

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2143

1 AN ACT TO AMEND SECTION 43-21-115, MISSISSIPPI CODE OF 1972,  
 2 TO CLARIFY THAT THE YOUTH COURT INTAKE OFFICER IS AN EMPLOYEE OF  
 3 THE COUNTY OR MUNICIPALITY WITH JURISDICTION; TO AMEND SECTION  
 4 43-21-257, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
 5 ADMINISTRATIVE OFFICE OF COURTS SHALL MAINTAIN THE STATE CENTRAL  
 6 REGISTRY OF YOUTH COURT CASES THROUGH THE MYCIDS DOCUMENTATION  
 7 SYSTEM; TO AMEND SECTION 43-27-201, MISSISSIPPI CODE OF 1972, TO  
 8 DELETE OBSOLETE PROVISIONS REGARDING CORRECTIONAL FACILITIES FOR  
 9 JUVENILES AND TO AUTHORIZE A NEW STATE ADOLESCENT OPPORTUNITY  
 10 PROGRAM (AOP) AS ALTERNATIVES TO EXISTING COMMUNITY-BASED PROGRAMS  
 11 FOR USE BY THE YOUTH COURTS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 43-21-115, Mississippi Code of 1972, is  
 14 amended as follows:

15 43-21-115. In every youth court division, the judge shall  
 16 appoint as provided in Section 43-21-123 one or more persons to  
 17 function as the intake unit for the youth court division. This  
 18 appointee shall be employed by the county or municipality and as  
 19 such an employee of the jurisdiction assigned. The youth court  
 20 intake unit shall perform all duties specified by this chapter.  
 21 If the person serving as the youth court intake unit is not  
 22 already a salaried public employee, the salary for such person



23 shall be fixed on order of the judge as provided in Section  
24 43-21-123 and shall be paid by the county or municipality, as the  
25 case may be, out of any available funds budgeted for the youth  
26 court by the board of supervisors.

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

29 43-21-257. (1) Unless otherwise provided in this section,  
30 any record involving children, including valid and invalid  
31 complaints, and the contents thereof maintained by the Department  
32 of Human Services, or any other state agency, shall be kept  
33 confidential and shall not be disclosed except as provided in  
34 Section 43-21-261.

35 (2) The \* \* \* Administrative Office of Courts shall maintain  
36 a state central registry containing the number and disposition of  
37 all cases together with such other useful information regarding  
38 those cases as may be requested and is obtainable from the records  
39 of the youth court. \* \* \* The central registry files and the  
40 contents thereof shall be confidential and shall not be open to  
41 public inspection. Any person who discloses or encourages the  
42 disclosure of any record involving children from the central  
43 registry shall be subject to the penalty in Section 43-21-267.  
44 The youth court shall furnish \* \* \* the necessary information  
45 needed by the Administrative Office of Courts, through the  
46 Mississippi Youth Court Information Delivery System (MYCIDS) or



47 other forms, and these completed forms shall be forwarded to the  
48 Administrative Office of Courts.

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 that would otherwise  
57 be deemed as a felony or any child neglect that would be deemed as  
58 a threat to life, as determined upon investigation by the Office  
59 of Family and Children's Services. "Substantiation" for the  
60 purposes of the Mississippi Department of Human Services Central  
61 Registry shall require a criminal conviction or an adjudication by  
62 a youth court judge or court of competent jurisdiction, ordering  
63 that the name of the perpetrator be listed on the central  
64 registry, pending due process. The Department of Human Services  
65 shall adopt such rules and administrative procedures, especially  
66 those procedures to afford due process to individuals who have  
67 been named as substantiated perpetrators before the release of  
68 their name from the central registry, as may be necessary to carry  
69 out this subsection. The central registry shall be confidential  
70 and shall not be open to public inspection. Any person who  
71 discloses or encourages the disclosure of any record involving



72 children from the central registry without following the rules and  
73 administrative procedures of the department shall be subject to  
74 the penalty in Section 43-21-267. The Department of Human  
75 Services and its employees are exempt from any civil liability as  
76 a result of any action taken pursuant to the compilation and/or  
77 release of information on the central registry under this section  
78 and any other applicable section of the code, unless determined  
79 that an employee has willfully and maliciously violated the rules  
80 and administrative procedures of the department, pertaining to the  
81 central registry or any section of this code. If an employee is  
82 determined to have willfully and maliciously performed such a  
83 violation, said employee shall not be exempt from civil liability  
84 in this regard.

85 (4) The Mississippi State Department of Health may release  
86 the findings of investigations into allegations of abuse within  
87 licensed day care centers made under the provisions of Section  
88 43-21-353(8) to any parent of a child who is enrolled in the day  
89 care center at the time of the alleged abuse or at the time the  
90 request for information is made. The findings of any such  
91 investigation may also be released to parents who are considering  
92 placing children in the day care center. No information  
93 concerning those investigations may contain the names or  
94 identifying information of individual children.

95 The Department of Health shall not be held civilly liable for  
96 the release of information on any findings, recommendations or



97 actions taken pursuant to investigations of abuse that have been  
98 conducted under Section 43-21-353(8).

99         **SECTION 3.** Section 43-27-201, Mississippi Code of 1972, is  
100 amended as follows:

101         43-27-201. (1) The purpose of this section is to outline  
102 and structure a long-range proposal in addition to certain  
103 immediate objectives for improvements in the juvenile facilities  
104 of the Division of Youth Services of the Mississippi Department of  
105 Human Services in order to provide modern and efficient  
106 rehabilitation facilities for juvenile offenders in Mississippi,  
107 who are committing an increasing percentage of serious and violent  
108 crimes.

109         (2) The Division of Youth Services shall establish, maintain  
110 and operate an Adolescent Opportunity Program (AOP) throughout the  
111 state, which may include non-Medicaid assistance eligible  
112 juveniles. Beginning July 1, 2016, subject to availability of  
113 funds appropriated therefor by the Legislature, AOP professional  
114 services, salaries, facility offices, meeting rooms and related  
115 supplies and equipment may be provided through contract with local  
116 mental health or other nonprofit community organizations. Each  
117 AOP must incorporate evidence-based practices and positive  
118 behavioral intervention that includes two (2) or more of the  
119 following elements: academic, tutoring, literacy, mentoring,  
120 vocational training, substance abuse treatment, family counseling  
121 and anger management. Programs may include, but shall not be



122 limited to, after school and weekend programs, job readiness  
123 programs, home detention programs, community service conflict  
124 resolution programs, restitution and community service.

125           **SECTION 4.** This act shall take effect and be in force from  
126 and after July 1, 2016.

