

By: Representative Flaggs

To: Juvenile Justice

HOUSE BILL NO. 527

1 AN ACT TO AMEND SECTION 43-21-201, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT COUNSEL WHO REPRESENT PARTIES IN YOUTH COURT
3 DELINQUENCY MATTERS MUST BE LEGAL DEFENSE COUNSEL AND NOT GUARDIAN
4 AD LITEMS; AND FOR RELATED PURPOSES.

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

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

8 43-21-201. (1) Each party shall have the right to be
9 represented by counsel at all stages of the proceedings including,
10 but not limited to, detention, adjudicatory and disposition
11 hearings and parole or probation revocation proceedings. In
12 delinquency matters the court shall appoint legal defense counsel
13 who are not guardian ad litem. If the party is a child, the
14 child shall be represented by counsel at all critical stages. If
15 indigent, the child shall have the right to have counsel appointed
16 for him by the youth court.

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

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

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

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

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

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2007.