

By: Representatives Bennett, Ladner

To: Youth and Family
Affairs; Judiciary B

HOUSE BILL NO. 1233

1 AN ACT TO AMEND SECTION 43-21-261, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT WHEN AN ALLEGATION OF ABUSE OR NEGLECT OF A CHILD
3 OCCURS, THE YOUTH COURT SHALL RELEASE THE CHILD'S RECORD TO NEWS
4 MEDIA AT COST; TO PROHIBIT THE NEWS MEDIA FROM RELEASING ANY
5 IDENTIFYING INFORMATION CONCERNING THE CHILD; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 43-21-261, Mississippi Code of 1972, is
9 amended as follows:

10 43-21-261. (1) Except as otherwise provided in this
11 section, records involving children shall not be disclosed, other
12 than to necessary staff of the youth court, except pursuant to an
13 order of the youth court specifying the person or persons to whom
14 the records may be disclosed, the extent of the records which may
15 be disclosed and the purpose of the disclosure. Such court orders
16 for disclosure shall be limited to those instances in which the
17 youth court concludes, in its discretion, that disclosure is
18 required for the best interests of the child, the public safety or
19 the functioning of the youth court and then only to the following
20 persons:



- 21 (a) The judge of another youth court or member of
22 another youth court staff;
- 23 (b) The court of the parties in a child custody or
24 adoption cause in another court;
- 25 (c) A judge of any other court or members of another
26 court staff;
- 27 (d) Representatives of a public or private agency
28 providing supervision or having custody of the child under order
29 of the youth court;
- 30 (e) Any person engaged in a bona fide research purpose,
31 provided that no information identifying the subject of the
32 records shall be made available to the researcher unless it is
33 absolutely essential to the research purpose and the judge gives
34 prior written approval, and the child, through his or her
35 representative, gives permission to release the information;
- 36 (f) The Mississippi Department of Employment Security,
37 or its duly authorized representatives, for the purpose of a
38 child's enrollment into the Job Corps Training Program as
39 authorized by Title IV of the Comprehensive Employment Training
40 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
41 reports, investigations or information derived therefrom
42 pertaining to child abuse or neglect shall be disclosed;
- 43 (g) To any person pursuant to a finding by a judge of
44 the youth court of compelling circumstances affecting the health,
45 safety or well-being of a child and that such disclosure is in the



46 best interests of the child or an adult who was formerly the
47 subject of a youth court delinquency proceeding.

48 Law enforcement agencies may disclose information to the
49 public concerning the taking of a child into custody for the
50 commission of a delinquent act without the necessity of an order
51 from the youth court. The information released shall not identify
52 the child or his address unless the information involves a child
53 convicted as an adult.

54 (2) Any records involving children which are disclosed under
55 an order of the youth court or pursuant to the terms of this
56 section and the contents thereof shall be kept confidential by the
57 person or agency to whom the record is disclosed unless otherwise
58 provided in the order. Any further disclosure of any records
59 involving children shall be made only under an order of the youth
60 court as provided in this section.

61 (3) Upon request, the parent, guardian or custodian of the
62 child who is the subject of a youth court cause or any attorney
63 for such parent, guardian or custodian, shall have the right to
64 inspect any record, report or investigation which is to be
65 considered by the youth court at a hearing, except that the
66 identity of the reporter shall not be released, nor the name of
67 any other person where the person or agency making the information
68 available finds that disclosure of the information would be likely
69 to endanger the life or safety of such person.



70 (4) Upon request, the child who is the subject of a youth
71 court cause shall have the right to have his counsel inspect and
72 copy any record, report or investigation which is filed with the
73 youth court or which is to be considered by the youth court at a
74 hearing.

75 (5) (a) The youth court prosecutor or prosecutors, the
76 county attorney, the district attorney, the youth court defender
77 or defenders, or any attorney representing a child shall have the
78 right to inspect and copy any law enforcement record involving
79 children.

80 (b) The Department of Human Services shall disclose to
81 a county prosecuting attorney or district attorney any and all
82 records resulting from an investigation into suspected child abuse
83 or neglect when the case has been referred by the Department of
84 Human Services to the county prosecuting attorney or district
85 attorney for criminal prosecution.

86 (c) Agency records made confidential under the
87 provisions of this section may be disclosed to a court of
88 competent jurisdiction.

89 (d) Records involving children shall be disclosed to
90 the Division of Victim Compensation of the Office of the Attorney
91 General upon the division's request without order of the youth
92 court for purposes of determination of eligibility for victim
93 compensation benefits.



94 (6) Information concerning an investigation into a report of
95 child abuse or child neglect may be disclosed by the Department of
96 Human Services without order of the youth court to any attorney,
97 physician, dentist, intern, resident, nurse, psychologist, social
98 worker, family protection worker, family protection specialist,
99 child caregiver, minister, law enforcement officer, public or
100 private school employee making that report pursuant to Section
101 43-21-353(1) if the reporter has a continuing professional
102 relationship with the child and a need for such information in
103 order to protect or treat the child.

104 (7) Information concerning an investigation into a report of
105 child abuse or child neglect may be disclosed without further
106 order of the youth court to any interagency child abuse task force
107 established in any county or municipality by order of the youth
108 court of that county or municipality.

109 (8) Names and addresses of juveniles twice adjudicated as
110 delinquent for an act which would be a felony if committed by an
111 adult or for the unlawful possession of a firearm shall not be
112 held confidential and shall be made available to the public.

113 (9) Names and addresses of juveniles adjudicated as
114 delinquent for murder, manslaughter, burglary, arson, armed
115 robbery, aggravated assault, any sex offense as defined in Section
116 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
117 violation of Section 63-11-30, shall not be held confidential and
118 shall be made available to the public.



119 (10) The judges of the circuit and county courts, and
120 presentence investigators for the circuit courts, as provided in
121 Section 47-7-9, shall have the right to inspect any youth court
122 records of a person convicted of a crime for sentencing purposes
123 only.

124 (11) The victim of an offense committed by a child who is
125 the subject of a youth court cause shall have the right to be
126 informed of the child's disposition by the youth court.

127 (12) A classification hearing officer of the State
128 Department of Corrections, as provided in Section 47-5-103, shall
129 have the right to inspect any youth court records, excluding abuse
130 and neglect records, of any offender in the custody of the
131 department who as a child or minor was a juvenile offender or was
132 the subject of a youth court cause of action, and the State Parole
133 Board, as provided in Section 47-7-17, shall have the right to
134 inspect such records when the offender becomes eligible for
135 parole.

136 (13) The youth court shall notify the Department of Public
137 Safety of the name, and any other identifying information such
138 department may require, of any child who is adjudicated delinquent
139 as a result of a violation of the Uniform Controlled Substances
140 Law.

141 (14) The Administrative Office of Courts shall have the
142 right to inspect any youth court records in order that the number
143 of youthful offenders, abused, neglected, truant and dependent



144 children, as well as children in need of special care and children
145 in need of supervision, may be tracked with specificity through
146 the youth court and adult justice system, and to utilize tracking
147 forms for such purpose.

148 (15) Upon a request by a youth court, the Administrative
149 Office of Courts shall disclose all information at its disposal
150 concerning any previous youth court intakes alleging that a child
151 was a delinquent child, child in need of supervision, child in
152 need of special care, truant child, abused child or neglected
153 child, as well as any previous youth court adjudications for the
154 same and all dispositional information concerning a child who at
155 the time of such request comes under the jurisdiction of the youth
156 court making such request.

157 (16) The Administrative Office of Courts may, in its
158 discretion, disclose to the Department of Public Safety any or all
159 of the information involving children contained in the office's
160 youth court data management system known as Mississippi Youth
161 Court Information Delivery System or "MYCIDS."

162 (17) The youth courts of the state shall disclose to the
163 Joint Legislative Committee on Performance Evaluation and
164 Expenditure Review (PEER) any youth court records in order that
165 the number of youthful offenders, abused, neglected, truant and
166 dependent children, as well as children in need of special care
167 and children in need of supervision, may be tracked with
168 specificity through the youth court and adult justice system, and



169 to utilize tracking forms for such purpose. The disclosure
170 prescribed in this subsection shall not require a court order and
171 shall be made in sortable, electronic format where possible. The
172 PEER Committee may seek the assistance of the Administrative
173 Office of Courts in seeking this information. The PEER Committee
174 shall not disclose the identities of any youth who have been
175 adjudicated in the youth courts of the state and shall only use
176 the disclosed information for the purpose of monitoring the
177 effectiveness and efficiency of programs established to assist
178 adjudicated youth, and to ascertain the incidence of adjudicated
179 youth who become adult offenders.

180 (18) (a) In every case where an abuse or neglect allegation
181 has been made, the confidentiality provisions of this section
182 shall not apply to prohibit access to a child's records by any
183 state regulatory agency, any state or local prosecutorial
184 agency * * *~~or~~, law enforcement agency or news media; however, no
185 identifying information concerning the child in question may be
186 released to the public by such agency or news media except as
187 otherwise provided herein.

188 (b) If a child's records is released to the news media, as
189 authorized under this subsection, then the records shall be
190 provided at cost to the news media. For purposes of this
191 subsection, "news media" means bona fide radio and television
192 stations, newspapers, journals or magazines or bona fide news
193 bureaus or associations which in turn furnish information solely



194 to bona fide radio or television stations, newspapers, journals or
195 magazines.

196 (19) In every case where there is any indication or
197 suggestion of either abuse or neglect and a child's physical
198 condition is medically labeled as medically "serious" or
199 "critical" or a child dies, the confidentiality provisions of this
200 section shall not apply. In cases of child deaths, the following
201 information may be released by the Mississippi Department of Human
202 Services: (a) child's name; (b) address or location; (c)
203 verification from the Department of Human Services of case status
204 (no case or involvement, case exists, open or active case, case
205 closed); (d) if a case exists, the type of report or case
206 (physical abuse, neglect, etc.), date of intake(s) and
207 investigation(s), and case disposition (substantiated or
208 unsubstantiated). Notwithstanding the aforesaid, the
209 confidentiality provisions of this section shall continue if there
210 is a pending or planned investigation by any local, state or
211 federal governmental agency or institution.

212 (20) Any member of a foster care review board designated by
213 the Department of Human Services shall have the right to inspect
214 youth court records relating to the abuse, neglect or child in
215 need of supervision cases assigned to such member for review.

216 (21) Information concerning an investigation into a report
217 of child abuse or child neglect may be disclosed without further
218 order of the youth court in any administrative or due process



219 hearing held, pursuant to Section 43-21-257, by the Department of
220 Human Services for individuals whose names will be placed on the
221 central registry as substantiated perpetrators.

222 **SECTION 2.** This act shall take effect and be in force from
223 and after July 1, 2017.

