

By: Representative Zuber

To: Judiciary B

HOUSE BILL NO. 230

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,
 2 TO CLARIFY THE AUTHORITY OF THE CHANCERY COURT TO HEAR CERTAIN
 3 ABUSE ALLEGATIONS REGARDING A MINOR WHEN ALLEGATIONS ARISE DURING
 4 A CUSTODY ACTION BETWEEN PARENTS; TO AMEND SECTION 43-21-261,
 5 MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE CHANCERY
 6 COURT APPOINTED REGARDING CONFIDENTIAL RECORDS OF CHILDREN; AND
 7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 43-21-151, Mississippi Code of 1972, is
 10 amended as follows:

11 43-21-151. (1) The youth court shall have exclusive
 12 original jurisdiction in all proceedings concerning a delinquent
 13 child, a child in need of supervision, a neglected child, an
 14 abused child or a dependent child except in the following
 15 circumstances:

16 (a) Any act attempted or committed by a child, which if
 17 committed by an adult would be punishable under state or federal
 18 law by life imprisonment or death, will be in the original
 19 jurisdiction of the circuit court;



20 (b) Any act attempted or committed by a child with the
21 use of a deadly weapon, the carrying of which concealed is
22 prohibited by Section 97-37-1, or a shotgun or a rifle, which
23 would be a felony if committed by an adult, will be in the
24 original jurisdiction of the circuit court; and

25 (c) When a charge of abuse of a child first arises in
26 the course of a custody action between the parents of the child
27 already pending in the chancery court and no notice of such abuse
28 was provided prior to such chancery proceedings, the chancery
29 court may proceed with the investigation, hearing and
30 determination of such abuse charge as a part of its chancery court
31 hearing and determination of the custody issue as between the
32 parents, notwithstanding the other provisions of the Youth Court
33 Law and without invoking the chancery court authority to sit as
34 youth court. The proceedings in chancery court on the abuse
35 charge shall be confidential in the same manner as provided in
36 youth court proceedings.

37 When a child is expelled from the public schools, the youth
38 court shall be notified of the act of expulsion and the act or
39 acts constituting the basis for expulsion.

40 (2) Jurisdiction of the child in the cause shall attach at
41 the time of the offense and shall continue thereafter for that
42 offense until the child's twentieth birthday, unless sooner
43 terminated by order of the youth court. The youth court shall not



44 have jurisdiction over offenses committed by a child on or after
45 his eighteenth birthday.

46 (3) No child who has not reached his thirteenth birthday
47 shall be held criminally responsible or criminally prosecuted for
48 a misdemeanor or felony; however, the parent, guardian or
49 custodian of such child may be civilly liable for any criminal
50 acts of such child. No child under the jurisdiction of the youth
51 court shall be held criminally responsible or criminally
52 prosecuted by any court for any act designated as a delinquent
53 act, unless jurisdiction is transferred to another court under
54 Section 43-21-157.

55 (4) The youth court shall also have jurisdiction of offenses
56 committed by a child which have been transferred to the youth
57 court by an order of a circuit court of this state having original
58 jurisdiction of the offense, as provided by Section 43-21-159.

59 (5) The youth court shall regulate and approve the use of
60 teen court as provided in Section 43-21-753.

61 (6) Nothing in this section shall prevent the circuit court
62 from assuming jurisdiction over a youth who has committed an act
63 of delinquency upon a youth court's ruling that a transfer is
64 appropriate pursuant to Section 43-21-157.

65 **SECTION 2.** Section 43-21-261, Mississippi Code of 1972, is
66 amended as follows:

67 43-21-261. (1) Except as otherwise provided in this
68 section, records involving children shall not be disclosed, other



69 than to necessary staff or officials of the youth court, a
70 guardian ad litem appointed to a child by the chancery or youth
71 court, or a Court-Appointed Special Advocate (CASA) volunteer who
72 may be assigned in an abuse and neglect case, a chancery court
73 with jurisdiction under Section 43-21-152(c) except pursuant to an
74 order of the youth court specifying the person or persons to whom
75 the records may be disclosed, the extent of the records which may
76 be disclosed and the purpose of the disclosure. Such court orders
77 for disclosure shall be limited to those instances in which the
78 youth court concludes, in its discretion, that disclosure is
79 required for the best interests of the child, the public safety,
80 the functioning of the youth court, or to identify a person who
81 knowingly made a false allegation of child abuse or neglect, and
82 then only to the following persons:

83 (a) The judge of another youth court or member of
84 another youth court staff;

85 (b) The court of the parties in a child custody or
86 adoption cause in another court;

87 * * *

88 (* * *c) Representatives of a public or private agency
89 providing supervision or having custody of the child under order
90 of the youth court;

91 (* * *d) Any person engaged in a bona fide research
92 purpose, provided that no information identifying the subject of
93 the records shall be made available to the researcher unless it is



94 absolutely essential to the research purpose and the judge gives
95 prior written approval, and the child, through his or her
96 representative, gives permission to release the information;

97 (* * *e) The Mississippi Department of Employment
98 Security, or its duly authorized representatives, for the purpose
99 of a child's enrollment into the Job Corps Training Program as
100 authorized by Title IV of the Comprehensive Employment Training
101 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
102 reports, investigations or information derived therefrom
103 pertaining to child abuse or neglect shall be disclosed;

104 (* * *f) Any person pursuant to a finding by a judge
105 of the youth court of compelling circumstances affecting the
106 health, safety or well-being of a child and that such disclosure
107 is in the best interests of the child or an adult who was formerly
108 the subject of a youth court delinquency proceeding;

109 (* * *g) A person who was the subject of a knowingly
110 made false allegation of child abuse or neglect which has resulted
111 in a conviction of a perpetrator in accordance with Section
112 97-35-47 or which allegation was referred by the Department of
113 Child Protection Services to a prosecutor or law enforcement
114 official in accordance with the provisions of Section
115 43-21-353(4).

116 Law enforcement agencies may disclose information to the
117 public concerning the taking of a child into custody for the
118 commission of a delinquent act without the necessity of an order



119 from the youth court. The information released shall not identify
120 the child or his address unless the information involves a child
121 convicted as an adult.

122 (2) Any records involving children which are disclosed under
123 an order of the youth court or pursuant to the terms of this
124 section and the contents thereof shall be kept confidential by the
125 person or agency to whom the record is disclosed unless otherwise
126 provided in the order. Any further disclosure of any records
127 involving children shall be made only under an order of the youth
128 court as provided in this section.

129 (3) Upon request, the parent, guardian or custodian of the
130 child who is the subject of a youth court cause or any attorney
131 for such parent, guardian or custodian or a chancery court
132 guardian ad litem appointed to the child, shall have the right to
133 inspect any record, report or investigation relevant to a matter
134 to be heard by a youth court, except that the identity of the
135 reporter shall not be released, nor the name of any other person
136 where the person or agency making the information available finds
137 that disclosure of the information would be likely to endanger the
138 life or safety of such person. The attorney for the parent,
139 guardian or custodian of the child, upon request, shall be
140 provided a copy of any record, report or investigation relevant to
141 a matter to be heard by a youth court, but the identity of the
142 reporter must be redacted and the name of any other person must
143 also be redacted if the person or agency making the information



144 available finds that disclosure of the information would be likely
145 to endanger the life, safety or well-being of the person. A
146 record provided to the attorney under this section must remain in
147 the attorney's control and the attorney may not provide copies or
148 access to another person or entity without prior consent of a
149 court with appropriate jurisdiction.

150 (4) Upon request, the child who is the subject of a youth
151 court cause shall have the right to have his counsel or a chancery
152 court appointed guardian ad litem inspect and copy any record,
153 report or investigation which is filed with the youth court or
154 which is to be considered by the youth court at a hearing.

155 (5) (a) The youth court prosecutor or prosecutors, the
156 county attorney, the district attorney, the youth court defender
157 or defenders, or any attorney representing a child or a chancery
158 court appointed guardian ad litem shall have the right to inspect
159 and copy any law enforcement record involving children.

160 (b) The Department of Child Protection Services shall
161 disclose to a county prosecuting attorney or district attorney any
162 and all records resulting from an investigation into suspected
163 child abuse or neglect when the case has been referred by the
164 Department of Child Protection Services to the county prosecuting
165 attorney or district attorney for criminal prosecution.

166 (c) Agency records made confidential under the
167 provisions of this section may be disclosed to a court of
168 competent jurisdiction.



169 (d) Records involving children shall be disclosed to
170 the Division of Victim Compensation of the Office of the Attorney
171 General upon the division's request without order of the youth
172 court for purposes of determination of eligibility for victim
173 compensation benefits.

174 (e) Records involving children shall be disclosed to
175 the guardian ad litem appointed to the child.

176 (6) Information concerning an investigation into a report of
177 child abuse or child neglect may be disclosed by the Department of
178 Child Protection Services without order of the youth court to any
179 attorney, physician, dentist, intern, resident, nurse,
180 psychologist, social worker, family protection worker, family
181 protection specialist, child caregiver, minister, law enforcement
182 officer, or a public or private school employee making that report
183 pursuant to Section 43-21-353(1) if the reporter has a continuing
184 professional relationship with the child and a need for such
185 information in order to protect or treat the child.

186 (7) Information concerning an investigation into a report of
187 child abuse or child neglect may be disclosed without further
188 order of the youth court to any interagency child abuse task force
189 established in any county or municipality by order of the youth
190 court of that county or municipality.

191 (8) Names and addresses of juveniles twice adjudicated as
192 delinquent for an act which would be a felony if committed by an



193 adult or for the unlawful possession of a firearm shall not be
194 held confidential and shall be made available to the public.

195 (9) Names and addresses of juveniles adjudicated as
196 delinquent for murder, manslaughter, burglary, arson, armed
197 robbery, aggravated assault, any sex offense as defined in Section
198 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
199 violation of Section 63-11-30, shall not be held confidential and
200 shall be made available to the public.

201 (10) The judges of the circuit and county courts, and
202 presentence investigators for the circuit courts, as provided in
203 Section 47-7-9, shall have the right to inspect any youth court
204 records of a person convicted of a crime for sentencing purposes
205 only.

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

209 (12) A classification hearing officer of the State
210 Department of Corrections, as provided in Section 47-5-103, shall
211 have the right to inspect any youth court records, excluding abuse
212 and neglect records, of any offender in the custody of the
213 department who as a child or minor was a juvenile offender or was
214 the subject of a youth court cause of action, and the State Parole
215 Board, as provided in Section 47-7-17, shall have the right to
216 inspect such records when the offender becomes eligible for
217 parole.



218 (13) The youth court shall notify the Department of Public
219 Safety of the name, and any other identifying information such
220 department may require, of any child who is adjudicated delinquent
221 as a result of a violation of the Uniform Controlled Substances
222 Law.

223 (14) The Administrative Office of Courts shall have the
224 right to inspect any youth court records in order that the number
225 of youthful offenders, abused, neglected, truant and dependent
226 children, as well as children in need of special care and children
227 in need of supervision, may be tracked with specificity through
228 the youth court and adult justice system, and to utilize tracking
229 forms for such purpose.

230 (15) Upon a request by a youth court, the Administrative
231 Office of Courts shall disclose all information at its disposal
232 concerning any previous youth court intakes alleging that a child
233 was a delinquent child, child in need of supervision, child in
234 need of special care, truant child, abused child or neglected
235 child, as well as any previous youth court adjudications for the
236 same and all dispositional information concerning a child who at
237 the time of such request comes under the jurisdiction of the youth
238 court making such request.

239 (16) The Administrative Office of Courts may, in its
240 discretion, disclose to the Department of Public Safety any or all
241 of the information involving children contained in the office's



242 youth court data management system known as Mississippi Youth
243 Court Information Delivery System or "MYCIDS."

244 (17) The youth courts of the state shall disclose to the
245 Joint Legislative Committee on Performance Evaluation and
246 Expenditure Review (PEER) any youth court records in order that
247 the number of youthful offenders, abused, neglected, truant and
248 dependent children, as well as children in need of special care
249 and children in need of supervision, may be tracked with
250 specificity through the youth court and adult justice system, and
251 to utilize tracking forms for such purpose. The disclosure
252 prescribed in this subsection shall not require a court order and
253 shall be made in sortable, electronic format where possible. The
254 PEER Committee may seek the assistance of the Administrative
255 Office of Courts in seeking this information. The PEER Committee
256 shall not disclose the identities of any youth who have been
257 adjudicated in the youth courts of the state and shall only use
258 the disclosed information for the purpose of monitoring the
259 effectiveness and efficiency of programs established to assist
260 adjudicated youth, and to ascertain the incidence of adjudicated
261 youth who become adult offenders.

262 (18) In every case where an abuse or neglect allegation has
263 been made, the confidentiality provisions of this section shall
264 not apply to prohibit access to a child's records by any state
265 regulatory agency, any state or local prosecutorial agency or law
266 enforcement agency; however, no identifying information concerning



267 the child in question may be released to the public by such agency
268 except as otherwise provided herein.

269 (19) In every case of child abuse or neglect, if a child's
270 physical condition is medically labeled as medically "serious" or
271 "critical" or a child dies, the confidentiality provisions of this
272 section shall not apply. In such cases, the following information
273 may be released by the Mississippi Department of Child Protection
274 Services: the cause of the circumstances regarding the fatality
275 or medically serious or critical physical condition; the age and
276 gender of the child; information describing any previous reports
277 of child abuse or neglect investigations that are pertinent to the
278 child abuse or neglect that led to the fatality or medically
279 serious or critical physical condition; the result of any such
280 investigations; and the services provided by and actions of the
281 state on behalf of the child that are pertinent to the child abuse
282 or neglect that led to the fatality or medically serious or
283 critical physical condition.

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

289 (21) Information concerning an investigation into a report
290 of child abuse or child neglect may be disclosed without further
291 order of the youth court in any administrative or due process



292 hearing held, pursuant to Section 43-21-257, by the Department of
293 Child Protection Services for individuals whose names will be
294 placed on the central registry as substantiated perpetrators.

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

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

300 (b) An individual, agency or organization that provides
301 services to a child or the child's family in furtherance of the
302 child's permanency plan to the extent necessary in providing those
303 services;

304 (c) Health and mental health care providers of a child
305 to the extent necessary for the provider to properly treat and
306 care for the child;

307 (d) An educational institution or educational services
308 provider where the child is enrolled or where enrollment is
309 anticipated to the extent necessary for the school to provide
310 appropriate services to the child;

311 (e) Any state agency or board that administers student
312 financial assistance programs. However, any records request under
313 this paragraph shall be initiated by the agency or board for the
314 purpose determining the child's eligibility for student financial
315 assistance, and any disclosure shall be limited to the



316 verification of the child's age during the period of time in which
317 the child was in the department's legal custody; and

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

321 (23) Nothing in this section or chapter shall require youth
322 court approval for disclosure of records involving children as
323 defined in Section 43-21-105(u), if the disclosure is made in a
324 criminal matter by a municipal or county prosecutor, a district
325 attorney or statewide prosecutor, pursuant to the Mississippi
326 Rules of Criminal Procedure and the records are disclosed under a
327 protective order issued by the Circuit Court presiding over the
328 criminal matter which incorporates the penalties stated in Section
329 43-21-267.

330 **SECTION 3.** This act shall take effect and be in force from
331 and after July 1, 2024.

