
3 INFORMATION FROM THE CENTRAL REGISTRY OF SUBSTANTIAL PERPETRATORS
4 OF CHILD ABUSE AND NEGLECT TO CERTAIN PERSONS; TO AMEND SECTION
5 43-21-257, MISSISSIPPI CODE OF 1972, TO CLARIFY THE TERM
6 "SUBSTANTIATED PERPETRATOR" OF HARM FOR PURPOSES OF THE CENTRAL
7 REGISTRY OF CHILD ABUSE AND NEGLECT CASES MAINTAINED BY THE
8 DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** The following provision shall be codified as
11 Section 43-1-63, Mississippi Code of 1972:

12 43-1-63. The Department of Human Services shall have the
13 authority to use the services and resources of the State
14 Department of Education and the State Department of Health and of
15 all other appropriate state departments, agencies, institutions or
16 political subdivisions as will aid in carrying out the purposes of
17 this chapter. It shall be the duty of all such state departments,
18 agencies and institutions to make available such services and
19 resources to the department, including, but not necessarily
20 limited to, such services and resources as may be required to
21 perform appropriate criminal history record checks on prospective
22 foster and relative child placements for the purpose of preventing
23 and detecting abuse and neglect.

24 **SECTION 2.** Section 43-21-257, Mississippi Code of 1972, is
25 amended as follows:

26 43-21-257. (1) Unless otherwise provided in this section,
27 any record involving children, including valid and invalid
28 complaints, and the contents thereof maintained by the Department
29 of Human Services, or any other state agency, shall be kept



30 confidential and shall not be disclosed except as provided in
31 Section 43-21-261.

32 (2) The Division of Youth Services shall maintain a state
33 central registry containing the number and disposition of all
34 cases together with such other useful information regarding such
35 cases as may be requested and is obtainable from the records of
36 the youth court. The Division of Youth Services shall annually
37 publish a statistical record of the number and disposition of all
38 cases, but the names or identity of any children shall not be
39 disclosed in the reports or records. The Division of Youth
40 Services shall adopt such rules as may be necessary to carry out
41 this subsection. The central registry files and the contents
42 thereof shall be confidential and shall not be open to public
43 inspection. Any person who shall disclose or encourage the
44 disclosure of any record involving children from the central
45 registry shall be subject to the penalty in Section 43-21-267.
46 The youth court shall furnish, upon forms provided by the Division
47 of Youth Services, the necessary information, and these completed
48 forms shall be forwarded to the Division of Youth Services.

49 (3) The Department of Human Services shall maintain a state
50 central registry on neglect and abuse cases containing (a) the
51 name, address and age of each child, (b) the nature of the harm
52 reported, (c) the name and address of the person responsible for
53 the care of the child, and (d) the name and address of the
54 substantiated perpetrator of the harm reported. "Substantiated
55 perpetrator" shall be defined as an individual who has committed
56 an act(s) of sexual abuse or physical abuse which would otherwise
57 be deemed as a felony or any child neglect which would be deemed
58 as a threat to life, as determined upon investigation by the
59 Division of Family and Children's Services. "Substantiation" for
60 the purposes of the Mississippi Department of Human Services
61 Central Registry shall not require an adjudication or criminal
62 conviction. The Department of Human Services shall adopt such



63 rules and administrative procedures, especially those procedures
64 to afford due process to individuals who have been named as
65 substantiated perpetrators prior to the release of their name from
66 the registry, as may be necessary to carry out this subsection.
67 The central registry shall be confidential and shall not be open
68 to public inspection. Any person who shall disclose or encourage
69 the disclosure of any record involving children from the central
70 registry without following the rules and administrative procedures
71 of the department shall be subject to the penalty in Section
72 43-21-267. The Department of Human Services and its employees are
73 hereby exempt from any civil liability as a result of any action
74 taken pursuant to the compilation and/or release of information on
75 the registry pursuant to this section and any other applicable
76 section of the code.

77 (4) The Mississippi State Department of Health may release
78 the findings of investigations into allegations of abuse within
79 licensed day care centers made under the provisions of Section
80 43-21-353(8) to any parent of a child who is enrolled in the day
81 care center at the time of the alleged abuse or at the time the
82 request for information is made. The findings of any such
83 investigation may also be released to parents who are considering
84 placing children in the day care center. No information
85 concerning such investigations may contain the names or
86 identifying information of individual children.

87 The Department of Health shall not be held civilly liable for
88 the release of information on any findings, recommendations or
89 actions taken pursuant to investigations of abuse that have been
90 conducted pursuant to Section 43-21-353(8).

91 **SECTION 3.** This act shall take effect and be in force from
92 and after July 1, 2002.

