

By: Representative Mims

To: Judiciary B

HOUSE BILL NO. 356  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-355, MISSISSIPPI CODE OF 1972,  
2 TO EXPAND THE IMMUNITY FOR MAKING GOOD FAITH REPORTS OF CHILD  
3 ABUSE OR NEGLECT TO INCLUDE PERSONS WHO PARTICIPATE IN AN  
4 INVESTIGATION, EVALUATION OR JUDICIAL PROCEEDING RESULTING FROM  
5 THE REPORT; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972,  
6 TO PROVIDE A LIMITED IMMUNITY FROM CIVIL LIABILITY TO CHILD  
7 ADVOCACY CENTERS AND MULTIDISCIPLINARY TEAM MEMBERS; AND FOR  
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 43-21-355, Mississippi Code of 1972, is  
11 amended as follows:

12 43-21-355. Any attorney, physician, dentist, intern,  
13 resident, nurse, psychologist, social worker, family protection  
14 worker, family protection specialist, child caregiver, minister,  
15 law enforcement officer, school attendance officer, public school  
16 district employee, nonpublic school employee, licensed  
17 professional counselor or any other person participating in the  
18 making of a required report pursuant to Section 43-21-353 or  
19 participating in \* \* \* an investigation, evaluation or judicial  
20 proceeding resulting \* \* \* from the report shall be presumed to be  
21 acting in good faith. Any person or institution reporting or



22 participating in an investigation, evaluation or judicial  
23 proceeding resulting from the report in good faith shall be immune  
24 from any liability, civil or criminal, that might otherwise be  
25 incurred or imposed.

26 **SECTION 2.** Section 43-15-51, Mississippi Code of 1972, is  
27 amended as follows:

28 43-15-51. (1) The district attorneys, the Department of  
29 Human Services or the Department of Child Protection Services may  
30 initiate formal cooperative agreements with the appropriate  
31 agencies to create multidisciplinary child protection teams in  
32 order to implement a coordinated multidisciplinary team approach  
33 to intervention in reports involving alleged commercial sexual  
34 exploitation, human trafficking, or severe or potential felony  
35 child physical or sexual abuse, exploitation, or maltreatment.  
36 The multidisciplinary team also may be known as a child abuse task  
37 force. The purpose of the team or task force shall be to assist  
38 in the evaluation and investigation of reports and to provide  
39 consultation and coordination for agencies involved in child  
40 protection cases. The agencies to be included as members of the  
41 multidisciplinary team are: the district attorney's office, city  
42 and county law enforcement agencies, county attorneys, youth court  
43 prosecutors, the Human Trafficking Coordinator or his or her  
44 designee and other agencies as appropriate. The Department of  
45 Child Protection Services shall be included as a member of the



46 multidisciplinary team if the department does not initiate  
47 creation of the team.

48 (2) Except as otherwise provided in Section 43-26-3, to  
49 implement the multidisciplinary child abuse team, the team or task  
50 force must be authorized by court order from the appropriate youth  
51 court. The court order will designate which agencies will  
52 participate in the cooperative multidisciplinary team.

53 (3) (a) Teams created under this section may invite other  
54 persons to serve on the team who have knowledge of and experience  
55 in child abuse and neglect and commercial sexual exploitation and  
56 human trafficking matters. These persons may include licensed  
57 mental and physical health practitioners and physicians, dentists,  
58 representatives of the district attorney's office and the Attorney  
59 General's office, experts in the assessment and treatment of  
60 substance abuse or sexual abuse, the victim assistance coordinator  
61 of the district attorney's office, staff members of a child  
62 advocacy center, sexual assault nurse examiners and experts in  
63 providing services to commercial sexual exploitation and human  
64 trafficking victims. For purposes of this paragraph, the term  
65 "sexual assault nurse examiner" means a registered nurse who has  
66 received a documented forty (40) hours of training as a sexual  
67 assault nurse examiner.

68 (b) (i) A child advocacy center means an agency that  
69 advocates on behalf of children alleged to have been abused and  
70 assists in the coordination of the investigation of child abuse by



71 providing a location for forensic interviews and promoting the  
72 coordination of services for children alleged to have been abused.  
73 A child advocacy center provides services that include, but are  
74 not limited to, forensic medical examinations, mental health and  
75 related support services, court advocacy, consultation, training  
76 for social workers, law enforcement training, and child abuse  
77 multidisciplinary teams, and staffing of multidisciplinary teams.

78 (ii) Child advocacy centers may provide a  
79 video-taped forensic interview of the child in a child friendly  
80 environment or separate building. The purpose of the video-taped  
81 forensic interview is to prevent further trauma to a child in the  
82 investigation and prosecution of child physical and sexual abuse  
83 cases. Child advocacy centers can also assist child victims by  
84 providing therapeutic counseling subsequent to the interview by a  
85 qualified therapist. Child advocacy centers can also assist law  
86 enforcement and prosecutors by acquainting child victim witnesses  
87 and their parents or guardians to the courtroom through child  
88 court school programs.

89 (4) A team or task force created under this section shall  
90 review records on cases referred to the team by the Department of  
91 Child Protection Services or law enforcement or the district  
92 attorney's office. The team shall meet at least monthly.

93 (5) No person shall disclose information obtained from a  
94 meeting of the multidisciplinary team unless necessary to comply  
95 with the Department of Child Protection Services regulations or



96 conduct and proceeding in youth court or criminal court  
97 proceedings or as authorized by a court of competent jurisdiction.

98 (6) A child advocacy center or a member of the  
99 multidisciplinary team is not liable for civil damages while  
100 acting within the scope of official team duties if the center or  
101 member, in good faith, refers a report of alleged child abuse for  
102 investigation, conducts an investigation, makes an investigative  
103 judgment or disposition, or releases or uses information for the  
104 purpose of protecting a child. The limitation of civil liability  
105 does not apply if a child advocacy center or multidisciplinary  
106 team member is not acting in good faith. The limitation of  
107 liability provided by this subsection for a child advocacy center  
108 or member of the multidisciplinary team, shall only apply when the  
109 child advocacy center or the member is acting on behalf of or  
110 within the scope of duties for the multidisciplinary team as  
111 described in this section.

112 **SECTION 3.** This act shall take effect and be in force from  
113 and after July 1, 2021.

