SENATE BILL NO. 2388

AN ACT TO AMEND SECTION 43-21-257, MISSISSIPPI CODE OF 1972, TO CLARIFY THE TERM "SUBSTANTIATED PERPETRATOR" OF HARM FOR PURPOSES OF THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT CASES MAINTAINED BY THE DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 43-21-257, Mississippi Code of 1972, is amended as follows:

43-21-257. (1) Unless otherwise provided in this section, any record involving children, including valid and invalid complaints, and the contents thereof maintained by the Department of Human Services, or any other state agency, shall be kept confidential and shall not be disclosed except as provided in Section 43-21-261.

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

(3) The Department of Human Services shall maintain a state central registry on neglect and abuse cases containing (a) the name, address and age of each child, (b) the nature of the harm reported, (c) the name and address of the person responsible for the care of the child, and (d) the name and address of the substantiated perpetrator of the harm reported. "Substantiated perpetrator" shall be defined as an individual who has committed an act(s) of sexual abuse or physical abuse which would otherwise be deemed as a felony or any child neglect which would be deemed as a threat to life, as determined upon investigation by the Division of Family and Children's Services.

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.