

By: Senator(s) Boyd

To: Judiciary, Division A

## SENATE BILL NO. 2776

1 AN ACT TO AMEND SECTION 43-21-351, MISSISSIPPI CODE OF 1972,  
2 TO DELETE THE AUTHORITY OF ANY PERSON OR AGENCY TO MAKE A WRITTEN  
3 REPORT TO THE YOUTH COURT INTAKE UNIT; TO AUTHORIZE THE DEPARTMENT  
4 OF CHILD PROTECTION SERVICES TO MAKE THE INTAKE REPORT; TO PROVIDE  
5 THAT THE REPORT MAY BE ORAL; TO AMEND SECTION 43-21-353,  
6 MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN MANDATORY REPORTERS  
7 TO MAKE A REPORT TO THE DEPARTMENT OF CHILD PROTECTION SERVICES;  
8 TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO DEVELOP  
9 AND IMPLEMENT TRAINING FOR TRIAGE PROCEDURES FOR RECEIVING  
10 REPORTS; TO PRESCRIBE A TIMEFRAME FOR THE DEPARTMENT OF CHILD  
11 PROTECTION SERVICES TO MAKE A REPORT TO THE YOUTH COURT; TO AMEND  
12 SECTION 43-21-357, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND  
13 SECTIONS 43-20-17, 43-21-257, 43-21-261 AND 43-21-907, MISSISSIPPI  
14 CODE OF 1972, TO REVISE AN INTERNAL REFERENCE TO SECTION 43-21-353  
15 IN CONFORMITY TO THE AMENDMENTS MADE TO THAT SECTION; AND FOR  
16 RELATED PURPOSES.

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

18 **SECTION 1.** Section 43-21-351, Mississippi Code of 1972, is  
19 amended as follows:

20 43-21-351. (1) \* \* \* The Department of Child Protection  
21 Services may make a written or oral report to the intake unit  
22 alleging facts sufficient to establish the jurisdiction of the  
23 youth court. The report shall bear a permanent number that will  
24 be assigned by the court in accordance with the standards  
25 established by the Administrative Office of Courts pursuant to



Section 9-21-9(d), and shall be preserved until destroyed on order of the court.

(2) There shall be in each youth court of the state an intake officer who shall be responsible for the accurate and timely entering of all intake and case information into the Mississippi Youth Court Information Delivery System (MYCIDS) for the Department of Human Services - Division of Youth Services, truancy matters, and the Department of Child Protection Services. It shall be the responsibility of the youth court judge or referee of each county to ensure that the intake officer is carrying out the responsibility of this section.

(3) Each intake officer shall receive, at a minimum, six (6) hours of annual training on MYCIDS provided by the Mississippi Judicial College. The required training under this subsection shall be in addition to technical training provided by the Mississippi Supreme Court MYCIDS Information Technology Department.

(4) The Mississippi Judicial College, in conjunction with the Administrative Office of Courts, shall develop training materials on MYCIDS:

(a) To ensure the accurate and timely entrance of all intake and case information throughout the state by intake officers;

(b) To ensure that youth court judges are equipped to oversee the functions of each intake officer.



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

**SECTION 2.** Section 43-21-353, Mississippi Code of 1972, is amended as follows:

43-21-353. (1) Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child, an abused child, or a victim of commercial sexual exploitation or human trafficking shall cause \* \* \* a report to be made immediately by telephone or otherwise \* \* \* to the Department of Child Protection Services \* \* \*.

(2) The Department of Child Protection Services shall develop and implement triage procedures for accepting, documenting, and assigning reports under this section. The procedures established by the department shall include the following:

(a) The department shall advise the youth court intake unit within seventy-two (72) hours of the report being assigned for investigation or within twenty-four (24) hours of a child being removed from a home, which intake unit shall promptly comply with Section 43-21-357.

(b) In the course of an investigation, at the initial time of contact with the individual(s) about whom a report has



76 been made under this Youth Court Act or with the individual(s)  
77 responsible for the health or welfare of a child about whom a  
78 report has been made under this chapter, the Department of Child  
79 Protection Services shall inform the individual of the specific  
80 complaints or allegations made against the individual. Consistent  
81 with subsection (4), the identity of the person who reported his  
82 or her suspicion shall not be disclosed at that point. Where  
83 appropriate, the Department of Child Protection Services shall  
84 additionally make a referral to the youth court prosecutor.

85       (c) Upon receiving a report that a child has been  
86 sexually abused, is a victim of commercial sexual exploitation or  
87 human trafficking or has been burned, tortured, mutilated or  
88 otherwise physically abused in such a manner as to cause serious  
89 bodily harm, or upon receiving any report of abuse that would be a  
90 felony under state or federal law, the Department of Child  
91 Protection Services shall immediately notify the law enforcement  
92 agency in whose jurisdiction the abuse occurred. Within  
93 forty-eight (48) hours, the department must notify the appropriate  
94 prosecutor and the Statewide Human Trafficking Coordinator. The  
95 department shall have the duty to provide the law enforcement  
96 agency all the names and facts known at the time of the report;  
97 this duty shall be of a continuing nature. The law enforcement  
98 agency and the department shall investigate the reported abuse  
99 immediately and shall file a preliminary report with the  
100 appropriate prosecutor's office within twenty-four (24) hours and



shall make additional reports as new or additional information or evidence becomes available. The department shall advise the clerk of the youth court and the youth court prosecutor of all cases of abuse reported to the department under this subsection (2)(c) within seventy-two (72) hours and shall update such report as information becomes available. In addition, if the Department of Child Protection Services determines that a parent or other person responsible for the care or welfare of an abused or neglected child maintains active duty status within the military, the department shall notify the applicable military installation family advocacy program that there is an allegation of abuse or neglect that relates to that child.

( \* \* \*3) Any report shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, any other information that might be helpful in establishing the cause of the injury, and the identity of the perpetrator.

( \* \* \*4) The Department of Child Protection Services shall maintain a statewide incoming wide-area telephone service or similar service for the purpose of receiving reports of suspected cases of child abuse, commercial sexual exploitation or human trafficking \* \* \*.

( \* \* \*5) Reports of abuse, neglect and commercial sexual exploitation or human trafficking made under this chapter and the



identity of the reporter are confidential except when the court in which the investigation report is filed, in its discretion, determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor pursuant to subsection (1). Reports made under this section to any law enforcement agency or prosecutorial officer are for the purpose of criminal investigation and prosecution only and no information from these reports may be released to the public except as provided by Section 43-21-261. Disclosure of any information by the prosecutor shall be according to the Mississippi Uniform Rules of Circuit and County Court Procedure. The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court. Any person disclosing any reports made under this section in a manner not expressly provided for in this section or Section 43-21-261 shall be guilty of a misdemeanor and subject to the penalties prescribed by Section 43-21-267. Notwithstanding the confidentiality of the reporter's identity under this section, the Department of Child Protection Services may disclose a reporter's identity to the appropriate law enforcement agency or prosecutor if the department has reason to suspect the reporter has made a fraudulent report, and the Department of Child Protection Services must provide to



the subject of the alleged fraudulent report written notification  
of the disclosure.

( \* \* \*6) All final dispositions of law enforcement  
investigations described in subsection (1) of this section shall  
be determined only by the appropriate prosecutor or court. All  
final dispositions of investigations by the Department of Child  
Protection Services as described in subsection (1) of this section  
shall be determined only by the youth court. Reports made under  
subsection (1) of this section by the Department of Child  
Protection Services to the law enforcement agency and to the  
district attorney's office shall include the following, if known  
to the department:

- (a) The name and address of the child;
- (b) The names and addresses of the parents;
- (c) The name and address of the suspected perpetrator;
- (d) The names and addresses of all witnesses, including  
the reporting party if a material witness to the abuse;
- (e) A brief statement of the facts indicating that the  
child has been abused, including whether the child experienced  
commercial sexual exploitation or human trafficking, and any other  
information from the agency files or known to the family  
protection worker or family protection specialist making the  
investigation, including medical records or other records, which  
may assist law enforcement or the district attorney in  
investigating and/or prosecuting the case; and



(f) What, if any, action is being taken by the Department of Child Protection Services.

( \* \* \*7) 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.

( \* \* \*8) 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.

( \* \* \*9) 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, comes 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.

( \* \* \*10) 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 3.** Section 43-21-357, Mississippi Code of 1972, is amended as follows:



43-21-357. (1) After receiving a report, the youth court intake unit shall promptly make a preliminary inquiry to determine whether the interest of the child, other children in the same environment or the public requires the youth court to take further action. As part of the preliminary inquiry, the youth court intake unit may request or the youth court may order the Department of Child Protection Services, the Department of Human Services - Division of Youth Services, any successor agency or any other qualified public employee to make an investigation or report concerning the child and any other children in the same environment, and present the findings thereof to the youth court intake unit. \* \* \* If it appears from the preliminary inquiry that the child or other children in the same environment are within the jurisdiction of the court, the youth court intake unit shall recommend to the youth court:

- (a) That the youth court take no action;
- (b) That an informal adjustment be made;
- (c) That the Department of Child Protection Services monitor the child, family and other children in the same environment;
- (d) That the child is warned or counseled informally;
- (e) That the child be referred to the youth court intervention court; or
- (f) That a petition be filed.

(2) The youth court shall then, without a hearing:



- (a) Order that no action be taken;
- (b) Order that an informal adjustment be made;
- (c) Order that the Department of Child Protection Services monitor the child, family and other children in the same environment;
- (d) Order that the child is warned or counseled informally;
- (e) That the child be referred to the youth intervention court; or
- (f) Order that a petition be filed.
- (3) If the preliminary inquiry discloses that a child needs emergency medical treatment, the judge may order the necessary treatment.

**SECTION 4.** Section 43-20-17, Mississippi Code of 1972, is amended as follows:

43-20-17. Information in the possession of the licensing agency concerning the license of individual child care facilities may be disclosed to the public, except such information shall not be disclosed in such manner as to identify children or families of children cared for at a child care facility. Nothing in this section shall affect the agency's authority to release findings of investigations into allegations of abuse pursuant to either Section 43-21-353( \* \* \*9) or Section 43-21-257.

**SECTION 5.** Section 43-21-257, Mississippi Code of 1972, is amended as follows:



274 43-21-257. (1) Unless otherwise provided in this section,  
275 any record involving children, including valid and invalid  
276 complaints, and the contents thereof maintained by the Department  
277 of Human Services or the Department of Child Protection Services,  
278 or any other state agency, shall be kept confidential and shall  
279 not be disclosed except as provided in Section 43-21-261.

280 (2) The Office of Youth Services shall maintain a state  
281 central registry containing the number and disposition of all  
282 cases together with such other useful information regarding those  
283 cases as may be requested and is obtainable from the records of  
284 the youth court. The Office of Youth Services shall annually  
285 publish a statistical record of the number and disposition of all  
286 cases, but the names or identity of any children shall not be  
287 disclosed in the reports or records. The Office of Youth Services  
288 shall adopt such rules as may be necessary to carry out this  
289 subsection. The central registry files and the contents thereof  
290 shall be confidential and shall not be open to public inspection.  
291 Any person who discloses or encourages the disclosure of any  
292 record involving children from the central registry shall be  
293 subject to the penalty in Section 43-21-267. The youth court  
294 shall furnish, upon forms provided by the Office of Youth  
295 Services, the necessary information, and these completed forms  
296 shall be forwarded to the Office of Youth Services. The  
297 Department of Human Services and its employees are exempt from any  
298 civil liability as a result of any action taken pursuant to the



299 compilation or release of information on the central registry  
300 under this section and any other applicable section of this code,  
301 unless determined that an employee has willfully and maliciously  
302 violated the rules and administrative procedures of the department  
303 pertaining to the central registry or any section of this code.  
304 If an employee is determined to have willfully and maliciously  
305 performed such a violation, said employee shall not be exempt from  
306 civil liability in this regard.

307       (3) The Department of Child Protection Services shall  
308 maintain a state central registry on neglect and abuse cases  
309 containing (a) the name, address and age of each child, (b) the  
310 nature of the harm reported, (c) the name and address of the  
311 person responsible for the care of the child, and (d) the name and  
312 address of the substantiated perpetrator of the harm reported.  
313 "Substantiated perpetrator" shall be defined as an individual who  
314 has committed an act(s) of sexual abuse or physical abuse that  
315 would otherwise be deemed as a felony or any child neglect that  
316 would be deemed as a threat to life. A name is to be added to the  
317 registry only based upon a criminal conviction or an adjudication  
318 by a youth court judge or court of competent jurisdiction,  
319 ordering that the name of the perpetrator be listed on the central  
320 registry. The central registry shall be confidential and shall  
321 not be open to public inspection. Any person who discloses or  
322 encourages the disclosure of any record involving children from  
323 the central registry without following the rules and



administrative procedures of the department shall be subject to the penalty in Section 43-21-267. The Department of Child Protection Services and its employees are exempt from any civil liability as a result of any action taken pursuant to the compilation or release of information on the central registry under this section and any other applicable section of this code, unless determined that an employee has willfully and maliciously violated the rules and administrative procedures of the department pertaining to the central registry or any section of this code. If an employee is determined to have willfully and maliciously performed such a violation, said employee shall not be exempt from civil liability in this regard.

(4) The Mississippi State Department of Health may release the findings of investigations into allegations of abuse within licensed day care centers made under the provisions of Section 43-21-353(8) to any parent of a child who is enrolled in the day care center at the time of the alleged abuse or at the time the request for information is made. The findings of any such investigation may also be released to parents who are considering placing children in the day care center. No information concerning those investigations may contain the names or identifying information of individual children.

The Department of Health shall not be held civilly liable for the release of information on any findings, recommendations or



actions taken pursuant to investigations of abuse that have been conducted under Section 43-21-353( \* \* \*9).

**SECTION 6.** Section 43-21-261, Mississippi Code of 1972, is amended as follows:

43-21-261. (1) Except as otherwise provided in this section, records involving children shall not be disclosed, other than to necessary staff or officials of the youth court, a guardian ad litem appointed to a child by the court, or a Court-Appointed Special Advocate (CASA) volunteer who may be assigned in a dependency, abuse or neglect case, except 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;



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

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

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

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

390 (g) Any person pursuant to a finding by a judge of the  
391 youth court of compelling circumstances affecting the health,  
392 safety or well-being of a child and that such disclosure is in the  
393 best interests of the child or an adult who was formerly the  
394 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( \* \* \*5).

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 person or agency to whom the record is disclosed unless otherwise 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.



444 (b) The Department of Child Protection Services shall  
445 disclose to a county prosecuting attorney or district attorney any  
446 and all records resulting from an investigation into suspected  
447 child abuse or neglect when the case has been referred by the  
448 Department of Child Protection Services to the county prosecuting  
449 attorney or district attorney for criminal prosecution.

450 (c) Agency records made confidential under the  
451 provisions of this section may be disclosed to a court of  
452 competent jurisdiction.

453 (d) Records involving children shall be disclosed to  
454 the Division of Victim Compensation of the Office of the Attorney  
455 General upon the division's request without order of the youth  
456 court for purposes of determination of eligibility for victim  
457 compensation benefits.

458 (6) Information concerning an investigation into a report of  
459 child abuse or child neglect may be disclosed by the Department of  
460 Child Protection Services without order of the youth court to any  
461 attorney, physician, dentist, intern, resident, nurse,  
462 psychologist, social worker, family protection worker, family  
463 protection specialist, child caregiver, minister, law enforcement  
464 officer, or a public or private school employee making that report  
465 pursuant to Section 43-21-353(1) if the reporter has a continuing  
466 professional relationship with the child and a need for such  
467 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



493 have the right to inspect any youth court records, excluding abuse  
494 and neglect records, of any offender in the custody of the  
495 department who as a child or minor was a juvenile offender or was  
496 the subject of a youth court cause of action, and the State Parole  
497 Board, as provided in Section 47-7-17, shall have the right to  
498 inspect such records when the offender becomes eligible for  
499 parole.

500 (13) The youth court shall notify the Department of Public  
501 Safety of the name, and any other identifying information such  
502 department may require, of any child who is adjudicated delinquent  
503 as a result of a violation of the Uniform Controlled Substances  
504 Law.

505 (14) The Administrative Office of Courts shall have the  
506 right to inspect any youth court records in order that the number  
507 of youthful offenders, abused, neglected, truant and dependent  
508 children, as well as children in need of special care and children  
509 in need of supervision, may be tracked with specificity through  
510 the youth court and adult justice system, and to utilize tracking  
511 forms for such purpose.

512 (15) Upon a request by a youth court, the Administrative  
513 Office of Courts shall disclose all information at its disposal  
514 concerning any previous youth court intakes alleging that a child  
515 was a delinquent child, child in need of supervision, child in  
516 need of special care, truant child, abused child or neglected  
517 child, as well as any previous youth court adjudications for the



518 same and all dispositional information concerning a child who at  
519 the time of such request comes under the jurisdiction of the youth  
520 court making such request.

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

526 (17) The youth courts of the state shall disclose to the  
527 Joint Legislative Committee on Performance Evaluation and  
528 Expenditure Review (PEER) any youth court records in order that  
529 the number of youthful offenders, abused, neglected, truant and  
530 dependent children, as well as children in need of special care  
531 and children in need of supervision, may be tracked with  
532 specificity through the youth court and adult justice system, and  
533 to utilize tracking forms for such purpose. The disclosure  
534 prescribed in this subsection shall not require a court order and  
535 shall be made in sortable, electronic format where possible. The  
536 PEER Committee may seek the assistance of the Administrative  
537 Office of Courts in seeking this information. The PEER Committee  
538 shall not disclose the identities of any youth who have been  
539 adjudicated in the youth courts of the state and shall only use  
540 the disclosed information for the purpose of monitoring the  
541 effectiveness and efficiency of programs established to assist



542 adjudicated youth, and to ascertain the incidence of adjudicated  
543 youth who become adult offenders.

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

551 (19) In every case of child abuse or neglect, if a child's  
552 physical condition is medically labeled as medically "serious" or  
553 "critical" or a child dies, the confidentiality provisions of this  
554 section shall not apply. In such cases, the following information  
555 may be released by the Mississippi Department of Child Protection  
556 Services: the cause of the circumstances regarding the fatality  
557 or medically serious or critical physical condition; the age and  
558 gender of the child; information describing any previous reports  
559 of child abuse or neglect investigations that are pertinent to the  
560 child abuse or neglect that led to the fatality or medically  
561 serious or critical physical condition; the result of any such  
562 investigations; and the services provided by and actions of the  
563 state on behalf of the child that are pertinent to the child abuse  
564 or neglect that led to the fatality or medically serious or  
565 critical physical condition.



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

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

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

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

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

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

589               (d) An educational institution or educational services  
590 provider where the child is enrolled or where enrollment is





591 anticipated to the extent necessary for the school to provide  
592 appropriate services to the child;

593           (e) Any state agency or board that administers student  
594 financial assistance programs. However, any records request under  
595 this paragraph shall be initiated by the agency or board for the  
596 purpose determining the child's eligibility for student financial  
597 assistance, and any disclosure shall be limited to the  
598 verification of the child's age during the period of time in which  
599 the child was in the department's legal custody; and

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

603       (23) Nothing in this section or chapter shall require youth  
604 court approval for disclosure of records involving children as  
605 defined in Section 43-21-105(u), if the disclosure is made in a  
606 criminal matter by a municipal or county prosecutor, a district  
607 attorney or statewide prosecutor, pursuant to the Mississippi  
608 Rules of Criminal Procedure and the records are disclosed under a  
609 protective order issued by the Circuit Court presiding over the  
610 criminal matter which incorporates the penalties stated in Section  
611 43-21-267.

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

614       **SECTION 7.** Section 43-21-907, Mississippi Code of 1972, is  
615 amended as follows:



616           43-21-907.   (1)   The licensing agency shall have the  
617 following powers and duties, in addition to the other duties  
618 prescribed by law:

619                   (a)   To adopt the licensing standards set forth by the  
620 Juvenile Detention and Alternatives Taskforce's 2014 report;

621                   (b)   To promulgate future rules and regulations  
622 concerning the licensing and regulation of juvenile detention  
623 facilities;

624                   (c)   To issue, deny, suspend, revoke, restrict, or  
625 otherwise take disciplinary action against juvenile detention  
626 facilities;

627                   (d)   To provide the training required by the rules and  
628 regulations promulgated by the licensing agency to all facility  
629 administrators and facility staff; and

630                   (e)   To have such other powers as may be required to  
631 carry out the provisions of Sections 43-21-901 through 43-21-915.

632           (2)   The licensing agency shall require a criminal records  
633 background check and a child abuse registry check for all facility  
634 administrators and facility staff of a juvenile detention  
635 facility.   The Department of Human Services has the authority to  
636 disclose to the licensing agency any potential applicant whose  
637 name is listed on the Child Abuse Central Registry or has a  
638 pending administrative review.   That information shall remain  
639 confidential.



(3) The licensing agency shall have the authority to exclude individuals or entities for prospective or current employment on the basis of a particular crime or crimes or a substantiated finding of child abuse or neglect.

(4) Information in the possession of the licensing agency concerning the license of a juvenile detention facility may be disclosed to the public, but the information shall not be disclosed in a manner that would identify children detained in the facility. Nothing in this section affects the agency's authority to release findings of investigations into allegations of abuse under either Section 43-21-353( \* \* \*9) or Section 43-21-257.

(5) The Mississippi Department of Education is responsible for promulgating rules and regulations related to the education of all children housed in a juvenile detention facility. The Mississippi Department of Education must conduct inspections of the facility's educational services at least annually or more often as deemed necessary. After each inspection, the department must provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2025.

