

By: Representative Flaggs

To: Juvenile Justice

HOUSE BILL NO. 527
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-201, MISSISSIPPI CODE OF 1972,
2 AS AMENDED BY HOUSE BILL NO. 11, 2007 REGULAR SESSION, TO CLARIFY
3 THAT COUNSEL WHO REPRESENT PARTIES IN YOUTH COURT DELINQUENCY
4 MATTERS MUST BE LEGAL DEFENSE COUNSEL WHO IS NOT ALSO A GUARDIAN
5 AD LITEM FOR THE SAME CHILD AND TO REQUIRE THE COMMISSION ON
6 CONTINUING LEGAL EDUCATION TO APPROVE ANNUAL JUVENILE JUSTICE
7 TRAINING FOR ATTORNEYS WHO REPRESENT DELINQUENT CHILDREN; AND FOR
8 RELATED PURPOSES.

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

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

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

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

24 (3) An attorney appointed to represent a delinquent child
25 shall be required to complete annual juvenile justice training
26 that is approved by the Mississippi Judicial College or *the*
27 Mississippi Commission on Continuing Legal Education. The
28 Mississippi Judicial College and *the* Mississippi Commission on
29 Continuing Legal Education shall determine the amount of juvenile
30 justice training and continuing education required to fulfill the

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

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

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

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