

By: Representative Holland

To: Juvenile Justice; Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1052

1 AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972,
2 TO EXPAND YOUTH COURT JURISDICTION BY AUTHORIZING YOUTH COURTS TO
3 MODIFY AN EXISTING CHILD SUPPORT ORDER ENTERED BY A CHANCERY COURT
4 ONLY TO THE EXTENT OF MODIFYING THE PAYEE OR TERMINATING THE
5 SUPPORT OBLIGATION IN CASES WHERE THE YOUTH COURT OTHERWISE
6 ACQUIRED JURISDICTION OVER THE CHILD BECAUSE THE CHILD WAS ALLEGED
7 TO BE NEGLECTED, ABUSED, DELINQUENT, IN NEED OF SUPERVISION, OR A
8 DEPENDENT CHILD, AND THE YOUTH COURT HAS ADJUDICATED THE CHILD SO
9 TO BE; AND FOR RELATED PURPOSES.

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

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

13 43-21-151. (1) The youth court shall have exclusive
14 original jurisdiction in all proceedings concerning a delinquent
15 child, a child in need of supervision, a neglected child, an
16 abused child or a dependent child except in the following
17 circumstances:

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

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

27 (c) When a charge of abuse of a child first arises in
28 the course of a custody action between the parents of the child
29 already pending in the chancery court and no notice of such abuse
30 was provided prior to such chancery proceedings, the chancery

31 court may proceed with the investigation, hearing and
32 determination of such abuse charge as a part of its hearing and
33 determination of the custody issue as between the parents,
34 notwithstanding the other provisions of the Youth Court Law. The
35 proceedings in chancery court on the abuse charge shall be
36 confidential in the same manner as provided in youth court
37 proceedings.

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

41 (2) Jurisdiction of the child in the cause shall attach at
42 the time of the offense and shall continue thereafter for that
43 offense until the child's twentieth birthday, unless sooner
44 terminated by order of the youth court. The youth court shall not
45 have jurisdiction over offenses committed by a child on or after
46 his eighteenth birthday, or over offenses committed by a child on
47 or after his seventeenth birthday where such offenses would be a
48 felony if committed by an adult.

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

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

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

64 (6) When a child in the jurisdiction of the youth court has
65 previously been the subject of a chancery court order requiring
66 the noncustodial parent to pay child support to the custodial
67 parent due to divorce or to establishment of paternity for a
68 child, and the youth court determines that the child is neglected,
69 abused, dependent, in need of supervision or delinquent, and
70 removes the child from the custody of the child support payee, the
71 youth court shall have jurisdiction to modify the child support
72 order only to change the payee from the primary custodial parent
73 to the Division of Family and Children's Services or the private
74 person into whose custody the youth court places the child, or to
75 terminate the support obligation because the court placed the
76 children in the obligor's custody. Modification or termination by
77 the youth court shall remain in effect only as long as custody of
78 the child remains as ordered by the youth court. If the child is
79 returned to the custodial parent named in the chancery court child
80 support order, the noncustodial parent's obligation to pay the
81 custodial parent shall be automatically reinstated if the youth
82 court has entered an order reinstating the payment of such support
83 and if the noncustodial parent is notified of the reinstatement.

84 The youth court shall furnish written notice of its action
85 modifying the child support order to the chancery court in which
86 the support order was decreed. A copy of that part of the youth
87 court order modifying the payee or terminating the support
88 obligation shall be entered on the general docket of the chancery
89 court and in the chancery case file.

90 **SECTION 2.** This act shall take effect and be in force from
91 and after July 1, 2006.