

By: Representative Hood

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1315

1 AN ACT TO AMEND SECTION 9-21-9, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE ADMINISTRATIVE DIRECTOR OF COURTS TO AUDIT THE
3 MISSISSIPPI YOUTH COURT INFORMATION SYSTEM (MYCIDS); TO BRING
4 FORWARD SECTION 43-21-261, MISSISSIPPI CODE OF 1972, WHICH
5 PROVIDES THE ADMINISTRATIVE OFFICE OF COURT MAY DISCLOSE CERTAIN
6 INFORMATION CONTAINED IN MYCIDS, FOR PURPOSES OF POSSIBLE
7 AMENDMENT; TO BRING FORWARD SECTIONS 43-21-351 AND 43-21-801,
8 MISSISSIPPI CODE OF 1972, WHICH REQUIRES INTAKE OFFICERS IN YOUTH
9 COURT AND COUNTY COURT TO TIMELY ENTER INFORMATION INTO MYCIDS,
10 FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
11 45-33-61, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS SEX OFFENDERS
12 FROM UTILIZING MYCIDS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
13 BRING FORWARD SECTION 93-31-3, MISSISSIPPI CODE OF 1972, WHICH
14 REQUIRES THE POWER OF ATTORNEY BE ENTERED INTO MYCIDS UNDER
15 CERTAIN CIRCUMSTANCES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
16 AMEND SECTION 9-17-1, MISSISSIPPI CODE OF 1972, TO REVISE THE
17 MANNER IN WHICH THE CIRCUIT JUDGES, CHANCELLORS AND COUNTY COURT
18 JUDGES MAY ESTABLISH THE OFFICE OF COURT ADMINISTRATOR; TO REQUIRE
19 THE ADMINISTRATIVE OFFICE OF COURTS TO DETERMINE IF A PROSPECTIVE
20 COURT ADMINISTRATOR MEETS THE MINIMUM REQUIREMENTS BEFORE THE
21 PERSON IS HIRED; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF
22 1972, TO REQUIRE CIRCUIT JUDGES AND CHANCELLORS DESIRING TO EMPLOY
23 SUPPORT STAFF TO HAVE CANDIDATES APPROVED BY THE ADMINISTRATIVE
24 OFFICE OF COURTS BEFORE FILLING POSITIONS; AND FOR RELATED
25 PURPOSES.

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

27 **SECTION 1.** Section 9-21-9, Mississippi Code of 1972, is
28 amended as follows:



29 9-21-9. (1) The Administrative Director of Courts shall
30 have the following duties and authority with respect to all courts
31 in addition to any other duties and responsibilities as may be
32 properly assigned by the Supreme Court and/or by law:

33 (a) To require the filing of reports, the collection
34 and compilation of statistical data and other information on the
35 judicial and financial operation of the courts and on the
36 operation of other offices directly related to and serving the
37 courts;

38 (b) To determine the state of the dockets and evaluate
39 the practices and procedures of the courts and make
40 recommendations concerning the number of judges and other
41 personnel required for the efficient administration of justice;

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

45 (d) To devise, promulgate and require the use of a
46 uniform youth court case tracking system, including a youth court
47 case filing form for filing with each individual youth court
48 matter, to be utilized by the Administrative Office of Courts and
49 the youth courts in order that the number of youthful offenders,
50 abused, neglected, truant and dependent children, as well as
51 children in need of special care and children in need of
52 supervision, may be tracked with specificity through the youth
53 court and adult justice systems; in support of the uniform case



54 docketing system, the director shall require that all youth courts
55 utilize the Mississippi Youth Court Information Delivery System
56 (MYCIDS);

57 (e) To develop, promulgate and require the use of a
58 statewide docket numbering system to be utilized by the youth
59 courts, which youth court docket numbers shall standardize and
60 unify the numbering system by which youth court docket numbers are
61 assigned, such that each docket number would, among other things,
62 identify the county and year in which a particular youth court
63 action was commenced;

64 (f) To develop, promulgate and require the use of
65 uniform youth court orders and forms in all youth courts and youth
66 court proceedings;

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

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

73 (i) To investigate, make recommendations concerning and
74 assist in the securing of adequate physical accommodations for the
75 judicial system;

76 (j) To procure, distribute, exchange, transfer and
77 assign such equipment, books, forms and supplies as are acquired



78 with state funds or grant funds or otherwise for the judicial
79 system;

80 (k) To make recommendations for the improvement of the
81 operations of the judicial system;

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

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

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

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

93 (p) To utilize the provisions of law that regulate
94 public purchasing in Sections 31-7-1 et. seq., to contract with a
95 provider to effectuate the requirements of paragraph (d) for the
96 Mississippi Youth Court Information Delivery System (MYCIDS).

97 (2) The Administrative Director of Courts shall conduct an
98 audit of the Mississippi Youth Court Information Delivery System
99 (MYCIDS) by November 15, 2024, to make recommendations regarding
100 any complaints, deficiencies and/or improvements, and provide a
101 report of the audit to the Judiciary A Committees of the



102 Mississippi House of Representatives and the Senate by January 1,
103 2025.

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

106 43-21-261. (1) Except as otherwise provided in this
107 section, records involving children shall not be disclosed, other
108 than to necessary staff or officials of the youth court, a
109 guardian ad litem appointed to a child by the court, or a
110 Court-Appointed Special Advocate (CASA) volunteer who may be
111 assigned in an abuse and neglect case, except pursuant to an order
112 of the youth court specifying the person or persons to whom the
113 records may be disclosed, the extent of the records which may be
114 disclosed and the purpose of the disclosure. Such court orders
115 for disclosure shall be limited to those instances in which the
116 youth court concludes, in its discretion, that disclosure is
117 required for the best interests of the child, the public safety,
118 the functioning of the youth court, or to identify a person who
119 knowingly made a false allegation of child abuse or neglect, and
120 then only to the following persons:

121 (a) The judge of another youth court or member of
122 another youth court staff;

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



125 (c) A judge of any other court or members of another
126 court staff, including the chancery court that ordered a forensic
127 interview;

128 (d) Representatives of a public or private agency
129 providing supervision or having custody of the child under order
130 of the youth court;

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

137 (f) The Mississippi Department of Employment Security,
138 or its duly authorized representatives, for the purpose of a
139 child's enrollment into the Job Corps Training Program as
140 authorized by Title IV of the Comprehensive Employment Training
141 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
142 reports, investigations or information derived therefrom
143 pertaining to child abuse or neglect shall be disclosed;

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



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

155 Law enforcement agencies may disclose information to the
156 public concerning the taking of a child into custody for the
157 commission of a delinquent act without the necessity of an order
158 from the youth court. The information released shall not identify
159 the child or his address unless the information involves a child
160 convicted as an adult.

161 (2) Any records involving children which are disclosed under
162 an order of the youth court or pursuant to the terms of this
163 section and the contents thereof shall be kept confidential by the
164 person or agency to whom the record is disclosed unless otherwise
165 provided in the order. Any further disclosure of any records
166 involving children shall be made only under an order of the youth
167 court as provided in this section.

168 (3) Upon request, the parent, guardian or custodian of the
169 child who is the subject of a youth court cause or any attorney
170 for such parent, guardian or custodian, shall have the right to
171 inspect any record, report or investigation relevant to a matter
172 to be heard by a youth court, except that the identity of the
173 reporter shall not be released, nor the name of any other person



174 where the person or agency making the information available finds
175 that disclosure of the information would be likely to endanger the
176 life or safety of such person. The attorney for the parent,
177 guardian or custodian of the child, upon request, shall be
178 provided a copy of any record, report or investigation relevant to
179 a matter to be heard by a youth court, but the identity of the
180 reporter must be redacted and the name of any other person must
181 also be redacted if the person or agency making the information
182 available finds that disclosure of the information would be likely
183 to endanger the life, safety or well-being of the person. A
184 record provided to the attorney under this section must remain in
185 the attorney's control and the attorney may not provide copies or
186 access to another person or entity without prior consent of a
187 court with appropriate jurisdiction.

188 (4) Upon request, the child who is the subject of a youth
189 court cause shall have the right to have his counsel inspect and
190 copy any record, report or investigation which is filed with the
191 youth court or which is to be considered by the youth court at a
192 hearing.

193 (5) (a) The youth court prosecutor or prosecutors, the
194 county attorney, the district attorney, the youth court defender
195 or defenders, or any attorney representing a child shall have the
196 right to inspect and copy any law enforcement record involving
197 children.



198 (b) The Department of Child Protection Services shall
199 disclose to a county prosecuting attorney or district attorney any
200 and all records resulting from an investigation into suspected
201 child abuse or neglect when the case has been referred by the
202 Department of Child Protection Services to the county prosecuting
203 attorney or district attorney for criminal prosecution.

204 (c) Agency records made confidential under the
205 provisions of this section may be disclosed to a court of
206 competent jurisdiction.

207 (d) Records involving children shall be disclosed to
208 the Division of Victim Compensation of the Office of the Attorney
209 General upon the division's request without order of the youth
210 court for purposes of determination of eligibility for victim
211 compensation benefits.

212 (6) Information concerning an investigation into a report of
213 child abuse or child neglect may be disclosed by the Department of
214 Child Protection Services without order of the youth court to any
215 attorney, physician, dentist, intern, resident, nurse,
216 psychologist, social worker, family protection worker, family
217 protection specialist, child caregiver, minister, law enforcement
218 officer, or a public or private school employee making that report
219 pursuant to Section 43-21-353(1) if the reporter has a continuing
220 professional relationship with the child and a need for such
221 information in order to protect or treat the child.



222 (7) Information concerning an investigation into a report of
223 child abuse or child neglect may be disclosed without further
224 order of the youth court to any interagency child abuse task force
225 established in any county or municipality by order of the youth
226 court of that county or municipality.

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

231 (9) Names and addresses of juveniles adjudicated as
232 delinquent for murder, manslaughter, burglary, arson, armed
233 robbery, aggravated assault, any sex offense as defined in Section
234 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
235 violation of Section 63-11-30, shall not be held confidential and
236 shall be made available to the public.

237 (10) The judges of the circuit and county courts, and
238 presentence investigators for the circuit courts, as provided in
239 Section 47-7-9, shall have the right to inspect any youth court
240 records of a person convicted of a crime for sentencing purposes
241 only.

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

245 (12) A classification hearing officer of the State
246 Department of Corrections, as provided in Section 47-5-103, shall



247 have the right to inspect any youth court records, excluding abuse
248 and neglect records, of any offender in the custody of the
249 department who as a child or minor was a juvenile offender or was
250 the subject of a youth court cause of action, and the State Parole
251 Board, as provided in Section 47-7-17, shall have the right to
252 inspect such records when the offender becomes eligible for
253 parole.

254 (13) The youth court shall notify the Department of Public
255 Safety of the name, and any other identifying information such
256 department may require, of any child who is adjudicated delinquent
257 as a result of a violation of the Uniform Controlled Substances
258 Law.

259 (14) The Administrative Office of Courts shall have the
260 right to inspect any youth court records in order that the number
261 of youthful offenders, abused, neglected, truant and dependent
262 children, as well as children in need of special care and children
263 in need of supervision, may be tracked with specificity through
264 the youth court and adult justice system, and to utilize tracking
265 forms for such purpose.

266 (15) Upon a request by a youth court, the Administrative
267 Office of Courts shall disclose all information at its disposal
268 concerning any previous youth court intakes alleging that a child
269 was a delinquent child, child in need of supervision, child in
270 need of special care, truant child, abused child or neglected
271 child, as well as any previous youth court adjudications for the



272 same and all dispositional information concerning a child who at
273 the time of such request comes under the jurisdiction of the youth
274 court making such request.

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

280 (17) The youth courts of the state shall disclose to the
281 Joint Legislative Committee on Performance Evaluation and
282 Expenditure Review (PEER) any youth court records in order that
283 the number of youthful offenders, abused, neglected, truant and
284 dependent children, as well as children in need of special care
285 and children in need of supervision, may be tracked with
286 specificity through the youth court and adult justice system, and
287 to utilize tracking forms for such purpose. The disclosure
288 prescribed in this subsection shall not require a court order and
289 shall be made in sortable, electronic format where possible. The
290 PEER Committee may seek the assistance of the Administrative
291 Office of Courts in seeking this information. The PEER Committee
292 shall not disclose the identities of any youth who have been
293 adjudicated in the youth courts of the state and shall only use
294 the disclosed information for the purpose of monitoring the
295 effectiveness and efficiency of programs established to assist



296 adjudicated youth, and to ascertain the incidence of adjudicated
297 youth who become adult offenders.

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

305 (19) In every case of child abuse or neglect, if a child's
306 physical condition is medically labeled as medically "serious" or
307 "critical" or a child dies, the confidentiality provisions of this
308 section shall not apply. In such cases, the following information
309 may be released by the Mississippi Department of Child Protection
310 Services: the cause of the circumstances regarding the fatality
311 or medically serious or critical physical condition; the age and
312 gender of the child; information describing any previous reports
313 of child abuse or neglect investigations that are pertinent to the
314 child abuse or neglect that led to the fatality or medically
315 serious or critical physical condition; the result of any such
316 investigations; and the services provided by and actions of the
317 state on behalf of the child that are pertinent to the child abuse
318 or neglect that led to the fatality or medically serious or
319 critical physical condition.



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

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

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

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

336 (b) An individual, agency or organization that provides
337 services to a child or the child's family in furtherance of the
338 child's permanency plan to the extent necessary in providing those
339 services;

340 (c) Health and mental health care providers of a child
341 to the extent necessary for the provider to properly treat and
342 care for the child;

343 (d) An educational institution or educational services
344 provider where the child is enrolled or where enrollment is



345 anticipated to the extent necessary for the school to provide
346 appropriate services to the child;

347 (e) Any state agency or board that administers student
348 financial assistance programs. However, any records request under
349 this paragraph shall be initiated by the agency or board for the
350 purpose determining the child's eligibility for student financial
351 assistance, and any disclosure shall be limited to the
352 verification of the child's age during the period of time in which
353 the child was in the department's legal custody; and

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

357 (23) Nothing in this section or chapter shall require youth
358 court approval for disclosure of records involving children as
359 defined in Section 43-21-105(u), if the disclosure is made in a
360 criminal matter by a municipal or county prosecutor, a district
361 attorney or statewide prosecutor, pursuant to the Mississippi
362 Rules of Criminal Procedure and the records are disclosed under a
363 protective order issued by the Circuit Court presiding over the
364 criminal matter which incorporates the penalties stated in Section
365 43-21-267.

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

368 43-21-351. (1) Any person or agency having knowledge that a
369 child residing or being within the county is within the



370 jurisdiction of the youth court may make a written report to the
371 intake unit alleging facts sufficient to establish the
372 jurisdiction of the youth court. The report shall bear a
373 permanent number that will be assigned by the court in accordance
374 with the standards established by the Administrative Office of
375 Courts pursuant to Section 9-21-9(d), and shall be preserved until
376 destroyed on order of the court.

377 (2) There shall be in each youth court of the state an
378 intake officer who shall be responsible for the accurate and
379 timely entering of all intake and case information into the
380 Mississippi Youth Court Information Delivery System (MYCIDS) for
381 the Department of Human Services - Division of Youth Services,
382 truancy matters, and the Department of Child Protection Services.
383 It shall be the responsibility of the youth court judge or referee
384 of each county to ensure that the intake officer is carrying out
385 the responsibility of this section.

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

388 43-21-801. (1) There is established the Youth Court Support
389 Program. The purpose of the program shall be to ensure that all
390 youth courts have sufficient support funds to carry on the
391 business of the youth court. The Administrative Office of Courts
392 shall establish a formula consistent with this section for
393 providing state support payable from the Youth Court Support Fund
394 for the support of the youth courts.



395 (a) (i) Each regular youth court referee is eligible
396 for youth court support funds so long as the senior chancellor
397 does not elect to employ a youth court administrator as set forth
398 in paragraph (b); a municipal youth court judge is also eligible.
399 The Administrative Office of Courts shall direct any funds to the
400 appropriate county or municipality. The funds shall be utilized
401 to compensate an intake officer who shall be responsible for
402 ensuring that all intake and case information for the Department
403 of Human Services - Division of Youth Services, truancy matters,
404 and the Department of Child Protection Services is entered into
405 the Mississippi Youth Court Information Delivery System (MYCIDS)
406 in an accurate and timely manner. If the court already has an
407 intake officer responsible for entering all cases of the
408 Department of Human Services - Division of Youth Services, truancy
409 matters, and the Department of Child Protection Services into
410 MYCIDS, the regular youth court referee or municipal court judge
411 may certify to the Administrative Office of Courts that such a
412 person is already on staff. In such a case, each regular youth
413 court referee or municipal youth court judge shall have the sole
414 individual discretion to appropriate those funds as expense monies
415 to assist in hiring secretarial staff and acquiring materials and
416 equipment incidental to carrying on the business of the court
417 within the private practice of law of the referee or judge, or may
418 direct the use of those funds through the county or municipal
419 budget for court support supplies or services. The regular youth



420 court referee and municipal youth court judge shall be accountable
421 for assuring through private, county or municipal employees the
422 proper preparation and filing of all necessary tracking and other
423 documentation attendant to the administration of the youth court.

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

429 (b) (i) When permitted by the Administrative Office of
430 Courts and as funds are available, the senior chancellor for
431 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
432 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
433 administrator for the district whose responsibility will be to
434 perform all reporting, tracking and other duties of a court
435 administrator for all youth courts in the district that are under
436 the chancery court system. Any chancery district listed in this
437 paragraph in which a chancellor appoints a referee or special
438 master to hear any youth court matter is ineligible for funding
439 under this paragraph (b). The Administrative Office of Courts may
440 allocate to an eligible chancery district a sum not to exceed
441 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
442 fringe benefits and equipment of the youth court administrator,
443 and an additional sum not to exceed One Thousand Nine Hundred
444 Dollars (\$1,900.00) for the administrator's travel expenses.



445 (ii) The appointment of a youth court
446 administrator shall be evidenced by the entry of an order on the
447 minutes of the court. The person appointed shall serve at the
448 will and pleasure of the senior chancellor but shall be an
449 employee of the Administrative Office of Courts.

450 (iii) The Administrative Office of Courts must
451 approve the position, job description and salary before the
452 position can be filled. The Administrative Office of Courts shall
453 not approve any plan that does not first require the expenditure
454 of the funds from the Youth Court Support Fund before expenditure
455 of county funds is authorized for that purpose.

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

459 (c) (i) Each county court is eligible for youth court
460 support funds. The funds shall be utilized to provide
461 compensation to an intake officer who shall be responsible for
462 ensuring that all intake and case information for the Department
463 of Human Services - Division of Youth Services, truancy matters,
464 and the Department of Child Protection Services is entered into
465 the Mississippi Youth Court Information Delivery System (MYCIDS)
466 in an accurate and timely manner. If the county court already has
467 an intake officer or other staff person responsible for entering
468 all cases of the Department of Human Services - Division of Youth
469 Services, truancy matters and the Department of Child Protection



470 Services into MYCIDS, the senior county court judge may certify
471 that such a person is already on staff. In such a case, the
472 senior county court judge shall have discretion to direct the
473 expenditure of those funds in hiring other support staff to carry
474 on the business of the court.

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

480 (iii) The appointment of support staff shall be
481 evidenced by the entry of an order on the minutes of the court.
482 The support staff so appointed shall serve at the will and
483 pleasure of the senior county court judge but shall be an employee
484 of the county.

485 (iv) The Administrative Office of Courts must
486 approve the positions, job descriptions and salaries before the
487 positions may be filled. The Administrative Office of Courts
488 shall not approve any plan that does not first require the
489 expenditure of funds from the Youth Court Support Fund before
490 expenditure of county funds is authorized for that purpose.

491 (v) The Administrative Office of Courts may
492 approve expenditure from the fund for additional equipment for
493 support staff appointed pursuant to this paragraph if the
494 additional expenditure falls within the formula. Title to any



495 tangible property procured with funds authorized under this
496 paragraph shall be and forever remain in the county to be used by
497 the youth court and support staff.

498 (2) (a) (i) The formula developed by the Administrative
499 Office of Courts for providing youth court support funds shall be
500 devised so as to distribute appropriated funds proportional to
501 caseload and other appropriate factors as set forth in regulations
502 promulgated by the Administrative Office of Courts. The formula
503 will determine a reasonable maximum amount per judge or referee
504 per annum that will not be exceeded in allocating funds under this
505 section.

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

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

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

516 (c) Approval of the use of any of the youth court
517 support funds distributed under this section shall be made by the
518 Administrative Office of Courts in accordance with procedures
519 established by the Administrative Office of Courts.



520 (3) (a) There is created in the State Treasury a special
521 fund to be designated as the "Youth Court Support Fund," which
522 shall consist of funds appropriated or otherwise made available by
523 the Legislature in any manner and funds from any other source
524 designated for deposit into such fund. Unexpended amounts
525 remaining in the fund at the end of a fiscal year shall not lapse
526 into the State General Fund, and any investment earnings or
527 interest earned on amounts in the fund shall be deposited to the
528 credit of the fund. Monies in the fund shall be distributed to
529 the youth courts by the Administrative Office of Courts for the
530 purposes described in this section.

531 (b) (i) During the regular legislative session held in
532 calendar year 2007, the Legislature may appropriate an amount not
533 to exceed Two Million Five Hundred Thousand Dollars
534 (\$2,500,000.00) to the Youth Court Support Fund.

535 (ii) During each regular legislative session
536 subsequent to the 2007 Regular Session, the Legislature shall
537 appropriate Two Million Five Hundred Thousand Dollars
538 (\$2,500,000.00) to the Youth Court Support Fund.

539 (c) No youth court judge or youth court referee shall
540 be eligible to receive funding from the Youth Court Support Fund
541 who has not received annual continuing education in the field of
542 juvenile justice in an amount to conform with the requirements of
543 the Rules and Regulations for Mandatory Continuing Judicial
544 Education promulgated by the Supreme Court. The Administrative



545 Office of Courts shall maintain records of all referees and youth
546 court judges regarding such training and shall not disburse funds
547 to any county or municipality for the budget of a youth court
548 judge or referee who is not in compliance with the judicial
549 training requirements.

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

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

557 45-33-61. (1) A person convicted of a sex offense shall not
558 access the Administrative Office of Courts' youth court data
559 management system known as the Mississippi Youth Court Information
560 Delivery System or "MYCIDS."

561 (2) This section applies to all registered sex offenders
562 without regard to the date of conviction for a registrable
563 offense.

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

566 93-31-3. (1) (a) A parent or legal custodian of a child,
567 by means of a properly executed power of attorney as provided in
568 Section 93-31-5, may delegate to another willing person or persons



569 as attorney-in-fact any of the powers regarding the care and
570 custody of the child other than the following:

571 (i) The power to consent to marriage or adoption
572 of the child;

573 (ii) The performance or inducement of an abortion
574 on or for the child; or

575 (iii) The termination of parental rights to the
576 child.

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

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

580 (ii) Deprive any custodial or noncustodial parent
581 or legal guardian of any parental or legal rights, obligations, or
582 authority regarding the custody, visitation, or support of the
583 child; or

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

586 (c) If both parents are living and neither parent's
587 parental rights have been terminated, both parents must execute
588 the power of attorney. If a noncustodial parent is absent or
589 unknown, the custodial parent must complete the affidavit
590 contemplated under Section 93-31-5 and attach it to the power of
591 attorney.

592 (d) A power of attorney under this chapter must be
593 facilitated by either a child welfare agency that is licensed to



594 place children for adoption and that is operating under the Safe
595 Families for Children model or another charitable organization
596 that is operating under the Safe Families for Children model. A
597 full criminal history and child abuse and neglect background check
598 must be conducted on any person who is not a grandparent, aunt,
599 uncle, or sibling of the child if the person is:

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

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

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

610 (3) The parent or legal custodian of the child has the
611 authority to revoke or withdraw the power of attorney authorized
612 by this section at any time. Upon the termination, expiration, or
613 revocation of the power of attorney, the child must be returned to
614 the custody of the parent or legal custodian.

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



619 (5) The execution of a power of attorney by a parent or
620 legal custodian does not, in the absence of other evidence,
621 constitute abandonment, desertion, abuse, neglect, or any evidence
622 of unfitness as a parent unless the parent or legal custodian
623 fails to take custody of the child or execute a new power of
624 attorney after the one-year time limit, or after a longer time
625 period as allowed for a serving parent, has elapsed. Nothing in
626 this subsection prevents the Department of Child Protection
627 Services or law enforcement from investigating allegations of
628 abuse, abandonment, desertion, neglect or other mistreatment of a
629 child.

630 (6) When the custody of a child is transferred by a power of
631 attorney under this chapter, the child is not considered to have
632 been placed in foster care and the attorney-in-fact will not be
633 subject to any of the requirements or licensing regulations for
634 foster care or other regulations relating to out-of-home care for
635 children and will not be subject to any statutes or regulations
636 dealing with the licensing or regulation of foster care homes.

637 (7) (a) "Serving parent" means a parent who is a member of
638 the Armed Forces of the United States, including any reserve
639 component thereof, or the National Oceanic and Atmospheric
640 Administration Commissioned Officer Corps or the Public Health
641 Service of the United States Department of Health and Human
642 Services detailed by proper authority for duty with the Armed
643 Forces of the United States, or who is required to enter or serve



644 in the active military service of the United States under a call
645 or order of the President of the United States or to serve on
646 state active duty.

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

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

658 (b) The power of attorney must be entered into the
659 Mississippi Youth Court Information Delivery System (MYCIDS) under
660 Section 43-21-351, and must be administratively reviewed by the
661 youth court judge or referee, or a person designated by the youth
662 court judge or referee, to ensure the safety of the child or
663 children who are the subjects of the power of attorney one (1)
664 year after the date of execution.

665 **SECTION 7.** Section 9-17-1, Mississippi Code of 1972, is
666 amended as follows:

667 9-17-1. (1) * * * If a circuit or chancery district
668 contains more than one (1) judge or chancellor, the judges or



669 chancellors may * * * establish jointly the office of court
670 administrator * * * for that judicial district with an order
671 entered on the minutes of each * * * court in * * * that judicial
672 district.

673 The establishment of the office of court administrator shall
674 be accomplished by vote of a majority of the participating
675 judges * * * or chancellors in the * * * district, and such court
676 administrator shall be appointed by vote of a majority of the
677 judges or chancellors and may be removed by a majority vote of the
678 judges or chancellors. In case of a tie vote, the senior judge or
679 senior chancellor shall cast two (2) votes.

680 (2) As an alternative to subsection (1), in a circuit or
681 chancery district containing more than one (1) judge or
682 chancellor, a judge or chancellor independently may establish the
683 office of court administrator for that judge's or chancellor's
684 office with an order entered on the minutes of each court in that
685 judicial district appointing the court administrator to serve at
686 the will and pleasure of the hiring judge or chancellor.

687 (3) In a county court where there is more than one (1)
688 county judge, the county judges may establish jointly the office
689 of court administrator for that county court with an order entered
690 on the minutes of that court.

691 The establishment of the office of court administrator shall
692 be accomplished by vote of a majority of the county judges in the
693 county, and the court administrator shall be appointed by a vote



694 of a majority of the county judges and may be removed by a
695 majority vote of the county judges. In the case of a tie vote,
696 the senior county judge shall cast two (2) votes.

697 (4) In a county court with one (1) county judge, the office
698 of court administrator shall be established with an order entered
699 on the minutes of that court. The appointment of the court
700 administrator shall be accomplished with an order entered on the
701 minutes of the court stating that the court administrator serves
702 at the will and pleasure of the county judge.

703 (5) Before a court administrator appointed under this
704 section may be hired, the Administrative Office of Courts will
705 evaluate the chosen applicant to determine if the applicant meets
706 the minimum requirements of the position of court administrator.

707 (6) The court administrators shall be provided office space
708 in the same manner as such is afforded the circuit judges * * *,
709 chancellors and county judges.

710 (* * *7) The annual salary of * * * the court administrator
711 appointed pursuant to * * * subsection (1) shall be set by vote of
712 the circuit judges * * * or chancellors of * * * the district and
713 shall be submitted to the Administrative Office of Courts for
714 approval pursuant to Section 9-1-36. The salary shall be paid in
715 twelve (12) installments on the last working day of the month by
716 the Administrative Office of Courts after it has been authorized
717 by the participating judges and chancellors and an order has been
718 duly placed on the minutes of each participating court.



719 Any county within a judicial district having a court
720 administrator shall transfer to the Administrative Office of
721 Courts one-twelfth (1/12) of its pro rata cost of authorized
722 compensation, as defined in Section 9-1-36, for the court
723 administrator by the twentieth day of each month for the
724 compensation that is to be paid on the last day of that month.
725 The board of supervisors may transfer the pro rata cost of the
726 county from the funds of that county pursuant to Section
727 9-17-5(2) (b) .

728 (* * *8) The annual salary of each court administrator
729 appointed pursuant to subsection (2) shall be set by the
730 appointing circuit judge or chancellor and shall be submitted to
731 the Administrative Office of Courts for approval pursuant to
732 Section 9-1-36. The salary shall be paid in twelve (12)
733 installments on the last working day of the month by the
734 Administrative Office of Courts after it has been authorized by
735 the appointing judge or chancellor and an order has been duly
736 placed on the minutes of the participating court. A county within
737 a judicial district have a court administrator shall transfer to
738 the Administrative Office of Courts one-twelfth (1/12) of its pro
739 rata cost of authorized compensation, as defined in Section
740 9-1-36, for the court administrator by the twentieth day of each
741 month for the compensation that is to be paid on the last day of
742 that month. The board of supervisors may transfer the pro rata



743 cost of the county from the funds of that county pursuant to
744 Section 9-17-5(2) (b) .

745 (9) The annual salary of the court administrator appointed
746 to subsection (3) shall be set by a vote of the county judges of
747 the county and shall be paid by the county's board of supervisors.

748 (10) The annual salary of the court administrator appointed
749 pursuant to subsection (4) shall be set by the county judge of the
750 county and shall be paid by that county's board of supervisors.

751 (11) For all travel required in the performance of official
752 duties, the court administrator shall be paid mileage by the
753 county in which the duties were performed at the same rate as
754 provided for state employees in Section 25-3-41, Mississippi Code
755 of 1972. The court administrator shall file a certificate of
756 mileage expense incurred during that term with the board of
757 supervisors of each participating county and payment of such
758 expense shall be paid proportionately out of the court
759 administration fund established pursuant to Section 9-17-5.

760 **SECTION 8.** Section 9-1-36, Mississippi Code of 1972, is
761 amended as follows:

762 9-1-36. (1) Each circuit judge and chancellor shall receive
763 an office operating allowance for the expenses of operating the
764 office of the judge, including retaining a law clerk, legal
765 research, stenographic help, stationery, stamps, furniture, office
766 equipment, telephone, office rent and other items and expenditures
767 necessary and incident to maintaining the office of judge. The



768 allowance shall be paid only to the extent of actual expenses
769 incurred by the judge as itemized and certified by the judge to
770 the Supreme Court in the amounts set forth in this subsection;
771 however, the judge may expend sums in excess thereof from the
772 compensation otherwise provided for his office.

773 From and after July 1, 2023, the office operating allowance
774 under this subsection shall be Fifteen Thousand Dollars
775 (\$15,000.00) per annum.

776 (2) In addition to the amounts provided for in subsection
777 (1), there is created a separate office allowance fund for the
778 purpose of providing support staff to judges. This fund shall be
779 managed by the Administrative Office of Courts.

780 (3) Each judge who desires to employ support staff * * *
781 must have each candidate approved by the Administrative Office of
782 Courts * * * before the positions may be filled. The
783 Administrative Office of Courts shall not approve any * * * hire
784 which does not first require the expenditure of the funds in the
785 support staff fund for compensation of any of the support staff
786 before expenditure is authorized of county funds for that purpose.
787 Upon approval by the Administrative Office of Courts, the judge or
788 judges may appoint the employees to the position or positions, and
789 each employee so appointed will work at the will and pleasure of
790 the judge or judges who appointed him but will be employees of the
791 Administrative Office of Courts. Upon approval by the
792 Administrative Office of Courts, the appointment of any support



793 staff shall be evidenced by the entry of an order on the minutes
794 of the court. When support staff is appointed jointly by two (2)
795 or more judges, the order setting forth any appointment shall be
796 entered on the minutes of each participating court.

797 (4) * * * Support staff shall receive compensation pursuant
798 to personnel policies established by the Administrative Office of
799 Courts * * *. Each judge shall be allotted the amount of One
800 Hundred Thousand Dollars (\$100,000.00) per fiscal year * * *
801 for * * * all support staff * * * approved * * * by the
802 Administrative Office of Courts.

803 The Administrative Office of Courts may approve expenditures
804 from the fund for additional equipment for support staff appointed
805 pursuant to this section in any year in which the allocation per
806 judge is sufficient to meet the equipment expense after provision
807 for the compensation of the support staff.

808 (* * *5) For the purposes of this section, the following
809 terms have the meaning ascribed in this subsection unless the
810 context clearly requires otherwise:

811 (a) "Judges" means circuit judges and chancellors, or
812 any combination thereof.

813 (b) "Support staff" means court administrators, law
814 clerks, legal research assistants or secretaries, or any
815 combination thereof, but shall not mean school attendance
816 officers.



817 (c) "Compensation" means the gross salary plus all
818 amounts paid for benefits or otherwise as a result of employment
819 or as required by employment; however, only salary earned for
820 services rendered shall be reported and credited for Public
821 Employees' Retirement System purposes. Amounts paid for benefits
822 or otherwise, including reimbursement for travel expenses, shall
823 not be reported or credited for retirement purposes.

824 (d) "Law clerk" means a clerk hired to assist a judge
825 or judges who has a law degree or who is a full-time law student
826 who is making satisfactory progress at an accredited law school.

827 (* * *6) Title to all tangible property, excepting stamps,
828 stationery and minor expendable office supplies, procured with
829 funds authorized by this section, shall be and forever remain in
830 the State of Mississippi to be used by the circuit judge or
831 chancellor during the term of his office and thereafter by his
832 successors.

833 (* * *7) Any circuit judge or chancellor who did not have a
834 primary office provided by the county on March 1, 1988, shall be
835 allowed an additional Seven Thousand Dollars (\$7,000.00) per annum
836 to defray the actual expenses incurred by the judge or chancellor
837 in maintaining an office; however, any circuit judge or chancellor
838 who had a primary office provided by the county on March 1, 1988,
839 and who vacated the office space after that date for a legitimate
840 reason, as determined by the Department of Finance and
841 Administration, shall be allowed the additional office expense



842 allowance provided under this subsection. The county in which a
843 circuit judge or chancellor sits is authorized to provide funds
844 from any available source to assist in defraying the actual
845 expenses to maintain an office.

846 (* * *8) The Supreme Court, through the Administrative
847 Office of Courts, shall submit to the Department of Finance and
848 Administration the itemized and certified expenses for office
849 operating allowances that are directed to the court pursuant to
850 this section.

851 (* * *9) The Supreme Court, through the Administrative
852 Office of Courts, shall have the power to adopt rules and
853 regulations regarding the administration of the office operating
854 allowance authorized pursuant to this section.

855 **SECTION 9.** This act shall take effect and be in force from
856 and after July 1, 2024, and shall stand repealed on June 30, 2024.

