

By: Representative Hines

To: Public Health and Human Services

HOUSE BILL NO. 20

1 AN ACT TO AMEND SECTIONS 43-20-17 AND 43-20-59, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO  
3 DISCLOSE TO A CHILD CARE FACILITY OR A FAMILY CHILD CARE HOME THE  
4 NAME OF ANY PERSON WHO FILES A COMPLAINT THAT THE CHILD CARE  
5 FACILITY OR FAMILY CHILD CARE HOME HAS VIOLATED OR IS OTHERWISE  
6 NOT IN COMPLIANCE WITH THE CHILD CARE LICENSING LAW OR THE FAMILY  
7 CHILD CARE REGISTRATION LAW; TO REQUIRE THE DEPARTMENT TO PROVIDE  
8 A CHILD CARE FACILITY OR FAMILY CHILD CARE HOME AGAINST WHICH A  
9 COMPLAINT HAS BEEN FILED AN OPPORTUNITY TO RESPOND TO THE  
10 COMPLAINT BEFORE THE DEPARTMENT BEGINS A FORMAL INVESTIGATION OF  
11 THE COMPLAINT; TO AMEND SECTIONS 43-20-65 AND 43-21-257,  
12 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;  
13 TO BRING FORWARD SECTIONS 43-21-353 AND 43-21-261, MISSISSIPPI  
14 CODE OF 1972, WHICH RELATE TO CONFIDENTIALITY AND DISCLOSURE OF  
15 REPORTS MADE TO STATE AGENCIES INVOLVING CHILDREN, FOR THE  
16 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 43-20-17, Mississippi Code of 1972, is  
19 amended as follows:

20 43-20-17. (1) Except as otherwise provided in subsection  
21 (2) of this section, information in the possession of the  
22 licensing agency concerning the license of individual child care  
23 facilities may be disclosed to the public, except such information  
24 shall not be disclosed in such manner as to identify children or  
25 families of children cared for at a child care facility. Nothing



26 in this section shall affect the agency's authority to release  
27 findings of investigations into allegations of abuse pursuant to  
28 either Section 43-21-353(8) or Section 43-21-257.

29 (2) The licensing agency shall disclose to a child care  
30 facility the name of any person who files a complaint with the  
31 licensing agency that the child care facility has violated or is  
32 otherwise not in compliance with the Child Care Licensing Law or  
33 any rules or regulations adopted by the licensing agency under  
34 that law. The licensing agency shall provide a child care  
35 facility against which a complaint has been filed an opportunity  
36 to respond to the complaint before the licensing agency begins a  
37 formal investigation of the complaint.

38 **SECTION 2.** Section 43-20-59, Mississippi Code of 1972, is  
39 amended as follows:

40 43-20-59. (1) Any person maintaining a family child care  
41 home may register such home with the State Department of Health on  
42 forms provided by the department.

43 (2) A certificate of registration shall be issued to the  
44 applicant for registration who (a) attests to the safety of the  
45 home for the care of children, (b) submits a fee of Five Dollars  
46 (\$5.00), payable to the department, and (c) certifies that no  
47 person described in paragraph (a), (b), (c), (d) or (e) of Section  
48 43-20-57(1) resides, works or volunteers in the family child care  
49 home.



50 Any increase in the fee charged by the department under this  
51 subsection shall be in accordance with the provisions of Section  
52 41-3-65.

53 (3) The department shall furnish each applicant for  
54 registration a family child care home safety evaluation form to be  
55 completed by the applicant and submitted with the registration  
56 application.

57 (4) The certificate of registration shall be renewed  
58 annually in the same manner provided for in this section.

59 (5) A certificate of registration shall be in force for one  
60 (1) year after the date of issuance unless revoked pursuant to  
61 Sections 43-20-51 through 43-20-65. The certificate shall specify  
62 that the registrant may operate a family child care home for five  
63 (5) or fewer children. This section shall not be construed to  
64 limit the right of the department to enter a registered family  
65 child care home for the purpose of assessing compliance with  
66 Sections 43-20-51 through 43-20-65 after receiving a complaint  
67 against the registrant of such home or in conducting a periodic  
68 routine inspection. However, before the department may enter a  
69 registered family child care home after receiving a complaint  
70 against the registrant of such home, the department shall provide  
71 the registrant with an opportunity to respond to the complaint as  
72 required by Section 43-20-65(2).

73 (6) The department shall adopt rules and regulations to  
74 implement the registration provisions.



75           **SECTION 3.** Section 43-20-65, Mississippi Code of 1972, is  
76 amended as follows:

77           43-20-65. (1) Except as otherwise provided in subsection  
78 (2) of this section, information received by the licensing agency  
79 through filed reports, inspections or otherwise authorized under  
80 Sections 43-20-51 through 43-20-65 shall not be disclosed publicly  
81 in such manner as to identify individuals. In any hearings  
82 conducted under regulation provisions of Sections 43-20-51 through  
83 43-20-65, the hearing officer may close the hearing to the public  
84 to prevent public disclosure of matters relating to individuals  
85 restricted by other law.

86           (2) The licensing agency shall disclose to a family child  
87 care home the name of any person who files a complaint with the  
88 licensing agency that the family child care home has violated or  
89 is otherwise not in compliance with Sections 43-20-51 through  
90 43-20-65 or any rules or regulations adopted by the licensing  
91 agency under those sections. The licensing agency shall provide a  
92 family child care home against which a complaint has been filed an  
93 opportunity to respond to the complaint before the licensing  
94 agency begins a formal investigation of the complaint.

95           **SECTION 4.** Section 43-21-257, Mississippi Code of 1972, is  
96 amended as follows:

97           43-21-257. (1) Unless otherwise provided in this section,  
98 any record involving children, including valid and invalid  
99 complaints, and the contents thereof maintained by the Department



100 of Human Services or the Department of Child Protection Services,  
101 or any other state agency, shall be kept confidential and shall  
102 not be disclosed except as provided in Section 43-21-261, 43-20-17  
103 or 43-20-65.

104 (2) The Office of Youth Services shall maintain a state  
105 central registry containing the number and disposition of all  
106 cases together with such other useful information regarding those  
107 cases as may be requested and is obtainable from the records of  
108 the youth court. The Office of Youth Services shall annually  
109 publish a statistical record of the number and disposition of all  
110 cases, but the names or identity of any children shall not be  
111 disclosed in the reports or records. The Office of Youth Services  
112 shall adopt such rules as may be necessary to carry out this  
113 subsection. The central registry files and the contents thereof  
114 shall be confidential and shall not be open to public inspection.  
115 Any person who discloses or encourages the disclosure of any  
116 record involving children from the central registry shall be  
117 subject to the penalty in Section 43-21-267. The youth court  
118 shall furnish, upon forms provided by the Office of Youth  
119 Services, the necessary information, and these completed forms  
120 shall be forwarded to the Office of Youth Services. The  
121 Department of Human Services and its employees are exempt from any  
122 civil liability as a result of any action taken pursuant to the  
123 compilation or release of information on the central registry  
124 under this section and any other applicable section of this code,



125 unless determined that an employee has willfully and maliciously  
126 violated the rules and administrative procedures of the department  
127 pertaining to the central registry or any section of this code.  
128 If an employee is determined to have willfully and maliciously  
129 performed such a violation, said employee shall not be exempt from  
130 civil liability in this regard.

131 (3) The Department of Child Protection Services shall  
132 maintain a state central registry on neglect and abuse cases  
133 containing (a) the name, address and age of each child, (b) the  
134 nature of the harm reported, (c) the name and address of the  
135 person responsible for the care of the child, and (d) the name and  
136 address of the substantiated perpetrator of the harm reported.  
137 "Substantiated perpetrator" shall be defined as an individual who  
138 has committed an act(s) of sexual abuse or physical abuse that  
139 would otherwise be deemed as a felony or any child neglect that  
140 would be deemed as a threat to life. A name is to be added to the  
141 registry only based upon a criminal conviction or an adjudication  
142 by a youth court judge or court of competent jurisdiction,  
143 ordering that the name of the perpetrator be listed on the central  
144 registry. The central registry shall be confidential and shall  
145 not be open to public inspection. Any person who discloses or  
146 encourages the disclosure of any record involving children from  
147 the central registry without following the rules and  
148 administrative procedures of the department shall be subject to  
149 the penalty in Section 43-21-267. The Department of Child



150 Protection Services and its employees are exempt from any civil  
151 liability as a result of any action taken pursuant to the  
152 compilation or release of information on the central registry  
153 under this section and any other applicable section of this code,  
154 unless determined that an employee has willfully and maliciously  
155 violated the rules and administrative procedures of the department  
156 pertaining to the central registry or any section of this code.  
157 If an employee is determined to have willfully and maliciously  
158 performed such a violation, said employee shall not be exempt from  
159 civil liability in this regard.

160 (4) The Mississippi State Department of Health may release  
161 the findings of investigations into allegations of abuse within  
162 licensed day care centers made under the provisions of Section  
163 43-21-353(8) to any parent of a child who is enrolled in the day  
164 care center at the time of the alleged abuse or at the time the  
165 request for information is made. The findings of any such  
166 investigation may also be released to parents who are considering  
167 placing children in the day care center. No information  
168 concerning those investigations may contain the names or  
169 identifying information of individual children.

170 The Department of Health shall not be held civilly liable for  
171 the release of information on any findings, recommendations or  
172 actions taken pursuant to investigations of abuse that have been  
173 conducted under Section 43-21-353(8).



174           **SECTION 5.** Section 43-21-353, Mississippi Code of 1972, is  
175 brought forward as follows:

176           43-21-353. (1) Any attorney, physician, dentist, intern,  
177 resident, nurse, psychologist, social worker, family protection  
178 worker, family protection specialist, child caregiver, minister,  
179 law enforcement officer, public or private school employee or any  
180 other person having reasonable cause to suspect that a child is a  
181 neglected child, an abused child, or a victim of commercial sexual  
182 exploitation or human trafficking shall cause an oral report to be  
183 made immediately by telephone or otherwise and followed as soon  
184 thereafter as possible by a report in writing to the Department of  
185 Child Protection Services, and immediately a referral shall be  
186 made by the Department of Child Protection Services to the youth  
187 court intake unit, which unit shall promptly comply with Section  
188 43-21-357. In the course of an investigation, at the initial time  
189 of contact with the individual(s) about whom a report has been  
190 made under this Youth Court Act or with the individual(s)  
191 responsible for the health or welfare of a child about whom a  
192 report has been made under this chapter, the Department of Child  
193 Protection Services shall inform the individual of the specific  
194 complaints or allegations made against the individual. Consistent  
195 with subsection (4), the identity of the person who reported his  
196 or her suspicion shall not be disclosed at that point. Where  
197 appropriate, the Department of Child Protection Services shall  
198 additionally make a referral to the youth court prosecutor.





199           Upon receiving a report that a child has been sexually  
200 abused, is a victim of commercial sexual exploitation or human  
201 trafficking or has been burned, tortured, mutilated or otherwise  
202 physically abused in such a manner as to cause serious bodily  
203 harm, or upon receiving any report of abuse that would be a felony  
204 under state or federal law, the Department of Child Protection  
205 Services shall immediately notify the law enforcement agency in  
206 whose jurisdiction the abuse occurred. Within forty-eight (48)  
207 hours, the department must notify the appropriate prosecutor and  
208 the Statewide Human Trafficking Coordinator. The department shall  
209 have the duty to provide the law enforcement agency all the names  
210 and facts known at the time of the report; this duty shall be of a  
211 continuing nature. The law enforcement agency and the department  
212 shall investigate the reported abuse immediately and shall file a  
213 preliminary report with the appropriate prosecutor's office within  
214 twenty-four (24) hours and shall make additional reports as new or  
215 additional information or evidence becomes available. The  
216 department shall advise the clerk of the youth court and the youth  
217 court prosecutor of all cases of abuse reported to the department  
218 within seventy-two (72) hours and shall update such report as  
219 information becomes available. In addition, if the Department of  
220 Child Protection Services determines that a parent or other person  
221 responsible for the care or welfare of an abused or neglected  
222 child maintains active duty status within the military, the  
223 department shall notify the applicable military installation



224 family advocacy program that there is an allegation of abuse or  
225 neglect that relates to that child.

226 (2) Any report shall contain the names and addresses of the  
227 child and his parents or other persons responsible for his care,  
228 if known, the child's age, the nature and extent of the child's  
229 injuries, including any evidence of previous injuries, any other  
230 information that might be helpful in establishing the cause of the  
231 injury, and the identity of the perpetrator.

232 (3) The Department of Child Protection Services shall  
233 maintain a statewide incoming wide-area telephone service or  
234 similar service for the purpose of receiving reports of suspected  
235 cases of child abuse, commercial sexual exploitation or human  
236 trafficking; provided that any attorney, physician, dentist,  
237 intern, resident, nurse, psychologist, social worker, family  
238 protection worker, family protection specialist, child caregiver,  
239 minister, law enforcement officer or public or private school  
240 employee who is required to report under subsection (1) of this  
241 section shall report in the manner required in subsection (1).

242 (4) Reports of abuse, neglect and commercial sexual  
243 exploitation or human trafficking made under this chapter and the  
244 identity of the reporter are confidential except when the court in  
245 which the investigation report is filed, in its discretion,  
246 determines the testimony of the person reporting to be material to  
247 a judicial proceeding or when the identity of the reporter is  
248 released to law enforcement agencies and the appropriate



249 prosecutor pursuant to subsection (1). Reports made under this  
250 section to any law enforcement agency or prosecutorial officer are  
251 for the purpose of criminal investigation and prosecution only and  
252 no information from these reports may be released to the public  
253 except as provided by Section 43-21-261. Disclosure of any  
254 information by the prosecutor shall be according to the  
255 Mississippi Uniform Rules of Circuit and County Court Procedure.  
256 The identity of the reporting party shall not be disclosed to  
257 anyone other than law enforcement officers or prosecutors without  
258 an order from the appropriate youth court. Any person disclosing  
259 any reports made under this section in a manner not expressly  
260 provided for in this section or Section 43-21-261 shall be guilty  
261 of a misdemeanor and subject to the penalties prescribed by  
262 Section 43-21-267. Notwithstanding the confidentiality of the  
263 reporter's identity under this section, the Department of Child  
264 Protection Services may disclose a reporter's identity to the  
265 appropriate law enforcement agency or prosecutor if the department  
266 has reason to suspect the reporter has made a fraudulent report,  
267 and the Department of Child Protection Services must provide to  
268 the subject of the alleged fraudulent report written notification  
269 of the disclosure.

270 (5) All final dispositions of law enforcement investigations  
271 described in subsection (1) of this section shall be determined  
272 only by the appropriate prosecutor or court. All final  
273 dispositions of investigations by the Department of Child



274 Protection Services as described in subsection (1) of this section  
275 shall be determined only by the youth court. Reports made under  
276 subsection (1) of this section by the Department of Child  
277 Protection Services to the law enforcement agency and to the  
278 district attorney's office shall include the following, if known  
279 to the department:

- 280 (a) The name and address of the child;
- 281 (b) The names and addresses of the parents;
- 282 (c) The name and address of the suspected perpetrator;
- 283 (d) The names and addresses of all witnesses, including  
284 the reporting party if a material witness to the abuse;
- 285 (e) A brief statement of the facts indicating that the  
286 child has been abused, including whether the child experienced  
287 commercial sexual exploitation or human trafficking, and any other  
288 information from the agency files or known to the family  
289 protection worker or family protection specialist making the  
290 investigation, including medical records or other records, which  
291 may assist law enforcement or the district attorney in  
292 investigating and/or prosecuting the case; and
- 293 (f) What, if any, action is being taken by the  
294 Department of Child Protection Services.

295 (6) In any investigation of a report made under this chapter  
296 of the abuse or neglect of a child as defined in Section  
297 43-21-105(1) or (m), the Department of Child Protection Services  
298 may request the appropriate law enforcement officer with



299 jurisdiction to accompany the department in its investigation, and  
300 in such cases the law enforcement officer shall comply with such  
301 request.

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

306 (8) If a report is made directly to the Department of Child  
307 Protection Services that a child has been abused or neglected or  
308 experienced commercial sexual exploitation or human trafficking in  
309 an out-of-home setting, a referral shall be made immediately to  
310 the law enforcement agency in whose jurisdiction the abuse  
311 occurred and the department shall notify the district attorney's  
312 office and the Statewide Human Trafficking Coordinator within  
313 forty-eight (48) hours of such report. The Department of Child  
314 Protection Services shall investigate the out-of-home setting  
315 report of abuse or neglect to determine whether the child who is  
316 the subject of the report, or other children in the same  
317 environment, comes within the jurisdiction of the youth court and  
318 shall report to the youth court the department's findings and  
319 recommendation as to whether the child who is the subject of the  
320 report or other children in the same environment require the  
321 protection of the youth court. The law enforcement agency shall  
322 investigate the reported abuse immediately and shall file a  
323 preliminary report with the district attorney's office within



324 forty-eight (48) hours and shall make additional reports as new  
325 information or evidence becomes available. If the out-of-home  
326 setting is a licensed facility, an additional referral shall be  
327 made by the Department of Child Protection Services to the  
328 licensing agency. The licensing agency shall investigate the  
329 report and shall provide the department, the law enforcement  
330 agency and the district attorney's office with their written  
331 findings from such investigation as well as that licensing  
332 agency's recommendations and actions taken.

333 (9) If a child protective investigation does not result in  
334 an out-of-home placement, a child protective investigator must  
335 provide information to the parent or guardians about community  
336 service programs that provide respite care, counseling and support  
337 for children who have experienced commercial sexual exploitation  
338 or human trafficking, voluntary guardianship or other support  
339 services for families in crisis.

340 **SECTION 6.** Section 43-21-261, Mississippi Code of 1972, is  
341 brought forward as follows:

342 43-21-261. (1) Except as otherwise provided in this  
343 section, records involving children shall not be disclosed, other  
344 than to necessary staff or officials of the youth court, a  
345 guardian ad litem appointed to a child by the court, or a  
346 Court-Appointed Special Advocate (CASA) volunteer who may be  
347 assigned in an abuse and neglect case, except pursuant to an order  
348 of the youth court specifying the person or persons to whom the



349 records may be disclosed, the extent of the records which may be  
350 disclosed and the purpose of the disclosure. Such court orders  
351 for disclosure shall be limited to those instances in which the  
352 youth court concludes, in its discretion, that disclosure is  
353 required for the best interests of the child, the public safety,  
354 the functioning of the youth court, or to identify a person who  
355 knowingly made a false allegation of child abuse or neglect, and  
356 then only to the following persons:

357 (a) The judge of another youth court or member of  
358 another youth court staff;

359 (b) The court of the parties in a child custody or  
360 adoption cause in another court;

361 (c) A judge of any other court or members of another  
362 court staff, including the chancery court that ordered a forensic  
363 interview;

364 (d) Representatives of a public or private agency  
365 providing supervision or having custody of the child under order  
366 of the youth court;

367 (e) Any person engaged in a bona fide research purpose,  
368 provided that no information identifying the subject of the  
369 records shall be made available to the researcher unless it is  
370 absolutely essential to the research purpose and the judge gives  
371 prior written approval, and the child, through his or her  
372 representative, gives permission to release the information;



373           (f) The Mississippi Department of Employment Security,  
374 or its duly authorized representatives, for the purpose of a  
375 child's enrollment into the Job Corps Training Program as  
376 authorized by Title IV of the Comprehensive Employment Training  
377 Act of 1973 (29 USCS Section 923 et seq.). However, no records,  
378 reports, investigations or information derived therefrom  
379 pertaining to child abuse or neglect shall be disclosed;

380           (g) Any person pursuant to a finding by a judge of the  
381 youth court of compelling circumstances affecting the health,  
382 safety or well-being of a child and that such disclosure is in the  
383 best interests of the child or an adult who was formerly the  
384 subject of a youth court delinquency proceeding;

385           (h) A person who was the subject of a knowingly made  
386 false allegation of child abuse or neglect which has resulted in a  
387 conviction of a perpetrator in accordance with Section 97-35-47 or  
388 which allegation was referred by the Department of Child  
389 Protection Services to a prosecutor or law enforcement official in  
390 accordance with the provisions of Section 43-21-353(4).

391           Law enforcement agencies may disclose information to the  
392 public concerning the taking of a child into custody for the  
393 commission of a delinquent act without the necessity of an order  
394 from the youth court. The information released shall not identify  
395 the child or his address unless the information involves a child  
396 convicted as an adult.





397 (2) Any records involving children which are disclosed under  
398 an order of the youth court or pursuant to the terms of this  
399 section and the contents thereof shall be kept confidential by the  
400 person or agency to whom the record is disclosed unless otherwise  
401 provided in the order. Any further disclosure of any records  
402 involving children shall be made only under an order of the youth  
403 court as provided in this section.

404 (3) Upon request, the parent, guardian or custodian of the  
405 child who is the subject of a youth court cause or any attorney  
406 for such parent, guardian or custodian, shall have the right to  
407 inspect any record, report or investigation relevant to a matter  
408 to be heard by a youth court, except that the identity of the  
409 reporter shall not be released, nor the name of any other person  
410 where the person or agency making the information available finds  
411 that disclosure of the information would be likely to endanger the  
412 life or safety of such person. The attorney for the parent,  
413 guardian or custodian of the child, upon request, shall be  
414 provided a copy of any record, report or investigation relevant to  
415 a matter to be heard by a youth court, but the identity of the  
416 reporter must be redacted and the name of any other person must  
417 also be redacted if the person or agency making the information  
418 available finds that disclosure of the information would be likely  
419 to endanger the life, safety or well-being of the person. A  
420 record provided to the attorney under this section must remain in  
421 the attorney's control and the attorney may not provide copies or



422 access to another person or entity without prior consent of a  
423 court with appropriate jurisdiction.

424 (4) Upon request, the child who is the subject of a youth  
425 court cause shall have the right to have his counsel inspect and  
426 copy any record, report or investigation which is filed with the  
427 youth court or which is to be considered by the youth court at a  
428 hearing.

429 (5) (a) The youth court prosecutor or prosecutors, the  
430 county attorney, the district attorney, the youth court defender  
431 or defenders, or any attorney representing a child shall have the  
432 right to inspect and copy any law enforcement record involving  
433 children.

434 (b) The Department of Child Protection Services shall  
435 disclose to a county prosecuting attorney or district attorney any  
436 and all records resulting from an investigation into suspected  
437 child abuse or neglect when the case has been referred by the  
438 Department of Child Protection Services to the county prosecuting  
439 attorney or district attorney for criminal prosecution.

440 (c) Agency records made confidential under the  
441 provisions of this section may be disclosed to a court of  
442 competent jurisdiction.

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



446 court for purposes of determination of eligibility for victim  
447 compensation benefits.

448 (6) Information concerning an investigation into a report of  
449 child abuse or child neglect may be disclosed by the Department of  
450 Child Protection Services without order of the youth court to any  
451 attorney, physician, dentist, intern, resident, nurse,  
452 psychologist, social worker, family protection worker, family  
453 protection specialist, child caregiver, minister, law enforcement  
454 officer, or a public or private school employee making that report  
455 pursuant to Section 43-21-353(1) if the reporter has a continuing  
456 professional relationship with the child and a need for such  
457 information in order to protect or treat the child.

458 (7) Information concerning an investigation into a report of  
459 child abuse or child neglect may be disclosed without further  
460 order of the youth court to any interagency child abuse task force  
461 established in any county or municipality by order of the youth  
462 court of that county or municipality.

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

467 (9) Names and addresses of juveniles adjudicated as  
468 delinquent for murder, manslaughter, burglary, arson, armed  
469 robbery, aggravated assault, any sex offense as defined in Section  
470 45-33-23, for any violation of Section 41-29-139(a) (1) or for any



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

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

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

481 (12) A classification hearing officer of the State  
482 Department of Corrections, as provided in Section 47-5-103, shall  
483 have the right to inspect any youth court records, excluding abuse  
484 and neglect records, of any offender in the custody of the  
485 department who as a child or minor was a juvenile offender or was  
486 the subject of a youth court cause of action, and the State Parole  
487 Board, as provided in Section 47-7-17, shall have the right to  
488 inspect such records when the offender becomes eligible for  
489 parole.

490 (13) The youth court shall notify the Department of Public  
491 Safety of the name, and any other identifying information such  
492 department may require, of any child who is adjudicated delinquent  
493 as a result of a violation of the Uniform Controlled Substances  
494 Law.



495           (14) The Administrative Office of Courts shall have the  
496 right to inspect any youth court records in order that the number  
497 of youthful offenders, abused, neglected, truant and dependent  
498 children, as well as children in need of special care and children  
499 in need of supervision, may be tracked with specificity through  
500 the youth court and adult justice system, and to utilize tracking  
501 forms for such purpose.

502           (15) Upon a request by a youth court, the Administrative  
503 Office of Courts shall disclose all information at its disposal  
504 concerning any previous youth court intakes alleging that a child  
505 was a delinquent child, child in need of supervision, child in  
506 need of special care, truant child, abused child or neglected  
507 child, as well as any previous youth court adjudications for the  
508 same and all dispositional information concerning a child who at  
509 the time of such request comes under the jurisdiction of the youth  
510 court making such request.

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

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



520 dependent children, as well as children in need of special care  
521 and children in need of supervision, may be tracked with  
522 specificity through the youth court and adult justice system, and  
523 to utilize tracking forms for such purpose. The disclosure  
524 prescribed in this subsection shall not require a court order and  
525 shall be made in sortable, electronic format where possible. The  
526 PEER Committee may seek the assistance of the Administrative  
527 Office of Courts in seeking this information. The PEER Committee  
528 shall not disclose the identities of any youth who have been  
529 adjudicated in the youth courts of the state and shall only use  
530 the disclosed information for the purpose of monitoring the  
531 effectiveness and efficiency of programs established to assist  
532 adjudicated youth, and to ascertain the incidence of adjudicated  
533 youth who become adult offenders.

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

541 (19) In every case of child abuse or neglect, if a child's  
542 physical condition is medically labeled as medically "serious" or  
543 "critical" or a child dies, the confidentiality provisions of this  
544 section shall not apply. In such cases, the following information



545 may be released by the Mississippi Department of Child Protection  
546 Services: the cause of the circumstances regarding the fatality  
547 or medically serious or critical physical condition; the age and  
548 gender of the child; information describing any previous reports  
549 of child abuse or neglect investigations that are pertinent to the  
550 child abuse or neglect that led to the fatality or medically  
551 serious or critical physical condition; the result of any such  
552 investigations; and the services provided by and actions of the  
553 state on behalf of the child that are pertinent to the child abuse  
554 or neglect that led to the fatality or medically serious or  
555 critical physical condition.

556 (20) Any member of a foster care review board designated by  
557 the Department of Child Protection Services shall have the right  
558 to inspect youth court records relating to the abuse, neglect or  
559 child in need of supervision cases assigned to such member for  
560 review.

561 (21) Information concerning an investigation into a report  
562 of child abuse or child neglect may be disclosed without further  
563 order of the youth court in any administrative or due process  
564 hearing held, pursuant to Section 43-21-257, by the Department of  
565 Child Protection Services for individuals whose names will be  
566 placed on the central registry as substantiated perpetrators.

567 (22) The Department of Child Protection Services may  
568 disclose records involving children to the following:



569 (a) A foster home, residential child-caring agency or  
570 child-placing agency to the extent necessary to provide such care  
571 and services to a child;

572 (b) An individual, agency or organization that provides  
573 services to a child or the child's family in furtherance of the  
574 child's permanency plan to the extent necessary in providing those  
575 services;

576 (c) Health and mental health care providers of a child  
577 to the extent necessary for the provider to properly treat and  
578 care for the child;

579 (d) An educational institution or educational services  
580 provider where the child is enrolled or where enrollment is  
581 anticipated to the extent necessary for the school to provide  
582 appropriate services to the child;

583 (e) Any state agency or board that administers student  
584 financial assistance programs. However, any records request under  
585 this paragraph shall be initiated by the agency or board for the  
586 purpose determining the child's eligibility for student financial  
587 assistance, and any disclosure shall be limited to the  
588 verification of the child's age during the period of time in which  
589 the child was in the department's legal custody; and

590 (f) Any other state agency if the disclosure is  
591 necessary to the department in fulfilling its statutory  
592 responsibilities in protecting the best interests of the child.





593           (23) Nothing in this section or chapter shall require youth  
594 court approval for disclosure of records involving children as  
595 defined in Section 43-21-105(u), if the disclosure is made in a  
596 criminal matter by a municipal or county prosecutor, a district  
597 attorney or statewide prosecutor, pursuant to the Mississippi  
598 Rules of Criminal Procedure and the records are disclosed under a  
599 protective order issued by the Circuit Court presiding over the  
600 criminal matter which incorporates the penalties stated in Section  
601 43-21-267.

602           **SECTION 7.** This act shall take effect and be in force from  
603 and after July 1, 2024.

