

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 1087

1 AN ACT TO AMEND SECTION 43-21-251, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CONFIDENTIAL YOUTH COURT RECORDS SHALL INCLUDE ALL  
3 FORENSIC INTERVIEWS AND INFORMATION DEVELOPED OR PREPARED BY CHILD  
4 ADVOCACY CENTERS AND MULTIDISCIPLINARY TEAMS; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 43-21-251, Mississippi Code of 1972, is  
8 amended as follows:

9 43-21-251. (1) The court records of the youth court shall  
10 include:

11 (a) A general docket in which the clerk of the youth  
12 court shall enter the names of the parties in each cause, the date  
13 of filing the petition, any other pleadings, all other papers in  
14 the cause, issuance and return of process, and a reference by the  
15 minute book and page to all orders made therein. The general  
16 docket shall be duly indexed in the alphabetical order of the  
17 names of the parties.

18 (b) All the papers and pleadings filed in a cause. The  
19 papers in every cause shall be marked with the style and number of



20 the cause and the date when filed. All the papers filed in a  
21 cause shall be kept in the same file, and all the files shall be  
22 kept in numerical order.

23 (c) All social records of a youth court, which shall  
24 include all intake records, social summaries, medical  
25 examinations, mental health examinations, transfer studies and all  
26 other information obtained and prepared in the discharge of  
27 official duty for the youth court.

28 (i) A "social summary" is an investigation of the  
29 personal and family history and the environment of a child who is  
30 the subject of a youth court cause. The social summary should  
31 describe all reasonable appropriate alternative dispositions. The  
32 social summary should contain a specific plan for the care and  
33 assistance to the child with a detailed explanation showing the  
34 necessity for the proposed plan of disposition.

35 (ii) A "medical examination" is an examination by  
36 a physician of a child who is the subject of a youth court cause  
37 or of his parent. The youth court may order a medical examination  
38 at any time after the intake unit has received a written  
39 complaint. Whenever possible, a medical examination shall be  
40 conducted on an outpatient basis. A medical examination of a  
41 parent of the child who is the subject of the cause shall not be  
42 ordered unless the physical or mental ability of the parent to  
43 care for the child is a relevant issue in the particular cause and  
44 the parent to be examined consents to the examination.



45 (iii) A "mental health examination" is an  
46 examination by a psychiatrist or psychologist of a child who is  
47 the subject of a youth court cause or of his parent. The youth  
48 court may order a mental health examination at any time after the  
49 intake unit has received a written complaint. Whenever possible,  
50 a mental health examination shall be conducted on an outpatient  
51 basis. A mental health examination of a parent of the child who  
52 is the subject of a cause shall not be ordered unless the physical  
53 or mental ability of the parent to care for the child is a  
54 relevant issue in the particular cause and the parent to be  
55 examined consents to the examination.

56 (iv) A "transfer study" is a social summary which  
57 addresses the factors set forth in Section 43-21-157(5). A  
58 transfer study shall not be admissible evidence nor shall it be  
59 considered by the court at any adjudicatory hearing. It shall be  
60 admissible evidence at a transfer or disposition hearing.

61 (d) A minute book in which the clerk shall record all  
62 the orders of the youth court.

63 (e) Proceedings of the youth court and evidence.

64 (f) All information obtained by the youth court from  
65 the Administrative Office of Courts pursuant to a request under  
66 Section 43-21-261(15).

67 (g) All forensic interviews and information developed  
68 or prepared by child advocacy centers and multidisciplinary teams  
69 pursuant to Section 43-15-51.



70           (2) The records of the youth court and the contents thereof  
71 shall be kept confidential and shall not be disclosed except as  
72 provided in Section 43-21-261.

73           (3) The court records of the youth court may be kept on  
74 computer in the manner provided for storing circuit court records  
75 and dockets as provided in Section 9-7-171. The Administrative  
76 Office of Courts shall recommend to the youth courts a uniform  
77 format to maintain the records of such courts.

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

