

By: Senator(s) Seymour

To: Judiciary, Division A

SENATE BILL NO. 2509

1 AN ACT TO AMEND SECTION 43-21-261, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE RELEASE OF CERTAIN CHILDREN'S RECORDS TO A
3 COMMITTEE OR MEMBER OF THE LEGISLATURE UPON PRIOR WRITTEN CONSENT
4 OF THE PARENT, GUARDIAN OR CUSTODIAN OF THE CHILD; TO SET FORTH
5 MINIMUM REQUIREMENTS FOR THE WRITTEN RELEASE; AND FOR RELATED
6 PURPOSES.

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

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

10 43-21-261. (1) Except as otherwise provided in this
11 section, records involving children shall not be disclosed, other
12 than to necessary staff or officials of the youth court, a
13 guardian ad litem appointed to a child by the court, or a
14 Court-Appointed Special Advocate (CASA) volunteer who may be
15 assigned in a dependency, abuse or neglect case, except pursuant
16 to an order of the youth court specifying the person or persons to
17 whom the records may be disclosed, the extent of the records which
18 may be disclosed and the purpose of the disclosure. Such court
19 orders for disclosure shall be limited to those instances in which
20 the youth court concludes, in its discretion, that disclosure is



21 required for the best interests of the child, the public safety,
22 the functioning of the youth court, or to identify a person who
23 knowingly made a false allegation of child abuse or neglect, and
24 then only to the following persons:

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

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

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

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

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

41 (f) The Mississippi Department of Employment Security,
42 or its duly authorized representatives, for the purpose of a
43 child's enrollment into the Job Corps Training Program as
44 authorized by Title IV of the Comprehensive Employment Training
45 Act of 1973 (29 USCS Section 923 et seq.). However, no records,



46 reports, investigations or information derived therefrom
47 pertaining to child abuse or neglect shall be disclosed;

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

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

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

65 (2) Any records involving children which are disclosed under
66 an order of the youth court or pursuant to the terms of this
67 section and the contents thereof shall be kept confidential by the
68 person or agency to whom the record is disclosed unless otherwise
69 provided in the order. Any further disclosure of any records



involving children shall be made only under an order of the youth court as provided in this section.

(3) Upon request, the parent, guardian or custodian of the child who is the subject of a youth court cause or any attorney for such parent, guardian or custodian, shall have the right to inspect any record, report or investigation relevant to a matter to be heard by a youth court, except that the identity of the reporter shall not be released, nor the name of any other person where the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of such person. The attorney for the parent, guardian or custodian of the child, upon request, shall be provided a copy of any record, report or investigation relevant to a matter to be heard by a youth court, but the identity of the reporter must be redacted and the name of any other person must also be redacted if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life, safety or well-being of the person. A record provided to the attorney under this section must remain in the attorney's 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) Upon request, 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 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.

(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.

(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) (a) Upon the prior written release of the parent, guardian or custodian of the child who is the subject of a youth court cause, any committee or member of the Mississippi Legislature shall have the right to inspect any record, report or investigation, including any trial transcripts or recordings, that are in the custody of the youth court or the Department of Child Protection Services.



266 PLEASE EXPLAIN THE ISSUE YOU ARE FACING AND THE OUTCOME YOU WOULD
267 LIKE TO SEE: (Use reverse side or add another page if necessary,
268 and attach any relevant documentation that may be helpful in
269 resolving your issue.)

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282 SIGNATURE

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284 DATE _____

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

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



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

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

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

301 (e) Any state agency or board that administers student
302 financial assistance programs. However, any records request under
303 this paragraph shall be initiated by the agency or board for the
304 purpose determining the child's eligibility for student financial
305 assistance, and any disclosure shall be limited to the
306 verification of the child's age during the period of time in which
307 the child was in the department's legal custody; and

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

311 (* * *24) Nothing in this section or chapter shall require
312 youth court approval for disclosure of records involving children
313 as defined in Section 43-21-105(u), if the disclosure is made in a
314 criminal matter by a municipal or county prosecutor, a district



315 attorney or statewide prosecutor, pursuant to the Mississippi
316 Rules of Criminal Procedure and the records are disclosed under a
317 protective order issued by the Circuit Court presiding over the
318 criminal matter which incorporates the penalties stated in Section
319 43-21-267.

320 (* * *25) The provisions of this section shall stand
321 repealed on July 1, 2026.

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

