

MISSISSIPPI YOUTH COURT INFORMATION DELIVERY SYSTEM INFORMATION DISCLOSURE POLICY

The information contained in the Mississippi Youth Court Information Delivery System is protected by the confidentiality mandates of the Mississippi Youth Court Act and may only be disclosed as provided by that act. In order to ensure compliance with the Mississippi Youth Court Act, access to the system, as well disclosure of information contained therein, the Administrative Office of Courts shall require that courts utilizing the Mississippi Youth Court Information Delivery System accept and strictly adhere to the disclosure policy as stated herein.

CONFIDENTIALITY OF RECORDS INVOLVING CHILDREN

Records involving children are confidential and may not be disclosed except as authorized by the Mississippi Youth Court Act. *See*, Rule 5 , Confidentiality of Records and Proceedings, Uniform Rules of Youth Court Practice. Records involving children are defined, under Section 43-21-105 of the Mississippi Code, and include: all youth court records as defined in Section 43-21-251; all social records, as defined in Section 43-21-253; all law enforcement records as defined in Section 43-21-255; all agency records as defined in Section 43-21-257; and all other documents maintained by any representative of the state, county, municipality or other public agency insofar as they relate to the apprehension, custody, adjudication or disposition of a child who is the subject of a youth court cause. *Id.*

AUTHORIZED DISCLOSURE OF RECORDS INVOLVING CHILDREN

The disclosure of records involving children is governed by Section 43-21-261 of the Mississippi Code which provides disclosure to the necessary staff of the youth court. Additionally, the youth court may disclose records involving children to other persons and agencies, as set forth in Section 43-21-261, so long as that court finds that the disclosure is in the best interests of the child, the public safety or the functioning of the youth court and that the court order authorizing disclosure specifies the person or persons to whom the records may be disclosed, the extent of the records which may be disclosed and the purpose of the disclosure. Such other persons and agencies

which are authorized for disclosure of records involving children include: the judge of another youth court; members of another youth court staff; representatives of a public or private agency providing supervision or having custody of the child under order of the youth court; persons where disclosure has been determined to be in the best interests of the child, after a showing to the youth court of compelling circumstances affecting the health or safety of the child; and, such other persons as identified in Section 43-21-261 (1)(a) through (1) (g).

PENALTY FOR UNAUTHORIZED DISCLOSURE OF RECORDS INVOLVING CHILDREN

Section 43-21-267 of the Mississippi Code provides that any person who shall disclose or encourage the disclosure of any records involving children or the contents thereof without the proper authorization, as specified under Section 43-21-261, shall be guilty of a misdemeanor crime and punished, upon conviction, by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of not more than one (1) year or by both such fine and imprisonment.

ACCESS TO MISSISSIPPI YOUTH COURT DELIVERY SYSTEM

The information contained in the Mississippi Youth Court Information Delivery System, "MYCIDS", includes records involving children and is protected by the confidentiality of the Mississippi Youth Court Act. Only persons and agencies authorized by Section 43-21-261 of the Mississippi Code for the disclosure of confidential records involving children may access MYCIDS. The ability for courts to share information via MYCIDS is one of the system's most desirable features. A youth court has the authority to give persons access to MYCIDS in order for them to perform a duty for the court which is in the best interest of the children served by the court. However, the courts using the system must ensure that the persons they give access to MYCIDS are properly instructed and supervised, to ensure that information contained in MYCIDS is not misused and violations of § 43-21-261 do not occur.

For example it would be proper for a court to grant a school attendance officer access to MYCIDS to allow them to intake their truancy cases. However, it would violate § 43-21-261 if the

school attendance officer used their MYCIDS access to identify and report to the school officials which students were having behavior problems. Likewise a detention officer can be given access to MYCIDS to intake youth detention information for the court but it would be improper for them to use their access to supply the sheriff's department with information involving youth criminal activity in their county. As a consequence of information being so easily accessible in MYCIDS, courts granting persons access to MYCIDS must ensure that those persons do not succumb to the temptation to use that access for purpose other than those authorized by the court.

Necessary Staff of a Youth Court:

Staff of a youth court utilizing MYCIDS may be given access to MYCIDS to the extent deemed necessary by the youth court. The youth court judge shall identify, to the Mississippi Administrative Office of the Courts, those members of their staff whom they deem it necessary to have access to MYCIDS as well as the extent of their individual access to the system. Unless otherwise specified to the Mississippi Administrative Office of the Courts, those persons who have been identified as needing access to MYCIDS shall be granted full access to MYCIDS. All youth court staff members who have been granted access to MYCIDS shall execute the Oath of Confidentiality contained herein in the presence of the youth court judge, or their designee, and such oaths, along with the youth court order authorizing disclosure, shall be maintained by the youth court subject to the inspection of the Mississippi Administrative Office of the Courts.

Judges and Necessary Staff Members of Other Youth Courts:

Any Mississippi Youth Court Judge who has been granted access to MYCIDS in their county shall be given "read only access" to the recorded data of another youth court. Members of a youth court's staff who have been granted access to MYCIDS in their county shall be given "read only access" to the recorded data of another youth court.

Persons Other than Youth Court Judges and Necessary Members of their Staff:

MYCIDS Currently:

Persons other than a youth court judge, the necessary members of a youth court judge's staff, necessary employees of the Mississippi Supreme Court, necessary employees of the Mississippi Administrative Office of Courts, necessary employees of the Mississippi Department of Child Protection Services and necessary employees of the Mississippi Department of Public Safety, shall not be given access to MYCIDS.

Mississippi Department of Child Protection Services Senior Management Staff:

Mississippi Department of Child Protection Services "CPS" Senior Management Staff may be given "read only" access to MYCIDS. "Read only" access to MYCIDS shall only be granted to CPS Senior Management Staff upon the specific request of the Division Director of Mississippi Department of Child Protection Services or their designee, to the Mississippi Administrative Office of the Courts. The Division Director shall only request MYCIDS access for Services Senior Management Staff whom they determine need access to the same in order to discharge their duties at the Mississippi Department of Child Protection Services. The Division Director shall be required to maintain confidentiality oaths and access information for all MYCIDS users for whom MYCIDS "read only" access has been granted. The Division Director shall report any confidentiality breaches to the Mississippi Administrative Office of Courts, immediately.

Mississippi Department of Child Protection Services Local Staff:

Mississippi Department of Child Protection Services Local Staff may be given "read only" access to MYCIDS. "Read only" access to MYCIDS shall only be granted to CPS Local Staff upon the specific request of a Youth Court Judge, or their designee, or by the MDHS Regional Director for the Region serving the a particular Youth Court, so long as a Youth Court Judge, or their designee, in the Regional Director's region authorizes the same.

Should a youth Court Judge, or their designee, authorize MYCIDS “read only” access for CPS local employees that Court shall be required to maintain confidentiality oaths and access information for all MYCIDS users for whom MYCIDS “read only” access has been granted, subject to the inspection of the Mississippi Administrative Office of the Courts.

Should a CPS Regional Director be authorized by a youth court in their region to request “Read only” access to MYCIDS, the Regional Director shall be required to maintain confidentiality oaths and access information for all MYCIDS users for whom MYCIDS “read only” access has been granted, subject to the inspection of the Mississippi Administrative Office of the Courts, and shall be required to report any confidentiality breaches to the Mississippi Administrative Office of the Courts and the local youth court, immediately.

MDHS Division of Youth Services, Oakley Training School Staff:

MDHS Division of Youth Services Oakley Training School Staff may be given “read only” access to MYCIDS. “Read only” access to MYCIDS shall only be granted to Oakley Training School Employees upon the specific request of the Director of the Division of Youth Services, or his designee, to the Mississippi Administrative Office of the Courts. The Director of the Division of Youth Services shall only request MYCIDS access for Oakley Training School employees whom he determines need the same in order to discharge their duties at Oakley Training School. The Director of the Division of Youth Services shall be required to maintain confidentiality oaths and access information for all MYCIDS users for whom MYCIDS “read only” access has been granted. The Director of the Division of Youth Services shall report any confidentiality breaches to the Mississippi Administrative Office of Courts, immediately.

Mississippi Department of Public Safety:

Pursuant to Section 43-21-261(g)(16) of the Mississippi Code: The Administrative Office of Courts may, in its discretion, disclose to the Department of Public Safety any or all of the information involving children contained in the office’s youth court data management system known

as Mississippi Youth Court Information delivery System or “MYCIDS”.

MISSISSIPPI SUPREME COURT
Administrative Order adopted August 27, 2008
Statement of Policy Regarding Openness and Availability of Public

Access to public records in the judiciary is consistent with the Mississippi Supreme Court’s policy that the public interest is best served by open courts and by an independent judiciary consistent with the mandates of the Mississippi Constitution. The State of Mississippi has established a policy concerning access to public records, as set forth in the Mississippi Public Records Act. *Miss. Code Ann.* § 25-61-1. The judiciary of the State of Mississippi, as a separate and equal branch of the government, is not subject to the Mississippi Public Records Act. While public records are made available as readily and conveniently as possible, not all records under the control of the Court are public records.

Administrative Office of Courts

Statistics collected by the Administrative Office of Courts (AOC) are incorporated in the Supreme Court Annual Report. The report is available on-line at <http://www.courts.ms.gov>. Customized requests are subject to the AOC’s staff availability and resources. Information requests and copy work are subject to fees and are done on an as-time-permits basis. A record shall be provided in the format requested if the AOC maintains the record in that format. This policy does not require the AOC to create a record, other than to print information already stored in its computer. A records custodian may deny a record request that would substantially and unreasonably impede the routine operation of the court or judicial agency. The AOC also provides a subscriber service for criminal background checks, civil filings and statistical information. Customized search requests may be made, in writing, to the Administrative Office of Courts, Post Office Box 117, Jackson, MS 39205-0117. For information on the subscriber service, please call 601- 576-4633.

MYCIDS REPORTS

Mississippi Youth Court Information Delivery System provides statistical reporting of the youth court judiciary which is available to the public. That reporting is limited to the following non-identifying information:

- Type and number of cases;
- Type and number of hearings;
- Number of petitions;
- Number of children served by a youth court.

Persons requesting information regarding the data items listed herein above shall do so in writing and shall identify in their inquiry the time frame the data is requested for as well as the individual youth courts that they are requesting the data from. All other information in MYCIDS is kept strictly confidential and may only be released pursuant to Section 43-21-261 of the Mississippi Code.

CONFIDENTIALITY OATH

I, _____, solemnly swear or avow that I will not divulge, either by words, signs or deeds any confidential information which comes to my knowledge as a consequence of my access to the information contained in the Mississippi Youth Court Information Delivery System, "MYCIDS" other than as specifically permitted by me by the _____ Youth Court and that I will keep secret all confidential information including the identity of any child, family or persons revealed to me through my use of MYCIDS and any information so acquired by me shall only be disclosed as necessary to accomplish the duties required by me by said Youth Court, and then only to such persons as authorized by said Youth Court.

I am aware that all information concerning children, their youth court cases and/or families must be held confidential and may not be disclosed as provided by law under Section 43-21-255 Mississippi Code 1972 Annotated I am aware that should I disclose any confidential information other than as proscribed herein that I will be subject to the criminal penalties enumerated in Section 43-21-267 Mississippi Code 1972 Annotated.

DATE: _____

SIGNATURE: _____

NAME OF WITNESS*: _____

SIGNATURE OF WITNESS: _____

* A witness must be the Youth Court Judge or other person authorized to serve as a witness for the Youth Court for the purposes of accepting this confidentiality oath.