

By: Representatives Fondren, Felsher,  
Kinkade

To: Judiciary A

HOUSE BILL NO. 1624  
(As Sent to Governor)

1 AN ACT TO ESTABLISH STATE STANDARDS AND OPERATING PROCEDURES  
2 FOR LOCAL COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAMS; TO  
3 DEFINE CERTAIN TERMS; TO AUTHORIZE A YOUTH COURT JUDGE TO  
4 ESTABLISH A LOCAL CASA PROGRAM GOVERNED BY A LOCAL BOARD OF  
5 DIRECTORS AND TO PRESCRIBE THE BOARD'S POWERS; TO REQUIRE THE  
6 STATE CASA ASSOCIATION TO PROVIDE SUPPORT SERVICES TO LOCAL CASA  
7 PROGRAMS; TO ESTABLISH MINIMUM REQUIREMENTS FOR LOCAL CASA  
8 VOLUNTEERS; TO REQUIRE THE CLERK OF COURT TO PERFORM CERTAIN  
9 DUTIES IN RELATION TO CASA VOLUNTEERS APPOINTED TO A COURT CASE;  
10 TO PRESCRIBE THE DUTIES OF A CASA VOLUNTEER ASSIGNED TO A CASE; TO  
11 CREATE A STATE COURT-APPOINTED SPECIAL ADVOCATE (CASA)  
12 ASSOCIATION; TO PRESCRIBE THE STATE ASSOCIATION'S DUTIES; TO  
13 AUTHORIZE THE BOARD OF DIRECTORS OF THE ASSOCIATION TO EMPLOY A  
14 DIRECTOR AND TO ESTABLISH QUALIFICATIONS FOR THE DIRECTOR; TO  
15 AUTHORIZE THE ADMINISTRATIVE OFFICE OF COURTS TO PROVIDE  
16 SECRETARIAL AND SUPPORT SERVICES TO THE ASSOCIATION; TO REQUIRE  
17 LOCAL CASA PROGRAMS TO SUBMIT SPECIFIED DATA TO THE ASSOCIATION;  
18 TO BRING FORWARD SECTION 43-21-121 AND TO AMEND SECTION 43-21-261,  
19 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
20 ACT; TO AMEND SECTION 37-26-11, MISSISSIPPI CODE OF 1972, TO  
21 PROVIDE THAT THE ADMINISTRATIVE OFFICE OF COURTS SHALL ADMINISTER  
22 THE MISSISSIPPI FOSTER CARE FUND AND PRESCRIBE THE PURPOSES FOR  
23 WHICH MONIES IN THE FUND MAY BE EXPENDED, FOR PURPOSES OF POSSIBLE  
24 AMENDMENT; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** As used in this act, the following words and  
27 phrases have the meanings ascribed in this section unless the  
28 context clearly requires otherwise:



29           (a) "Association" means the state Court-Appointed  
30 Special Advocate Association established under Section 8 of this  
31 act.

32           (b) "Court" means youth court or, if there is no youth  
33 court in the county where the CASA program is located, then  
34 chancery court.

35           (c) "Court-appointed special advocate case" or "CASA  
36 case" means a child or group of siblings who are within the  
37 jurisdiction of the court as a result of abuse, neglect or  
38 dependency proceedings and for whom the court has appointed and  
39 the program director has assigned a CASA volunteer.

40           (d) "Court-appointed special advocate program" or "CASA  
41 program" means a program by which trained community volunteers are  
42 provided to the court for appointment to represent the best  
43 interests of children who have come into the court system as a  
44 result of dependency, abuse or neglect.

45           (e) "Court-appointed special advocate volunteer" or  
46 "CASA volunteer" means a person who completes training through,  
47 and is supervised by, a CASA program and appointed by a judge to  
48 represent the best interests of dependent, abused or neglected  
49 children in court.

50           (f) "Local board" means the local board of directors  
51 appointed or selected pursuant to Section 2 of this act to govern  
52 a local CASA program.



53 (g) "Program director" means the director of each local  
54 CASA program selected under Section 2 of this act.

55 (h) "State board" means the state board of directors  
56 elected under Section 8 of this act.

57 (i) "State director" means the director of the state  
58 association provided for in Section 10 of this act.

59 **SECTION 2.** (1) For the purpose of providing an independent,  
60 efficient and thorough representation for children who enter the  
61 court system as a result of dependency, abuse or neglect, there  
62 may be established a court-appointed special advocate program by  
63 the judge of the youth court or, if none, the senior chancellor in  
64 the county in which the program is established.

65 (2) A local CASA program must be governed by a local board  
66 of directors. For new CASA programs, the initial board must be  
67 appointed by the judge of the youth court or, if none, the senior  
68 chancellor. Thereafter, members must be selected by the existing  
69 board members. Each board must include at least seven (7)  
70 members. Each board member must have a demonstrated interest in  
71 child welfare issues and commitment to the purpose and role of the  
72 court-appointed special advocate volunteers. Employees of the  
73 Mississippi Department of Child Protection Services are not  
74 eligible to serve as officers on the board. As far as  
75 practicable, members must be representative of the racial and  
76 ethnic composition of the area served by the CASA program. The  
77 following are the powers and duties of the board:



78                   (a) Determine major personnel, organization, fiscal,  
79 and program policies including, but not limited to, the following:  
80                   (i) Measures to be taken to safeguard the CASA  
81 program's information relating to children, their families and the  
82 CASA volunteers;  
83                   (ii) The procedures for the recruitment,  
84 screening, training and supervision of CASA volunteers; and  
85                   (iii) The procedure for and circumstances  
86 warranting dismissal of a CASA volunteer from the CASA program;  
87                   (b) Determine overall plans and priorities for the CASA  
88 program, including provisions for evaluating progress against  
89 performance;  
90                   (c) Approve the program budget;  
91                   (d) Enforce compliance with all conditions of all  
92 grants contracts;  
93                   (e) Determine rules and procedures for the governing  
94 board;  
95                   (f) Select the officers and the executive committee, if  
96 any, of the governing board;  
97                   (g) Meet at least four (4) times each year;  
98                   (h) Submit an annual report to the association in the  
99 uniform manner required, which must include, but need not be  
100 limited to, the following information:  
101                   (i) Number of CASA volunteers in the program;  
102                   (ii) Number of program staff;



- 103 (iii) Number of children served;
- 104 (iv) Number of volunteers receiving initial  
105 training;
- 106 (v) Number of and topics for in-service training;
- 107 (vi) The type of source of the funds received and  
108 the amount received from each type of source during the previous  
109 fiscal year;
- 110 (vii) The expenditures during the previous year;
- 111 and
- 112 (viii) Other information as deemed appropriate.

113 (3) Local CASA programs shall comply with the National CASA  
114 Association and Mississippi CASA Association Standards for  
115 Programs. Local programs shall ensure that CASA volunteers are  
116 supervised adequately by providing at least one (1) supervisory  
117 staff person for every thirty (30) CASA volunteers who have been  
118 appointed by the court and assigned by the program director. Each  
119 local CASA program must be managed by a qualified director whose  
120 service may be voluntary or who may be paid a salary. The program  
121 director's duties include:

- 122 (a) Administration of the CASA program, as directed by  
123 the local and state boards;
- 124 (b) Recruitment, screening, training and supervision of  
125 CASA volunteers and other program staff;
- 126 (c) Facilitation of the performance of the  
127 court-appointed special advocates' duties; and



128 (d) Ensuring that the security measures established by  
129 the local and state boards for safeguarding the information  
130 relating to children, their families and the CASA volunteers are  
131 maintained.

132 (4) As far as practicable, CASA volunteers must be  
133 representative of the socioeconomic, racial and ethnic composition  
134 of the area served.

135 (5) CASA volunteers may be removed by the court for  
136 nonparticipation or other cause or by the program director  
137 pursuant to subsection (2) of this section.

138 (6) Employees of the Mississippi Department of Child  
139 Protection Services may not become volunteers or employees of the  
140 court appointed special advocate program.

141 (7) All written court-appointed special advocate reports  
142 submitted pursuant to Section 7 of this act must become part of  
143 the court records of the child.

144 (8) Each CASA volunteer, program director and other program  
145 staff must take an oath, administered by a judge of the court, to  
146 keep confidential all information related to the appointed case  
147 except in conferring with or reports to the court, parties to the  
148 case, the Mississippi Department of Child Protection Services,  
149 others designated by the court, and as provided by law.

150 (9) CASA volunteers must be appointed by the presiding judge  
151 to represent the best interest of the child, subject to judicial



152 discretion, and only after confirmation from the program director  
153 that the CASA volunteer has been screened properly and trained.

154 **SECTION 3.** (1) Secretarial and support services for each  
155 CASA program must be provided by the association. The  
156 Administrative Office of Courts also may provide secretarial and  
157 support services.

158 (2) CASA programs may receive private funds and local, state  
159 and federal government funding to ensure total or partial funding  
160 of program activities.

161 **SECTION 4.** (1) A CASA volunteer must meet the following  
162 minimum requirements:

- 163 (a) Be at least twenty-one (21) years of age;  
164 (b) Be of good moral character;  
165 (c) Complete a written application providing the names  
166 of at least three (3) references;  
167 (d) Submit to a personal interview with program staff;  
168 (e) Submit to a criminal records background check; and  
169 (f) Submit to child and vulnerable person abuse  
170 registries checks.

171 (2) If found acceptable, the applicant shall obtain a  
172 minimum of thirty (30) hours of initial training and take an oath  
173 of confidentiality administered by a youth court judge or, if  
174 none, a chancellor in the chancery court district.



175 (3) Initial and in-service training of volunteers must be  
176 provided by the program director or staff following standards  
177 adopted pursuant to Section 9 of this act.

178 **SECTION 5.** (1) The clerk of court shall:

179 (a) Notify and provide a copy of all dependency, abuse  
180 and neglect petitions to the program director, as soon as the  
181 court makes a referral to the program director for assignment of a  
182 CASA volunteer to the case;

183 (b) Provide a copy of all court orders issued pursuant  
184 to this section; and

185 (c) Notify the program director of all scheduled court  
186 hearings for cases to which a CASA volunteer has been assigned.

187 (2) Upon appointment by the court to represent a child, the  
188 CASA volunteer will have access to information and records as  
189 previously set out in Mississippi Code of 1972, Section 43-21-121.

190 **SECTION 6.** (1) CASA volunteers who have a conflict of  
191 interest in a case may not be appointed to the case.

192 (2) The CASA volunteer shall:

193 (a) Attend all court hearings, except that the CASA  
194 volunteer may be excused by the court or the program director if  
195 emergency circumstances arise;

196 (b) Submit no less than one (1) written report and  
197 recommendation to the judge every six (6) months for consideration  
198 in determining the best interest of the child at the dispositional





199 hearing, dispositional review hearings, and other hearings as  
200 requested by the court for as long as the case is assigned to the  
201 CASA volunteer;

202 (c) Monitor the case by visiting the child as often as  
203 necessary to observe whether the child's essential needs are being  
204 met and whether court orders actually are being carried out;

205 (d) Participate in any medical treatment planning  
206 conferences and educational reviews involving the child to assess  
207 whether reasonable efforts are being made to provide services to  
208 the child and family and determine the appropriateness and  
209 progress of the child's permanent plan;

210 (e) Advocate a prompt, thorough review of the case if  
211 the child's circumstances warrant the attention of the court;

212 (f) Interview parties involved in the case, including  
213 interviewing and observing the child;

214 (g) Maintain complete written records about the case;

215 (h) Report any incidents of child or adult abuse or  
216 neglect to the appropriate authorities and to the program  
217 director;

218 (i) Remain actively involved in the case until  
219 dismissed from the case by the program director or judge with  
220 competent jurisdiction or when an adoption proceeding is  
221 finalized;



222 (j) Return all case-related materials including, but  
223 not limited to, written notes, court reports and agency documents  
224 to the program director upon the request of the program director.

225 **SECTION 7.** (1) A state Court-Appointed Special Advocate  
226 Association is established. All CASA volunteers, local board  
227 members, program directors and staff are eligible for membership  
228 in the association. Other categories of membership may be created  
229 by the association.

230 (2) The association shall meet annually to elect a board of  
231 directors to manage the business of the association. The board  
232 shall elect a president, vice president, secretary and treasurer  
233 annually. The board shall meet at least four (4) times each year,  
234 and meetings may be held more frequently when called by the  
235 president of the board or by a majority of the board members.

236 **SECTION 8.** The association shall:

237 (a) Adopt and approve state standards for all CASA  
238 volunteers, program directors and other staff, including, but not  
239 limited to, guidelines for training;

240 (b) Adopt and approve the uniform annual data reporting  
241 procedures for local programs pursuant to subsection (2)(h) of  
242 Section 2; and

243 (c) Evaluate and make recommendations before January 1  
244 of each year to the Supreme Court, Governor, Judiciary Committees  
245 of the House of Representatives and Senate, and the Administrative  
246 Offices of Courts addressing:



247 (i) Laws of the state affecting the welfare of  
248 children and families; and

249 (ii) The effectiveness or ineffectiveness,  
250 including reasons, of local CASA volunteers advocating for  
251 permanent placement for the children in the state.

252 **SECTION 9.** (1) If the state board employs a full-time staff  
253 person to serve as the director of the association, then the state  
254 director must be a person who, by a combination of education,  
255 professional qualification, training and experience is qualified  
256 to perform the duties of this position. The state director must  
257 be of good moral character with at least two (2) years of  
258 experience working in a position managing a human services program  
259 and who has received a:

260 (a) Master's degree in social work, sociology,  
261 psychology, guidance and counseling, education, criminal justice  
262 or other human services field; or

263 (b) Baccalaureate degree in social work, sociology,  
264 psychology, guidance and counseling, education, criminal justice  
265 or other human service field with, in addition to the work  
266 experience required in this subsection, at least two (2)  
267 additional years of experience working in the human services  
268 field.

269 (2) The duties of the state director are as follows:

270 (a) To manage the state court-appointed special  
271 advocate office, including staff;



- 272 (b) To coordinate the activities of the association;
- 273 (c) To monitor the policies and practices of local CASA  
274 programs for compliance with state laws, National CASA Association  
275 Standards for Programs, and reporting requirements established by  
276 the state association; to assist local CASA programs in efforts to  
277 achieve compliance; and to report to the state association the  
278 status of compliance by local CASA programs;
- 279 (d) Upon request of local CASA programs, to provide  
280 technical assistance to local CASA programs;
- 281 (e) To provide technical assistance and support to  
282 judges of the youth courts, chancery court judges and others in  
283 the development of new local CASA programs;
- 284 (f) To coordinate a statewide public awareness campaign  
285 for generating interest in developing new CASA programs,  
286 recruiting volunteers and informing the public of the issues  
287 concerning child abuse and neglect; and
- 288 (g) Other duties as directed by the association.

289 **SECTION 10.** (1) Secretarial and support services for the  
290 state board may be provided by the Administrative Office of  
291 Courts.

292 (2) The association may receive private funds and local,  
293 state and federal government funds to financially assist existing  
294 local CASA programs, assist local efforts to start a CASA program,  
295 and support other activities deemed appropriate by the  
296 association.



297           **SECTION 11.** Each CASA program shall forward annually to the  
298 association data collected pursuant to Sections 2 and 8 of this  
299 act.

300           **SECTION 12.** Section 43-21-121, Mississippi Code of 1972, is  
301 brought forward as follows:

302           43-21-121. (1) The youth court shall appoint a guardian ad  
303 litem for the child:

304                   (a) When a child has no parent, guardian or custodian;

305                   (b) When the youth court cannot acquire personal  
306 jurisdiction over a parent, a guardian or a custodian;

307                   (c) When the parent is a minor or a person of unsound  
308 mind;

309                   (d) When the parent is indifferent to the interest of  
310 the child or if the interests of the child and the parent,  
311 considered in the context of the cause, appear to conflict;

312                   (e) In every case involving an abused or neglected  
313 child which results in a judicial proceeding; or

314                   (f) In any other instance where the youth court finds  
315 appointment of a guardian ad litem to be in the best interest of  
316 the child.

317           (2) The guardian ad litem shall be appointed by the court  
318 when custody is ordered or at the first judicial hearing regarding  
319 the case, whichever occurs first.

320           (3) In addition to all other duties required by law, a  
321 guardian ad litem shall have the duty to protect the interest of a



322 child for whom he has been appointed guardian ad litem. The  
323 guardian ad litem shall investigate, make recommendations to the  
324 court or enter reports as necessary to hold paramount the child's  
325 best interest. The guardian ad litem is not an adversary party  
326 and the court shall ensure that guardians ad litem perform their  
327 duties properly and in the best interest of their wards. The  
328 guardian ad litem shall be a competent person who has no adverse  
329 interest to the minor. The court shall ensure that the guardian  
330 ad litem is adequately instructed on the proper performance of his  
331 duties.

332 (4) The court, including a county court serving as a youth  
333 court, may appoint either a suitable attorney or a suitable layman  
334 as guardian ad litem. In cases where the court appoints a layman  
335 as guardian ad litem, the court shall also appoint an attorney to  
336 represent the child. From and after January 1, 1999, in order to  
337 be eligible for an appointment as a guardian ad litem, such  
338 attorney or layperson must have received child protection and  
339 juvenile justice training provided by or approved by the  
340 Mississippi Judicial College within the year immediately preceding  
341 such appointment. The Mississippi Judicial College shall  
342 determine the amount of child protection and juvenile justice  
343 training which shall be satisfactory to fulfill the requirements  
344 of this section. The Administrative Office of Courts shall  
345 maintain a roll of all attorneys and laymen eligible to be



346 appointed as a guardian ad litem under this section and shall  
347 enforce the provisions of this subsection.

348 (5) Upon appointment of a guardian ad litem, the youth court  
349 shall continue any pending proceedings for a reasonable time to  
350 allow the guardian ad litem to familiarize himself with the  
351 matter, consult with counsel and prepare his participation in the  
352 cause. The youth court shall issue an order of assignment that  
353 grants the guardian ad litem authority to review all relevant  
354 documents concerning the minor child and to interview all parties  
355 and witnesses involved in proceedings concerning the minor child  
356 for whom the guardian ad litem is appointed.

357 (6) Upon order of the youth court, the guardian ad litem  
358 shall be paid a reasonable fee as determined by the youth court  
359 judge or referee out of the county general fund as provided under  
360 Section 43-21-123. To be eligible for such fee, the guardian ad  
361 litem shall submit an accounting of the time spent in performance  
362 of his duties to the court.

363 (7) (a) The court, in its sound discretion, may appoint a  
364 volunteer trained layperson to assist children subject to the  
365 provisions of this section in addition to the appointment of a  
366 guardian ad litem. If the court utilizes his or her discretion as  
367 prescribed under this subsection, a volunteer Court-Appointed  
368 Special Advocate (CASA) shall be appointed from a program that  
369 supervises the volunteer and meets all state and national CASA  
370 standards to advocate for the best interests of children in abuse



371 and neglect proceedings. To accomplish the assignment of a CASA  
372 volunteer, the court shall issue an order of assignment that shall  
373 grant the CASA volunteer the authority, equal to that of the  
374 guardian ad litem, to review all relevant documents and to  
375 interview all parties and witnesses involved in the proceeding in  
376 which he or she is appointed. Except as otherwise ordered by the  
377 court, the assignment of a CASA volunteer for a child shall  
378 include subsequent proceedings through permanent placement of the  
379 child.

380 (b) Before assigning a CASA volunteer as prescribed  
381 under this subsection, the youth court judge shall determine if  
382 the volunteer has sufficient qualifications, training and ability  
383 to serve as a CASA volunteer, including his or her ability to  
384 represent and advocate for the best interests of children assigned  
385 to him or her. No volunteer shall be assigned until a  
386 comprehensive criminal background check has been conducted.

387 All CASA volunteers shall:

388 (i) Be sworn in by a judge of the court;

389 (ii) Swear or affirm to abide by all laws,  
390 regulations, and orders of the court;

391 (iii) Swear or affirm to advocate what he or she  
392 perceives to be in the best interests of the child for whom he or  
393 she is assigned in all matters pending before the court;





394 (iv) Provide independent, factual information to  
395 the court regarding the children and cases to which they are  
396 assigned;

397 (v) Advocate on behalf of the children involved in  
398 the cases to which they are assigned what they perceive to be in  
399 the best interests of the children; and

400 (vi) Monitor proceedings in cases to which they  
401 have been assigned and advise and assist the court in its  
402 determination of the best interests of the children involved.

403 (c) Regarding any case to which a CASA volunteer has  
404 been assigned, the CASA volunteer:

405 (i) Shall be notified by the court of all court  
406 proceedings and hearings of any kind pertaining to the child;

407 (ii) Shall be notified by the Department of Child  
408 Protection Services of all administrative review hearings;

409 (iii) Shall be entitled to attend all court  
410 proceedings and hearings of any kind pertaining to the child;

411 (iv) May be called as a witness in the proceedings  
412 by any party or by the court and may request of the court the  
413 opportunity to appear as a witness; and

414 (v) Shall be given access to all portions of the  
415 court record relating to proceedings pertaining to the child and  
416 the child's family.

417 (d) Upon application to the court and notice to all  
418 parties, the court shall grant the CASA volunteer access to other



419 information, including the department records as provided in  
420 Section 43-21-261, relating to the child and the child's family  
421 and to other matters involved in the proceeding in which he or she  
422 is appointed. All records and information requested or reviewed  
423 by the CASA volunteer in the course of his or her assignment shall  
424 be deemed confidential and shall not be disclosed by him except  
425 pursuant to court order. All records and information shall only  
426 be disclosed as directed by court order and shall be disclosed as  
427 directed by court order and shall be subject to whatever  
428 protective order the court deems appropriate.

429 **SECTION 13.** Section 43-21-261, Mississippi Code of 1972, is  
430 amended as follows:

431 43-21-261. (1) Except as otherwise provided in this  
432 section, records involving children shall not be disclosed, other  
433 than to necessary staff or officials of the youth court, a  
434 guardian ad litem appointed to a child by the court, or a  
435 Court-Appointed Special Advocate (CASA) volunteer who may be  
436 assigned in \* \* \* a dependency, abuse \* \* \* or neglect case,  
437 except pursuant to an order of the youth court specifying the  
438 person or persons to whom the records may be disclosed, the extent  
439 of the records which may be disclosed and the purpose of the  
440 disclosure. Such court orders for disclosure shall be limited to  
441 those instances in which the youth court concludes, in its  
442 discretion, that disclosure is required for the best interests of  
443 the child, the public safety, the functioning of the youth court,



444 or to identify a person who knowingly made a false allegation of  
445 child abuse or neglect, and then only to the following persons:

446 (a) The judge of another youth court or member of  
447 another youth court staff;

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

450 (c) A judge of any other court or members of another  
451 court staff, including the chancery court that ordered a forensic  
452 interview;

453 (d) Representatives of a public or private agency  
454 providing supervision or having custody of the child under order  
455 of the youth court;

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

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



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

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

480 Law enforcement agencies may disclose information to the  
481 public concerning the taking of a child into custody for the  
482 commission of a delinquent act without the necessity of an order  
483 from the youth court. The information released shall not identify  
484 the child or his address unless the information involves a child  
485 convicted as an adult.

486 (2) Any records involving children which are disclosed under  
487 an order of the youth court or pursuant to the terms of this  
488 section and the contents thereof shall be kept confidential by the  
489 person or agency to whom the record is disclosed unless otherwise  
490 provided in the order. Any further disclosure of any records  
491 involving children shall be made only under an order of the youth  
492 court as provided in this section.



493           (3) Upon request, the parent, guardian or custodian of the  
494 child who is the subject of a youth court cause or any attorney  
495 for such parent, guardian or custodian, shall have the right to  
496 inspect any record, report or investigation relevant to a matter  
497 to be heard by a youth court, except that the identity of the  
498 reporter shall not be released, nor the name of any other person  
499 where the person or agency making the information available finds  
500 that disclosure of the information would be likely to endanger the  
501 life or safety of such person. The attorney for the parent,  
502 guardian or custodian of the child, upon request, shall be  
503 provided a copy of any record, report or investigation relevant to  
504 a matter to be heard by a youth court, but the identity of the  
505 reporter must be redacted and the name of any other person must  
506 also be redacted if the person or agency making the information  
507 available finds that disclosure of the information would be likely  
508 to endanger the life, safety or well-being of the person. A  
509 record provided to the attorney under this section must remain in  
510 the attorney's control and the attorney may not provide copies or  
511 access to another person or entity without prior consent of a  
512 court with appropriate jurisdiction.

513           (4) Upon request, the child who is the subject of a youth  
514 court cause shall have the right to have his counsel inspect and  
515 copy any record, report or investigation which is filed with the  
516 youth court or which is to be considered by the youth court at a  
517 hearing.



518           (5) (a) The youth court prosecutor or prosecutors, the  
519 county attorney, the district attorney, the youth court defender  
520 or defenders, or any attorney representing a child shall have the  
521 right to inspect and copy any law enforcement record involving  
522 children.

523           (b) The Department of Child Protection Services shall  
524 disclose to a county prosecuting attorney or district attorney any  
525 and all records resulting from an investigation into suspected  
526 child abuse or neglect when the case has been referred by the  
527 Department of Child Protection Services to the county prosecuting  
528 attorney or district attorney for criminal prosecution.

529           (c) Agency records made confidential under the  
530 provisions of this section may be disclosed to a court of  
531 competent jurisdiction.

532           (d) Records involving children shall be disclosed to  
533 the Division of Victim Compensation of the Office of the Attorney  
534 General upon the division's request without order of the youth  
535 court for purposes of determination of eligibility for victim  
536 compensation benefits.

537           (6) Information concerning an investigation into a report of  
538 child abuse or child neglect may be disclosed by the Department of  
539 Child Protection Services without order of the youth court to any  
540 attorney, physician, dentist, intern, resident, nurse,  
541 psychologist, social worker, family protection worker, family  
542 protection specialist, child caregiver, minister, law enforcement



543 officer, or a public or private school employee making that report  
544 pursuant to Section 43-21-353(1) if the reporter has a continuing  
545 professional relationship with the child and a need for such  
546 information in order to protect or treat the child.

547 (7) Information concerning an investigation into a report of  
548 child abuse or child neglect may be disclosed without further  
549 order of the youth court to any interagency child abuse task force  
550 established in any county or municipality by order of the youth  
551 court of that county or municipality.

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

556 (9) Names and addresses of juveniles adjudicated as  
557 delinquent for murder, manslaughter, burglary, arson, armed  
558 robbery, aggravated assault, any sex offense as defined in Section  
559 45-33-23, for any violation of Section 41-29-139(a)(1) or for any  
560 violation of Section 63-11-30, shall not be held confidential and  
561 shall be made available to the public.

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



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

570           (12) A classification hearing officer of the State  
571 Department of Corrections, as provided in Section 47-5-103, shall  
572 have the right to inspect any youth court records, excluding abuse  
573 and neglect records, of any offender in the custody of the  
574 department who as a child or minor was a juvenile offender or was  
575 the subject of a youth court cause of action, and the State Parole  
576 Board, as provided in Section 47-7-17, shall have the right to  
577 inspect such records when the offender becomes eligible for  
578 parole.

579           (13) The youth court shall notify the Department of Public  
580 Safety of the name, and any other identifying information such  
581 department may require, of any child who is adjudicated delinquent  
582 as a result of a violation of the Uniform Controlled Substances  
583 Law.

584           (14) The Administrative Office of Courts shall have the  
585 right to inspect any youth court records in order that the number  
586 of youthful offenders, abused, neglected, truant and dependent  
587 children, as well as children in need of special care and children  
588 in need of supervision, may be tracked with specificity through  
589 the youth court and adult justice system, and to utilize tracking  
590 forms for such purpose.





591 (15) Upon a request by a youth court, the Administrative  
592 Office of Courts shall disclose all information at its disposal  
593 concerning any previous youth court intakes alleging that a child  
594 was a delinquent child, child in need of supervision, child in  
595 need of special care, truant child, abused child or neglected  
596 child, as well as any previous youth court adjudications for the  
597 same and all dispositional information concerning a child who at  
598 the time of such request comes under the jurisdiction of the youth  
599 court making such request.

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

605 (17) The youth courts of the state shall disclose to the  
606 Joint Legislative Committee on Performance Evaluation and  
607 Expenditure Review (PEER) any youth court records in order that  
608 the number of youthful offenders, abused, neglected, truant and  
609 dependent children, as well as children in need of special care  
610 and children in need of supervision, may be tracked with  
611 specificity through the youth court and adult justice system, and  
612 to utilize tracking forms for such purpose. The disclosure  
613 prescribed in this subsection shall not require a court order and  
614 shall be made in sortable, electronic format where possible. The  
615 PEER Committee may seek the assistance of the Administrative



616 Office of Courts in seeking this information. The PEER Committee  
617 shall not disclose the identities of any youth who have been  
618 adjudicated in the youth courts of the state and shall only use  
619 the disclosed information for the purpose of monitoring the  
620 effectiveness and efficiency of programs established to assist  
621 adjudicated youth, and to ascertain the incidence of adjudicated  
622 youth who become adult offenders.

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

630 (19) In every case of child abuse or neglect, if a child's  
631 physical condition is medically labeled as medically "serious" or  
632 "critical" or a child dies, the confidentiality provisions of this  
633 section shall not apply. In such cases, the following information  
634 may be released by the Mississippi Department of Child Protection  
635 Services: the cause of the circumstances regarding the fatality  
636 or medically serious or critical physical condition; the age and  
637 gender of the child; information describing any previous reports  
638 of child abuse or neglect investigations that are pertinent to the  
639 child abuse or neglect that led to the fatality or medically  
640 serious or critical physical condition; the result of any such



641 investigations; and the services provided by and actions of the  
642 state on behalf of the child that are pertinent to the child abuse  
643 or neglect that led to the fatality or medically serious or  
644 critical physical condition.

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

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

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

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

661 (b) An individual, agency or organization that provides  
662 services to a child or the child's family in furtherance of the  
663 child's permanency plan to the extent necessary in providing those  
664 services;



665 (c) Health and mental health care providers of a child  
666 to the extent necessary for the provider to properly treat and  
667 care for the child;

668 (d) An educational institution or educational services  
669 provider where the child is enrolled or where enrollment is  
670 anticipated to the extent necessary for the school to provide  
671 appropriate services to the child;

672 (e) Any state agency or board that administers student  
673 financial assistance programs. However, any records request under  
674 this paragraph shall be initiated by the agency or board for the  
675 purpose determining the child's eligibility for student financial  
676 assistance, and any disclosure shall be limited to the  
677 verification of the child's age during the period of time in which  
678 the child was in the department's legal custody; and

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

682 (23) Nothing in this section or chapter shall require youth  
683 court approval for disclosure of records involving children as  
684 defined in Section 43-21-105(u), if the disclosure is made in a  
685 criminal matter by a municipal or county prosecutor, a district  
686 attorney or statewide prosecutor, pursuant to the Mississippi  
687 Rules of Criminal Procedure and the records are disclosed under a  
688 protective order issued by the Circuit Court presiding over the



689 criminal matter which incorporates the penalties stated in Section  
690 43-21-267.

691 **SECTION 14.** Section 37-26-11, Mississippi Code of 1972, is  
692 amended as follows:

693 37-26-11. (1) There is created in the State Treasury a  
694 special fund to be known as the Children's Advocacy Centers Fund,  
695 which shall be administered by the Office of the Attorney General.  
696 The purpose of the fund shall be for training forensic  
697 interviewers in child abuse and child sexual abuse cases, training  
698 law enforcement officers and prosecutors about child abuse cases,  
699 expanding the number of Children's Advocacy Centers of Mississippi  
700 to underserved areas, and other related purposes. Monies in the  
701 fund shall be expended by the Attorney General, upon appropriation  
702 by the Legislature. The fund shall be a continuing fund, not  
703 subject to fiscal-year limitations, and shall consist of:

704 (a) Monies appropriated by the Legislature for the  
705 purposes of funding the Children's Advocacy Centers of  
706 Mississippi;

707 (b) The interest accruing to the fund;

708 (c) Monies received under the provisions of Section  
709 99-19-73;

710 (d) Monies received from the federal government;

711 (e) Donations; and

712 (f) Monies received from such other sources as may be  
713 provided by law.



714 (2) There is created in the State Treasury a special fund to  
715 be known as the Mississippi Foster Care Fund, which shall be  
716 administered by the \* \* \* Administrative Office of Courts. The  
717 purpose of the fund shall be for supporting the services directly  
718 provided to foster families and foster children by programs,  
719 persons or entities pursuant to contracts and grants that comply  
720 with Mississippi law, and for other related purposes. Monies in  
721 the fund shall be expended by the \* \* \* office, upon appropriation  
722 by the Legislature, only for the purposes stated in this  
723 subsection, and only in such amounts as then exist in the fund.  
724 The fund shall be a continuing fund, not subject to fiscal-year  
725 limitations, and shall consist of:

726 (a) Monies appropriated by the Legislature for the  
727 purposes of funding the Mississippi Foster Care Fund;

728 (b) The interest accruing to the fund;

729 (c) Monies received under the provisions of Section  
730 99-19-73 for the Mississippi Foster Care Fund, ninety percent  
731 (90%) of which shall be used directly for supporting the services  
732 directly provided to foster families and foster children by  
733 programs, persons or entities pursuant to contracts and grants  
734 that comply with Mississippi law, and no more than ten percent  
735 (10%) of which shall be used for administrative purposes;

736 (d) Monies received from the federal government;

737 (e) Donations; and



738 (f) Monies received from such other sources as may be  
739 provided by law.

740 (3) From and after July 1, 2016, the expenses of the  
741 Children's Advocacy Centers Fund Program shall be defrayed by  
742 appropriation from the State General Fund and all user charges and  
743 fees authorized under this section shall be deposited into the  
744 State General Fund as authorized by law and as determined by the  
745 State Fiscal Officer.

746 (4) From and after July 1, 2016, no state agency shall  
747 charge another state agency a fee, assessment, rent or other  
748 charge for services or resources received by authority of this  
749 section.

750 **SECTION 15.** Sections 1 through 11 of this act shall stand  
751 repealed on July 1, 2027.

752 **SECTION 16.** This act shall take effect and be in force from  
753 and after July 1, 2024.

