

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2120

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,  
 2 TO AUTHORIZE A CHANCERY COURT TO PROCEED WITH CHILD ABUSE CHARGES  
 3 RAISED FOR THE FIRST TIME IN AN EXISTING CUSTODY DETERMINATION  
 4 WITHOUT INVOKING ITS AUTHORITY TO FUNCTION AS A YOUTH COURT; TO  
 5 REQUIRE SUCH PROCEEDINGS TO BE CONFIDENTIAL IN THE SAME MANNER AS  
 6 PROVIDED IN YOUTH COURT PROCEEDINGS PURSUANT TO THE UNIFORM RULES  
 7 OF YOUTH COURT PRACTICE; TO AMEND SECTION 43-21-261, MISSISSIPPI  
 8 CODE OF 1972, TO PROVIDE THAT RECORDS INVOLVING CHILDREN SHALL BE  
 9 DISCLOSED TO CHANCERY COURT GUARDIAN AD LITEM TO THE CHILD; AND  
 10 FOR RELATED PURPOSES.

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

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

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

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



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

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

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

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



48 have jurisdiction over offenses committed by a child on or after  
49 his eighteenth birthday.

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

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

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

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

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

71 43-21-261. (1) Except as otherwise provided in this  
72 section, records involving children shall not be disclosed, other



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

87 (a) The judge of another youth court or member of  
88 another youth court staff;

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

91 (c) A judge of any other court or members of another  
92 court staff, including the chancery court that ordered a forensic  
93 interview;

94 (d) Representatives of a public or private agency  
95 providing supervision or having custody of the child under order  
96 of the youth court;



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

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

110           (g) Any person pursuant to a finding by a judge of the  
111 youth court of compelling circumstances affecting the health,  
112 safety or well-being of a child and that such disclosure is in the  
113 best interests of the child or an adult who was formerly the  
114 subject of a youth court delinquency proceeding;

115           (h) A person who was the subject of a knowingly made  
116 false allegation of child abuse or neglect which has resulted in a  
117 conviction of a perpetrator in accordance with Section 97-35-47 or  
118 which allegation was referred by the Department of Child  
119 Protection Services to a prosecutor or law enforcement official in  
120 accordance with the provisions of Section 43-21-353(4).



121 Law enforcement agencies may disclose information to the  
122 public concerning the taking of a child into custody for the  
123 commission of a delinquent act without the necessity of an order  
124 from the youth court. The information released shall not identify  
125 the child or his address unless the information involves a child  
126 convicted as an adult.

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

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



146 a matter to be heard by a youth court, but the identity of the  
147 reporter must be redacted and the name of any other person must  
148 also be redacted if the person or agency making the information  
149 available finds that disclosure of the information would be likely  
150 to endanger the life, safety or well-being of the person. A  
151 record provided to the attorney under this section must remain in  
152 the attorney's control and the attorney may not provide copies or  
153 access to another person or entity without prior consent of a  
154 court with appropriate jurisdiction.

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

161 (5) (a) The youth court prosecutor or prosecutors, the  
162 county attorney, the district attorney, the youth court defender  
163 or defenders, or any attorney representing a child shall have the  
164 right to inspect and copy any law enforcement record involving  
165 children.

166 (b) The Department of Child Protection Services shall  
167 disclose to a county prosecuting attorney or district attorney any  
168 and all records resulting from an investigation into suspected  
169 child abuse or neglect when the case has been referred by the



170 Department of Child Protection Services to the county prosecuting  
171 attorney or district attorney for criminal prosecution.

172 (c) Agency records made confidential under the  
173 provisions of this section may be disclosed to a court of  
174 competent jurisdiction.

175 (d) Records involving children shall be disclosed to  
176 the Division of Victim Compensation of the Office of the Attorney  
177 General upon the division's request without order of the youth  
178 court for purposes of determination of eligibility for victim  
179 compensation benefits.

180 (e) Records involving children shall be disclosed to a  
181 chancery court guardian ad litem appointed to the child.

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

192 (7) Information concerning an investigation into a report of  
193 child abuse or child neglect may be disclosed without further  
194 order of the youth court to any interagency child abuse task force





195 established in any county or municipality by order of the youth  
196 court of that county or municipality.

197 (8) Names and addresses of juveniles twice adjudicated as  
198 delinquent for an act which would be a felony if committed by an  
199 adult or for the unlawful possession of a firearm shall not be  
200 held confidential and shall be made available to the public.

201 (9) Names and addresses of juveniles adjudicated as  
202 delinquent for murder, manslaughter, burglary, arson, armed  
203 robbery, aggravated assault, any sex offense as defined in Section  
204 45-33-23, for any violation of Section 41-29-139(a) (1) or for any  
205 violation of Section 63-11-30, shall not be held confidential and  
206 shall be made available to the public.

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

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

215 (12) A classification hearing officer of the State  
216 Department of Corrections, as provided in Section 47-5-103, shall  
217 have the right to inspect any youth court records, excluding abuse  
218 and neglect records, of any offender in the custody of the  
219 department who as a child or minor was a juvenile offender or was



220 the subject of a youth court cause of action, and the State Parole  
221 Board, as provided in Section 47-7-17, shall have the right to  
222 inspect such records when the offender becomes eligible for  
223 parole.

224 (13) The youth court shall notify the Department of Public  
225 Safety of the name, and any other identifying information such  
226 department may require, of any child who is adjudicated delinquent  
227 as a result of a violation of the Uniform Controlled Substances  
228 Law.

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

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



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

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

268 (18) In every case where an abuse or neglect allegation has  
269 been made, the confidentiality provisions of this section shall



270 not apply to prohibit access to a child's records by any state  
271 regulatory agency, any state or local prosecutorial agency or law  
272 enforcement agency; however, no identifying information concerning  
273 the child in question may be released to the public by such agency  
274 except as otherwise provided herein.

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

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



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

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

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

306 (b) An individual, agency or organization that provides  
307 services to a child or the child's family in furtherance of the  
308 child's permanency plan to the extent necessary in providing those  
309 services;

310 (c) Health and mental health care providers of a child  
311 to the extent necessary for the provider to properly treat and  
312 care for the child;

313 (d) An educational institution or educational services  
314 provider where the child is enrolled or where enrollment is  
315 anticipated to the extent necessary for the school to provide  
316 appropriate services to the child;

317 (e) Any state agency or board that administers student  
318 financial assistance programs. However, any records request under  
319 this paragraph shall be initiated by the agency or board for the



320 purpose determining the child's eligibility for student financial  
321 assistance, and any disclosure shall be limited to the  
322 verification of the child's age during the period of time in which  
323 the child was in the department's legal custody; and

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

327 (23) Nothing in this section or chapter shall require youth  
328 court approval for disclosure of records involving children as  
329 defined in Section 43-21-105(u), if the disclosure is made in a  
330 criminal matter by a municipal or county prosecutor, a district  
331 attorney or statewide prosecutor, pursuant to the Mississippi  
332 Rules of Criminal Procedure and the records are disclosed under a  
333 protective order issued by the Circuit Court presiding over the  
334 criminal matter which incorporates the penalties stated in Section  
335 43-21-267.

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

