

By: Warren

To: Juvenile Justice;  
Appropriations

HOUSE BILL NO. 379

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 where 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:[LH1]

111 9-1-36. (1) Each circuit judge, chancellor and county judge  
112 shall receive an office operating allowance for the expenses of  
113 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 Four Thousand Dollars (\$4,000.00) per annum; however, such  
121 judge may expend sums in excess thereof from the compensation  
122 otherwise provided for his office. No part of this expense or  
123 allowance shall be used to pay an official court reporter for  
124 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 of Forty Thousand Dollars (\$40,000.00) per fiscal year  
164 (July 1 through June 30) per judge for whom support staff is  
165 approved for the funding of support staff assigned to a judge or  
166 judges. Any employment pursuant to this subsection shall be  
167 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 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 judge during the term of his office and  
195 thereafter by his successors.

196 (8) Any circuit judge, chancellor or county judge who did  
197 not have a primary office provided by the county on March 1, 1988,

198 shall be allowed an additional Four Thousand Dollars (\$4,000.00)  
199 per annum to defray the actual expenses incurred by such circuit  
200 judge, chancellor or county judge in maintaining an office;  
201 however, any circuit judge, chancellor or county judge who had a  
202 primary office provided by the county on March 1, 1988, and who  
203 vacated the office space after such date for a legitimate reason,  
204 as determined by the Department of Finance and Administration,  
205 shall be allowed the additional office expense allowance provided  
206 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, 2000.