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To: Public Health and  
 Welfare; Appropriations

COMMITTEE SUBSTITUTE  
 FOR  
 SENATE BILL NO. 3024

1 AN ACT TO AUTHORIZE THE UNIVERSITY OF MISSISSIPPI MEDICAL  
 2 CENTER TO CREATE A CENTER OF EXCELLENCE TO PROVIDE CARE FOR ABUSED  
 3 AND NEGLECTED CHILDREN AT THE BLAIR E. BATSON HOSPITAL FOR  
 4 CHILDREN IN JACKSON, MISSISSIPPI; TO AUTHORIZE THE CENTER TO  
 5 CONDUCT MAJOR RESEARCH INITIATIVES IN CHILD MALTREATMENT AND  
 6 CONDUCT EDUCATIONAL PROGRAMS AND TELE-MEDICINE CONSULTATIONS; TO  
 7 CREATE A CHILD ABUSE REFERRAL AND EXAMINATION (CARE) CLINIC FUND  
 8 FOR THE TRANSFER OF FUNDS RETURNED TO THE STATE BY THE MISSISSIPPI  
 9 CHILDREN'S JUSTICE CENTER TO BE APPROPRIATED BY THE LEGISLATURE  
 10 FOR THE SUPPORT OF THE CENTER; TO AMEND SECTION 43-21-605,  
 11 MISSISSIPPI CODE OF 1972, TO INCLUDE THE CENTER AS A DISPOSITIONAL  
 12 ALTERNATIVE IN CHILD ABUSE AND NEGLECT CASES; AND FOR RELATED  
 13 PURPOSES.

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

15 **SECTION 1.** (1) The University of Mississippi Medical Center  
 16 is authorized and empowered to establish a Center of Excellence  
 17 (Center) to provide care for abused and neglected children at the  
 18 Blair E. Batson Hospital for Children located in Jackson,  
 19 Mississippi, where suspected victims of child maltreatment will  
 20 receive comprehensive physical examinations conducted by medical  
 21 professionals who specialize in child maltreatment. The  
 22 University of Mississippi Medical Center shall promulgate such  
 23 rules, regulations and policies as may be necessary and desirable  
 24 to carry out the programs of the Center. The Center shall serve  
 25 as a central advocacy program for child protection, and shall  
 26 facilitate statewide services for the assessment, investigation  
 27 and prosecution of child abuse and neglect, in conjunction with  
 28 the Department of Human Services and the youth court system.

29 (2) The Department of Pediatrics may use the Center for  
 30 educational and outreach programs, tele-medicine consultations, to  
 31 develop satellite clinics in other locations in the state, and to  
 32 conduct major research initiatives in child maltreatment.

33 (3) The Center of Excellence shall provide services to  
34 maltreated children and comply with national certification  
35 standards as necessary to provide services to the Department of  
36 Human Services, the youth courts and law enforcement officers.

37 (4) There is hereby created in the State Treasury a special  
38 fund to be known as the Child Abuse Referral and Examination  
39 (CARE) Clinic fund. The State Treasurer shall transfer into said  
40 special fund any funds returned to the State Treasury by the MCI  
41 WorldCom Settlement by the Mississippi Children's Justice Center  
42 pursuant to agreement with the State Auditor. The University of  
43 Mississippi Medical Center shall expend funds pursuant to  
44 appropriation therefor by the Legislature for the support and  
45 maintenance of the Center. The University of Mississippi Medical  
46 Center is authorized to accept any and all grants, donations or  
47 matching funds from private public or federal sources in order to  
48 add to, improve and enlarge the physical facilities of the Center  
49 and to expend any such funds for the support and maintenance of  
50 the Center.

51 **SECTION 2.** Section 43-21-605, Mississippi Code of 1972, is  
52 amended as follows:

53 43-21-605. (1) In delinquency cases, the disposition order  
54 may include any of the following alternatives:

55 (a) Release the child without further action;

56 (b) Place the child in the custody of the parents, a  
57 relative or other persons subject to any conditions and  
58 limitations, including restitution, as the youth court may  
59 prescribe;

60 (c) Place the child on probation subject to any  
61 reasonable and appropriate conditions and limitations, including  
62 restitution, as the youth court may prescribe;

63 (d) Order terms of treatment calculated to assist the  
64 child and the child's parents or guardian which are within the  
65 ability of the parent or guardian to perform;

66           (e) Order terms of supervision which may include  
67 participation in a constructive program of service or education or  
68 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
69 restitution not in excess of actual damages caused by the child to  
70 be paid out of his own assets or by performance of services  
71 acceptable to the victims and approved by the youth court and  
72 reasonably capable of performance within one (1) year;

73           (f) Suspend the child's driver's license by taking and  
74 keeping it in custody of the court for not more than one (1) year;

75           (g) Give legal custody of the child to any of the  
76 following:

77                   (i) The Department of Human Services for  
78 appropriate placement; or

79                   (ii) Any public or private organization,  
80 preferably community-based, able to assume the education, care and  
81 maintenance of the child, which has been found suitable by the  
82 court; or

83                   (iii) The Department of Human Services for  
84 placement in a wilderness training program or the Division of  
85 Youth Services for placement in a state-supported training school,  
86 except that no child under the age of ten (10) years shall be  
87 committed to a state training school, and no first-time nonviolent  
88 youth offenders shall be committed to a state training school  
89 until all other options provided for in this section have been  
90 considered and the court makes a specific finding of fact that  
91 commitment is appropriate.

92           The training school may retain custody of the child until the  
93 child's twentieth birthday but for no longer. When the child is  
94 committed to a training school, the child shall remain in the  
95 legal custody of the training school until the child has made  
96 sufficient progress in treatment and rehabilitation and it is in  
97 the best interest of the child to release the child. However, the  
98 superintendent of a state training school, in consultation with

99 the treatment team, may parole a child at any time he may deem it  
100 in the best interest and welfare of such child. Twenty (20) days  
101 prior to such parole, the training school shall notify the  
102 committing court of the pending release. The youth court may then  
103 arrange subsequent placement after a reconvened disposition  
104 hearing, except that the youth court may not recommit the child to  
105 the training school or any other secure facility without an  
106 adjudication of a new offense or probation or parole violation.  
107 The Department of Human Services shall ensure that staffs create  
108 transition planning for youth leaving the facilities. Plans shall  
109 include providing the youth and his or her parents or guardian  
110 with copies of the youth's training school education and health  
111 records, information regarding the youth's home community,  
112 referrals to mental and counseling services when appropriate, and  
113 providing assistance in making initial appointments with community  
114 service providers. Prior to assigning the custody of any child to  
115 any private institution or agency, the youth court through its  
116 designee shall first inspect the physical facilities to determine  
117 that they provide a reasonable standard of health and safety for  
118 the child. No child shall be placed in the custody of a state  
119 training school for a status offense or for contempt of or  
120 revocation of a status offense adjudication unless the child is  
121 contemporaneously adjudicated for having committed an act of  
122 delinquency that is not a status offense. A disposition order  
123 rendered under this subparagraph shall meet the following  
124 requirements:

125                   1. The disposition is the least restrictive  
126 alternative appropriate to the best interest of the child and the  
127 community;

128                   2. The disposition allows the child to be in  
129 reasonable proximity to the family home community of each child  
130 given the dispositional alternatives available and the best  
131 interest of the child and the state; and

132                   3. The disposition order provides that the  
133 court has considered the medical, educational, vocational, social  
134 and psychological guidance, training, social education,  
135 counseling, substance abuse treatment and other rehabilitative  
136 services required by that child as determined by the court;

137                   (h) Recommend to the child and the child's parents or  
138 guardian that the child attend and participate in the Youth  
139 Challenge Program under the Mississippi National Guard, as created  
140 in Section 43-27-203, subject to the selection of the child for  
141 the program by the National Guard; however, the child must  
142 volunteer to participate in the program. The youth court shall  
143 not order any child to apply or attend the program;

144                   (i) (i) Adjudicate the juvenile to the Statewide  
145 Juvenile Work Program if the program is established in the court's  
146 jurisdiction. The juvenile and his parents or guardians must sign  
147 a waiver of liability in order to participate in the work program.  
148 The judge will coordinate with the youth services counselors as to  
149 placing participants in the work program;

150                   (ii) The severity of the crime, whether or not the  
151 juvenile is a repeat offender or is a felony offender will be  
152 taken into consideration by the judge when adjudicating a juvenile  
153 to the work program. The juveniles adjudicated to the work  
154 program will be supervised by police officers or reserve officers.  
155 The term of service will be from twenty-four (24) to one hundred  
156 twenty (120) hours of community service. A juvenile will work the  
157 hours to which he was adjudicated on the weekends during school  
158 and weekdays during the summer. Parents are responsible for a  
159 juvenile reporting for work. Noncompliance with an order to  
160 perform community service will result in a heavier adjudication.  
161 A juvenile may be adjudicated to the community service program  
162 only two (2) times;

163                   (iii) The judge shall assess an additional fine on  
164 the juvenile which will be used to pay the costs of implementation

165 of the program and to pay for supervision by police officers and  
166 reserve officers. The amount of the fine will be based on the  
167 number of hours to which the juvenile has been adjudicated;

168 (j) Order the child to participate in a youth court  
169 work program as provided in Section 43-21-627;

170 (k) Order the child into a juvenile detention center  
171 operated by the county or into a juvenile detention center  
172 operated by any county with which the county in which the court is  
173 located has entered into a contract for the purpose of housing  
174 delinquents. The time period for detention cannot exceed ninety  
175 (90) days, and any detention exceeding forty-five (45) days shall  
176 be administratively reviewed by the youth court no later than  
177 forty-five (45) days after the entry of the order. The youth  
178 court judge may order that the number of days specified in the  
179 detention order be served either throughout the week or on  
180 weekends only. No first-time nonviolent youth offender shall be  
181 committed to a detention center for a period of ninety (90) days  
182 until all other options provided for in this section have been  
183 considered and the court makes a specific finding of fact that  
184 commitment to a detention center is appropriate. However, if a  
185 child is committed to a detention center ninety (90) consecutive  
186 days, the disposition order shall meet the following requirements:

187 (i) The disposition order is the least restrictive  
188 alternative appropriate to the best interest of the child and the  
189 community;

190 (ii) The disposition order allows the child to be  
191 in reasonable proximity to the family home community of each child  
192 given the dispositional alternatives available and the best  
193 interest of the child and the state; and

194 (iii) The disposition order provides that the  
195 court has considered the medical, educational, vocational, social  
196 and psychological guidance, training, social education,

197 counseling, substance abuse treatment and other rehabilitative  
198 services required by that child as determined by the court; or

199 (1) Referral to A-team provided system of care  
200 services.

201 (2) If a disposition order requires that a child miss school  
202 due to other placement, the youth court shall notify a child's  
203 school while maintaining the confidentiality of the youth court  
204 process.

205 (3) In addition to any of the disposition alternatives  
206 authorized under subsection (1) of this section, the disposition  
207 order in any case in which the child is adjudicated delinquent for  
208 an offense under Section 63-11-30 shall include an order denying  
209 the driver's license and driving privileges of the child as  
210 required under Section 63-11-30(9).

211 (4) If the youth court places a child in a state-supported  
212 training school, the court may order the parents or guardians of  
213 the child and other persons living in the child's household to  
214 receive counseling and parenting classes for rehabilitative  
215 purposes while the child is in the legal custody of the training  
216 school. A youth court entering an order under this subsection (4)  
217 shall utilize appropriate services offered either at no cost or  
218 for a fee calculated on a sliding scale according to income unless  
219 the person ordered to participate elects to receive other  
220 counseling and classes acceptable to the court at the person's  
221 sole expense.

222 (5) Fines levied under this chapter shall be paid into the  
223 general fund of the county but, in those counties wherein the  
224 youth court is a branch of the municipal government, it shall be  
225 paid into the municipal treasury.

226 (6) Any institution or agency to which a child has been  
227 committed shall give to the youth court any information concerning  
228 the child as the youth court may at any time require.

229           (7) The youth court shall not place a child in another  
230 school district who has been expelled from a school district for  
231 the commission of a violent act. For the purpose of this  
232 subsection, "violent act" means any action which results in death  
233 or physical harm to another or an attempt to cause death or  
234 physical harm to another.

235           (8) The youth court may require drug testing as part of a  
236 disposition order. If a child tests positive, the court may  
237 require treatment, counseling and random testing, as it deems  
238 appropriate. The costs of such tests shall be paid by the parent,  
239 guardian or custodian of the child unless the court specifically  
240 finds that the parent, guardian or custodian is unable to pay.

241           (9) The Mississippi Department of Human Services, Division  
242 of Youth Services, shall operate and maintain services for youth  
243 adjudicated delinquent at Columbia and Oakley Training Schools.  
244 The program shall be designed for children committed to the  
245 training schools by the youth courts. The purpose of the program  
246 is to promote good citizenship, self-reliance, leadership and  
247 respect for constituted authority, teamwork, cognitive abilities  
248 and appreciation of our national heritage. The Division of Youth  
249 Services shall issue credit towards academic promotions and high  
250 school completion. The Division of Youth Services may award  
251 credits to each student who meets the requirements for a general  
252 education development certification. The Division of Youth  
253 Services must also provide to each special education eligible  
254 youth the services required by that youth's individualized  
255 education plan.

256           (10) There is created a study committee to determine what  
257 entity should be responsible for providing the educational  
258 services within detention centers to ensure that detained youth  
259 receive adequate educational services. The study is also to  
260 include, but is not limited to, the examination of the costs of

261 providing such educational services. The study committee shall  
262 consist of the following ten (10) members:

263 (a) The Chairperson of the House of Representatives of  
264 the Juvenile Justice Committee;

265 (b) The Chairperson of the Senate Judiciary B  
266 Committee;

267 (c) The Chairperson of the House of Representatives  
268 Education Committee or his or her designee;

269 (d) The Chairperson of the Senate Education Committee  
270 or his or her designee;

271 (e) Three (3) members from the House of  
272 Representatives, appointed by the Chairperson of the Juvenile  
273 Justice Committee; and

274 (f) Three (3) members from the Senate, appointed by the  
275 Chairperson of the Senate Judiciary B Committee.

276 At its first meeting the study committee shall elect a  
277 chairperson and vice chairperson from its membership and shall  
278 adopt rules for transacting its business and keeping its records.

279 By October 31, 2006, the study committee shall make a report  
280 of its work and recommendations.

281 (11) The youth court may refer the child to the Center of  
282 Excellence at the Batson Children's Hospital Child Abuse Referral  
283 and Examination (CARE) Clinic for examination and treatment and in  
284 order to receive specialized services.

285 **SECTION 3.** This act shall take effect and be in force from  
286 and after its passage.