

By: Representative Fleming

To: Public Health and Welfare

HOUSE BILL NO. 514  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-257, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT AN ADJUDICATION OR A CRIMINAL CONVICTION IS  
3 REQUIRED FOR INCLUSION IN THE CHILD ABUSE AND NEGLECT CENTRAL  
4 REGISTRY OF THE DEPARTMENT OF HUMAN SERVICES, PENDING DUE PROCESS;  
5 TO PROVIDE FOR IMMUNITY FROM LIABILITY; AND FOR RELATED PURPOSES.

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

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

9 43-21-257. (1) Unless otherwise provided in this section,  
10 any record involving children, including valid and invalid  
11 complaints, and the contents thereof maintained by the Department  
12 of Human Services, or any other state agency, shall be kept  
13 confidential and shall not be disclosed except as provided in  
14 Section 43-21-261.

15 (2) The Office of Youth Services shall maintain a state  
16 central registry containing the number and disposition of all  
17 cases together with such other useful information regarding those  
18 cases as may be requested and is obtainable from the records of  
19 the youth court. The Office of Youth Services shall annually  
20 publish a statistical record of the number and disposition of all  
21 cases, but the names or identity of any children shall not be  
22 disclosed in the reports or records. The Office of Youth Services  
23 shall adopt such rules as may be necessary to carry out this  
24 subsection. The central registry files and the contents thereof  
25 shall be confidential and shall not be open to public inspection.  
26 Any person who \* \* \* discloses or encourages the disclosure of any  
27 record involving children from the central registry shall be  
28 subject to the penalty in Section 43-21-267. The youth court



29 shall furnish, upon forms provided by the Office of Youth  
30 Services, the necessary information, and these completed forms  
31 shall be forwarded to the Office of Youth Services.

32 (3) The Department of Human Services shall maintain a state  
33 central registry on neglect and abuse cases containing (a) the  
34 name, address and age of each child, (b) the nature of the harm  
35 reported, (c) the name and address of the person responsible for  
36 the care of the child, and (d) the name and address of the  
37 substantiated perpetrator of the harm reported. "Substantiated  
38 perpetrator" shall be defined as an individual who has committed  
39 an act(s) of sexual abuse or physical abuse that would otherwise  
40 be deemed as a felony or any child neglect that would be deemed as  
41 a threat to life, as determined upon investigation by the Office  
42 of Family and Children's Services. "Substantiation" for the  
43 purposes of the Mississippi Department of Human Services Central  
44 Registry shall require a \* \* \* criminal conviction or an  
45 adjudication by a youth court judge or court of competent  
46 jurisdiction, ordering that the name of the perpetrator be listed  
47 on the central registry, pending due process . The Department of  
48 Human Services shall adopt such rules and administrative  
49 procedures, especially those procedures to afford due process to  
50 individuals who have been named as substantiated perpetrators  
51 before the release of their name from the central registry, as may  
52 be necessary to carry out this subsection. The central registry  
53 shall be confidential and shall not be open to public inspection.  
54 Any person who \* \* \* discloses or encourages the disclosure of any  
55 record involving children from the central registry without  
56 following the rules and administrative procedures of the  
57 department shall be subject to the penalty in Section 43-21-267.  
58 The Department of Human Services and its employees are \* \* \*  
59 exempt from any civil liability as a result of any action taken  
60 pursuant to the compilation and/or release of information on the  
61 central registry under this section and any other applicable



62 section of the code, unless determined that an employee has  
63 willfully and maliciously violated the rules and administrative  
64 procedures of the department, pertaining to the central registry  
65 or any section of this code. If an employee is determined to have  
66 willfully and maliciously performed such a violation, said  
67 employee shall not be exempt from civil liability in this regard.

68 (4) The Mississippi State Department of Health may release  
69 the findings of investigations into allegations of abuse within  
70 licensed day care centers made under the provisions of Section  
71 43-21-353(8) to any parent of a child who is enrolled in the day  
72 care center at the time of the alleged abuse or at the time the  
73 request for information is made. The findings of any such  
74 investigation may also be released to parents who are considering  
75 placing children in the day care center. No information  
76 concerning those investigations may contain the names or  
77 identifying information of individual children.

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

82 **SECTION 2.** This act shall take effect and be in force from  
83 and after its passage.

