

By: Representative Warren

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 1467

1 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF THE OFFICE OF YOUTH
2 COURT ADMINISTRATOR; TO PRESCRIBE THE DUTIES OF THE YOUTH COURT
3 ADMINISTRATOR; TO PROVIDE THAT YOUTH COURT ADMINISTRATORS ARE
4 EMPLOYEES OF THE ADMINISTRATIVE OFFICE OF COURTS WORKING AT THE
5 WILL AND PLEASURE OF THE YOUTH COURT JUDGE; TO AUTHORIZE THE
6 ESTABLISHMENT OF THE OFFICE OF YOUTH COURT ADMINISTRATOR FOR ANY
7 MUNICIPAL YOUTH COURT FORMED PRIOR TO JANUARY 1, 1999; TO AMEND
8 SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT
9 JUDGES AMONG THOSE JUDGES FOR WHOM A STATE OFFICE ALLOWANCE IS
10 PROVIDED; TO AMEND SECTION 43-21-123, MISSISSIPPI CODE OF 1972, TO
11 INCLUDE REFEREES AND YOUTH COURT ADMINISTRATORS FOR THE
12 REIMBURSEMENT OF NECESSARY TRAVEL EXPENSES; AND FOR RELATED
13 PURPOSES.

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

15 SECTION 1. (1) In any county not having a county court or
16 family court judge, the youth court judge may establish the Office
17 of Youth Court Administrator by an order entered on the minutes of
18 the court. The youth court administrator may serve one or more
19 youth courts provided that the youth courts are in the same
20 chancery court district. In the discretion of the youth court
21 judge, the position of youth court administrator may be a
22 full-time or part-time position, but shall not be filled by any
23 person who is currently employed by the Mississippi Department of
24 Human Services. The youth court administrator may serve as the
25 youth court intake officer as established in Section 43-21-115.

26 (2) It shall be the duty of the youth court administrator
27 to:

28 (a) Perform all nonjudicial tasks of the youth court,
29 other than those assigned to other youth court employees;

30 (b) Maintain all statistical reports, issue case
31 numbers, and be responsible to provide the Administrative Office
32 of the Courts all data concerning to the youth court served

33 including completion of all Administrative Office of the Courts
34 tracking forms;

35 (c) Serve as liaison with the media, the general
36 public, law enforcement, attorneys, witnesses and all other
37 interested parties;

38 (d) Provide general administrative support for the
39 youth court judge;

40 (e) Insure that all needed court files, evidence and
41 witnesses are before the court as and when needed, and to
42 personally appear at youth court hearings as directed by the
43 court; and

44 (f) Perform other duties assigned by the youth court
45 judge.

46 (3) The salary and other cost associated with the operation
47 of the Office of the Youth Court Administrator shall be fixed on
48 order of the judge as provided in Section 43-21-123.

49 SECTION 2. (1) In any county not having a county court or
50 family court judge, the youth court judge may employ a youth court
51 administrator as set forth in Section 1 of this act. Each such
52 youth court judge that desires to employ a youth court
53 administrator shall make application to the Administrative Office
54 of Courts. The administrative Office of Courts must approve the
55 position, job description and salary before the position of youth
56 court administrator may be filled. Upon approval by the
57 Administrative Office of Courts, the youth court judge or judges
58 may appoint the youth court administrator and each youth court
59 administrator will work at the will and pleasure of the judge or
60 judges who appointed them but will be employees of the
61 Administrative Office of Courts. Upon approval by the
62 Administrative Office of Courts, the appointment of any youth
63 court administrator shall be evidenced by the entry of an order on
64 the minutes of the youth court. When a youth court administrator
65 is appointed jointly by two (2) or more youth court judges, the
66 order setting forth any appointment shall be entered on the
67 minutes of each participating youth court.

68 (2) The Administrative Office of Courts shall develop and
69 promulgate minimum qualifications for the position of youth court
70 administrator.

71 (3) The Administrative Office of Courts shall allocate from
72 the support staff fund an amount not to exceed Thirty thousand
73 Dollars (\$30,000.00) per chancery court district for the
74 employment of one (1) or more youth court administrators in the
75 chancery court district. Youth court administrators shall receive
76 compensation pursuant to personnel policies established by the
77 Administrative Office of Courts. Such compensation shall be based
78 on the number of youth courts served, case loads of youth courts
79 served, as well as other criteria developed by the Administrative
80 Office of Courts.

81 (4) The Administrative Office of Courts shall allocate from
82 the support staff fund an amount not to exceed One Thousand Nine
83 Hundred Dollars (\$1,900.00) per chancery court district for the
84 travel expenses of all youth court administrators employed in that
85 chancery court district.

86 (5) For the purposes of this section, the following terms
87 shall have the meaning ascribed herein unless the context clearly
88 requires otherwise:

89 (a) "Youth court judge" means any chancellor serving as
90 the judge of a youth court of a county or another judge named by
91 the senior chancellor of that county or chancery court district.

92 (b) "Compensation" means the gross salary plus all
93 amounts paid for benefits or otherwise as a result of employment
94 or as required by employment; provided, however, that only salary
95 earned for services rendered shall be reported and credited for
96 Public Employees' Retirement System purposes. Amounts paid for
97 benefits or otherwise, including reimbursement for travel
98 expenses, shall not be reported or credited for retirement
99 purposes.

100 SECTION 3. Any city were the youth court division was
101 created as a division of the municipal court prior to January 1,
102 1999, pursuant to Section 43-21-107(4), may employ a youth court
103 administrator in the same manner as prescribed in Sections 1 and 2
104 of this act for counties not having either a county court or

105 family court judge. However, the Administrative Office of Courts
106 shall allocate from the support staff fund an amount not to exceed
107 Twelve Thousand Dollars (\$12,000.00), for the compensation of such
108 youth court administrator.

109 SECTION 4. Section 9-1-36, Mississippi Code of 1972, is
110 amended as follows:

111 9-1-36. (1) Each circuit judge, chancellor and county court
112 judge shall receive an office operating allowance for the expenses
113 of operating the office of such judge, including retaining a law
114 clerk, legal research, stenographic help, stationery, stamps,
115 furniture, office equipment, telephone, office rent and other
116 items and expenditures necessary and incident to maintaining the
117 office of judge. Such allowance shall be paid only to the extent
118 of actual expenses incurred by any such judge as itemized and
119 certified by such judge to the Supreme Court and then in an amount
120 of not more than Four Thousand Dollars (\$4,000.00) per annum;
121 however, such judge may expend sums in excess thereof from the
122 compensation otherwise provided for his office. No part of this
123 expense or allowance shall be used to pay an official court
124 reporter for services rendered to said court.

125 (2) In addition to the amounts provided for in subsection
126 (1), there is hereby created a separate office allowance fund for
127 the purpose of providing support staff to judges. This fund shall
128 be managed by the Administrative Office of Courts.

129 (3) Each judge who desires to employ support staff after
130 July 1, 1994, shall make application to the Administrative Office
131 of Courts by submitting to the Administrative Office of Courts a
132 proposed personnel plan setting forth what support staff is deemed
133 necessary. Such plan may be submitted by a single judge or by any
134 combination of judges desiring to share support staff. In the
135 process of the preparation of the plan, the judges, at their
136 request, may receive advice, suggestions, recommendations and
137 other assistance from the Administrative Office of Courts. The
138 Administrative Office of Courts must approve the positions, job

139 descriptions and salaries before the positions may be filled. The
140 Administrative Office of Courts shall not approve any plan which
141 does not first require the expenditure of the funds in the support
142 staff fund for compensation of any of the support staff before
143 expenditure is authorized of county funds for that purpose. Upon
144 approval by the Administrative Office of Courts, the judge or
145 judges may appoint the employees to the position or positions, and
146 each employee so appointed will work at the will and pleasure of
147 the judge or judges who appointed him but will be employees of the
148 Administrative Office of Courts. Upon approval by the
149 Administrative Office of Courts, the appointment of any support
150 staff shall be evidenced by the entry of an order on the minutes
151 of the court. When support staff is appointed jointly by two (2)
152 or more judges, the order setting forth any appointment shall be
153 entered on the minutes of each participating court.

154 (4) The Administrative Office of Courts shall develop and
155 promulgate minimum qualifications for the certification of court
156 administrators. Any court administrator appointed on or after
157 October 1, 1996, shall be required to be certified by the
158 Administrative Office of Courts.

159 (5) Support staff shall receive compensation pursuant to
160 personnel policies established by the Administrative Office of
161 Courts; however, from and after July 1, 1994, the Administrative
162 Office of Courts shall allocate from the support staff fund an
163 amount not to exceed Forty Thousand Dollars (\$40,000.00) per
164 fiscal year (July 1 through June 30) per judge for whom support
165 staff is approved for the funding of support staff assigned to a
166 judge or judges. Any employment pursuant to this subsection shall
167 be subject to the provisions of Section 25-1-53.

168 The Administrative Office of Courts may approve expenditure
169 from the fund for additional equipment for support staff appointed
170 pursuant to this section in any year in which the allocation per
171 judge is sufficient to meet the equipment expense after provision
172 for the compensation of the support staff.

173 (6) For the purposes of this section, the following terms
174 shall have the meaning ascribed herein unless the context clearly
175 requires otherwise:

176 (a) "Judges" means circuit judges, chancellors and
177 county court judges, or any combination thereof;

178 (b) "Support staff" means court administrators, law
179 clerks, legal research assistants or secretaries, or any
180 combination thereof, but shall not mean school attendance
181 officers;

182 (c) "Compensation" means the gross salary plus all
183 amounts paid for benefits or otherwise as a result of employment
184 or as required by employment; provided, however, that only salary
185 earned for services rendered shall be reported and credited for
186 Public Employees' Retirement System purposes. Amounts paid for
187 benefits or otherwise, including reimbursement for travel
188 expenses, shall not be reported or credited for retirement
189 purposes.

190 (7) Title to all tangible property, excepting stamps,
191 stationery and minor expendable office supplies, procured with
192 funds authorized by this section, shall be and forever remain in
193 the State of Mississippi to be used by the circuit judge,
194 chancellor or county court judge during the term of his office and
195 thereafter by his successors.

196 (8) Any circuit judge, chancellor or county court judge who
197 did not have a primary office provided by the county on March 1,
198 1988, shall be allowed an additional Four Thousand Dollars
199 (\$4,000.00) per annum to defray the actual expenses incurred by
200 such circuit judge, chancellor or county court judge in
201 maintaining an office; however, any circuit judge, chancellor or
202 county court judge who had a primary office provided by the county
203 on March 1, 1988, and who vacated the office space after such date
204 for a legitimate reason, as determined by the Department of
205 Finance and Administration, shall be allowed the additional office
206 expense allowance provided under this subsection.

207 (9) The Supreme Court, through the Administrative Office of
208 Courts, shall submit to the Department of Finance and
209 Administration the itemized and certified expenses for office
210 operating allowances that are directed to the court pursuant to
211 this section.

212 (10) The Supreme Court, through the Administrative Office of
213 Courts, shall have the power to adopt rules and regulations
214 regarding the administration of the office operating allowance
215 authorized pursuant to this section.

216 SECTION 5. Section 43-21-123, Mississippi Code of 1972, is
217 amended as follows:

218 43-21-123. (1) Except for expenses provided by state funds
219 and/or other monies, the board of supervisors, or the municipal
220 governing board where there is a municipal youth court, shall
221 adequately provide funds for the operation of the youth court
222 division of the chancery court in conjunction with the regular
223 chancery court budget, or the county or family courts where said
224 courts are constituted. In preparation for said funding, on an
225 annual basis at the time requested, the youth court judge or
226 administrator shall prepare and submit to the board of
227 supervisors, or the municipal governing board of the youth court
228 wherever the youth court is a municipal court, an annual budget
229 which will identify the number, staff position, title and amount
230 of annual or monthly compensation of each position as well as
231 provide for other expenditures necessary to the functioning and
232 operation of the youth court. When the budget of the youth court
233 or youth court judge is approved by the board of supervisors of
234 the governing authority of the municipality, then the youth court
235 or youth court judge may employ such persons as provided in the
236 budget from time to time.

237 (2) Except for expenses provided by state funds and/or other
238 monies, the board of supervisors of any county in which there is
239 located a youth court, and the governing authority of any
240 municipality in which there is located a municipal youth court,

241 are each authorized to reimburse the youth court judges, referees,
242 youth court administrators and other youth court employees or
243 personnel for reasonable travel and expenses incurred in the
244 performance of their duties and in attending educational meetings
245 offering professional training to such persons as budgeted.

246 SECTION 6. This act shall take effect and be in force from
247 and after July 1, 1999.