

By: Senator(s) Wiggins

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2641

1 AN ACT TO CREATE NEW SECTION 43-21-202, MISSISSIPPI CODE OF
 2 1972, TO PROVIDE THAT THE DEPARTMENT OF CHILD PROTECTION SERVICES
 3 SHALL HAVE THE RIGHT TO BE REPRESENTED BY AGENCY COUNSEL EMPLOYED
 4 BY THE DEPARTMENT AT ALL STAGES OF ANY PROCEEDINGS INVOLVING A
 5 CHILD FOR WHOM THE DEPARTMENT HAS CUSTODY; TO AMEND SECTION
 6 43-21-501, MISSISSIPPI CODE OF 1972, TO REQUIRE THE YOUTH COURT TO
 7 ISSUE A SUMMONS TO THE DEPARTMENT OF CHILD PROTECTION SERVICES IF
 8 A PETITION IS FILED THAT INVOLVES A CHILD FOR WHOM THE DEPARTMENT
 9 HAS CUSTODY OF OR MAY BE AWARDED CUSTODY OF; TO BRING FORWARD
 10 SECTION 7-5-1, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
 11 POWERS OF THE ATTORNEY GENERAL, FOR POSSIBLE AMENDMENT; AND FOR
 12 RELATED PURPOSES.

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

14 **SECTION 1.** The following shall be codified as Section
 15 43-21-202, Mississippi Code of 1972:

16 43-21-201. (1) The Department of Child Protection Services
 17 shall have the right to be represented by agency counsel employed
 18 by the department at all stages of any proceedings involving a
 19 child for whom the department has custody of or may be awarded
 20 custody of including, but not limited to, detention, shelter,
 21 adjudicatory, disposition and permanency hearings.



22 (2) Agency counsel employed by the Department of Child
23 Services shall represent the interests of the department in any
24 proceeding under this chapter.

25 **SECTION 2.** Section 43-21-501, Mississippi Code of 1972, is
26 amended as follows:

27 43-21-501. When a petition has been filed and the date of
28 hearing has been set by the youth court, the judge or his designee
29 shall order the clerk of the youth court to issue a summons to the
30 following to appear personally at such hearing:

31 (a) The child named in the petition;

32 (b) The person or persons who have custody or control
33 of the child;

34 (c) The parent or guardian of the child if such parent
35 or guardian does not have custody of the child; * * *

36 (d) The Department of Child Protection Services if the
37 petition involves a child for whom the department has custody or
38 may be awarded custody of; and

39 (* * *e) Any other person whom the court deems
40 necessary.

41 **SECTION 3.** Section 7-5-1, Mississippi Code of 1972, is
42 brought forward as follows:

43 7-5-1. The Attorney General provided for by Section 173 of
44 the Mississippi Constitution shall be elected at the same time and
45 in the same manner as the Governor is elected. His term of office
46 shall be four (4) years and his compensation shall be fixed by the



47 Legislature. He shall be the chief legal officer and advisor for
48 the state, both civil and criminal, and is charged with managing
49 all litigation on behalf of the state, except as otherwise
50 specifically provided by law. No arm or agency of the state
51 government shall bring or defend a suit against another arm or
52 agency without prior written approval of the Attorney General. He
53 shall have the powers of the Attorney General at common law and,
54 except as otherwise provided by law, is given the sole power to
55 bring or defend a lawsuit on behalf of a state agency, the subject
56 matter of which is of statewide interest. He shall intervene and
57 argue the constitutionality of any statute when notified of a
58 challenge thereto, pursuant to the Mississippi Rules of Civil
59 Procedure. His qualifications for office shall be as provided for
60 chancery and circuit judges in Section 154 of the Mississippi
61 Constitution.

62 **SECTION 4.** This act shall take effect and be in force from
63 and after July 1, 2023.

