

By: Representative Hood

To: Judiciary A

HOUSE BILL NO. 1315

1 AN ACT TO BRING FORWARD SECTION 9-21-9, MISSISSIPPI CODE OF  
 2 1972, WHICH PROVIDES THAT THE ADMINISTRATIVE DIRECTOR OF COURTS  
 3 SHALL REQUIRE ALL YOUTH COURTS TO USE THE MISSISSIPPI YOUTH COURT  
 4 INFORMATION SYSTEM (MYCIDS), FOR PURPOSES OF POSSIBLE AMENDMENTS;  
 5 TO BRING FORWARD SECTION 43-21-261, MISSISSIPPI CODE OF 1972,  
 6 WHICH PROVIDES THE ADMINISTRATIVE OFFICE OF COURT MAY DISCLOSE  
 7 CERTAIN INFORMATION CONTAINED IN MYCIDS, FOR PURPOSES OF POSSIBLE  
 8 AMENDMENT; TO BRING FORWARD SECTIONS 43-21-351 AND 43-21-801,  
 9 MISSISSIPPI CODE OF 1972, WHICH REQUIRES INTAKE OFFICERS IN YOUTH  
 10 COURT AND COUNTY COURT TO TIMELY ENTER INFORMATION INTO MYCIDS,  
 11 FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
 12 45-33-61, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS SEX OFFENDERS  
 13 FROM UTILIZING MYCIDS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
 14 BRING FORWARD SECTION 93-31-3, MISSISSIPPI CODE OF 1972, WHICH  
 15 REQUIRES THE POWER OF ATTORNEY BE ENTERED INTO MYCIDS UNDER  
 16 CERTAIN CIRCUMSTANCES, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR  
 17 RELATED PURPOSES.

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

19 **SECTION 1.** Section 9-21-9, Mississippi Code of 1972, is  
 20 brought forward as follows:

21 9-21-9. The Administrative Director of Courts shall have the  
 22 following duties and authority with respect to all courts in  
 23 addition to any other duties and responsibilities as may be  
 24 properly assigned by the Supreme Court:



25           (a) To require the filing of reports, the collection  
26 and compilation of statistical data and other information on the  
27 judicial and financial operation of the courts and on the  
28 operation of other offices directly related to and serving the  
29 courts;

30           (b) To determine the state of the dockets and evaluate  
31 the practices and procedures of the courts and make  
32 recommendations concerning the number of judges and other  
33 personnel required for the efficient administration of justice;

34           (c) To prescribe uniform administrative and business  
35 methods, systems, forms and records to be used in the offices of  
36 the clerks of courts;

37           (d) To devise, promulgate and require the use of a  
38 uniform youth court case tracking system, including a youth court  
39 case filing form for filing with each individual youth court  
40 matter, to be utilized by the Administrative Office of Courts and  
41 the youth courts in order that the number of youthful offenders,  
42 abused, neglected, truant and dependent children, as well as  
43 children in need of special care and children in need of  
44 supervision, may be tracked with specificity through the youth  
45 court and adult justice systems; in support of the uniform case  
46 docketing system, the director shall require that all youth courts  
47 utilize the Mississippi Youth Court Information Delivery System  
48 (MYCIDS);



49           (e) To develop, promulgate and require the use of a  
50 statewide docket numbering system to be utilized by the youth  
51 courts, which youth court docket numbers shall standardize and  
52 unify the numbering system by which youth court docket numbers are  
53 assigned, such that each docket number would, among other things,  
54 identify the county and year in which a particular youth court  
55 action was commenced;

56           (f) To develop, promulgate and require the use of  
57 uniform youth court orders and forms in all youth courts and youth  
58 court proceedings;

59           (g) To prepare and submit budget recommendations for  
60 state appropriations necessary for the maintenance and operation  
61 of the judicial system and to authorize expenditures from funds  
62 appropriated for these purposes as permitted or authorized by law;

63           (h) To develop and implement personnel policies for  
64 nonjudicial personnel employed by the courts;

65           (i) To investigate, make recommendations concerning and  
66 assist in the securing of adequate physical accommodations for the  
67 judicial system;

68           (j) To procure, distribute, exchange, transfer and  
69 assign such equipment, books, forms and supplies as are acquired  
70 with state funds or grant funds or otherwise for the judicial  
71 system;

72           (k) To make recommendations for the improvement of the  
73 operations of the judicial system;



74 (l) To prepare and submit an annual report on the work  
75 of the judicial system to the Supreme Court;

76 (m) To take necessary steps in the collection of unpaid  
77 court costs, fines and forfeitures;

78 (n) To perform such additional administrative duties  
79 relating to the improvement of the administration of justice as  
80 may be assigned by the Supreme Court; and

81 (o) To promulgate standards, rules and regulations for  
82 computer and/or electronic filing and storage of all court records  
83 and court-related records maintained throughout the state in  
84 courts and in offices of circuit and chancery clerks.

85 **SECTION 2.** Section 43-21-261, Mississippi Code of 1972, is  
86 brought forward as follows:

87 43-21-261. (1) Except as otherwise provided in this  
88 section, records involving children shall not be disclosed, other  
89 than to necessary staff or officials of the youth court, a  
90 guardian ad litem appointed to a child by the court, or a  
91 Court-Appointed Special Advocate (CASA) volunteer who may be  
92 assigned in an abuse and neglect case, except pursuant to an order  
93 of the youth court specifying the person or persons to whom the  
94 records may be disclosed, the extent of the records which may be  
95 disclosed and the purpose of the disclosure. Such court orders  
96 for disclosure shall be limited to those instances in which the  
97 youth court concludes, in its discretion, that disclosure is  
98 required for the best interests of the child, the public safety,



99 the functioning of the youth court, or to identify a person who  
100 knowingly made a false allegation of child abuse or neglect, and  
101 then only to the following persons:

102 (a) The judge of another youth court or member of  
103 another youth court staff;

104 (b) The court of the parties in a child custody or  
105 adoption cause in another court;

106 (c) A judge of any other court or members of another  
107 court staff, including the chancery court that ordered a forensic  
108 interview;

109 (d) Representatives of a public or private agency  
110 providing supervision or having custody of the child under order  
111 of the youth court;

112 (e) Any person engaged in a bona fide research purpose,  
113 provided that no information identifying the subject of the  
114 records shall be made available to the researcher unless it is  
115 absolutely essential to the research purpose and the judge gives  
116 prior written approval, and the child, through his or her  
117 representative, gives permission to release the information;

118 (f) The Mississippi Department of Employment Security,  
119 or its duly authorized representatives, for the purpose of a  
120 child's enrollment into the Job Corps Training Program as  
121 authorized by Title IV of the Comprehensive Employment Training  
122 Act of 1973 (29 USCS Section 923 et seq.). However, no records,



123 reports, investigations or information derived therefrom  
124 pertaining to child abuse or neglect shall be disclosed;

125 (g) Any person pursuant to a finding by a judge of the  
126 youth court of compelling circumstances affecting the health,  
127 safety or well-being of a child and that such disclosure is in the  
128 best interests of the child or an adult who was formerly the  
129 subject of a youth court delinquency proceeding;

130 (h) A person who was the subject of a knowingly made  
131 false allegation of child abuse or neglect which has resulted in a  
132 conviction of a perpetrator in accordance with Section 97-35-47 or  
133 which allegation was referred by the Department of Child  
134 Protection Services to a prosecutor or law enforcement official in  
135 accordance with the provisions of Section 43-21-353(4).

136 Law enforcement agencies may disclose information to the  
137 public concerning the taking of a child into custody for the  
138 commission of a delinquent act without the necessity of an order  
139 from the youth court. The information released shall not identify  
140 the child or his address unless the information involves a child  
141 convicted as an adult.

142 (2) Any records involving children which are disclosed under  
143 an order of the youth court or pursuant to the terms of this  
144 section and the contents thereof shall be kept confidential by the  
145 person or agency to whom the record is disclosed unless otherwise  
146 provided in the order. Any further disclosure of any records



147 involving children shall be made only under an order of the youth  
148 court as provided in this section.

149 (3) Upon request, the parent, guardian or custodian of the  
150 child who is the subject of a youth court cause or any attorney  
151 for such parent, guardian or custodian, shall have the right to  
152 inspect any record, report or investigation relevant to a matter  
153 to be heard by a youth court, except that the identity of the  
154 reporter shall not be released, nor the name of any other person  
155 where the person or agency making the information available finds  
156 that disclosure of the information would be likely to endanger the  
157 life or safety of such person. The attorney for the parent,  
158 guardian or custodian of the child, upon request, shall be  
159 provided a copy of any record, report or investigation relevant to  
160 a matter to be heard by a youth court, but the identity of the  
161 reporter must be redacted and the name of any other person must  
162 also be redacted if the person or agency making the information  
163 available finds that disclosure of the information would be likely  
164 to endanger the life, safety or well-being of the person. A  
165 record provided to the attorney under this section must remain in  
166 the attorney's control and the attorney may not provide copies or  
167 access to another person or entity without prior consent of a  
168 court with appropriate jurisdiction.

169 (4) Upon request, the child who is the subject of a youth  
170 court cause shall have the right to have his counsel inspect and  
171 copy any record, report or investigation which is filed with the



172 youth court or which is to be considered by the youth court at a  
173 hearing.

174 (5) (a) The youth court prosecutor or prosecutors, the  
175 county attorney, the district attorney, the youth court defender  
176 or defenders, or any attorney representing a child shall have the  
177 right to inspect and copy any law enforcement record involving  
178 children.

179 (b) The Department of Child Protection Services shall  
180 disclose to a county prosecuting attorney or district attorney any  
181 and all records resulting from an investigation into suspected  
182 child abuse or neglect when the case has been referred by the  
183 Department of Child Protection Services to the county prosecuting  
184 attorney or district attorney for criminal prosecution.

185 (c) Agency records made confidential under the  
186 provisions of this section may be disclosed to a court of  
187 competent jurisdiction.

188 (d) Records involving children shall be disclosed to  
189 the Division of Victim Compensation of the Office of the Attorney  
190 General upon the division's request without order of the youth  
191 court for purposes of determination of eligibility for victim  
192 compensation benefits.

193 (6) Information concerning an investigation into a report of  
194 child abuse or child neglect may be disclosed by the Department of  
195 Child Protection Services without order of the youth court to any  
196 attorney, physician, dentist, intern, resident, nurse,





197 psychologist, social worker, family protection worker, family  
198 protection specialist, child caregiver, minister, law enforcement  
199 officer, or a public or private school employee making that report  
200 pursuant to Section 43-21-353(1) if the reporter has a continuing  
201 professional relationship with the child and a need for such  
202 information in order to protect or treat the child.

203 (7) Information concerning an investigation into a report of  
204 child abuse or child neglect may be disclosed without further  
205 order of the youth court to any interagency child abuse task force  
206 established in any county or municipality by order of the youth  
207 court of that county or municipality.

208 (8) Names and addresses of juveniles twice adjudicated as  
209 delinquent for an act which would be a felony if committed by an  
210 adult or for the unlawful possession of a firearm shall not be  
211 held confidential and shall be made available to the public.

212 (9) Names and addresses of juveniles adjudicated as  
213 delinquent for murder, manslaughter, burglary, arson, armed  
214 robbery, aggravated assault, any sex offense as defined in Section  
215 45-33-23, for any violation of Section 41-29-139(a)(1) or for any  
216 violation of Section 63-11-30, shall not be held confidential and  
217 shall be made available to the public.

218 (10) The judges of the circuit and county courts, and  
219 presentence investigators for the circuit courts, as provided in  
220 Section 47-7-9, shall have the right to inspect any youth court



221 records of a person convicted of a crime for sentencing purposes  
222 only.

223 (11) The victim of an offense committed by a child who is  
224 the subject of a youth court cause shall have the right to be  
225 informed of the child's disposition by the youth court.

226 (12) A classification hearing officer of the State  
227 Department of Corrections, as provided in Section 47-5-103, shall  
228 have the right to inspect any youth court records, excluding abuse  
229 and neglect records, of any offender in the custody of the  
230 department who as a child or minor was a juvenile offender or was  
231 the subject of a youth court cause of action, and the State Parole  
232 Board, as provided in Section 47-7-17, shall have the right to  
233 inspect such records when the offender becomes eligible for  
234 parole.

235 (13) The youth court shall notify the Department of Public  
236 Safety of the name, and any other identifying information such  
237 department may require, of any child who is adjudicated delinquent  
238 as a result of a violation of the Uniform Controlled Substances  
239 Law.

240 (14) The Administrative Office of Courts shall have the  
241 right to inspect any youth court records in order that the number  
242 of youthful offenders, abused, neglected, truant and dependent  
243 children, as well as children in need of special care and children  
244 in need of supervision, may be tracked with specificity through



245 the youth court and adult justice system, and to utilize tracking  
246 forms for such purpose.

247 (15) Upon a request by a youth court, the Administrative  
248 Office of Courts shall disclose all information at its disposal  
249 concerning any previous youth court intakes alleging that a child  
250 was a delinquent child, child in need of supervision, child in  
251 need of special care, truant child, abused child or neglected  
252 child, as well as any previous youth court adjudications for the  
253 same and all dispositional information concerning a child who at  
254 the time of such request comes under the jurisdiction of the youth  
255 court making such request.

256 (16) The Administrative Office of Courts may, in its  
257 discretion, disclose to the Department of Public Safety any or all  
258 of the information involving children contained in the office's  
259 youth court data management system known as Mississippi Youth  
260 Court Information Delivery System or "MYCIDS."

261 (17) The youth courts of the state shall disclose to the  
262 Joint Legislative Committee on Performance Evaluation and  
263 Expenditure Review (PEER) any youth court records in order that  
264 the number of youthful offenders, abused, neglected, truant and  
265 dependent children, as well as children in need of special care  
266 and children in need of supervision, may be tracked with  
267 specificity through the youth court and adult justice system, and  
268 to utilize tracking forms for such purpose. The disclosure  
269 prescribed in this subsection shall not require a court order and



270 shall be made in sortable, electronic format where possible. The  
271 PEER Committee may seek the assistance of the Administrative  
272 Office of Courts in seeking this information. The PEER Committee  
273 shall not disclose the identities of any youth who have been  
274 adjudicated in the youth courts of the state and shall only use  
275 the disclosed information for the purpose of monitoring the  
276 effectiveness and efficiency of programs established to assist  
277 adjudicated youth, and to ascertain the incidence of adjudicated  
278 youth who become adult offenders.

279 (18) In every case where an abuse or neglect allegation has  
280 been made, the confidentiality provisions of this section shall  
281 not apply to prohibit access to a child's records by any state  
282 regulatory agency, any state or local prosecutorial agency or law  
283 enforcement agency; however, no identifying information concerning  
284 the child in question may be released to the public by such agency  
285 except as otherwise provided herein.

286 (19) In every case of child abuse or neglect, if a child's  
287 physical condition is medically labeled as medically "serious" or  
288 "critical" or a child dies, the confidentiality provisions of this  
289 section shall not apply. In such cases, the following information  
290 may be released by the Mississippi Department of Child Protection  
291 Services: the cause of the circumstances regarding the fatality  
292 or medically serious or critical physical condition; the age and  
293 gender of the child; information describing any previous reports  
294 of child abuse or neglect investigations that are pertinent to the



295 child abuse or neglect that led to the fatality or medically  
296 serious or critical physical condition; the result of any such  
297 investigations; and the services provided by and actions of the  
298 state on behalf of the child that are pertinent to the child abuse  
299 or neglect that led to the fatality or medically serious or  
300 critical physical condition.

301 (20) Any member of a foster care review board designated by  
302 the Department of Child Protection Services shall have the right  
303 to inspect youth court records relating to the abuse, neglect or  
304 child in need of supervision cases assigned to such member for  
305 review.

306 (21) Information concerning an investigation into a report  
307 of child abuse or child neglect may be disclosed without further  
308 order of the youth court in any administrative or due process  
309 hearing held, pursuant to Section 43-21-257, by the Department of  
310 Child Protection Services for individuals whose names will be  
311 placed on the central registry as substantiated perpetrators.

312 (22) The Department of Child Protection Services may  
313 disclose records involving children to the following:

314 (a) A foster home, residential child-caring agency or  
315 child-placing agency to the extent necessary to provide such care  
316 and services to a child;

317 (b) An individual, agency or organization that provides  
318 services to a child or the child's family in furtherance of the



319 child's permanency plan to the extent necessary in providing those  
320 services;

321 (c) Health and mental health care providers of a child  
322 to the extent necessary for the provider to properly treat and  
323 care for the child;

324 (d) An educational institution or educational services  
325 provider where the child is enrolled or where enrollment is  
326 anticipated to the extent necessary for the school to provide  
327 appropriate services to the child;

328 (e) Any state agency or board that administers student  
329 financial assistance programs. However, any records request under  
330 this paragraph shall be initiated by the agency or board for the  
331 purpose determining the child's eligibility for student financial  
332 assistance, and any disclosure shall be limited to the  
333 verification of the child's age during the period of time in which  
334 the child was in the department's legal custody; and

335 (f) Any other state agency if the disclosure is  
336 necessary to the department in fulfilling its statutory  
337 responsibilities in protecting the best interests of the child.

338 (23) Nothing in this section or chapter shall require youth  
339 court approval for disclosure of records involving children as  
340 defined in Section 43-21-105(u), if the disclosure is made in a  
341 criminal matter by a municipal or county prosecutor, a district  
342 attorney or statewide prosecutor, pursuant to the Mississippi  
343 Rules of Criminal Procedure and the records are disclosed under a



344 protective order issued by the Circuit Court presiding over the  
345 criminal matter which incorporates the penalties stated in Section  
346 43-21-267.

347         **SECTION 3.** Section 43-21-351, Mississippi Code of 1972, is  
348 brought forward as follows:

349             43-21-351. (1) Any person or agency having knowledge that a  
350 child residing or being within the county is within the  
351 jurisdiction of the youth court may make a written report to the  
352 intake unit alleging facts sufficient to establish the  
353 jurisdiction of the youth court. The report shall bear a  
354 permanent number that will be assigned by the court in accordance  
355 with the standards established by the Administrative Office of  
356 Courts pursuant to Section 9-21-9(d), and shall be preserved until  
357 destroyed on order of the court.

358             (2) There shall be in each youth court of the state an  
359 intake officer who shall be responsible for the accurate and  
360 timely entering of all intake and case information into the  
361 Mississippi Youth Court Information Delivery System (MYCIDS) for  
362 the Department of Human Services - Division of Youth Services,  
363 truancy matters, and the Department of Child Protection Services.  
364 It shall be the responsibility of the youth court judge or referee  
365 of each county to ensure that the intake officer is carrying out  
366 the responsibility of this section.

367         **SECTION 4.** Section 43-21-801, Mississippi Code of 1972, is  
368 brought forward as follows:



369 43-21-801. (1) There is established the Youth Court Support  
370 Program. The purpose of the program shall be to ensure that all  
371 youth courts have sufficient support funds to carry on the  
372 business of the youth court. The Administrative Office of Courts  
373 shall establish a formula consistent with this section for  
374 providing state support payable from the Youth Court Support Fund  
375 for the support of the youth courts.

376 (a) (i) Each regular youth court referee is eligible  
377 for youth court support funds so long as the senior chancellor  
378 does not elect to employ a youth court administrator as set forth  
379 in paragraph (b); a municipal youth court judge is also eligible.  
380 The Administrative Office of Courts shall direct any funds to the  
381 appropriate county or municipality. The funds shall be utilized  
382 to compensate an intake officer who shall be responsible for  
383 ensuring that all intake and case information for the Department  
384 of Human Services - Division of Youth Services, truancy matters,  
385 and the Department of Child Protection Services is entered into  
386 the Mississippi Youth Court Information Delivery System (MYCIDS)  
387 in an accurate and timely manner. If the court already has an  
388 intake officer responsible for entering all cases of the  
389 Department of Human Services - Division of Youth Services, truancy  
390 matters, and the Department of Child Protection Services into  
391 MYCIDS, the regular youth court referee or municipal court judge  
392 may certify to the Administrative Office of Courts that such a  
393 person is already on staff. In such a case, each regular youth





394 court referee or municipal youth court judge shall have the sole  
395 individual discretion to appropriate those funds as expense monies  
396 to assist in hiring secretarial staff and acquiring materials and  
397 equipment incidental to carrying on the business of the court  
398 within the private practice of law of the referee or judge, or may  
399 direct the use of those funds through the county or municipal  
400 budget for court support supplies or services. The regular youth  
401 court referee and municipal youth court judge shall be accountable  
402 for assuring through private, county or municipal employees the  
403 proper preparation and filing of all necessary tracking and other  
404 documentation attendant to the administration of the youth court.

405 (ii) Title to all tangible property, excepting  
406 stamps, stationery and minor expendable office supplies, procured  
407 with funds authorized by this section, shall be and forever remain  
408 in the county or municipality to be used by the judge or referee  
409 during the term of his office and thereafter by his successors.

410 (b) (i) When permitted by the Administrative Office of  
411 Courts and as funds are available, the senior chancellor for  
412 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
413 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
414 administrator for the district whose responsibility will be to  
415 perform all reporting, tracking and other duties of a court  
416 administrator for all youth courts in the district that are under  
417 the chancery court system. Any chancery district listed in this  
418 paragraph in which a chancellor appoints a referee or special



419 master to hear any youth court matter is ineligible for funding  
420 under this paragraph (b). The Administrative Office of Courts may  
421 allocate to an eligible chancery district a sum not to exceed  
422 Thirty Thousand Dollars (\$30,000.00) per year for the salary,  
423 fringe benefits and equipment of the youth court administrator,  
424 and an additional sum not to exceed One Thousand Nine Hundred  
425 Dollars (\$1,900.00) for the administrator's travel expenses.

426 (ii) The appointment of a youth court  
427 administrator shall be evidenced by the entry of an order on the  
428 minutes of the court. The person appointed shall serve at the  
429 will and pleasure of the senior chancellor but shall be an  
430 employee of the Administrative Office of Courts.

431 (iii) The Administrative Office of Courts must  
432 approve the position, job description and salary before the  
433 position can be filled. The Administrative Office of Courts shall  
434 not approve any plan that does not first require the expenditure  
435 of the funds from the Youth Court Support Fund before expenditure  
436 of county funds is authorized for that purpose.

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

440 (c) (i) Each county court is eligible for youth court  
441 support funds. The funds shall be utilized to provide  
442 compensation to an intake officer who shall be responsible for  
443 ensuring that all intake and case information for the Department



444 of Human Services - Division of Youth Services, truancy matters,  
445 and the Department of Child Protection Services is entered into  
446 the Mississippi Youth Court Information Delivery System (MYCIDS)  
447 in an accurate and timely manner. If the county court already has  
448 an intake officer or other staff person responsible for entering  
449 all cases of the Department of Human Services - Division of Youth  
450 Services, truancy matters and the Department of Child Protection  
451 Services into MYCIDS, the senior county court judge may certify  
452 that such a person is already on staff. In such a case, the  
453 senior county court judge shall have discretion to direct the  
454 expenditure of those funds in hiring other support staff to carry  
455 on the business of the court.

456 (ii) For the purposes of this paragraph, "support  
457 staff" means court administrators, law clerks, legal research  
458 assistants, secretaries, resource administrators or case managers  
459 appointed by a youth court judge, or any combination thereof, but  
460 shall not mean school attendance officers.

461 (iii) The appointment of support staff shall be  
462 evidenced by the entry of an order on the minutes of the court.  
463 The support staff so appointed shall serve at the will and  
464 pleasure of the senior county court judge but shall be an employee  
465 of the county.

466 (iv) The Administrative Office of Courts must  
467 approve the positions, job descriptions and salaries before the  
468 positions may be filled. The Administrative Office of Courts



469 shall not approve any plan that does not first require the  
470 expenditure of funds from the Youth Court Support Fund before  
471 expenditure of county funds is authorized for that purpose.

472 (v) The Administrative Office of Courts may  
473 approve expenditure from the fund for additional equipment for  
474 support staff appointed pursuant to this paragraph if the  
475 additional expenditure falls within the formula. Title to any  
476 tangible property procured with funds authorized under this  
477 paragraph shall be and forever remain in the county to be used by  
478 the youth court and support staff.

479 (2) (a) (i) The formula developed by the Administrative  
480 Office of Courts for providing youth court support funds shall be  
481 devised so as to distribute appropriated funds proportional to  
482 caseload and other appropriate factors as set forth in regulations  
483 promulgated by the Administrative Office of Courts. The formula  
484 will determine a reasonable maximum amount per judge or referee  
485 per annum that will not be exceeded in allocating funds under this  
486 section.

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

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



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

497           (c) Approval of the use of any of the youth court  
498 support funds distributed under this section shall be made by the  
499 Administrative Office of Courts in accordance with procedures  
500 established by the Administrative Office of Courts.

501           (3) (a) There is created in the State Treasury a special  
502 fund to be designated as the "Youth Court Support Fund," which  
503 shall consist of funds appropriated or otherwise made available by  
504 the Legislature in any manner and funds from any other source  
505 designated for deposit into such fund. Unexpended amounts  
506 remaining in the fund at the end of a fiscal year shall not lapse  
507 into the State General Fund, and any investment earnings or  
508 interest earned on amounts in the fund shall be deposited to the  
509 credit of the fund. Monies in the fund shall be distributed to  
510 the youth courts by the Administrative Office of Courts for the  
511 purposes described in this section.

512           (b) (i) During the regular legislative session held in  
513 calendar year 2007, the Legislature may appropriate an amount not  
514 to exceed Two Million Five Hundred Thousand Dollars  
515 (\$2,500,000.00) to the Youth Court Support Fund.

516           (ii) During each regular legislative session  
517 subsequent to the 2007 Regular Session, the Legislature shall



518 appropriate Two Million Five Hundred Thousand Dollars  
519 (\$2,500,000.00) to the Youth Court Support Fund.

520 (c) No youth court judge or youth court referee shall  
521 be eligible to receive funding from the Youth Court Support Fund  
522 who has not received annual continuing education in the field of  
523 juvenile justice in an amount to conform with the requirements of  
524 the Rules and Regulations for Mandatory Continuing Judicial  
525 Education promulgated by the Supreme Court. The Administrative  
526 Office of Courts shall maintain records of all referees and youth  
527 court judges regarding such training and shall not disburse funds  
528 to any county or municipality for the budget of a youth court  
529 judge or referee who is not in compliance with the judicial  
530 training requirements.

531 (4) Any recipient of funds from the Youth Court Support Fund  
532 shall not be eligible for continuing disbursement of funds if the  
533 recipient is not in compliance with the terms, conditions and  
534 reporting requirements set forth in the procedures promulgated by  
535 the Administrative Office of Courts.

536 **SECTION 5.** Section 45-33-61, Mississippi Code of 1972, is  
537 brought forward as follows:

538 45-33-61. (1) A person convicted of a sex offense shall not  
539 access the Administrative Office of Courts' youth court data  
540 management system known as the Mississippi Youth Court Information  
541 Delivery System or "MYCIDS."



542 (2) This section applies to all registered sex offenders  
543 without regard to the date of conviction for a registrable  
544 offense.

545 **SECTION 6.** Section 93-31-3, Mississippi Code of 1972, is  
546 brought forward as follows:

547 93-31-3. (1) (a) A parent or legal custodian of a child,  
548 by means of a properly executed power of attorney as provided in  
549 Section 93-31-5, may delegate to another willing person or persons  
550 as attorney-in-fact any of the powers regarding the care and  
551 custody of the child other than the following:

552 (i) The power to consent to marriage or adoption  
553 of the child;

554 (ii) The performance or inducement of an abortion  
555 on or for the child; or

556 (iii) The termination of parental rights to the  
557 child.

558 (b) A delegation of powers under this section does not:

559 (i) Change or modify any parental or legal rights,  
560 obligations, or authority established by an existing court order;

561 (ii) Deprive any custodial or noncustodial parent  
562 or legal guardian of any parental or legal rights, obligations, or  
563 authority regarding the custody, visitation, or support of the  
564 child; or

565 (iii) Affect a court's ability to determine the  
566 best interests of a child.



567 (c) If both parents are living and neither parent's  
568 parental rights have been terminated, both parents must execute  
569 the power of attorney. If a noncustodial parent is absent or  
570 unknown, the custodial parent must complete the affidavit  
571 contemplated under Section 93-31-5 and attach it to the power of  
572 attorney.

573 (d) A power of attorney under this chapter must be  
574 facilitated by either a child welfare agency that is licensed to  
575 place children for adoption and that is operating under the Safe  
576 Families for Children model or another charitable organization  
577 that is operating under the Safe Families for Children model. A  
578 full criminal history and child abuse and neglect background check  
579 must be conducted on any person who is not a grandparent, aunt,  
580 uncle, or sibling of the child if the person is:

581 (i) Designated or proposed to be designated as the  
582 attorney-in-fact; or

583 (ii) Is a person over the age of fifteen (15) who  
584 resides in the home of the designated attorney-in-fact.

585 (2) A power of attorney executed under this chapter shall  
586 not be used for the sole purposes of enrolling a child in a school  
587 to participate in the academic or interscholastic athletic  
588 programs provided by that school or for any other unlawful  
589 purposes, except as may be permitted by the federal Every Student  
590 Succeeds Act (Public Law 114-95).





591 (3) The parent or legal custodian of the child has the  
592 authority to revoke or withdraw the power of attorney authorized  
593 by this section at any time. Upon the termination, expiration, or  
594 revocation of the power of attorney, the child must be returned to  
595 the custody of the parent or legal custodian.

596 (4) Until the authority expires or is revoked or withdrawn  
597 by the parent or legal custodian, the attorney-in-fact shall  
598 exercise parental or legal authority on a continuous basis without  
599 compensation for the duration of the power of attorney.

600 (5) The execution of a power of attorney by a parent or  
601 legal custodian does not, in the absence of other evidence,  
602 constitute abandonment, desertion, abuse, neglect, or any evidence  
603 of unfitness as a parent unless the parent or legal custodian  
604 fails to take custody of the child or execute a new power of  
605 attorney after the one-year time limit, or after a longer time  
606 period as allowed for a serving parent, has elapsed. Nothing in  
607 this subsection prevents the Department of Child Protection  
608 Services or law enforcement from investigating allegations of  
609 abuse, abandonment, desertion, neglect or other mistreatment of a  
610 child.

611 (6) When the custody of a child is transferred by a power of  
612 attorney under this chapter, the child is not considered to have  
613 been placed in foster care and the attorney-in-fact will not be  
614 subject to any of the requirements or licensing regulations for  
615 foster care or other regulations relating to out-of-home care for



616 children and will not be subject to any statutes or regulations  
617 dealing with the licensing or regulation of foster care homes.

618 (7) (a) "Serving parent" means a parent who is a member of  
619 the Armed Forces of the United States, including any reserve  
620 component thereof, or the National Oceanic and Atmospheric  
621 Administration Commissioned Officer Corps or the Public Health  
622 Service of the United States Department of Health and Human  
623 Services detailed by proper authority for duty with the Armed  
624 Forces of the United States, or who is required to enter or serve  
625 in the active military service of the United States under a call  
626 or order of the President of the United States or to serve on  
627 state active duty.

628 (b) A serving parent may delegate the powers designated  
629 in subsection (1) of this section for longer than one (1) year if  
630 on active-duty service or if scheduled to be on active-duty  
631 service. The term of delegation, however, may not exceed the term  
632 of active-duty service plus thirty (30) days.

633 (8) (a) A power of attorney under this chapter must be  
634 filed in the youth court of the county where the minor child or  
635 children reside at the time the form is completed, and the clerk  
636 of the youth court will not impose or collect a filing fee. The  
637 filing is informational only, and no judicial intervention shall  
638 result at the time of filing.

639 (b) The power of attorney must be entered into the  
640 Mississippi Youth Court Information Delivery System (MYCIDS) under



641 Section 43-21-351, and must be administratively reviewed by the  
642 youth court judge or referee, or a person designated by the youth  
643 court judge or referee, to ensure the safety of the child or  
644 children who are the subjects of the power of attorney one (1)  
645 year after the date of execution.

646         **SECTION 7.** This act shall take effect and be in force from  
647 and after July 1, 2024.

