

By: Representatives Bennett, Ladner, Dixon,
Baria, Haney, Sykes

To: Youth and Family Affairs

HOUSE BILL NO. 1210

1 AN ACT TO AMEND SECTION 43-21-261, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT PARENTS MAY REVIEW THE YOUTH COURT RECORDS OF THE
3 PARENT'S CHILD; AND FOR RELATED PURPOSES.

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

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

7 43-21-261. (1) Except as otherwise provided in this
8 section, records involving children shall not be disclosed, other
9 than to necessary staff of the youth court, except pursuant to an
10 order of the youth court specifying the person or persons to whom
11 the records may be disclosed, the extent of the records which may
12 be disclosed and the purpose of the disclosure. Such court orders
13 for disclosure shall be limited to those instances in which the
14 youth court concludes, in its discretion, that disclosure is
15 required for the best interests of the child, the public safety or
16 the functioning of the youth court and then only to the following
17 persons:



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



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

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

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

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



67 guardian or custodian of the child, upon request, shall be
68 provided a redacted copy of any record, report or investigation.

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

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

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

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

88 (d) Records involving children shall be disclosed to
89 the Division of Victim Compensation of the Office of the Attorney
90 General upon the division's request without order of the youth



91 court for purposes of determination of eligibility for victim
92 compensation benefits.

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

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

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

112 (9) Names and addresses of juveniles adjudicated as
113 delinquent for murder, manslaughter, burglary, arson, armed
114 robbery, aggravated assault, any sex offense as defined in Section
115 45-33-23, for any violation of Section 41-29-139(a) (1) or for any



116 violation of Section 63-11-30, shall not be held confidential and
117 shall be made available to the public.

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

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

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

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



140 (14) The Administrative Office of Courts shall have the
141 right to inspect any youth court records in order that the number
142 of youthful offenders, abused, neglected, truant and dependent
143 children, as well as children in need of special care and children
144 in need of supervision, may be tracked with specificity through
145 the youth court and adult justice system, and to utilize tracking
146 forms for such purpose.

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

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

161 (17) The youth courts of the state shall disclose to the
162 Joint Legislative Committee on Performance Evaluation and
163 Expenditure Review (PEER) any youth court records in order that
164 the number of youthful offenders, abused, neglected, truant and



165 dependent children, as well as children in need of special care
166 and children in need of supervision, may be tracked with
167 specificity through the youth court and adult justice system, and
168 to utilize tracking forms for such purpose. The disclosure
169 prescribed in this subsection shall not require a court order and
170 shall be made in sortable, electronic format where possible. The
171 PEER Committee may seek the assistance of the Administrative
172 Office of Courts in seeking this information. The PEER Committee
173 shall not disclose the identities of any youth who have been
174 adjudicated in the youth courts of the state and shall only use
175 the disclosed information for the purpose of monitoring the
176 effectiveness and efficiency of programs established to assist
177 adjudicated youth, and to ascertain the incidence of adjudicated
178 youth who become adult offenders.

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

186 (19) In every case where there is any indication or
187 suggestion of either abuse or neglect and a child's physical
188 condition is medically labeled as medically "serious" or
189 "critical" or a child dies, the confidentiality provisions of this



190 section shall not apply. In cases of child deaths, the following
191 information may be released by the Mississippi Department of Human
192 Services: (a) child's name; (b) address or location; (c)
193 verification from the Department of Human Services of case status
194 (no case or involvement, case exists, open or active case, case
195 closed); (d) if a case exists, the type of report or case
196 (physical abuse, neglect, etc.), date of intake(s) and
197 investigation(s), and case disposition (substantiated or
198 unsubstantiated). Notwithstanding the aforesaid, the
199 confidentiality provisions of this section shall continue if there
200 is a pending or planned investigation by any local, state or
201 federal governmental agency or institution.

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

206 (21) Information concerning an investigation into a report
207 of child abuse or child neglect may be disclosed without further
208 order of the youth court in any administrative or due process
209 hearing held, pursuant to Section 43-21-257, by the Department of
210 Human Services for individuals whose names will be placed on the
211 central registry as substantiated perpetrators.

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

