

By: Senator(s) Fillingane

To: Judiciary, Division A

## 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 CREATE NEW SECTION 9-19-2, MISSISSIPPI CODE OF 1972, TO  
5 DEFINE THE TERM "JUDGE" WITHIN THE CHAPTER OF LAW THAT ESTABLISHES  
6 THE COMMISSION ON JUDICIAL PERFORMANCE; TO AMEND SECTION 9-19-21,  
7 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON JUDICIAL  
8 PERFORMANCE TO COMPEL RECORDS WITHIN THE MISSISSIPPI YOUTH COURT  
9 INFORMATION DELIVERY SYSTEM; AND FOR RELATED PURPOSES.

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

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

13 43-21-261. (1) Except as otherwise provided in this  
14 section, records involving children shall not be disclosed, other  
15 than to necessary staff or officials of the youth court, a  
16 guardian ad litem appointed to a child by the court, the  
17 Commission on Judicial Performance in the exercise of its official  
18 duties, or a Court-Appointed Special Advocate (CASA) volunteer who  
19 may be assigned in a dependency, abuse or neglect case, except  
20 pursuant to an order of the youth court specifying the person or  
21 persons to whom the records may be disclosed, the extent of the



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

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

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

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

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

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

45 (f) The Mississippi Department of Employment Security,  
46 or its duly authorized representatives, for the purpose of a



child's enrollment into the Job Corps Training Program as authorized by Title IV of the Comprehensive Employment Training Act of 1973 (29 USCS Section 923 et seq.). However, no records, reports, investigations or information derived therefrom pertaining to child abuse or neglect shall be disclosed;

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

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

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

(2) Any records involving children which are disclosed under an order of the youth court or pursuant to the terms of this section and the contents thereof shall be kept confidential by the



72 person or agency to whom the record is disclosed unless otherwise  
73 provided in the order. Any further disclosure of any records  
74 involving children shall be made only under an order of the youth  
75 court as provided in this section.

76 (3) Upon request, the parent, guardian or custodian of the  
77 child who is the subject of a youth court cause or any attorney  
78 for such parent, guardian or custodian, shall have the right to  
79 inspect any record, report or investigation relevant to a matter  
80 to be heard by a youth court, except that the identity of the  
81 reporter shall not be released, nor the name of any other person  
82 where the person or agency making the information available finds  
83 that disclosure of the information would be likely to endanger the  
84 life or safety of such person. The attorney for the parent,  
85 guardian or custodian of the child, upon request, shall be  
86 provided a copy of any record, report or investigation relevant to  
87 a matter to be heard by a youth court, but the identity of the  
88 reporter must be redacted and the name of any other person must  
89 also be redacted if the person or agency making the information  
90 available finds that disclosure of the information would be likely  
91 to endanger the life, safety or well-being of the person. A  
92 record provided to the attorney under this section must remain in  
93 the attorney's control and the attorney may not provide copies or  
94 access to another person or entity without prior consent of a  
95 court with appropriate jurisdiction.



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

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

106           (b) The Department of Child Protection Services shall  
107 disclose to a county prosecuting attorney or district attorney any  
108 and all records resulting from an investigation into suspected  
109 child abuse or neglect when the case has been referred by the  
110 Department of Child Protection Services to the county prosecuting  
111 attorney or district attorney for criminal prosecution.

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

115           (d) Records involving children shall be disclosed to  
116 the Division of Victim Compensation of the Office of the Attorney  
117 General upon the division's request without order of the youth  
118 court for purposes of determination of eligibility for victim  
119 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.



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

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

153           (12) A classification hearing officer of the State  
154 Department of Corrections, as provided in Section 47-5-103, shall  
155 have the right to inspect any youth court records, excluding abuse  
156 and neglect records, of any offender in the custody of the  
157 department who as a child or minor was a juvenile offender or was  
158 the subject of a youth court cause of action, and the State Parole  
159 Board, as provided in Section 47-7-17, shall have the right to  
160 inspect such records when the offender becomes eligible for  
161 parole.

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

167           (14) The Administrative Office of Courts shall have the  
168 right to inspect any youth court records in order that the number  
169 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.

(16) The Administrative Office of Courts may, in its discretion, disclose to the Department of Public Safety any or all 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;



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

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

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

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

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

265 (23) Nothing in this section or chapter shall require youth  
266 court approval for disclosure of records involving children as  
267 defined in Section 43-21-105(u), if the disclosure is made in a  
268 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, records included within the Mississippi Youth Court Information Delivery System or any successor youth court record system.

(2) If the commission, after investigation of a complaint, determines that there is sufficient evidence to warrant a hearing to determine whether or not there has been a violation under



294 Section 177A, Mississippi Constitution of 1890, the commission may  
295 employ counsel to prepare and present the complaint to the  
296 commission, a committee of the commission, its master or its  
297 factfinder, and to represent the commission before the supreme  
298 court.

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

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

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

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

