

By: Representative Ladner

To: Youth and Family
Affairs; Judiciary B

HOUSE BILL NO. 972

1 AN ACT TO AMEND SECTION 43-21-203, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE IMMEDIATE AND THE EXTENDED FAMILY MEMBERS OF A
3 CHILD WHO IS UNDER THE JURISDICTION OF THE YOUTH COURT MAY ATTEND
4 YOUTH COURT HEARINGS CONCERNING SUCH CHILD UNDER CERTAIN
5 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-21-203, Mississippi Code of 1972, is
8 amended as follows:

9 43-21-203. (1) The youth court shall be in session at all
10 times.

11 (2) All cases involving children shall be heard at any place
12 the judge deems suitable but separately from the trial of cases
13 involving adults.

14 (3) Hearings in all cases involving children shall be
15 conducted without a jury and may be recessed from time to time.

16 (4) All hearings shall be conducted under such rules of
17 evidence and rules of court as may comply with applicable
18 constitutional standards.



19 (5) No proceeding by the youth court in cases involving
20 children shall be a criminal proceeding but shall be entirely of a
21 civil nature.

22 (6) The general public shall be excluded from the hearing,
23 and only those persons shall be admitted who are found by the
24 youth court to have a direct interest in the cause or work of the
25 youth court. Any person found by the youth court to have a direct
26 interest in the cause shall have the right to appear and be
27 represented by legal counsel.

28 (7) Except in cases where a family member is the alleged
29 abuser of a child, in all hearings involving a child, the
30 immediate family members and extended family members of such child
31 shall be allowed to attend any hearings.

32 (* * *8) In all hearings, except detention and shelter
33 hearings under Section 43-21-309, a complete record of all
34 evidence shall be taken by stenographic reporting, by mechanical
35 or electronic device or by some combination thereof.

36 (* * *9) The youth court may exclude the attendance of a
37 child from a hearing in neglect and abuse cases with consent of
38 the child's counsel. The youth court may exclude the attendance
39 of a child from any portion of a disposition hearing that would be
40 injurious to the best interest of the child in delinquency and
41 children in need of supervision cases with consent of the child's
42 counsel.



43 (* * * 10) All parties to a youth court cause shall have the
44 right at any hearing in which an investigation, record or report
45 is admitted in evidence:

46 (a) To subpoena, confront and examine the person who
47 prepared or furnished data for the report; and

48 (b) To introduce evidence controverting the contents of
49 the report.

50 (* * * 11) Except as provided by Section 43-21-561(5) or as
51 otherwise provided by this chapter, the disposition of a child's
52 cause or any evidence given in the youth court in any proceedings
53 concerning the child shall not be admissible against the child in
54 any case or proceeding in any court other than a youth court.

55 **SECTION 2.** This act shall take effect and be in force from
56 and after July 1, 2018.

