

## 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



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

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

92 (4) Upon request, the child who is the subject of a youth  
93 court cause shall have the right to have his counsel inspect and  
94 copy any record, report or investigation which is filed with the



95 youth court or which is to be considered by the youth court at a  
96 hearing.

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

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

108 (c) Agency records made confidential under the  
109 provisions of this section may be disclosed to a court of  
110 competent jurisdiction.

111 (d) Records involving children shall be disclosed to  
112 the Division of Victim Compensation of the Office of the Attorney  
113 General upon the division's request without order of the youth  
114 court for purposes of determination of eligibility for victim  
115 compensation benefits.

116 (6) Information concerning an investigation into a report of  
117 child abuse or child neglect may be disclosed by the Department of  
118 Child Protection Services without order of the youth court to any  
119 attorney, physician, dentist, intern, resident, nurse,

120 psychologist, social worker, family protection worker, family  
121 protection specialist, child caregiver, minister, law enforcement  
122 officer, or a public or private school employee making that report  
123 pursuant to Section 43-21-353(1) if the reporter has a continuing  
124 professional relationship with the child and a need for such  
125 information in order to protect or treat the child.

126 (7) Information concerning an investigation into a report of  
127 child abuse or child neglect may be disclosed without further  
128 order of the youth court to any interagency child abuse task force  
129 established in any county or municipality by order of the youth  
130 court of that county or municipality.

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

135 (9) Names and addresses of juveniles adjudicated as  
136 delinquent for murder, manslaughter, burglary, arson, armed  
137 robbery, aggravated assault, any sex offense as defined in Section  
138 45-33-23, for any violation of Section 41-29-139(a)(1) or for any  
139 violation of Section 63-11-30, shall not be held confidential and  
140 shall be made available to the public.

141 (10) The judges of the circuit and county courts, and  
142 presentence investigators for the circuit courts, as provided in  
143 Section 47-7-9, shall have the right to inspect any youth court

144 records of a person convicted of a crime for sentencing purposes  
145 only.

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

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

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

163 (14) The Administrative Office of Courts shall have the  
164 right to inspect any youth court records in order that the number  
165 of youthful offenders, abused, neglected, truant and dependent  
166 children, as well as children in need of special care and children  
167 in need of supervision, may be tracked with specificity through

168 the youth court and adult justice system, and to utilize tracking  
169 forms for such purpose.

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

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

184 (17) The youth courts of the state shall disclose to the  
185 Joint Legislative Committee on Performance Evaluation and  
186 Expenditure Review (PEER) any youth court records in order that  
187 the number of youthful offenders, abused, neglected, truant and  
188 dependent children, as well as children in need of special care  
189 and children in need of supervision, may be tracked with  
190 specificity through the youth court and adult justice system, and  
191 to utilize tracking forms for such purpose. The disclosure  
192 prescribed in this subsection shall not require a court order and



193 shall be made in sortable, electronic format where possible. The  
194 PEER Committee may seek the assistance of the Administrative  
195 Office of Courts in seeking this information. The PEER Committee  
196 shall not disclose the identities of any youth who have been  
197 adjudicated in the youth courts of the state and shall only use  
198 the disclosed information for the purpose of monitoring the  
199 effectiveness and efficiency of programs established to assist  
200 adjudicated youth, and to ascertain the incidence of adjudicated  
201 youth who become adult offenders.

202 (18) In every case where an abuse or neglect allegation has  
203 been made, the confidentiality provisions of this section shall  
204 not apply to prohibit access to a child's records by any state  
205 regulatory agency, any state or local prosecutorial agency or law  
206 enforcement agency; however, no identifying information concerning  
207 the child in question may be released to the public by such agency  
208 except as otherwise provided herein.

209 (19) In every case of child abuse or neglect, if a child's  
210 physical condition is medically labeled as medically "serious" or  
211 "critical" or a child dies, the confidentiality provisions of this  
212 section shall not apply. In such cases, the following information  
213 may be released by the Mississippi Department of Child Protection  
214 Services: the cause of the circumstances regarding the fatality  
215 or medically serious or critical physical condition; the age and  
216 gender of the child; information describing any previous reports  
217 of child abuse or neglect investigations that are pertinent to the



218 child abuse or neglect that led to the fatality or medically  
219 serious or critical physical condition; the result of any such  
220 investigations; and the services provided by and actions of the  
221 state on behalf of the child that are pertinent to the child abuse  
222 or neglect that led to the fatality or medically serious or  
223 critical physical condition.

224 (20) Any member of a foster care review board designated by  
225 the Department of Child Protection Services shall have the right  
226 to inspect youth court records relating to the abuse, neglect or  
227 child in need of supervision cases assigned to such member for  
228 review.

229 (21) Information concerning an investigation into a report  
230 of child abuse or child neglect may be disclosed without further  
231 order of the youth court in any administrative or due process  
232 hearing held, pursuant to Section 43-21-257, by the Department of  
233 Child Protection Services for individuals whose names will be  
234 placed on the central registry as substantiated perpetrators.

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



252 PLEASE COMPLETE AND RETURN FORM.

253 NAME: (LAST) (FIRST) (MI)

254 ADDRESS:

256 CITY COUNTY STATE ZIP

257 EMAIL

258 PHONE

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259 CELL ALT

260 DATE OF BIRTH SSN

261 THIRD PARTY (if applicable)

202 Relationship

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203

201 IS THIS MATTER CURRENTLY UNDER CONSIDERATION BY AN ATTORNEY?

200 NO YES



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.)

270 \_\_\_\_\_

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282 SIGNATURE

283 \_\_\_\_\_

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.

