

By: Representatives Huddleston, Paden, Hines To: Judiciary B

HOUSE BILL NO. 1117

1 AN ACT TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT IN CASES OF REPORTS OF CHILD ABUSE OR NEGLECT TO  
3 THE DEPARTMENT OF CHILD PROTECTION SERVICES, IF THE DEPARTMENT  
4 DETERMINES THAT A PARENT OR OTHER PERSON RESPONSIBLE FOR THE CARE  
5 OR WELFARE OF AN ABUSED OR NEGLECTED CHILD MAINTAINS ACTIVE DUTY  
6 STATUS WITHIN THE MILITARY, THEN THE DEPARTMENT SHALL NOTIFY THE  
7 APPLICABLE MILITARY INSTALLATION FAMILY ADVOCACY PROGRAM THAT  
8 THERE IS AN ALLEGATION OF ABUSE OR NEGLECT THAT RELATES TO THAT  
9 CHILD; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 43-21-353, Mississippi Code of 1972, is  
12 amended as follows:

13 43-21-353. (1) Any attorney, physician, dentist, intern,  
14 resident, nurse, psychologist, social worker, family protection  
15 worker, family protection specialist, child caregiver, minister,  
16 law enforcement officer, public or private school employee or any  
17 other person having reasonable cause to suspect that a child is a  
18 neglected child or an abused child, shall cause an oral report to  
19 be made immediately by telephone or otherwise and followed as soon  
20 thereafter as possible by a report in writing to the Department  
21 of \* \* \* Child Protection Services, and immediately a referral



22 shall be made by the Department of \* \* \* Child Protection Services  
23 to the youth court intake unit, which unit shall promptly comply  
24 with Section 43-21-357. In the course of an investigation, at the  
25 initial time of contact with the individual(s) about whom a report  
26 has been made under this Youth Court Act or with the individual(s)  
27 responsible for the health or welfare of a child about whom a  
28 report has been made under this chapter, the Department of \* \* \*  
29 Child Protection Services shall inform the individual of the  
30 specific complaints or allegations made against the individual.  
31 Consistent with subsection (4), the identity of the person who  
32 reported his or her suspicion shall not be disclosed. Where  
33 appropriate, the Department of \* \* \* Child Protection Services  
34 shall additionally make a referral to the youth court prosecutor.

35 Upon receiving a report that a child has been sexually  
36 abused, or burned, tortured, mutilated or otherwise physically  
37 abused in such a manner as to cause serious bodily harm, or upon  
38 receiving any report of abuse that would be a felony under state  
39 or federal law, the Department of \* \* \* Child Protection Services  
40 shall immediately notify the law enforcement agency in whose  
41 jurisdiction the abuse occurred and shall notify the appropriate  
42 prosecutor within forty-eight (48) hours, and the Department  
43 of \* \* \* Child Protection Services shall have the duty to provide  
44 the law enforcement agency all the names and facts known at the  
45 time of the report; this duty shall be of a continuing nature.  
46 The law enforcement agency and the Department of \* \* \* Child



47 Protection Services shall investigate the reported abuse  
48 immediately and shall file a preliminary report with the  
49 appropriate prosecutor's office within twenty-four (24) hours and  
50 shall make additional reports as new or additional information or  
51 evidence becomes available. The Department of \* \* \* Child  
52 Protection Services shall advise the clerk of the youth court and  
53 the youth court prosecutor of all cases of abuse reported to the  
54 department within seventy-two (72) hours and shall update such  
55 report as information becomes available. In addition, if the  
56 Department of Child Protection Services determines that a parent  
57 or other person responsible for the care or welfare of an abused  
58 or neglected child maintains active duty status within the  
59 military, the department shall notify the applicable military  
60 installation family advocacy program that there is an allegation  
61 of abuse or neglect that relates to that child.

62 (2) Any report to the Department of \* \* \* Child Protection  
63 Services shall contain the names and addresses of the child and  
64 his parents or other persons responsible for his care, if known,  
65 the child's age, the nature and extent of the child's injuries,  
66 including any evidence of previous injuries \* \* \*, any other  
67 information that might be helpful in establishing the cause of the  
68 injury, and the identity of the perpetrator.

69 (3) The Department of \* \* \* Child Protection Services shall  
70 maintain a statewide incoming wide-area telephone service or  
71 similar service for the purpose of receiving reports of suspected



72 cases of child abuse; provided that any attorney, physician,  
73 dentist, intern, resident, nurse, psychologist, social worker,  
74 family protection worker, family protection specialist, child  
75 caregiver, minister, law enforcement officer or public or private  
76 school employee who is required to report under subsection (1) of  
77 this section shall report in the manner required in subsection  
78 (1).

79 (4) Reports of abuse and neglect made under this chapter and  
80 the identity of the reporter are confidential except when the  
81 court in which the investigation report is filed, in its  
82 discretion, determines the testimony of the person reporting to be  
83 material to a judicial proceeding or when the identity of the  
84 reporter is released to law enforcement agencies and the  
85 appropriate prosecutor pursuant to subsection (1). Reports made  
86 under this section to any law enforcement agency or prosecutorial  
87 officer are for the purpose of criminal investigation and  
88 prosecution only and no information from these reports may be  
89 released to the public except as provided by Section 43-21-261.  
90 Disclosure of any information by the prosecutor shall be according  
91 to the Mississippi Uniform Rules of Circuit and County Court  
92 Procedure. The identity of the reporting party shall not be  
93 disclosed to anyone other than law enforcement officers or  
94 prosecutors without an order from the appropriate youth court.  
95 Any person disclosing any reports made under this section in a  
96 manner not expressly provided for in this section or Section



97 43-21-261 shall be guilty of a misdemeanor and subject to the  
98 penalties prescribed by Section 43-21-267.

99 (5) All final dispositions of law enforcement investigations  
100 described in subsection (1) of this section shall be determined  
101 only by the appropriate prosecutor or court. All final  
102 dispositions of investigations by the Department of \* \* \* Child  
103 Protection Services as described in subsection (1) of this section  
104 shall be determined only by the youth court. Reports made under  
105 subsection (1) of this section by the Department of \* \* \* Child  
106 Protection Services to the law enforcement agency and to the  
107 district attorney's office shall include the following, if known  
108 to the department:

- 109 (a) The name and address of the child;
- 110 (b) The names and addresses of the parents;
- 111 (c) The name and address of the suspected perpetrator;
- 112 (d) The names and addresses of all witnesses, including  
113 the reporting party if a material witness to the abuse;
- 114 (e) A brief statement of the facts indicating that the  
115 child has been abused and any other information from the agency  
116 files or known to the family protection worker or family  
117 protection specialist making the investigation, including medical  
118 records or other records, which may assist law enforcement or the  
119 district attorney in investigating and/or prosecuting the case;
- 120 and



121 (f) What, if any, action is being taken by the  
122 Department of \* \* \* Child Protection Services.

123 (6) In any investigation of a report made under this chapter  
124 of the abuse or neglect of a child as defined in Section  
125 43-21-105(1) or (m), the Department of \* \* \* Child Protection  
126 Services may request the appropriate law enforcement officer with  
127 jurisdiction to accompany the department in its investigation, and  
128 in such cases the law enforcement officer shall comply with such  
129 request.

130 (7) Anyone who willfully violates any provision of this  
131 section shall be, upon being found guilty, punished by a fine not  
132 to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in  
133 jail not to exceed one (1) year, or both.

134 (8) If a report is made directly to the Department of \* \* \*  
135 Child Protection Services that a child has been abused or  
136 neglected in an out-of-home setting, a referral shall be made  
137 immediately to the law enforcement agency in whose jurisdiction  
138 the abuse occurred and the department shall notify the district  
139 attorney's office within forty-eight (48) hours of such report.  
140 The Department of \* \* \* Child Protection Services shall  
141 investigate the out-of-home setting report of abuse or neglect to  
142 determine whether the child who is the subject of the report, or  
143 other children in the same environment, comes within the  
144 jurisdiction of the youth court and shall report to the youth  
145 court the department's findings and recommendation as to whether



146 the child who is the subject of the report or other children in  
147 the same environment require the protection of the youth court.  
148 The law enforcement agency shall investigate the reported abuse  
149 immediately and shall file a preliminary report with the district  
150 attorney's office within forty-eight (48) hours and shall make  
151 additional reports as new information or evidence becomes  
152 available. If the out-of-home setting is a licensed facility, an  
153 additional referral shall be made by the Department of \* \* \* Child  
154 Protection Services to the licensing agency. The licensing agency  
155 shall investigate the report and shall provide the Department  
156 of \* \* \* Child Protection Services, the law enforcement agency and  
157 the district attorney's office with their written findings from  
158 such investigation as well as that licensing agency's  
159 recommendations and actions taken.

160 (9) If a child protective investigation does not result in  
161 an out-of-home placement, a child protective investigator must  
162 provide information to the parent or guardians about community  
163 service programs that provide respite care, voluntary guardianship  
164 or other support services for families in crisis.

165 **SECTION 2.** This act shall take effect and be in force from  
166 and after July 1, 2019.

