

By: Representative Zuber

To: Judiciary B

HOUSE BILL NO. 206

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE AUTHORITY OF THE CHANCERY COURT TO HEAR CERTAIN
3 ABUSE ALLEGATIONS REGARDING A MINOR WHEN ALLEGATIONS ARISE DURING
4 A CUSTODY ACTION BETWEEN PARENTS; TO AMEND SECTION 43-21-261,
5 MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE CHANCERY
6 COURT APPOINTED REGARDING CONFIDENTIAL RECORDS OF CHILDREN; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 43-21-151, Mississippi Code of 1972, is
10 amended as follows:

11 43-21-151. (1) The youth court shall have exclusive
12 original jurisdiction in all proceedings concerning a delinquent
13 child, a child in need of supervision, a neglected child, an
14 abused child or a dependent child except in the following
15 circumstances:

16 (a) Any act attempted or committed by a child, which if
17 committed by an adult would be punishable under state or federal
18 law by life imprisonment or death, will be in the original
19 jurisdiction of the circuit court;



20 (b) Any act attempted or committed by a child with the
21 use of a deadly weapon, the carrying of which concealed is
22 prohibited by Section 97-37-1, or a shotgun or a rifle, which
23 would be a felony if committed by an adult, will be in the
24 original jurisdiction of the circuit court; and

25 (c) When a charge of abuse or neglect of a child first
26 arises in the course of a custody action between the parents of
27 the child already pending in the chancery court and no notice of
28 such abuse was provided prior to such chancery proceedings, the
29 chancery court may proceed with the investigation, hearing and
30 determination of such abuse or neglect charge as a part of its
31 chancery court hearing and determination of the custody issue as
32 between the parents, notwithstanding the other provisions of the
33 Youth Court Law and without invoking the chancery court authority
34 to sit as youth court. The proceedings in chancery court on the
35 abuse or neglect charge shall be confidential in the same manner
36 as provided in youth court proceedings.

37 When a child is expelled from the public schools, the youth
38 court shall be notified of the act of expulsion and the act or
39 acts constituting the basis for expulsion.

40 (2) Jurisdiction of the child in the cause shall attach at
41 the time of the offense, or at the time of the allegation of
42 abuse, neglect or exploitation, and shall continue thereafter for
43 that offense or the allegations of abuse, neglect or exploitation
44 until the child's twentieth birthday, unless sooner terminated by



order of the youth court. The youth court shall not have jurisdiction over offenses committed by a child on or after his eighteenth birthday, nor have jurisdiction of abuse, neglect, or exploitation committed against a child after their eighteenth birthday.

(3) No child who has not reached his thirteenth birthday shall be held criminally responsible or criminally prosecuted for a misdemeanor or felony; however, the parent, guardian or custodian of such child may be civilly liable for any criminal acts of such child. No child under the jurisdiction of the youth court shall be held criminally responsible or criminally prosecuted by any court for any act designated as a delinquent act, unless jurisdiction is transferred to another court under Section 43-21-157.

(4) The youth court shall also have jurisdiction of offenses committed by a child which have been transferred to the youth court by an order of a circuit court of this state having original jurisdiction of the offense, as provided by Section 43-21-159.

(5) The youth court shall regulate and approve the use of teen court as provided in Section 43-21-753.

(6) Nothing in this section shall prevent the circuit court from assuming jurisdiction over a youth who has committed an act of delinquency upon a youth court's ruling that a transfer is appropriate pursuant to Section 43-21-157.



69 **SECTION 2.** Section 43-21-261, Mississippi Code of 1972, is
70 amended as follows:

71 43-21-261. (1) Except as otherwise provided in this
72 section, records involving children shall not be disclosed, other
73 than to necessary staff or officials of the youth court, a
74 guardian ad litem appointed to a child by the chancery or youth
75 court, or a Court-Appointed Special Advocate (CASA) volunteer who
76 may be assigned in a dependency, abuse or neglect case, except
77 pursuant to an order of the youth court specifying the person or
78 persons to whom the records may be disclosed, the extent of the
79 records which may be disclosed and the purpose of the disclosure.
80 Such court orders for disclosure shall be limited to those
81 instances in which the youth court concludes, in its discretion,
82 that disclosure is required for the best interests of the child,
83 the public safety, the functioning of the youth court, or to
84 identify a person who knowingly made a false allegation of child
85 abuse or neglect, and then only to the following persons:

86 (a) The judge of another youth court or member of
87 another youth court staff;

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

90 * * *

91 (* * *c) Representatives of a public or private agency
92 providing supervision or having custody of the child under order
93 of the youth court;



94 (* * *d) Any person engaged in a bona fide research
95 purpose, provided that no information identifying the subject of
96 the records shall be made available to the researcher unless it is
97 absolutely essential to the research purpose and the judge gives
98 prior written approval, and the child, through his or her
99 representative, gives permission to release the information;

100 (* * *e) The Mississippi Department of Employment
101 Security, or its duly authorized representatives, for the purpose
102 of a child's enrollment into the Job Corps Training Program as
103 authorized by Title IV of the Comprehensive Employment Training
104 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
105 reports, investigations or information derived therefrom
106 pertaining to child abuse or neglect shall be disclosed;

107 (* * *f) Any person pursuant to a finding by a judge
108 of the youth court of compelling circumstances affecting the
109 health, safety or well-being of a child and that such disclosure
110 is in the best interests of the child or an adult who was formerly
111 the subject of a youth court delinquency proceeding;

112 (* * *g) A person who was the subject of a knowingly
113 made false allegation of child abuse or neglect which has resulted
114 in a conviction of a perpetrator in accordance with Section
115 97-35-47 or which allegation was referred by the Department of
116 Child Protection Services to a prosecutor or law enforcement
117 official in accordance with the provisions of Section
118 43-21-353(4).



119 Law enforcement agencies may disclose information to the
120 public concerning the taking of a child into custody for the
121 commission of a delinquent act without the necessity of an order
122 from the youth court. The information released shall not identify
123 the child or his address unless the information involves a child
124 convicted as an adult.

125 (2) Any records involving children which are disclosed under
126 an order of the youth court or pursuant to the terms of this
127 section and the contents thereof shall be kept confidential by the
128 person or agency to whom the record is disclosed unless otherwise
129 provided in the order. Any further disclosure of any records
130 involving children shall be made only under an order of the youth
131 court as provided in this section.

132 (3) Upon request, the parent, guardian or custodian of the
133 child who is the subject of a youth court cause * * *, any
134 attorney for such parent, guardian or custodian, or any guardian
135 ad litem appointed by the chancery court to the child shall have
136 the right to inspect any record, report or investigation relevant
137 to a matter to be heard by a youth court, except that the identity
138 of the reporter shall not be released, nor the name of any other
139 person where the person or agency making the information available
140 finds that disclosure of the information would be likely to
141 endanger the life or safety of such person. The attorney for the
142 parent, guardian or custodian of the child, upon request, shall be
143 provided a copy of any record, report or investigation relevant to



144 a matter to be heard by a youth court, but the identity of the
145 reporter must be redacted and the name of any other person must
146 also be redacted if the person or agency making the information
147 available finds that disclosure of the information would be likely
148 to endanger the life, safety or well-being of the person. A
149 record provided to the attorney under this section must remain in
150 the attorney's control and the attorney may not provide copies or
151 access to another person or entity without prior consent of a
152 court with appropriate jurisdiction.

153 (4) Upon request, the child who is the subject of a youth
154 court cause shall have the right to have his counsel or guardian
155 ad litem appointed by the chancery court inspect and copy any
156 record, report or investigation which is filed with the youth
157 court or which is to be considered by the youth court at a
158 hearing.

159 (5) (a) The youth court prosecutor or prosecutors, the
160 county attorney, the district attorney, the youth court defender
161 or defenders, * * * any attorney representing a child, or any
162 guardian ad litem appointed by the chancery court shall have the
163 right to inspect and copy any law enforcement record involving
164 children.

165 (b) The Department of Child Protection Services shall
166 disclose to a county prosecuting attorney or district attorney any
167 and all records resulting from an investigation into suspected
168 child abuse or neglect when the case has been referred by the



Department of Child Protection Services to the county prosecuting attorney or district attorney for criminal prosecution.

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

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

(e) Records involving children shall be disclosed to the guardian ad litem appointed to the child.

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

(7) Information concerning an investigation into a report of child abuse or child neglect may be disclosed without further order of the youth court to any interagency child abuse task force



established in any county or municipality by order of the youth court of that county or municipality.

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

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

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

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

(12) A classification hearing officer of the State Department of Corrections, as provided in Section 47-5-103, shall have the right to inspect any youth court records, excluding abuse and neglect records, of any offender in the custody of the department who as a child or minor was a juvenile offender or was



the subject of a youth court cause of action, and the State Parole Board, as provided in Section 47-7-17, shall have the right to inspect such records when the offender becomes eligible for parole.

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

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

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



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

249 (17) The youth courts of the state shall disclose to the
250 Joint Legislative Committee on Performance Evaluation and
251 Expenditure Review (PEER) any youth court records in order that
252 the number of youthful offenders, abused, neglected, truant and
253 dependent children, as well as children in need of special care
254 and children in need of supervision, may be tracked with
255 specificity through the youth court and adult justice system, and
256 to utilize tracking forms for such purpose. The disclosure
257 prescribed in this subsection shall not require a court order and
258 shall be made in sortable, electronic format where possible. The
259 PEER Committee may seek the assistance of the Administrative
260 Office of Courts in seeking this information. The PEER Committee
261 shall not disclose the identities of any youth who have been
262 adjudicated in the youth courts of the state and shall only use
263 the disclosed information for the purpose of monitoring the
264 effectiveness and efficiency of programs established to assist
265 adjudicated youth, and to ascertain the incidence of adjudicated
266 youth who become adult offenders.

267 (18) In every case where an abuse or neglect allegation has
268 been made, the confidentiality provisions of this section shall



not apply to prohibit access to a child's records by any state regulatory agency, any state or local prosecutorial agency or law enforcement agency; however, no identifying information concerning the child in question may be released to the public by such agency except as otherwise provided herein.

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

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



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

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

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

305 (b) An individual, agency or organization that provides
306 services to a child or the child's family in furtherance of the
307 child's permanency plan to the extent necessary in providing those
308 services;

309 (c) Health and mental health care providers of a child
310 to the extent necessary for the provider to properly treat and
311 care for the child;

312 (d) An educational institution or educational services
313 provider where the child is enrolled or where enrollment is
314 anticipated to the extent necessary for the school to provide
315 appropriate services to the child;

316 (e) Any state agency or board that administers student
317 financial assistance programs. However, any records request under
318 this paragraph shall be initiated by the agency or board for the



319 purpose determining the child's eligibility for student financial
320 assistance, and any disclosure shall be limited to the
321 verification of the child's age during the period of time in which
322 the child was in the department's legal custody; and

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

326 (23) Nothing in this section or chapter shall require youth
327 court approval for disclosure of records involving children as
328 defined in Section 43-21-105(u), if the disclosure is made in a
329 criminal matter by a municipal or county prosecutor, a district
330 attorney or statewide prosecutor, pursuant to the Mississippi
331 Rules of Criminal Procedure and the records are disclosed under a
332 protective order issued by the Circuit Court presiding over the
333 criminal matter which incorporates the penalties stated in Section
334 43-21-267.

335 (24) The provisions of this section shall stand repealed on
336 July 1, * * * 2027.

337 **SECTION 3.** This act shall take effect and be in force from
338 and after July 1, 2025.

