

By: Senator(s) Burton

To: Public Health and
Welfare; Appropriations

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 UNIVERSITY OF
5 MISSISSIPPI MEDICAL CENTER TO CONTRACT WITH THE CENTER TO CONDUCT
6 MAJOR RESEARCH INITIATIVES IN CHILD MALTREATMENT AND CONDUCT
7 EDUCATIONAL PROGRAMS AND TELE-MEDICINE CONSULTATIONS THROUGH THE
8 CENTER; TO CREATE A CHILD ABUSE REFERRAL AND EXAMINATION (CARE)
9 CLINIC FUND FOR THE TRANSFER OF FUNDS RETURNED TO THE STATE BY THE
10 MISSISSIPPI CHILDREN'S JUSTICE CENTER TO BE APPROPRIATED BY THE
11 LEGISLATURE FOR THE SUPPORT OF THE CENTER; TO AMEND SECTION
12 43-21-605, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CENTER AS A
13 DISPOSITIONAL ALTERNATIVE IN CHILD ABUSE AND NEGLECT CASES; AND
14 FOR RELATED PURPOSES.

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

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

31 (2) The Department of Pediatrics at the University of
32 Mississippi Medical Center shall contract with the Center to
33 establish a fellowship in child maltreatment under national

34 guidelines requiring children's hospitals to provide care to
35 abused and neglected children. The Department of Pediatrics may
36 use the center to continue educational and outreach programs,
37 tele-medicine consultations and develop satellite clinics in other
38 locations in the state, and to conduct major research initiatives
39 in child maltreatment.

40 (3) The Center of Excellence shall provide services to high
41 risk and medically underserved children and comply with national
42 certification standards as necessary to provide services to the
43 Department of Human Services, the youth courts and law enforcement
44 officers.

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

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

61 43-21-605. (1) In delinquency cases, the disposition order
62 may include any of the following alternatives:

63 (a) Release the child without further action;

64 (b) Place the child in the custody of the parents, a
65 relative or other persons subject to any conditions and

66 limitations, including restitution, as the youth court may
67 prescribe;

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

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

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

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

83 (g) Give legal custody of the child to any of the
84 following:

85 (i) The Department of Human Services for
86 appropriate placement; or

87 (ii) Any public or private organization,
88 preferably community-based, able to assume the education, care and
89 maintenance of the child, which has been found suitable by the
90 court; or

91 (iii) The Department of Human Services for
92 placement in a wilderness training program or the Division of
93 Youth Services for placement in a state-supported training school,
94 except that no child under the age of ten (10) years shall be
95 committed to a state training school, and no first-time nonviolent
96 youth offenders shall be committed to a state training school
97 until all other options provided for in this section have been

98 considered and the court makes a specific finding of fact that
99 commitment is appropriate.

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

131 rendered under this subparagraph shall meet the following
132 requirements:

133 1. The disposition is the least restrictive
134 alternative appropriate to the best interest of the child and the
135 community;

136 2. The disposition allows the child to be in
137 reasonable proximity to the family home community of each child
138 given the dispositional alternatives available and the best
139 interest of the child and the state; and

140 3. The disposition order provides that the
141 court has considered the medical, educational, vocational, social
142 and psychological guidance, training, social education,
143 counseling, substance abuse treatment and other rehabilitative
144 services required by that child as determined by the court;

145 (h) Recommend to the child and the child's parents or
146 guardian that the child attend and participate in the Youth
147 Challenge Program under the Mississippi National Guard, as created
148 in Section 43-27-203, subject to the selection of the child for
149 the program by the National Guard; however, the child must
150 volunteer to participate in the program. The youth court shall
151 not order any child to apply or attend the program;

152 (i) (i) Adjudicate the juvenile to the Statewide
153 Juvenile Work Program if the program is established in the court's
154 jurisdiction. The juvenile and his parents or guardians must sign
155 a waiver of liability in order to participate in the work program.
156 The judge will coordinate with the youth services counselors as to
157 placing participants in the work program;

158 (ii) The severity of the crime, whether or not the
159 juvenile is a repeat offender or is a felony offender will be
160 taken into consideration by the judge when adjudicating a juvenile
161 to the work program. The juveniles adjudicated to the work
162 program will be supervised by police officers or reserve officers.
163 The term of service will be from twenty-four (24) to one hundred

164 twenty (120) hours of community service. A juvenile will work the
165 hours to which he was adjudicated on the weekends during school
166 and weekdays during the summer. Parents are responsible for a
167 juvenile reporting for work. Noncompliance with an order to
168 perform community service will result in a heavier adjudication.
169 A juvenile may be adjudicated to the community service program
170 only two (2) times;

171 (iii) The judge shall assess an additional fine on
172 the juvenile which will be used to pay the costs of implementation
173 of the program and to pay for supervision by police officers and
174 reserve officers. The amount of the fine will be based on the
175 number of hours to which the juvenile has been adjudicated;

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

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

195 (i) The disposition order is the least restrictive
196 alternative appropriate to the best interest of the child and the
197 community;

198 (ii) The disposition order allows the child to be
199 in reasonable proximity to the family home community of each child
200 given the dispositional alternatives available and the best
201 interest of the child and the state; and

202 (iii) The disposition order provides that the
203 court has considered the medical, educational, vocational, social
204 and psychological guidance, training, social education,
205 counseling, substance abuse treatment and other rehabilitative
206 services required by that child as determined by the court; or

207 (1) Referral to A-team provided system of care
208 services.

209 (2) If a disposition order requires that a child miss school
210 due to other placement, the youth court shall notify a child's
211 school while maintaining the confidentiality of the youth court
212 process.

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

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

228 counseling and classes acceptable to the court at the person's
229 sole expense.

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

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

237 (7) The youth court shall not place a child in another
238 school district who has been expelled from a school district for
239 the commission of a violent act. For the purpose of this
240 subsection, "violent act" means any action which results in death
241 or physical harm to another or an attempt to cause death or
242 physical harm to another.

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

249 (9) The Mississippi Department of Human Services, Division
250 of Youth Services, shall operate and maintain services for youth
251 adjudicated delinquent at Columbia and Oakley Training Schools.
252 The program shall be designed for children committed to the
253 training schools by the youth courts. The purpose of the program
254 is to promote good citizenship, self-reliance, leadership and
255 respect for constituted authority, teamwork, cognitive abilities
256 and appreciation of our national heritage. The Division of Youth
257 Services shall issue credit towards academic promotions and high
258 school completion. The Division of Youth Services may award
259 credits to each student who meets the requirements for a general
260 education development certification. The Division of Youth

261 Services must also provide to each special education eligible
262 youth the services required by that youth's individualized
263 education plan.

264 (10) There is created a study committee to determine what
265 entity should be responsible for providing the educational
266 services within detention centers to ensure that detained youth
267 receive adequate educational services. The study is also to
268 include, but is not limited to, the examination of the costs of
269 providing such educational services. The study committee shall
270 consist of the following ten (10) members:

271 (a) The Chairperson of the House of Representatives of
272 the Juvenile Justice Committee;

273 (b) The Chairperson of the Senate Judiciary B
274 Committee;

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

277 (d) The Chairperson of the Senate Education Committee
278 or his or her designee;

279 (e) Three (3) members from the House of
280 Representatives, appointed by the Chairperson of the Juvenile
281 Justice Committee; and

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

284 At its first meeting the study committee shall elect a
285 chairperson and vice chairperson from its membership and shall
286 adopt rules for transacting its business and keeping its records.

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

289 (11) The youth court may order the child to the custody of
290 the Center of Excellence at the Batson Children's Hospital Child
291 Abuse Referral and Examination (CARE) Clinic for examination and
292 treatment of abused and neglected children in order to receive
293 specialized services for child maltreatment. These services shall

294 be provided under an agreement with the Department of Pediatrics
295 at the University of Mississippi Medical Center.

296 **SECTION 3.** This act shall take effect and be in force from
297 and after July 1, 2007.