

By: Senator(s) Tindell

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2821

1 AN ACT TO AMEND SECTION 43-21-111, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT YOUTH COURT REFEREES SHALL BE APPOINTED TO A  
3 4-YEAR TERM; TO ENACT TRANSITION PROVISIONS FOR YOUTH COURT  
4 REFEREES APPOINTED BEFORE THE NEXT TRIAL COURT JUDGE ELECTION; TO  
5 ALLOW FOR COUNTY COURT YOUTH REFEREES; TO AMEND SECTION 43-21-801,  
6 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 43-21-111, Mississippi Code of 1972, is  
9 amended as follows:

10 43-21-111. (1) In any county not having a county  
11 court \* \* \* the judge may appoint as provided in Section 43-21-123  
12 regular or special referees who shall be attorneys at law and  
13 members of the bar in good standing to act in cases concerning  
14 children within the jurisdiction of the youth court, and a regular  
15 referee shall hold office for four (4) years or until removed by  
16 the judge, whichever comes first. The requirement that regular or  
17 special referees appointed pursuant to this subsection be  
18 attorneys shall apply only to regular or special referees who were  
19 not first appointed regular or special referees prior to July 1,  
20 1991. The term of any youth court referee appointed before



21 January 1, 2019, shall expire on December 31, 2018; from and after  
22 January 1, 2019, the term of youth court referees shall be the  
23 same as for chancery, circuit and county court judges generally.

24 (2) Any referee appointed pursuant to \* \* \* this section  
25 shall be required to receive judicial training approved by the  
26 Mississippi Judicial College and shall be required to receive  
27 regular annual continuing education in the field of juvenile  
28 justice. The amount of judicial training and annual continuing  
29 education which shall be satisfactory to fulfill the requirements  
30 of this section shall conform with the amount prescribed by the  
31 Rules and Regulations for Mandatory Continuing Judicial Education  
32 promulgated by the Supreme Court. The Administrative Office of  
33 Courts shall maintain a roll of referees appointed under this  
34 section, shall enforce the provisions of this subsection and shall  
35 maintain records on all such referees regarding such training.  
36 Should a referee miss two (2) consecutive training sessions  
37 sponsored or approved by the Mississippi Judicial College as  
38 required by this subsection or fail to attend one (1) such  
39 training session within six (6) months of their initial  
40 appointment as a referee, the referee shall be disqualified to  
41 serve and be immediately removed as a referee and another member  
42 of the bar shall be appointed as provided in this section.

43 (3) The judge may direct that hearings in any case or class  
44 of cases be conducted in the first instance by the referee. The



45 judge may also delegate his own administrative responsibilities to  
46 the referee.

47 (4) All hearings authorized to be heard by a referee shall  
48 proceed in the same manner as hearings before the youth court  
49 judge. A referee shall possess all powers and perform all the  
50 duties of the youth court judge in the hearings authorized to be  
51 heard by the referee.

52 (5) An order entered by the referee shall be mailed  
53 immediately to all parties and their counsel. A rehearing by the  
54 judge shall be allowed if any party files a written motion for a  
55 rehearing or on the court's own motion within three (3) days after  
56 notice of referee's order. The youth court may enlarge the time  
57 for filing a motion for a rehearing for good cause shown. Any  
58 rehearing shall be upon the record of the hearing before the  
59 referee, but additional evidence may be admitted in the discretion  
60 of the judge. A motion for a rehearing shall not act as a  
61 supersedeas of the referee's order, unless the judge shall so  
62 order.

63 (6) The salary for the referee shall be fixed on order of  
64 the judge as provided in Section 43-21-123 and shall be paid by  
65 the county out of any available funds budgeted for the youth court  
66 by the board of supervisors.

67 (7) Upon request of the boards of supervisors of two (2) or  
68 more counties, the judge of the chancery court may appoint a  
69 suitable person as referee to two (2) or more counties within his



70 district, and the payment of salary may be divided in such ratio  
71 as may be agreed upon by the boards of supervisors.

72 (8) Notwithstanding any provision of this section to the  
73 contrary, the board of supervisors of any county may authorize the  
74 senior county court judge to appoint a youth court referee at the  
75 sole expense of the county.

76 **SECTION 2.** Section 43-21-801, Mississippi Code of 1972, is  
77 amended as follows:

78 43-21-801. (1) There is established the Youth Court Support  
79 Program. The purpose of the program shall be to ensure that all  
80 youth courts have sufficient support funds to carry on the  
81 business of the youth court. The Administrative Office of Courts  
82 shall establish a formula consistent with this section for  
83 providing state support payable from the Youth Court Support Fund  
84 for the support of the youth courts.

85 (a) (i) Each regular youth court referee who is within  
86 the authorized four-year term and is not appointed under the  
87 authority of Section 43-21-111(8) by means of authorization by the  
88 board of supervisors is eligible for youth court support funds so  
89 long as the senior chancellor does not elect to employ a youth  
90 court administrator as set forth in paragraph (b); a municipal  
91 youth court judge is also eligible. The Administrative Office of  
92 Courts shall direct any funds to the appropriate county or  
93 municipality. The funds shall be utilized to compensate an intake  
94 officer who shall be responsible for ensuring that all intake and



95 case information for the Division of Youth Services, truancy  
96 matters and the Division of Family and Children's Services is  
97 entered into the Mississippi Youth Court Information Delivery  
98 System (MYCIDS) in an accurate and timely manner. If the court  
99 already has an intake officer responsible for entering all cases  
100 of the Division of Youth Services, truancy matters and the  
101 Division of Family and Children's Services into MYCIDS, the  
102 regular youth court referee or municipal court judge may certify  
103 to the Administrative Office of Courts that such a person is  
104 already on staff. In such a case, each regular youth court  
105 referee or municipal youth court judge shall have the sole  
106 individual discretion to appropriate those funds as expense monies  
107 to assist in hiring secretarial staff and acquiring materials and  
108 equipment incidental to carrying on the business of the court  
109 within the private practice of law of the referee or judge, or may  
110 direct the use of those funds through the county or municipal  
111 budget for court support supplies or services. The regular youth  
112 court referee and municipal youth court judge shall be accountable  
113 for assuring through private, county or municipal employees the  
114 proper preparation and filing of all necessary tracking and other  
115 documentation attendant to the administration of the youth court.

116 (ii) Title to all tangible property, excepting  
117 stamps, stationery and minor expendable office supplies, procured  
118 with funds authorized by this section, shall be and forever remain



119 in the county or municipality to be used by the judge or referee  
120 during the term of his office and thereafter by his successors.

121 (b) (i) When permitted by the Administrative Office of  
122 Courts and as funds are available, the senior chancellor for  
123 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
124 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
125 administrator for the district whose responsibility will be to  
126 perform all reporting, tracking and other duties of a court  
127 administrator for all youth courts in the district that are under  
128 the chancery court system. Any chancery district listed in this  
129 paragraph in which a chancellor appoints a referee or special  
130 master to hear any youth court matter is ineligible for funding  
131 under this paragraph (b). The Administrative Office of Courts may  
132 allocate to an eligible chancery district a sum not to exceed  
133 Thirty Thousand Dollars (\$30,000.00) per year for the salary,  
134 fringe benefits and equipment of the youth court administrator,  
135 and an additional sum not to exceed One Thousand Nine Hundred  
136 Dollars (\$1,900.00) for the administrator's travel expenses.

137 (ii) The appointment of a youth court  
138 administrator shall be evidenced by the entry of an order on the  
139 minutes of the court. The person appointed shall serve at the  
140 will and pleasure of the senior chancellor but shall be an  
141 employee of the Administrative Office of Courts.

142 (iii) The Administrative Office of Courts must  
143 approve the position, job description and salary before the



144 position can be filled. The Administrative Office of Courts shall  
145 not approve any plan that does not first require the expenditure  
146 of the funds from the Youth Court Support Fund before expenditure  
147 of county funds is authorized for that purpose.

148 (iv) Title to any tangible property procured with  
149 funds authorized under this paragraph shall be and forever remain  
150 in the State of Mississippi.

151 (c) (i) Each county court is eligible for youth court  
152 support funds. The funds shall be utilized to provide  
153 compensation to an intake officer who shall be responsible for  
154 ensuring that all intake and case information for the Division of  
155 Youth Services, truancy matters and the Division of Family and  
156 Children's Services is entered into the Mississippi Youth Court  
157 Information Delivery System (MYCIDS) in an accurate and timely  
158 manner. If the county court already has an intake officer or  
159 other staff person responsible for entering all cases of the  
160 Division of Youth Services, truancy matters and the Division of  
161 Family and Children's Services into MYCIDS, the senior county  
162 court judge may certify that such a person is already on staff.  
163 In such a case, the senior county court judge shall have  
164 discretion to direct the expenditure of those funds in hiring  
165 other support staff to carry on the business of the court.

166 (ii) For the purposes of this paragraph, "support  
167 staff" means court administrators, law clerks, legal research  
168 assistants, secretaries, resource administrators or case managers



169 appointed by a youth court judge, or any combination thereof, but  
170 shall not mean school attendance officers.

171 (iii) The appointment of support staff shall be  
172 evidenced by the entry of an order on the minutes of the court.  
173 The support staff so appointed shall serve at the will and  
174 pleasure of the senior county court judge but shall be an employee  
175 of the county.

176 (iv) The Administrative Office of Courts must  
177 approve the positions, job descriptions and salaries before the  
178 positions may be filled. The Administrative Office of Courts  
179 shall not approve any plan that does not first require the  
180 expenditure of funds from the Youth Court Support Fund before  
181 expenditure of county funds is authorized for that purpose.

182 (v) The Administrative Office of Courts may  
183 approve expenditure from the fund for additional equipment for  
184 support staff appointed pursuant to this paragraph if the  
185 additional expenditure falls within the formula. Title to any  
186 tangible property procured with funds authorized under this  
187 paragraph shall be and forever remain in the county to be used by  
188 the youth court and support staff.

189 (2) (a) (i) The formula developed by the Administrative  
190 Office of Courts for providing youth court support funds shall be  
191 devised so as to distribute appropriated funds proportional to  
192 caseload and other appropriate factors as set forth in regulations  
193 promulgated by the Administrative Office of Courts. The formula





194 will determine a reasonable maximum amount per judge or referee  
195 per annum that will not be exceeded in allocating funds under this  
196 section.

197 (ii) The formula shall be reviewed by the  
198 Administrative Office of Courts every two (2) years to ensure that  
199 the youth court support funds provided herein are proportional to  
200 each youth court's caseload and other specified factors.

201 (iii) The Administrative Office of Courts shall  
202 have wide latitude in the first two-year cycle to implement a  
203 formula designed to maximize caseload data collection.

204 (b) Application to receive funds under this section  
205 shall be submitted in accordance with procedures established by  
206 the Administrative Office of Courts.

207 (c) Approval of the use of any of the youth court  
208 support funds distributed under this section shall be made by the  
209 Administrative Office of Courts in accordance with procedures  
210 established by the Administrative Office of Courts.

211 (3) (a) There is created in the State Treasury a special  
212 fund to be designated as the "Youth Court Support Fund," which  
213 shall consist of funds appropriated or otherwise made available by  
214 the Legislature in any manner and funds from any other source  
215 designated for deposit into such fund. Unexpended amounts  
216 remaining in the fund at the end of a fiscal year shall not lapse  
217 into the State General Fund, and any investment earnings or  
218 interest earned on amounts in the fund shall be deposited to the



219 credit of the fund. Monies in the fund shall be distributed to  
220 the youth courts by the Administrative Office of Courts for the  
221 purposes described in this section.

222 (b) (i) During the regular legislative session held in  
223 calendar year 2007, the Legislature may appropriate an amount not  
224 to exceed Two Million Five Hundred Thousand Dollars  
225 (\$2,500,000.00) to the Youth Court Support Fund.

226 (ii) During each regular legislative session  
227 subsequent to the 2007 Regular Session, the Legislature shall  
228 appropriate Two Million Five Hundred Thousand Dollars  
229 (\$2,500,000.00) to the Youth Court Support Fund.

230 (c) No youth court judge or youth court referee shall  
231 be eligible to receive funding from the Youth Court Support Fund  
232 who has not received annual continuing education in the field of  
233 juvenile justice in an amount to conform with the requirements of  
234 the Rules and Regulations for Mandatory Continuing Judicial  
235 Education promulgated by the Supreme Court. The Administrative  
236 Office of Courts shall maintain records of all referees and youth  
237 court judges regarding such training and shall not disburse funds  
238 to any county or municipality for the budget of a youth court  
239 judge or referee who is not in compliance with the judicial  
240 training requirements.

241 (4) Any recipient of funds from the Youth Court Support Fund  
242 shall not be eligible for continuing disbursement of funds if the  
243 recipient is not in compliance with the terms, conditions and



244 reporting requirements set forth in the procedures promulgated by  
245 the Administrative Office of Courts.

246         **SECTION 3.** This act shall take effect and be in force from  
247 and after July 1, 2017.

