

By: Representative Grady

To: Judiciary B

## HOUSE BILL NO. 1367

1 AN ACT TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THAT A MANDATORY REPORTER OF CHILD ABUSE SHALL CONTACT  
3 THE LAW ENFORCEMENT AGENCY OF THE CITY OR COUNTY IN WHICH THE ACT  
4 OCCURRED OR CHILD RESIDES; AND FOR RELATED PURPOSES.

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

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

8 43-21-353. (1) Any attorney, physician, dentist, intern,  
9 resident, nurse, psychologist, social worker, family protection  
10 worker, family protection specialist, child caregiver, minister,  
11 law enforcement officer, public or private school employee or any  
12 other person having reasonable cause to suspect that a child is a  
13 neglected child, an abused child, or a victim of commercial sexual  
14 exploitation or human trafficking shall cause an oral report to be  
15 made immediately by telephone or otherwise to the law enforcement  
16 agency of the municipality or county in which the act occurred or  
17 child resides and followed as soon thereafter as possible by a  
18 report in writing to the Department of Child Protection Services,  
19 and immediately a referral shall be made by the Department of



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

33       Upon receiving a report that a child has been sexually  
34 abused, is a victim of commercial sexual exploitation or human  
35 trafficking or has been burned, tortured, mutilated or otherwise  
36 physically abused in such a manner as to cause serious bodily  
37 harm, or upon receiving any report of abuse that would be a felony  
38 under state or federal law, the Department of Child Protection  
39 Services shall immediately notify the law enforcement agency in  
40 whose jurisdiction the abuse occurred. Within forty-eight (48)  
41 hours, the department must notify the appropriate prosecutor and  
42 the Statewide Human Trafficking Coordinator. The department shall  
43 have the duty to provide the law enforcement agency all the names  
44 and facts known at the time of the report; this duty shall be of a



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

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

(3) The Department of Child Protection Services shall maintain a statewide incoming wide-area telephone service or similar service for the purpose of receiving reports of suspected cases of child abuse, commercial sexual exploitation or human



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

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



of a misdemeanor and subject to the penalties prescribed by Section 43-21-267. Notwithstanding the confidentiality of the reporter's identity under this section, the Department of Child Protection Services may disclose a reporter's identity to the appropriate law enforcement agency or prosecutor if the department has reason to suspect the reporter has made a fraudulent report, and the Department of Child Protection Services must provide to the subject of the alleged fraudulent report written notification of the disclosure.

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

- (a) The name and address of the child;
- (b) The names and addresses of the parents;
- (c) The name and address of the suspected perpetrator;
- (d) The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;



(e) A brief statement of the facts indicating that the child has been abused, including whether the child experienced commercial sexual exploitation or human trafficking, and any other information from the agency files or known to the family protection worker or family protection specialist making the investigation, including medical records or other records, which may assist law enforcement or the district attorney in investigating and/or prosecuting the case; and

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

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

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

(8) If a report is made directly to the Department of Child Protection Services that a child has been abused or neglected or experienced commercial sexual exploitation or human trafficking in an out-of-home setting, a referral shall be made immediately to



the law enforcement agency in whose jurisdiction the abuse occurred and the department shall notify the district attorney's office and the Statewide Human Trafficking Coordinator within forty-eight (48) hours of such report. The Department of Child Protection Services shall investigate the out-of-home setting report of abuse or neglect to determine whether the child who is the subject of the report, or other children in the same environment, comes within the jurisdiction of the youth court and shall report to the youth court the department's findings and recommendation as to whether the child who is the subject of the report or other children in the same environment require the protection of the youth court. The law enforcement agency shall investigate the reported abuse immediately and shall file a preliminary report with the district attorney's office within forty-eight (48) hours and shall make additional reports as new information or evidence becomes available. If the out-of-home setting is a licensed facility, an additional referral shall be made by the Department of Child Protection Services to the licensing agency. The licensing agency shall investigate the report and shall provide the department, the law enforcement agency and the district attorney's office with their written findings from such investigation as well as that licensing agency's recommendations and actions taken.

(9) If a child protective investigation does not result in an out-of-home placement, a child protective investigator must



169 provide information to the parent or guardians about community  
170 service programs that provide respite care, counseling and support  
171 for children who have experienced commercial sexual exploitation  
172 or human trafficking, voluntary guardianship or other support  
173 services for families in crisis.

174       **SECTION 2.** This act shall take effect and be in force from  
175 and after July 1, 2025.

