

By: Senator(s) Fillingane

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2483

1 AN ACT TO AMEND SECTION 43-21-261, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DISCLOSURE OF YOUTH COURT RECORDS TO THE
3 COMMISSION ON JUDICIAL PERFORMANCE IN THE EXERCISE OF ITS OFFICIAL
4 DUTIES; TO RECOGNIZE THE RIGHT OF CERTAIN PERSONS TO INSPECT
5 AND/OR COPY CERTAIN RECORDS BY DELETING THE REQUIREMENT TO REQUEST
6 THOSE RECORDS; TO CREATE NEW SECTION 9-19-2, MISSISSIPPI CODE OF
7 1972, TO DEFINE THE TERM "JUDGE" WITHIN THE CHAPTER OF LAW THAT
8 ESTABLISHES THE COMMISSION ON JUDICIAL PERFORMANCE; TO AMEND
9 SECTION 9-19-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
10 COMMISSION ON JUDICIAL PERFORMANCE TO COMPEL RECORDS WITHIN THE
11 MISSISSIPPI YOUTH COURT INFORMATION DELIVERY SYSTEM; AND FOR
12 RELATED PURPOSES.

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

14 **SECTION 1.** Section 43-21-261, Mississippi Code of 1972, is
15 amended as follows:

16 43-21-261. (1) Except as otherwise provided in this
17 section, records involving children shall not be disclosed, other
18 than to necessary staff or officials of the youth court, a
19 guardian ad litem appointed to a child by the court, the
20 Commission on Judicial Performance in the exercise of its official
21 duties, or a Court-Appointed Special Advocate (CASA) volunteer who
22 may be assigned in a dependency, abuse or neglect case, except
23 pursuant to an order of the youth court specifying the person or



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

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

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

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

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

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



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

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

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

66 Law enforcement agencies may disclose information to the
67 public concerning the taking of a child into custody for the
68 commission of a delinquent act without the necessity of an order
69 from the youth court. The information released shall not identify
70 the child or his address unless the information involves a child
71 convicted as an adult.



72 (2) Any records involving children which are disclosed under
73 an order of the youth court or pursuant to the terms of this
74 section and the contents thereof shall be kept confidential by the
75 person or agency to whom the record is disclosed unless otherwise
76 provided in the order. Any further disclosure of any records
77 involving children shall be made only under an order of the youth
78 court as provided in this section.

79 (3) * * * The parent, guardian or custodian of the child who
80 is the subject of a youth court cause or any attorney for such
81 parent, guardian or custodian, shall have the right to inspect any
82 record, report or investigation relevant to a matter to be heard
83 by a youth court, except that the identity of the reporter shall
84 not be released, nor the name of any other person where the person
85 or agency making the information available finds that disclosure
86 of the information would be likely to endanger the life or safety
87 of such person. The attorney for the parent, guardian or
88 custodian of the child * * * shall be provided a copy of any
89 record, report or investigation relevant to a matter to be heard
90 by a youth court, but the identity of the reporter must be
91 redacted and the name of any other person must also be redacted if
92 the person or agency making the information available finds that
93 disclosure of the information would be likely to endanger the
94 life, safety or well-being of the person. A record provided to
95 the attorney under this section must remain in the attorney's
96 control and the attorney may not provide copies or access to



another person or entity without prior consent of a court with appropriate jurisdiction.

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

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

(b) The Department of Child Protection Services shall disclose to a county prosecuting attorney or district attorney any and all records resulting from an investigation into suspected 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



121 court for purposes of determination of eligibility for victim
122 compensation benefits.

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

133 (7) Information concerning an investigation into a report of
134 child abuse or child neglect may be disclosed without further
135 order of the youth court to any interagency child abuse task force
136 established in any county or municipality by order of the youth
137 court of that county or municipality.

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

142 (9) Names and addresses of juveniles adjudicated as
143 delinquent for murder, manslaughter, burglary, arson, armed
144 robbery, aggravated assault, any sex offense as defined in Section
145 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.



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

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

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

191 (17) The youth courts of the state shall disclose to the
192 Joint Legislative Committee on Performance Evaluation and
193 Expenditure Review (PEER) any youth court records in order that
194 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:



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

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

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

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

258 (e) Any state agency or board that administers student
259 financial assistance programs. However, any records request under
260 this paragraph shall be initiated by the agency or board for the
261 purpose determining the child's eligibility for student financial
262 assistance, and any disclosure shall be limited to the
263 verification of the child's age during the period of time in which
264 the child was in the department's legal custody; and

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



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

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

SECTION 2. The following shall be codified as Section 9-19-2, Mississippi Code of 1972:

9-19-2. For the purposes of this chapter, the term "judge" includes, but is not limited to, any person, whether or not an attorney, who performs judicial functions, including a trial court judge, appellate court judge, magistrate, court commissioner, special master or referee, arbitrator, or a hearing officer.

SECTION 3. Section 9-19-21, Mississippi Code of 1972, is amended as follows:

9-19-21. (1) The commission shall be entitled to compel by subpoena the attendance and testimony of witnesses, including the judge as witness, and to provide for the inspection of documents, books, accounts and other records, including, but not limited to,



292 records included within the Mississippi Youth Court Information
293 Delivery System or any successor youth court record system.

294 (2) If the commission, after investigation of a complaint,
295 determines that there is sufficient evidence to warrant a hearing
296 to determine whether or not there has been a violation under
297 Section 177A, Mississippi Constitution of 1890, the commission may
298 employ counsel to prepare and present the complaint to the
299 commission, a committee of the commission, its master or its
300 factfinder, and to represent the commission before the supreme
301 court.

302 (3) The commission shall make transcripts of all hearings
303 that are conducted under subsection (2) of this section. Such
304 transcripts shall serve as a record in proceedings before the
305 supreme court.

306 (4) On request of the speaker of the house of
307 representatives, the president of the senate or the governor, the
308 commission shall make available information for use in
309 consideration of impeachment or recall election, respectively.

310 (5) No records pertaining to complaints determined by the
311 commission to be outside its jurisdiction shall be retained over
312 twelve (12) months after such determination by the commission.

313 **SECTION 4.** This act shall take effect and be in force from
314 and after July 1, 2025.

