

By: Representative Fleming

To: Public Health and
WelfareHOUSE BILL NO. 514
(As Passed the House)

1 AN ACT TO AMEND SECTION 43-21-257, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN ADJUDICATION OF CRIMINAL CONVICTION IS REQUIRED
3 FOR INCLUSION IN THE ABUSE AND NEGLECT CENTRAL REGISTRY OF THE
4 DEPARTMENT OF HUMAN SERVICES; TO PROVIDE THAT IF A PERSON NAMED IN
5 THE CENTRAL REGISTRY HAS NOT BEEN ADJUDICATED OR CONVICTED OF
6 NEGLECT OR ABUSE, THAT INFORMATION SHALL BE DOCUMENTED IN THE
7 REGISTRY; TO PROVIDE THAT IF SUCH A PERSON IS NOT ADJUDICATED OR
8 CONVICTED OF NEGLECT OR ABUSE WITHIN ONE YEAR AFTER THE DATE THAT
9 THE PERSON WAS NAMED IN THE REGISTRY, THE PERSON'S NAME SHALL BE
10 REMOVED FROM THE REGISTRY; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 43-21-257, Mississippi Code of 1972, is
13 amended as follows:

14 43-21-257. (1) Unless otherwise provided in this section,
15 any record involving children, including valid and invalid
16 complaints, and the contents thereof maintained by the Department
17 of Human Services, or any other state agency, shall be kept
18 confidential and shall not be disclosed except as provided in
19 Section 43-21-261.

20 (2) The Office of Youth Services shall maintain a state
21 central registry containing the number and disposition of all
22 cases together with such other useful information regarding those
23 cases as may be requested and is obtainable from the records of
24 the youth court. The Office of Youth Services shall annually
25 publish a statistical record of the number and disposition of all
26 cases, but the names or identity of any children shall not be
27 disclosed in the reports or records. The Office of Youth Services
28 shall adopt such rules as may be necessary to carry out this
29 subsection. The central registry files and the contents thereof
30 shall be confidential and shall not be open to public inspection.
31 Any person who * * * discloses or encourages the disclosure of any



record involving children from the central registry shall be subject to the penalty in Section 43-21-267. The youth court shall furnish, upon forms provided by the Office of Youth Services, the necessary information, and these completed forms shall be forwarded to the Office of Youth Services.

(3) The Department of Human Services shall maintain a state central registry on neglect and abuse cases containing (a) the name, address and age of each child, (b) the nature of the harm reported, (c) the name and address of the person responsible for the care of the child, and (d) the name and address of the substantiated perpetrator of the harm reported. "Substantiated perpetrator" shall be defined as an individual who has committed an act(s) of sexual abuse or physical abuse that would otherwise be deemed as a felony or any child neglect that would be deemed as a threat to life, as determined upon investigation by the Office of Family and Children's Services. "Substantiation" for the purposes of the Mississippi Department of Human Services Central Registry shall require an adjudication of criminal conviction. If an individual named in the central registry as a substantiated perpetrator has not been adjudicated or convicted of neglect or abuse, that information shall be documented in the central registry, and if that individual is not adjudicated or convicted of neglect or abuse within one (1) year after the date that the individual was named in the central registry, the individual's name shall be removed from the central registry. The Department of Human Services shall adopt such rules and administrative procedures, especially those procedures to afford due process to individuals who have been named as substantiated perpetrators before the release of their name from the central registry, as may be necessary to carry out this subsection. The central registry shall be confidential and shall not be open to public inspection. Any person who * * * discloses or encourages the disclosure of any record involving children from the central registry without



65 following the rules and administrative procedures of the
66 department shall be subject to the penalty in Section 43-21-267.
67 The Department of Human Services and its employees are * * *
68 exempt from any civil liability as a result of any action taken
69 pursuant to the compilation and/or release of information on the
70 central registry under this section and any other applicable
71 section of the code.

72 (4) The Mississippi State Department of Health may release
73 the findings of investigations into allegations of abuse within
74 licensed day care centers made under the provisions of Section
75 43-21-353(8) to any parent of a child who is enrolled in the day
76 care center at the time of the alleged abuse or at the time the
77 request for information is made. The findings of any such
78 investigation may also be released to parents who are considering
79 placing children in the day care center. No information
80 concerning those investigations may contain the names or
81 identifying information of individual children.

82 The Department of Health shall not be held civilly liable for
83 the release of information on any findings, recommendations or
84 actions taken pursuant to investigations of abuse that have been
85 conducted under Section 43-21-353(8).

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2003.

