

By: Senator(s) Fillingane

To: Judiciary, Division A

## SENATE BILL NO. 2460

1 AN ACT TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE ANY REPORT OF AN INTAKE UNIT ALLEGING FACTS SUFFICIENT  
3 TO ESTABLISH THE JURISDICTION OF THE YOUTH COURT TO INCLUDE THE  
4 NAME OF THE PERSON OR PERSONS MAKING THE REPORT; TO PROVIDE THAT  
5 THE NAME OF A REPORTER SHALL NOT BE CONFIDENTIAL; TO AMEND SECTION  
6 43-21-261 TO CONFORM; AND FOR RELATED PURPOSES.

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

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

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



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



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

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

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



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

77 (4) (a) Reports of abuse, neglect and commercial sexual  
78 exploitation or human trafficking made under this chapter are  
79 confidential except when the court in which the investigation  
80 report is filed, in its discretion, determines the testimony of  
81 the person reporting to be material to a judicial  
82 proceeding \* \* \*. Reports made under this section to any law  
83 enforcement agency or prosecutorial officer are for the purpose of  
84 criminal investigation and prosecution only, and no information  
85 from these reports may be released to the public except as  
86 provided by Section 43-21-261. Disclosure of any information by  
87 the prosecutor shall be according to the Mississippi Uniform Rules  
88 of Circuit and County Court Procedure. The identity of the  
89 reporting party shall not be disclosed to anyone other than law  
90 enforcement officers or prosecutors without an order from the  
91 appropriate youth court. Any person disclosing any reports made  
92 under this section in a manner not expressly provided for in this  
93 section or Section 43-21-261 shall be guilty of a misdemeanor and  
94 subject to the penalties prescribed by Section 43-21-267. \* \* \*



95           (b) The name of a reporter under this chapter shall not be  
96   confidential.

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

- 107           (a) The name and address of the child;
- 108           (b) The names and addresses of the parents;
- 109           (c) The name and address of the suspected perpetrator;
- 110           (d) The names and addresses of all witnesses, including  
111 the reporting party if a material witness to the abuse;
- 112           (e) A brief statement of the facts indicating that the  
113 child has been abused, including whether the child experienced  
114 commercial sexual exploitation or human trafficking, and any other  
115 information from the agency files or known to the family  
116 protection worker or family protection specialist making the  
117 investigation, including medical records or other records, which  
118 may assist law enforcement or the district attorney in  
119 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, \* \* \* come 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 provide information to the parent or guardians about community service programs that provide respite care, counseling and support for children who have experienced commercial sexual exploitation or human trafficking, voluntary guardianship or other support services for families in crisis.

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



169 43-21-261. (1) Except as otherwise provided in this  
170 section, records involving children shall not be disclosed, other  
171 than to necessary staff or officials of the youth court, a  
172 guardian ad litem appointed to a child by the court, or a  
173 Court-Appointed Special Advocate (CASA) volunteer who may be  
174 assigned in a dependency, abuse or neglect case, except pursuant  
175 to an order of the youth court specifying the person or persons to  
176 whom the records may be disclosed, the extent of the records which  
177 may be disclosed and the purpose of the disclosure. Such court  
178 orders for disclosure shall be limited to those instances in which  
179 the youth court concludes, in its discretion, that disclosure is  
180 required for the best interests of the child, the public safety,  
181 the functioning of the youth court, or to identify a person who  
182 knowingly made a false allegation of child abuse or neglect, and  
183 then only to the following persons:

184 (a) The judge of another youth court or member of  
185 another youth court staff;

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

188 (c) A judge of any other court or members of another  
189 court staff, including the chancery court that ordered a forensic  
190 interview;

191 (d) Representatives of a public or private agency  
192 providing supervision or having custody of the child under order  
193 of the youth court;





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

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

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

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



218 Law enforcement agencies may disclose information to the  
219 public concerning the taking of a child into custody for the  
220 commission of a delinquent act without the necessity of an order  
221 from the youth court. The information released shall not identify  
222 the child or his address unless the information involves a child  
223 convicted as an adult.

224 (2) Any records involving children which are disclosed under  
225 an order of the youth court or pursuant to the terms of this  
226 section and the contents thereof shall be kept confidential by the  
227 person or agency to whom the record is disclosed unless otherwise  
228 provided in the order. Any further disclosure of any records  
229 involving children shall be made only under an order of the youth  
230 court as provided in this section.

231 (3) Upon request, the parent, guardian or custodian of the  
232 child who is the subject of a youth court cause or any attorney  
233 for such parent, guardian or custodian, shall have the right to  
234 inspect any record, report or investigation relevant to a matter  
235 to be heard by a youth court, except that \* \* \* the name of  
236 any \* \* \* person where the person or agency making the information  
237 available finds that disclosure of the information would be likely  
238 to endanger the life or safety of such person. The attorney for  
239 the parent, guardian or custodian of the child, upon request,  
240 shall be provided a copy of any record, report or investigation  
241 relevant to a matter to be heard by a youth court, but \* \* \* the  
242 name of \* \* \* a person must also be redacted if the person or



243 agency making the information available finds that disclosure of  
244 the information would be likely to endanger the life, safety or  
245 well-being of the person. A record provided to the attorney under  
246 this section must remain in the attorney's control and the  
247 attorney may not provide copies or access to another person or  
248 entity without prior consent of a court with appropriate  
249 jurisdiction.

250 (4) Upon request, the child who is the subject of a youth  
251 court cause shall have the right to have his counsel inspect and  
252 copy any record, report or investigation which is filed with the  
253 youth court or which is to be considered by the youth court at a  
254 hearing.

255 (5) (a) The youth court prosecutor or prosecutors, the  
256 county attorney, the district attorney, the youth court defender  
257 or defenders, or any attorney representing a child shall have the  
258 right to inspect and copy any law enforcement record involving  
259 children.

260 (b) The Department of Child Protection Services shall  
261 disclose to a county prosecuting attorney or district attorney any  
262 and all records resulting from an investigation into suspected  
263 child abuse or neglect when the case has been referred by the  
264 Department of Child Protection Services to the county prosecuting  
265 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.

(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.



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

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

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

337 (16) The Administrative Office of Courts may, in its  
338 discretion, disclose to the Department of Public Safety any or all  
339 of the information involving children contained in the office's



youth court data management system known as Mississippi Youth Court Information Delivery System or "MYCIDS."

(17) The youth courts of the state shall disclose to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) 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. The disclosure prescribed in this subsection shall not require a court order and shall be made in sortable, electronic format where possible. The PEER Committee may seek the assistance of the Administrative Office of Courts in seeking this information. The PEER Committee shall not disclose the identities of any youth who have been adjudicated in the youth courts of the state and shall only use the disclosed information for the purpose of monitoring the effectiveness and efficiency of programs established to assist adjudicated youth, and to ascertain the incidence of adjudicated youth who become adult offenders.

(18) In every case where an abuse or neglect allegation has 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.

(21) Information concerning an investigation into a report of child abuse or child neglect may be disclosed without further order of the youth court in any administrative or due process





hearing held, pursuant to Section 43-21-257, by the Department of Child Protection Services for individuals whose names will be placed on the central registry as substantiated perpetrators.

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

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

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

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

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

(e) Any state agency or board that administers student financial assistance programs. However, any records request under this paragraph shall be initiated by the agency or board for the purpose determining the child's eligibility for student financial assistance, and any disclosure shall be limited to the



414 verification of the child's age during the period of time in which  
415 the child was in the department's legal custody; and

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

419 (23) Nothing in this section or chapter shall require youth  
420 court approval for disclosure of records involving children as  
421 defined in Section 43-21-105(u), if the disclosure is made in a  
422 criminal matter by a municipal or county prosecutor, a district  
423 attorney or statewide prosecutor, pursuant to the Mississippi  
424 Rules of Criminal Procedure and the records are disclosed under a  
425 protective order issued by the Circuit Court presiding over the  
426 criminal matter which incorporates the penalties stated in Section  
427 43-21-267.

428 (24) The provisions of this section shall stand repealed on  
429 July 1, 2026.

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

