

By: Representative Flaggs

To: Judiciary A

HOUSE BILL NO. 11

1 AN ACT TO AMEND SECTION 43-21-201, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE MISSISSIPPI COMMISSION ON CONTINUING LEGAL
3 EDUCATION TO APPROVE ANNUAL JUVENILE JUSTICE TRAINING FOR
4 ATTORNEYS WHO REPRESENT DELINQUENT CHILDREN; TO REMOVE THE
5 MISSISSIPPI BAR ASSOCIATION FROM THE DUTY OF SUCH APPROVAL; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 43-21-201, Mississippi Code of 1972, is
9 amended as follows:

10 43-21-201. (1) Each party shall have the right to be
11 represented by counsel at all stages of the proceedings including,
12 but not limited to, detention, adjudicatory and disposition
13 hearings and parole or probation revocation proceedings. If the
14 party is a child, the child shall be represented by counsel at all
15 critical stages. If indigent, the child shall have the right to
16 have counsel appointed for him or her by the youth court.

17 (2) When a party first appears before the youth court, the
18 judge shall ascertain whether he or she is represented by counsel
19 and, if not, inform him or her of his or her rights including his
20 or her right to counsel.

21 (3) An attorney appointed to represent a delinquent child
22 shall be required to complete annual juvenile justice training
23 that is approved by the Mississippi Judicial College or the
24 Mississippi Commission on Continuing Legal Education. The
25 Mississippi Judicial College and the Mississippi Commission on
26 Continuing Legal Education shall determine the amount of juvenile
27 justice training and continuing education required to fulfill the
28 requirements of this subsection. The Administrative Office of
29 Courts shall maintain a roll of attorneys who have complied with

30 the training requirements and shall enforce the provisions of this
31 subsection. Should an attorney fail to complete the annual
32 training requirement or fail to attend the required training
33 within six (6) months of being appointed to a youth court case,
34 the attorney shall be disqualified to serve and the youth court
35 shall immediately terminate the representation and appoint another
36 attorney. Attorneys appointed by a youth court to five (5) or
37 fewer cases a year are exempt from the requirements of this
38 subsection.

39 (4) An attorney shall enter his or her appearance on behalf
40 of a party in the proceeding by filing a written notice of
41 appearance with the youth court, by filing a pleading, notice or
42 motion signed by counsel or by appearing in open court and
43 advising the youth court that he or she is representing a party.
44 After counsel has entered his or her appearance, he or she shall
45 be served with copies of all subsequent pleadings, motions and
46 notices required to be served on the party he or she represents.
47 An attorney who has entered his or her appearance shall not be
48 permitted to withdraw from the case until a timely appeal if any
49 has been decided, except by leave of the court then exercising
50 jurisdiction of the cause after notice of his or her intended
51 withdrawal is served by him or her on the party he or she
52 represents.

53 (5) Each designee appointed by a youth court judge shall be
54 subject to the Code of Judicial Conduct and shall govern himself
55 or herself accordingly.

56 **SECTION 2.** This act shall take effect and be in force from
57 and after its passage.