

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2388

1 AN ACT TO AMEND SECTION 43-21-257, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE TERM "SUBSTANTIATED PERPETRATOR" OF HARM FOR  
3 PURPOSES OF THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT CASES  
4 MAINTAINED BY THE DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED  
5 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 Division 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 such  
18 cases as may be requested and is obtainable from the records of  
19 the youth court. The Division 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 Division of Youth  
23 Services shall adopt such rules as may be necessary to carry out  
24 this subsection. The central registry files and the contents  
25 thereof shall be confidential and shall not be open to public  
26 inspection. Any person who shall disclose or encourage the  
27 disclosure of any record involving children from the central  
28 registry shall be subject to the penalty in Section 43-21-267.



29 The youth court shall furnish, upon forms provided by the Division  
30 of Youth Services, the necessary information, and these completed  
31 forms shall be forwarded to the Division 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 which would otherwise  
40 be deemed as a felony or any child neglect which would be deemed  
41 as a threat to life, as determined upon investigation by the  
42 Division of Family and Children's Services. \* \* \* The Department  
43 of Human Services shall adopt such rules and administrative  
44 procedures, especially those procedures to afford due process to  
45 individuals who have been named as substantiated perpetrators  
46 prior to the release of their name from the registry, as may be  
47 necessary to carry out this subsection. The central registry  
48 shall be confidential and shall not be open to public inspection.  
49 Any person who shall disclose or encourage the disclosure of any  
50 record involving children from the central registry without  
51 following the rules and administrative procedures of the  
52 department shall be subject to the penalty in Section 43-21-267.  
53 The Department of Human Services and its employees are hereby  
54 exempt from any civil liability as a result of any action taken  
55 pursuant to the compilation and/or release of information on the  
56 registry pursuant to this section and any other applicable section  
57 of the code.

58 (4) The Mississippi State Department of Health may release  
59 the findings of investigations into allegations of abuse within  
60 licensed day care centers made under the provisions of Section  
61 43-21-353(8) to any parent of a child who is enrolled in the day



62 care center at the time of the alleged abuse or at the time the  
63 request for information is made. The findings of any such  
64 investigation may also be released to parents who are considering  
65 placing children in the day care center. No information  
66 concerning such investigations may contain the names or  
67 identifying information of individual children.

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

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

