

By: Representative Mims

To: Judiciary B

HOUSE BILL NO. 356
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-355, MISSISSIPPI CODE OF 1972,
2 TO EXPAND THE IMMUNITY FOR MAKING GOOD FAITH REPORTS OF CHILD
3 ABUSE OR NEGLECT TO INCLUDE PERSONS WHO PARTICIPATE IN AN
4 INVESTIGATION, EVALUATION OR JUDICIAL PROCEEDING RESULTING FROM
5 THE REPORT; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972,
6 TO PROVIDE A LIMITED IMMUNITY FROM CIVIL LIABILITY TO CHILD
7 ADVOCACY CENTERS AND MULTIDISCIPLINARY TEAM MEMBERS; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 43-21-355, Mississippi Code of 1972, is
11 amended as follows:

12 43-21-355. Any attorney, physician, dentist, intern,
13 resident, nurse, psychologist, social worker, family protection
14 worker, family protection specialist, child caregiver, minister,
15 law enforcement officer, school attendance officer, public school
16 district employee, nonpublic school employee, licensed
17 professional counselor or any other person participating in the
18 making of a required report pursuant to Section 43-21-353 or
19 participating in * * * an investigation, evaluation or judicial
20 proceeding resulting * * * from the report shall be presumed to be
21 acting in good faith. Any person or institution reporting or



22 participating in an investigation, evaluation or judicial
23 proceeding resulting from the report in good faith shall be immune
24 from any liability, civil or criminal, that might otherwise be
25 incurred or imposed.

26 **SECTION 2.** Section 43-15-51, Mississippi Code of 1972, is
27 amended as follows:

28 43-15-51. (1) The district attorneys, the Department of
29 Human Services or the Department of Child Protection Services may
30 initiate formal cooperative agreements with the appropriate
31 agencies to create multidisciplinary child protection teams in
32 order to implement a coordinated multidisciplinary team approach
33 to intervention in reports involving alleged commercial sexual
34 exploitation, human trafficking, or severe or potential felony
35 child physical or sexual abuse, exploitation, or maltreatment.
36 The multidisciplinary team also may be known as a child abuse task
37 force. The purpose of the team or task force shall be to assist
38 in the evaluation and investigation of reports and to provide
39 consultation and coordination for agencies involved in child
40 protection cases. The agencies to be included as members of the
41 multidisciplinary team are: the district attorney's office, city
42 and county law enforcement agencies, county attorneys, youth court
43 prosecutors, the Human Trafficking Coordinator or his or her
44 designee and other agencies as appropriate. The Department of
45 Child Protection Services shall be included as a member of the



46 multidisciplinary team if the department does not initiate
47 creation of the team.

48 (2) Except as otherwise provided in Section 43-26-3, to
49 implement the multidisciplinary child abuse team, the team or task
50 force must be authorized by court order from the appropriate youth
51 court. The court order will designate which agencies will
52 participate in the cooperative multidisciplinary team.

53 (3) (a) Teams created under this section may invite other
54 persons to serve on the team who have knowledge of and experience
55 in child abuse and neglect and commercial sexual exploitation and
56 human trafficking matters. These persons may include licensed
57 mental and physical health practitioners and physicians, dentists,
58 representatives of the district attorney's office and the Attorney
59 General's office, experts in the assessment and treatment of
60 substance abuse or sexual abuse, the victim assistance coordinator
61 of the district attorney's office, staff members of a child
62 advocacy center, sexual assault nurse examiners and experts in
63 providing services to commercial sexual exploitation and human
64 trafficking victims. For purposes of this paragraph, the term
65 "sexual assault nurse examiner" means a registered nurse who has
66 received a documented forty (40) hours of training as a sexual
67 assault nurse examiner.

68 (b) (i) A child advocacy center means an agency that
69 advocates on behalf of children alleged to have been abused and
70 assists in the coordination of the investigation of child abuse by



71 providing a location for forensic interviews and promoting the
72 coordination of services for children alleged to have been abused.
73 A child advocacy center provides services that include, but are
74 not limited to, forensic medical examinations, mental health and
75 related support services, court advocacy, consultation, training
76 for social workers, law enforcement training, and child abuse
77 multidisciplinary teams, and staffing of multidisciplinary teams.

78 (ii) Child advocacy centers may provide a
79 video-taped forensic interview of the child in a child friendly
80 environment or separate building. The purpose of the video-taped
81 forensic interview is to prevent further trauma to a child in the
82 investigation and prosecution of child physical and sexual abuse
83 cases. Child advocacy centers can also assist child victims by
84 providing therapeutic counseling subsequent to the interview by a
85 qualified therapist. Child advocacy centers can also assist law
86 enforcement and prosecutors by acquainting child victim witnesses
87 and their parents or guardians to the courtroom through child
88 court school programs.

89 (4) A team or task force created under this section shall
90 review records on cases referred to the team by the Department of
91 Child Protection Services or law enforcement or the district
92 attorney's office. The team shall meet at least monthly.

93 (5) No person shall disclose information obtained from a
94 meeting of the multidisciplinary team unless necessary to comply
95 with the Department of Child Protection Services regulations or



96 conduct and proceeding in youth court or criminal court
97 proceedings or as authorized by a court of competent jurisdiction.

98 (6) A child advocacy center or a member of the
99 multidisciplinary team is not liable for civil damages while
100 acting within the scope of official team duties if the center or
101 member, in good faith, refers a report of alleged child abuse for
102 investigation, conducts an investigation, makes an investigative
103 judgment or disposition, or releases or uses information for the
104 purpose of protecting a child. The limitation of civil liability
105 does not apply if a child advocacy center or multidisciplinary
106 team member is not acting in good faith. The limitation of
107 liability provided by this subsection for a child advocacy center
108 or member of the multidisciplinary team, shall only apply when the
109 child advocacy center or the member is acting on behalf of or
110 within the scope of duties for the multidisciplinary team as
111 described in this section.

112 **SECTION 3.** This act shall take effect and be in force from
113 and after July 1, 2021.

