

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2774

1 AN ACT TO BRING FORWARD SECTIONS 43-21-101, 43-21-103,
2 43-21-105, 43-21-107, 43-21-109, 43-21-111, 43-21-113, 43-21-115,
3 43-21-117, 43-21-119, 43-21-121, 43-21-123, 43-21-125 AND
4 43-21-127, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
5 ORGANIZATION, ADMINISTRATION AND OPERATION OF THE YOUTH COURT, FOR
6 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS
7 43-21-151, 43-21-153, 43-21-155, 43-21-157 AND 43-21-159,
8 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE JURISDICTION OF
9 YOUTH COURT, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
10 SECTION 43-21-205, MISSISSIPPI CODE OF 1972, WHICH RELATES TO
11 COURT COSTS AND FEES FOR YOUTH COURT, FOR THE PURPOSE OF POSSIBLE
12 AMENDMENT; TO BRING FORWARD SECTION 43-21-261, MISSISSIPPI CODE OF
13 1972, WHICH PROVIDES FOR THE DISCLOSURE OF CERTAIN RECORDS, FOR
14 THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS
15 43-21-351, 43-21-353, 43-21-354, 43-21-355 AND 43-21-357,
16 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR INTAKE INTO YOUTH
17 COURT, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
18 SECTION 43-21-651, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
19 APPEALS FROM YOUTH COURT, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
20 BRING FORWARD SECTIONS 43-21-701 AND 43-21-703, MISSISSIPPI CODE
21 OF 1972, WHICH PROVIDES FOR THE MISSISSIPPI COMMISSION ON A
22 UNIFORM YOUTH COURT SYSTEM AND PROCEDURES, FOR PURPOSE OF POSSIBLE
23 AMENDMENT; TO BRING FORWARD SECTION 43-21-753, MISSISSIPPI CODE OF
24 1972, WHICH PROVIDES FOR A TEEN COURT PROGRAM, FOR PURPOSES OF
25 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 43-21-801,
26 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE YOUTH COURT
27 SUPPORT FUND, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
28 SECTIONS 9-5-1, 9-5-3, 9-5-5, 9-5-7, 9-5-9, 9-5-11, 9-5-13,
29 9-5-17, 9-5-19, 9-5-21, 9-5-22, 9-5-23, 9-5-25, 9-5-27, 9-5-29,
30 9-5-31, 9-5-33, 9-5-35, 9-5-36, 9-5-37, 9-5-38, 9-5-39, 9-5-40,
31 9-5-41, 9-5-43, 9-5-45, 9-5-47, 9-5-49, 9-5-50, 9-5-51, 9-5-53,
32 9-5-54, 9-5-55, 9-5-57 AND 9-5-58, MISSISSIPPI CODE OF 1972, WHICH
33 PROVIDE FOR CHANCERY COURT JUDGES, DISTRICTS AND TERMS OF COURT
34 FOR DISTRICTS ONE TO TWENTY, FOR PURPOSES OF POSSIBLE AMENDMENT;



35 TO BRING FORWARD SECTION 9-5-255, MISSISSIPPI CODE OF 1972, WHICH
36 PROVIDES FOR FAMILY MASTERS, FOR PURPOSES OF POSSIBLE AMENDMENT;
37 TO BRING FORWARD SECTIONS 9-9-14, 9-9-16, 9-9-17, 9-9-18,
38 9-9-18.1, 9-9-18.2, 9-9-18.3, 9-9-18.5 AND 9-9-18.6, MISSISSIPPI
39 CODE OF 1972, WHICH PROVIDE FOR ADDITIONAL COUNTY COURT JUDGES IN
40 CERTAIN COUNTIES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING
41 FORWARD SECTION 9-9-36, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES
42 ADDITIONAL COUNTY COURT JUDGES IN OVERCROWDED DOCKETS, FOR
43 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 9-9-21,
44 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE JURISDICTION OF
45 COUNTY COURT, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
46 PURPOSES.

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

48 **SECTION 1.** Section 43-21-101, Mississippi Code of 1972, is
49 brought forward as follows:

50 43-21-101. This chapter shall be cited as the "Youth Court
51 Law."

52 **SECTION 2.** Section 43-21-103, Mississippi Code of 1972, is
53 brought forward as follows:

54 43-21-103. This chapter shall be liberally construed to the
55 end that each child coming within the jurisdiction of the youth
56 court shall become a responsible, accountable and productive
57 citizen, and that each such child shall receive such care,
58 guidance and control, preferably in such child's own home as is
59 conducive toward that end and is in the state's and the child's
60 best interest. It is the public policy of this state that the
61 parents of each child shall be primarily responsible for the care,
62 support, education and welfare of such children; however, when it
63 is necessary that a child be removed from the control of such
64 child's parents, the youth court shall secure proper care for such
65 child.



66 **SECTION 3.** Section 43-21-105, Mississippi Code of 1972, is
67 brought forward as follows:

68 43-21-105. The following words and phrases, for purposes of
69 this chapter, shall have the meanings ascribed herein unless the
70 context clearly otherwise requires:

71 (a) "Youth court" means the Youth Court Division.

72 (b) "Judge" means the judge of the Youth Court
73 Division.

74 (c) "Designee" means any person that the judge appoints
75 to perform a duty which this chapter requires to be done by the
76 judge or his designee. The judge may not appoint a person who is
77 involved in law enforcement or who is an employee of the
78 Mississippi Department of Human Services or the Mississippi
79 Department of Child Protection Services to be his designee.

80 (d) "Child" and "youth" are synonymous, and each means
81 a person who has not reached his eighteenth birthday. A child who
82 has not reached his eighteenth birthday and is on active duty for
83 a branch of the armed services or is married is not considered a
84 "child" or "youth" for the purposes of this chapter.

85 (e) "Parent" means the father or mother to whom the
86 child has been born, or the father or mother by whom the child has
87 been legally adopted.

88 (f) "Guardian" means a court-appointed guardian of the
89 person of a child.



90 (g) "Custodian" means any person having the present
91 care or custody of a child whether such person be a parent or
92 otherwise.

93 (h) "Legal custodian" means a court-appointed custodian
94 of the child.

95 (i) "Delinquent child" means a child who has reached
96 his tenth birthday and who has committed a delinquent act.

97 (j) "Delinquent act" is any act, which if committed by
98 an adult, is designated as a crime under state or federal law, or
99 municipal or county ordinance other than offenses punishable by
100 life imprisonment or death. A delinquent act includes escape from
101 lawful detention and violations of the Uniform Controlled
102 Substances Law and violent behavior.

103 (k) "Child in need of supervision" means a child who
104 has reached his seventh birthday and is in need of treatment or
105 rehabilitation because the child:

106 (i) Is habitually disobedient of reasonable and
107 lawful commands of his parent, guardian or custodian and is
108 ungovernable; or

109 (ii) While being required to attend school,
110 willfully and habitually violates the rules thereof or willfully
111 and habitually absents himself therefrom; or

112 (iii) Runs away from home without good cause; or

113 (iv) Has committed a delinquent act or acts.

114 (l) "Neglected child" means a child:



115 (i) Whose parent, guardian or custodian or any
116 person responsible for his care or support, neglects or refuses,
117 when able so to do, to provide for him proper and necessary care
118 or support, or education as required by law, or medical, surgical,
119 or other care necessary for his well-being; however, a parent who
120 withholds medical treatment from any child who in good faith is
121 under treatment by spiritual means alone through prayer in
122 accordance with the tenets and practices of a recognized church or
123 religious denomination by a duly accredited practitioner thereof
124 shall not, for that reason alone, be considered to be neglectful
125 under any provision of this chapter; or

126 (ii) Who is otherwise without proper care,
127 custody, supervision or support; or

128 (iii) Who, for any reason, lacks the special care
129 made necessary for him by reason of his mental condition, whether
130 the mental condition is having mental illness or having an
131 intellectual disability; or

132 (iv) Who, for any reason, lacks the care necessary
133 for his health, morals or well-being.

134 (m) "Abused child" means a child whose parent, guardian
135 or custodian or any person responsible for his care or support,
136 whether legally obligated to do so or not, has caused or allowed
137 to be caused, upon the child, sexual abuse, sexual exploitation,
138 commercial sexual exploitation, emotional abuse, mental injury,
139 nonaccidental physical injury or other maltreatment. However,



140 physical discipline, including spanking, performed on a child by a
141 parent, guardian or custodian in a reasonable manner shall not be
142 deemed abuse under this section. "Abused child" also means a
143 child who is or has been trafficked within the meaning of the
144 Mississippi Human Trafficking Act by any person, without regard to
145 the relationship of the person to the child.

146 (n) "Sexual abuse" means obscene or pornographic
147 photographing, filming or depiction of children for commercial
148 purposes, or the rape, molestation, incest, prostitution or other
149 such forms of sexual exploitation of children under circumstances
150 which indicate that the child's health or welfare is harmed or
151 threatened.

152 (o) "A child in need of special care" means a child
153 with any mental or physical illness that cannot be treated with
154 the dispositional alternatives ordinarily available to the youth
155 court.

156 (p) A "dependent child" means any child who is not a
157 child in need of supervision, a delinquent child, an abused child
158 or a neglected child, and which child has been voluntarily placed
159 in the custody of the Department of Child Protection Services by
160 his parent, guardian or custodian.

161 (q) "Custody" means the physical possession of the
162 child by any person.

163 (r) "Legal custody" means the legal status created by a
164 court order which gives the legal custodian the responsibilities



165 of physical possession of the child and the duty to provide him
166 with food, shelter, education and reasonable medical care, all
167 subject to residual rights and responsibilities of the parent or
168 guardian of the person.

169 (s) "Detention" means the care of children in
170 physically restrictive facilities.

171 (t) "Shelter" means care of children in physically
172 nonrestrictive facilities.

173 (u) "Records involving children" means any of the
174 following from which the child can be identified:

175 (i) All youth court records as defined in Section
176 43-21-251;

177 (ii) All forensic interviews conducted by a child
178 advocacy center in abuse and neglect investigations;

179 (iii) All law enforcement records as defined in
180 Section 43-21-255;

181 (iv) All agency records as defined in Section
182 43-21-257; and

183 (v) All other documents maintained by any
184 representative of the state, county, municipality or other public
185 agency insofar as they relate to the apprehension, custody,
186 adjudication or disposition of a child who is the subject of a
187 youth court cause.

188 (v) "Any person responsible for care or support" means
189 the person who is providing for the child at a given time. This



190 term shall include, but is not limited to, stepparents, foster
191 parents, relatives, nonlicensed babysitters or other similar
192 persons responsible for a child and staff of residential care
193 facilities and group homes that are licensed by the Department of
194 Human Services or the Department of Child Protection Services.

195 (w) The singular includes the plural, the plural the
196 singular and the masculine the feminine when consistent with the
197 intent of this chapter.

198 (x) "Out-of-home" setting means the temporary
199 supervision or care of children by the staff of licensed day care
200 centers, the staff of public, private and state schools, the staff
201 of juvenile detention facilities, the staff of unlicensed
202 residential care facilities and group homes and the staff of, or
203 individuals representing, churches, civic or social organizations.

204 (y) "Durable legal custody" means the legal status
205 created by a court order which gives the durable legal custodian
206 the responsibilities of physical possession of the child and the
207 duty to provide him with care, nurture, welfare, food, shelter,
208 education and reasonable medical care. All these duties as
209 enumerated are subject to the residual rights and responsibilities
210 of the natural parent(s) or guardian(s) of the child or children.

211 (z) "Status offense" means conduct subject to
212 adjudication by the youth court that would not be a crime if
213 committed by an adult.



214 (aa) "Financially able" means a parent or child who is
215 ineligible for a court-appointed attorney.

216 (bb) "Assessment" means an individualized examination
217 of a child to determine the child's psychosocial needs and
218 problems, including the type and extent of any mental health,
219 substance abuse or co-occurring mental health and substance abuse
220 disorders and recommendations for treatment. The term includes,
221 but is not limited to, a drug and alcohol, psychological or
222 psychiatric evaluation, records review, clinical interview or the
223 administration of a formal test and instrument.

224 (cc) "Screening" means a process, with or without the
225 administration of a formal instrument, that is designed to
226 identify a child who is at increased risk of having mental health,
227 substance abuse or co-occurring mental health and substance abuse
228 disorders that warrant immediate attention, intervention or more
229 comprehensive assessment.

230 (dd) "Durable legal relative guardianship" means the
231 legal status created by a youth court order that conveys the
232 physical and legal custody of a child or children by durable legal
233 guardianship to a relative or fictive kin who is licensed as a
234 foster or resource parent.

235 (ee) "Relative" means a person related to the child by
236 affinity or consanguinity within the third degree.

237 (ff) "Fictive kin" means a person not related to the
238 child legally or biologically but who is considered a relative due



239 to a significant, familial-like and ongoing relationship with the
240 child and family.

241 (gg) "Reasonable efforts" means the exercise of
242 reasonable care and due diligence by the Department of Human
243 Services, the Department of Child Protection Services, or any
244 other appropriate entity or person to use appropriate and
245 available services to prevent the unnecessary removal of the child
246 from the home or provide other services related to meeting the
247 needs of the child and the parents.

248 (hh) "Commercial sexual exploitation" means any sexual
249 act or crime of a sexual nature, which is committed against a
250 child for financial or economic gain, to obtain a thing of value
251 for quid pro quo exchange of property or for any other purpose.

252 **SECTION 4.** Section 43-21-107, Mississippi Code of 1972, is
253 brought forward as follows:

254 43-21-107. (1) A youth court division is hereby created as
255 a division of the county court of each county now or hereafter
256 having a county court, and the county judge shall be the judge of
257 the youth court unless another judge is named by the county judge
258 as provided by this chapter.

259 (2) A youth court division is hereby created as a division
260 of the chancery court of each county in which no county court is
261 maintained and any chancellor within a chancery court district
262 shall be the judge of the youth court of that county within such
263 chancery court district unless another judge is named by the



264 senior chancellor of the county or chancery court district as
265 provided by this chapter.

266 (3) In any county where there is no county court or family
267 court on July 1, 1979, there may be created a youth court division
268 as a division of the municipal court in any city if the governing
269 authorities of such city adopt a resolution to that effect. The
270 cost of the youth court division of the municipal court shall be
271 paid from any funds available to the municipality excluding county
272 funds. No additional municipal youth court shall be formed after
273 January 1, 2007.

274 **SECTION 5.** Section 43-21-109, Mississippi Code of 1972, is
275 brought forward as follows:

276 43-21-109. Any county or municipality may separately or
277 jointly establish and maintain detention facilities, shelter
278 facilities, foster homes, or any other facility necessary to carry
279 on the work of the youth court. For said purposes, the county or
280 municipality may acquire necessary land by condemnation, by
281 purchase or donation, may issue bonds as now provided by law for
282 the purpose of purchasing, constructing, remodeling or maintaining
283 such facilities; may expend necessary funds from the general fund
284 to construct and maintain such facilities, and may employ
285 architects to design or remodel such facilities. Such facilities
286 may include a place for housing youth court facilities and
287 personnel.



288 **SECTION 6.** Section 43-21-111, Mississippi Code of 1972, is
289 brought forward as follows:

290 43-21-111. (1) In any county not having a county court or
291 family court the judge may appoint as provided in Section
292 43-21-123 regular or special referees who shall be attorneys at
293 law and members of the bar in good standing to act in cases
294 concerning children within the jurisdiction of the youth court,
295 and a regular referee shall hold office until removed by the
296 judge. The requirement that regular or special referees appointed
297 pursuant to this subsection be attorneys shall apply only to
298 regular or special referees who were not first appointed regular
299 or special referees prior to July 1, 1991.

300 (2) Any referee appointed pursuant to subsection (1) of this
301 section shall be required to receive judicial training approved by
302 the Mississippi Judicial College and shall be required to receive
303 regular annual continuing education in the field of juvenile
304 justice. The amount of judicial training and annual continuing
305 education which shall be satisfactory to fulfill the requirements
306 of this section shall conform with the amount prescribed by the
307 Rules and Regulations for Mandatory Continuing Judicial Education
308 promulgated by the Supreme Court. The Administrative Office of
309 Courts shall maintain a roll of referees appointed under this
310 section, shall enforce the provisions of this subsection and shall
311 maintain records on all such referees regarding such training.
312 Should a referee miss two (2) consecutive training sessions



313 sponsored or approved by the Mississippi Judicial College as
314 required by this subsection or fail to attend one (1) such
315 training session within six (6) months of their initial
316 appointment as a referee, the referee shall be disqualified to
317 serve and be immediately removed as a referee and another member
318 of the bar shall be appointed as provided in this section.

319 (3) The judge may direct that hearings in any case or class
320 of cases be conducted in the first instance by the referee. The
321 judge may also delegate his own administrative responsibilities to
322 the referee.

323 (4) All hearings authorized to be heard by a referee shall
324 proceed in the same manner as hearings before the youth court
325 judge. A referee shall possess all powers and perform all the
326 duties of the youth court judge in the hearings authorized to be
327 heard by the referee.

328 (5) An order entered by the referee shall be mailed
329 immediately to all parties and their counsel. A rehearing by the
330 judge shall be allowed if any party files a written motion for a
331 rehearing or on the court's own motion within three (3) days after
332 notice of referee's order. The youth court may enlarge the time
333 for filing a motion for a rehearing for good cause shown. Any
334 rehearing shall be upon the record of the hearing before the
335 referee, but additional evidence may be admitted in the discretion
336 of the judge. A motion for a rehearing shall not act as a



337 supersedeas of the referee's order, unless the judge shall so
338 order.

339 (6) The salary for the referee shall be fixed on order of
340 the judge as provided in Section 43-21-123 and shall be paid by
341 the county out of any available funds budgeted for the youth court
342 by the board of supervisors.

343 (7) Upon request of the boards of supervisors of two (2) or
344 more counties, the judge of the chancery court may appoint a
345 suitable person as referee to two (2) or more counties within his
346 district, and the payment of salary may be divided in such ratio
347 as may be agreed upon by the boards of supervisors.

348 **SECTION 7.** Section 43-21-113, Mississippi Code of 1972, is
349 brought forward as follows:

350 43-21-113. When a judge shall certify in writing that he is
351 unable to serve because of illness or absence from the county or
352 district, the judge may appoint as provided in Section 43-21-123 a
353 special judge to serve in his stead. A special judge shall
354 possess all the powers and perform all the duties of the regular
355 judge. The compensation for the special judge shall be fixed on
356 order of the judge as provided in Section 43-21-123 on the basis
357 of a statement as to the time and expense incurred by the special
358 judge and shall be paid by the county out of any available funds.
359 In the case of recusal, a judge shall be selected as provided by
360 law.



361 **SECTION 8.** Section 43-21-115, Mississippi Code of 1972, is
362 brought forward as follows:

363 43-21-115. In every youth court division the judge shall
364 appoint as provided in Section 43-21-123 one or more persons to
365 function as the intake unit for the youth court division. The
366 youth court intake unit shall perform all duties specified by this
367 chapter. If the person serving as the youth court intake unit is
368 not already a salaried public employee, the salary for such person
369 shall be fixed on order of the judge as provided in Section
370 43-21-123 and shall be paid by the county or municipality, as the
371 case may be, out of any available funds budgeted for the youth
372 court by the board of supervisors.

373 **SECTION 9.** Section 43-21-117, Mississippi Code of 1972, is
374 brought forward as follows:

375 43-21-117. (1) The youth court prosecutor shall represent
376 the petitioner in all proceedings in the youth court.

377 (2) The county prosecuting attorney shall serve as the youth
378 court prosecutor; however, if funds are available pursuant to
379 Section 43-21-123, the court may designate, as provided in
380 subsection (3) of this section, a prosecutor or prosecutors in
381 lieu of or in addition to the county prosecuting attorney. Where
382 there is a municipal youth court division, the city prosecutor
383 shall serve as youth court prosecutor; provided that the district
384 attorney may participate in transfer proceedings.



385 (3) The judge may designate as provided in Section 43-21-123
386 some suitable attorney or attorneys to serve as youth court
387 prosecutor or prosecutors in lieu of or in conjunction with the
388 youth court prosecutor provided in subsection (2) of this section.
389 The designated youth court prosecutor or prosecutors shall be paid
390 a fee or salary fixed on order of the judge as provided in Section
391 43-21-123 and shall be paid by the county out of any available
392 funds budgeted for the youth court by the board of supervisors,
393 unless the designated youth court prosecutor or prosecutors serves
394 in a municipal youth court division, in which case he shall be
395 paid a fee or salary fixed on order of the judge from the funds
396 available to the municipality.

397 (4) All youth court prosecutors and county prosecuting
398 attorneys who serve as youth court prosecutors shall be required
399 to receive juvenile justice training approved by the Mississippi
400 Attorney General's office and regular annual continuing education
401 in the field of juvenile justice. The Mississippi Attorney
402 General's office shall determine the amount of juvenile justice
403 training and annual continuing education which shall be
404 satisfactory to fulfill the requirements of this subsection. The
405 Administrative Office of Courts shall maintain a roll of youth
406 court prosecutors, shall enforce the provisions of this subsection
407 and shall maintain records on all such youth court prosecutors
408 regarding such training. Should a youth court prosecutor miss two
409 (2) consecutive training sessions sponsored by the Mississippi



410 Attorney General's office as required by this subsection or fail
411 to attend one (1) such training session within six (6) months of
412 their designation as youth court prosecutor, the youth court
413 prosecutor shall be disqualified to serve and be immediately
414 removed from the office of youth court prosecutor and another
415 youth court prosecutor shall be designated.

416 **SECTION 10.** Section 43-21-119, Mississippi Code of 1972, is
417 brought forward as follows:

418 43-21-119. The judge or his designee shall appoint as
419 provided in Section 43-21-123 sufficient personnel, responsible to
420 and under the control of the youth court, to carry on the
421 professional, clerical and other work of the youth court. The cost
422 of these persons appointed by the youth court shall be paid as
423 provided in Section 43-21-123 out of any available funds budgeted
424 for the youth court by the board of supervisors.

425 **SECTION 11.** Section 43-21-121, Mississippi Code of 1972, is
426 brought forward as follows:

427 43-21-121. (1) The youth court shall appoint a guardian ad
428 litem for the child:

429 (a) When a child has no parent, guardian or custodian;

430 (b) When the youth court cannot acquire personal
431 jurisdiction over a parent, a guardian or a custodian;

432 (c) When the parent is a minor or a person of unsound
433 mind;



434 (d) When the parent is indifferent to the interest of
435 the child or if the interests of the child and the parent,
436 considered in the context of the cause, appear to conflict;

437 (e) In every case involving an abused or neglected
438 child which results in a judicial proceeding; or

439 (f) In any other instance where the youth court finds
440 appointment of a guardian ad litem to be in the best interest of
441 the child.

442 (2) The guardian ad litem shall be appointed by the court
443 when custody is ordered or at the first judicial hearing regarding
444 the case, whichever occurs first.

445 (3) In addition to all other duties required by law, a
446 guardian ad litem shall have the duty to protect the interest of a
447 child for whom he has been appointed guardian ad litem. The
448 guardian ad litem shall investigate, make recommendations to the
449 court or enter reports as necessary to hold paramount the child's
450 best interest. The guardian ad litem is not an adversary party
451 and the court shall ensure that guardians ad litem perform their
452 duties properly and in the best interest of their wards. The
453 guardian ad litem shall be a competent person who has no adverse
454 interest to the minor. The court shall ensure that the guardian
455 ad litem is adequately instructed on the proper performance of his
456 duties.

457 (4) The court, including a county court serving as a youth
458 court, may appoint either a suitable attorney or a suitable layman



459 as guardian ad litem. In cases where the court appoints a layman
460 as guardian ad litem, the court shall also appoint an attorney to
461 represent the child. From and after January 1, 1999, in order to
462 be eligible for an appointment as a guardian ad litem, such
463 attorney or layperson must have received child protection and
464 juvenile justice training provided by or approved by the
465 Mississippi Judicial College within the year immediately preceding
466 such appointment. The Mississippi Judicial College shall
467 determine the amount of child protection and juvenile justice
468 training which shall be satisfactory to fulfill the requirements
469 of this section. The Administrative Office of Courts shall
470 maintain a roll of all attorneys and laymen eligible to be
471 appointed as a guardian ad litem under this section and shall
472 enforce the provisions of this subsection.

473 (5) Upon appointment of a guardian ad litem, the youth court
474 shall continue any pending proceedings for a reasonable time to
475 allow the guardian ad litem to familiarize himself with the
476 matter, consult with counsel and prepare his participation in the
477 cause. The youth court shall issue an order of assignment that
478 grants the guardian ad litem authority to review all relevant
479 documents concerning the minor child and to interview all parties
480 and witnesses involved in proceedings concerning the minor child
481 for whom the guardian ad litem is appointed.

482 (6) Upon order of the youth court, the guardian ad litem
483 shall be paid a reasonable fee as determined by the youth court



484 judge or referee out of the county general fund as provided under
485 Section 43-21-123. To be eligible for such fee, the guardian ad
486 litem shall submit an accounting of the time spent in performance
487 of his duties to the court.

488 (7) (a) The court, in its sound discretion, may appoint a
489 volunteer trained layperson to assist children subject to the
490 provisions of this section in addition to the appointment of a
491 guardian ad litem. If the court utilizes his or her discretion as
492 prescribed under this subsection, a volunteer Court-Appointed
493 Special Advocate (CASA) shall be appointed from a program that
494 supervises the volunteer and meets all state and national CASA
495 standards to advocate for the best interests of children in abuse
496 and neglect proceedings. To accomplish the assignment of a CASA
497 volunteer, the court shall issue an order of assignment that shall
498 grant the CASA volunteer the authority, equal to that of the
499 guardian ad litem, to review all relevant documents and to
500 interview all parties and witnesses involved in the proceeding in
501 which he or she is appointed. Except as otherwise ordered by the
502 court, the assignment of a CASA volunteer for a child shall
503 include subsequent proceedings through permanent placement of the
504 child.

505 (b) Before assigning a CASA volunteer as prescribed
506 under this subsection, the youth court judge shall determine if
507 the volunteer has sufficient qualifications, training and ability
508 to serve as a CASA volunteer, including his or her ability to



509 represent and advocate for the best interests of children assigned
510 to him or her. No volunteer shall be assigned until a
511 comprehensive criminal background check has been conducted.

512 All CASA volunteers shall:

513 (i) Be sworn in by a judge of the court;

514 (ii) Swear or affirm to abide by all laws,
515 regulations, and orders of the court;

516 (iii) Swear or affirm to advocate what he or she
517 perceives to be in the best interests of the child for whom he or
518 she is assigned in all matters pending before the court;

519 (iv) Provide independent, factual information to
520 the court regarding the children and cases to which they are
521 assigned;

522 (v) Advocate on behalf of the children involved in
523 the cases to which they are assigned what they perceive to be in
524 the best interests of the children; and

525 (vi) Monitor proceedings in cases to which they
526 have been assigned and advise and assist the court in its
527 determination of the best interests of the children involved.

528 (c) Regarding any case to which a CASA volunteer has
529 been assigned, the CASA volunteer:

530 (i) Shall be notified by the court of all court
531 proceedings and hearings of any kind pertaining to the child;

532 (ii) Shall be notified by the Department of Child
533 Protection Services of all administrative review hearings;



534 (iii) Shall be entitled to attend all court
535 proceedings and hearings of any kind pertaining to the child;

536 (iv) May be called as a witness in the proceedings
537 by any party or by the court and may request of the court the
538 opportunity to appear as a witness; and

539 (v) Shall be given access to all portions of the
540 court record relating to proceedings pertaining to the child and
541 the child's family.

542 (d) Upon application to the court and notice to all
543 parties, the court shall grant the CASA volunteer access to other
544 information, including the department records as provided in
545 Section 43-21-261, relating to the child and the child's family
546 and to other matters involved in the proceeding in which he or she
547 is appointed. All records and information requested or reviewed
548 by the CASA volunteer in the course of his or her assignment shall
549 be deemed confidential and shall not be disclosed by him except
550 pursuant to court order. All records and information shall only
551 be disclosed as directed by court order and shall be disclosed as
552 directed by court order and shall be subject to whatever
553 protective order the court deems appropriate.

554 **SECTION 12.** Section 43-21-123, Mississippi Code of 1972, is
555 brought forward as follows:

556 43-21-123. Except for expenses provided by state funds
557 and/or other monies, the board of supervisors, or the municipal
558 governing board where there is a municipal youth court, shall



559 adequately provide funds for the operation of the youth court
560 division of the chancery court in conjunction with the regular
561 chancery court budget, or the county or family courts where said
562 courts are constituted. In preparation for said funding, on an
563 annual basis at the time requested, the youth court judge or
564 administrator shall prepare and submit to the board of
565 supervisors, or the municipal governing board of the youth court
566 wherever the youth court is a municipal court, an annual budget
567 which will identify the number, staff position, title and amount
568 of annual or monthly compensation of each position as well as
569 provide for other expenditures necessary to the functioning and
570 operation of the youth court. When the budget of the youth court
571 or youth court judge is approved by the board of supervisors or
572 the governing authority of the municipality, then the youth court
573 or youth court judge may employ such persons as provided in the
574 budget from time to time.

575 The board of supervisors of any county in which there is
576 located a youth court, and the governing authority of any
577 municipality in which there is located a municipal youth court,
578 are each authorized to reimburse the youth court judges and other
579 youth court employees or personnel for reasonable travel and
580 expenses incurred in the performance of their duties and in
581 attending educational meetings offering professional training to
582 such persons as budgeted.



583 **SECTION 13.** Section 43-21-125, Mississippi Code of 1972, is
584 brought forward as follows:

585 43-21-125. (1) There shall be a Mississippi Council of
586 Youth Court Judges which shall be the official organization of the
587 judges having youth court jurisdiction in this state. The
588 membership of the council shall consist of all the judges and
589 referees of youth courts in the State of Mississippi.

590 (2) The Mississippi Council of Youth Court Judges is
591 authorized to adopt and, from time to time, amend such rules,
592 regulations or bylaws as it considers necessary to the conduct of
593 its affairs.

594 (3) The council may elect officers and provide for such
595 meetings of the council as it deems necessary. The council shall
596 meet at least annually for the consideration of:

597 (a) any and all matters pertaining to the discharge of
598 the official duties and obligations of its members; and

599 (b) problems that have arisen in connection with the
600 operation of the youth courts in any county or in all counties in
601 order to improve the administration of juvenile justice in the
602 state.

603 (4) The council shall publish and submit to the governor,
604 the chief justice of the supreme court, and the Mississippi
605 Judicial Council an annual report of the operations which shall
606 include financial and statistical data and may include suggestions
607 and recommendations for legislation.



608 (5) The council is authorized to receive and expend any
609 funds which may become available from the federal government to
610 carry out any of the purposes of this chapter, and to this end the
611 council may meet any federal requirements not contrary to state
612 law which may be conditions precedent to receiving such federal
613 funds.

614 (6) The council may cooperate with the federal government in
615 a program for training personnel employed or preparing for
616 employment by the youth court and may receive and expend funds
617 from federal or state sources or from private donations for such
618 purposes. The council may contract with public or nonprofit
619 institutions of higher learning for the training of such
620 personnel, may conduct short-term training courses of its own, may
621 hire experts on a temporary basis for such purpose and may
622 cooperate with the department of youth services or other state
623 departments or agencies in personnel training programs.

624 **SECTION 14.** Section 43-21-127, Mississippi Code of 1972, is
625 brought forward as follows:

626 43-21-127. It is hereby made the duty of every public
627 official or department to render all assistance and cooperation
628 within his or its jurisdictional power which may further the
629 objects of this chapter. The youth court is authorized to seek the
630 cooperation of all societies, organizations or agencies having for
631 their object the protection or aid of children.



632 **SECTION 15.** Section 43-21-151, Mississippi Code of 1972, is
633 brought forward as follows:

634 43-21-151. (1) The youth court shall have exclusive
635 original jurisdiction in all proceedings concerning a delinquent
636 child, a child in need of supervision, a neglected child, an
637 abused child or a dependent child except in the following
638 circumstances:

639 (a) Any act attempted or committed by a child, which if
640 committed by an adult would be punishable under state or federal
641 law by life imprisonment or death, will be in the original
642 jurisdiction of the circuit court;

643 (b) Any act attempted or committed by a child with the
644 use of a deadly weapon, the carrying of which concealed is
645 prohibited by Section 97-37-1, or a shotgun or a rifle, which
646 would be a felony if committed by an adult, will be in the
647 original jurisdiction of the circuit court; and

648 (c) When a charge of abuse of a child first arises in
649 the course of a custody action between the parents of the child
650 already pending in the chancery court and no notice of such abuse
651 was provided prior to such chancery proceedings, the chancery
652 court may proceed with the investigation, hearing and
653 determination of such abuse charge as a part of its hearing and
654 determination of the custody issue as between the parents,
655 notwithstanding the other provisions of the Youth Court Law. The
656 proceedings in chancery court on the abuse charge shall be



657 confidential in the same manner as provided in youth court
658 proceedings.

659 When a child is expelled from the public schools, the youth
660 court shall be notified of the act of expulsion and the act or
661 acts constituting the basis for expulsion.

662 (2) Jurisdiction of the child in the cause shall attach at
663 the time of the offense and shall continue thereafter for that
664 offense until the child's twentieth birthday, unless sooner
665 terminated by order of the youth court. The youth court shall not
666 have jurisdiction over offenses committed by a child on or after
667 his eighteenth birthday.

668 (3) No child who has not reached his thirteenth birthday
669 shall be held criminally responsible or criminally prosecuted for
670 a misdemeanor or felony; however, the parent, guardian or
671 custodian of such child may be civilly liable for any criminal
672 acts of such child. No child under the jurisdiction of the youth
673 court shall be held criminally responsible or criminally
674 prosecuted by any court for any act designated as a delinquent
675 act, unless jurisdiction is transferred to another court under
676 Section 43-21-157.

677 (4) The youth court shall also have jurisdiction of offenses
678 committed by a child which have been transferred to the youth
679 court by an order of a circuit court of this state having original
680 jurisdiction of the offense, as provided by Section 43-21-159.



681 (5) The youth court shall regulate and approve the use of
682 teen court as provided in Section 43-21-753.

683 (6) Nothing in this section shall prevent the circuit court
684 from assuming jurisdiction over a youth who has committed an act
685 of delinquency upon a youth court's ruling that a transfer is
686 appropriate pursuant to Section 43-21-157.

687 **SECTION 16.** Section 43-21-153, Mississippi Code of 1972, is
688 brought forward as follows:

689 43-21-153. (1) The youth court shall have full power and
690 authority to issue all writs and processes including injunctions
691 necessary to the exercise of jurisdiction and to carrying out the
692 purpose of this chapter.

693 (2) Any person who willfully violates, neglects or refuses to obey,
694 perform or comply with any order of the youth court shall be in contempt of
695 court and punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by
696 imprisonment in jail not to exceed ninety (90) days, or by both such fine and
697 imprisonment.

698 **SECTION 17.** Section 43-21-155, Mississippi Code of 1972, is
699 brought forward as follows:

700 43-21-155. (1) If a child is alleged to be a delinquent
701 child or a child in need of supervision, the proceedings shall be
702 commenced in any county where any of the alleged acts are said to
703 have occurred. After adjudication, the youth court may, in the
704 best interest of the child, transfer the case at any stage of the
705 proceeding for disposition to the county where the child resides



706 or to a county where a youth court has previously acquired
707 jurisdiction.

708 (2) If a child is alleged to be an abused or neglected
709 child, the proceedings shall be commenced in the county where the
710 child's custodian resides or in the county where the child is
711 present when the report is made to the intake unit. After
712 adjudication the youth court may transfer the case at any stage of
713 the proceeding for disposition to the county where the child
714 resides or to a county where a youth court has previously acquired
715 jurisdiction if that is in the best interest of the child.

716 **SECTION 18.** Section 43-21-157, Mississippi Code of 1972, is
717 brought forward as follows:

718 43-21-157. (1) If a child who has reached his thirteenth
719 birthday is charged by petition to be a delinquent child, the
720 youth court, either on motion of the youth court prosecutor or on
721 the youth court's own motion, after a hearing as hereinafter
722 provided, may, in its discretion, transfer jurisdiction of the
723 alleged offense described in the petition or a lesser included
724 offense to the criminal court which would have trial jurisdiction
725 of such offense if committed by an adult. The child shall be
726 represented by counsel in transfer proceedings.

727 (2) A motion to transfer shall be filed on a day prior to
728 the date set for the adjudicatory hearing but not more than ten
729 (10) days after the filing of the petition. The youth court may
730 order a transfer study at any time after the motion to transfer is



731 filed. The transfer study and any other social record which the
732 youth court will consider at the transfer hearing shall be made
733 available to the child's counsel prior to the hearing. Summons
734 shall be served in the same manner as other summons under this
735 chapter with a copy of the motion to transfer and the petition
736 attached thereto.

737 (3) The transfer hearing shall be bifurcated. At the
738 transfer hearing, the youth court shall first determine whether
739 probable cause exists to believe that the child committed the
740 alleged offense. For the purpose of the transfer hearing only,
741 the child may, with the assistance of counsel, waive the
742 determination of probable cause.

743 (4) Upon such a finding of probable cause, the youth court
744 may transfer jurisdiction of the alleged offense and the youth if
745 the youth court finds by clear and convincing evidence that there
746 are no reasonable prospects of rehabilitation within the juvenile
747 justice system.

748 (5) The factors which shall be considered by the youth court
749 in determining the reasonable prospects of rehabilitation within
750 the juvenile justice system are:

751 (a) Whether or not the alleged offense constituted a
752 substantial danger to the public;

753 (b) The seriousness of the alleged offense;

754 (c) Whether or not the transfer is required to protect
755 the community;



756 (d) Whether or not the alleged offense was committed in
757 an aggressive, violent, premeditated or willful manner;

758 (e) Whether the alleged offense was against persons or
759 against property, greater weight being given to the offense
760 against persons, especially if personal injury resulted;

761 (f) The sophistication, maturity and educational
762 background of the child;

763 (g) The child's home situation, emotional condition and
764 lifestyle;

765 (h) The history of the child, including experience with
766 the juvenile justice system, other courts, probation, commitments
767 to juvenile institutions or other placements;

768 (i) Whether or not the child can be retained in the
769 juvenile justice system long enough for effective treatment or
770 rehabilitation;

771 (j) The dispositional resources available to the
772 juvenile justice system;

773 (k) Dispositional resources available to the adult
774 correctional system for the child if treated as an adult;

775 (l) Whether the alleged offense was committed on school
776 property, public or private, or at any school-sponsored event, and
777 constituted a substantial danger to other students;

778 (m) Any other factors deemed relevant by the youth
779 court; and



780 (n) Nothing in this subsection shall prohibit the
781 transfer of jurisdiction of an alleged offense and a child if that
782 child, at the time of the transfer hearing, previously has not
783 been placed in a juvenile institution.

784 (6) If the youth court transfers jurisdiction of the alleged
785 offense to a criminal court, the youth court shall enter a
786 transfer order containing:

787 (a) Facts showing that the youth court had jurisdiction
788 of the cause and of the parties;

789 (b) Facts showing that the child was represented by
790 counsel;

791 (c) Facts showing that the hearing was held in the
792 presence of the child and his counsel;

793 (d) A recital of the findings of probable cause and the
794 facts and reasons underlying the youth court's decision to
795 transfer jurisdiction of the alleged offense;

796 (e) The conditions of custody or release of the child
797 pending criminal court proceedings, including bail or recognizance
798 as the case may justify, as well as a designation of the custodian
799 for the time being; and

800 (f) A designation of the alleged offense transferred
801 and of the court to which the transfer is made and a direction to
802 the clerk to forward for filing in such court a certified copy of
803 the transfer order of the youth court.



804 (7) The testimony of the child respondent at a transfer
805 hearing conducted pursuant to this chapter shall not be admissible
806 against the child in any proceeding other than the transfer
807 hearing.

808 (8) When jurisdiction of an offense is transferred to the
809 circuit court, or when a youth has committed an act which is in
810 original circuit court jurisdiction pursuant to Section 43-21-151,
811 the jurisdiction of the youth court over the youth for any future
812 offenses is terminated, except that jurisdiction over future
813 offenses is not terminated if the circuit court transfers or
814 remands the transferred case to the youth court or if a child who
815 has been transferred to the circuit court or is in the original
816 jurisdiction of the circuit court is not convicted. However, when
817 jurisdiction of an offense is transferred to the circuit court
818 pursuant to this section or when an offense committed by a youth
819 is in original circuit court jurisdiction pursuant to Section
820 43-21-151, the circuit court shall thereafter assume and retain
821 jurisdiction of any felony offenses committed by such youth
822 without any additional transfer proceedings. Any misdemeanor
823 offenses committed by youth who are in circuit court jurisdiction
824 pursuant to this section or Section 43-21-151 shall be prosecuted
825 in the court which would have jurisdiction over that offense if
826 committed by an adult without any additional transfer proceedings.
827 The circuit court may review the transfer proceedings on motion of
828 the transferred child. Such review shall be on the record of the



829 hearing in the youth court. The circuit court shall remand the
830 offense to the youth court if there is no substantial evidence to
831 support the order of the youth court. The circuit court may also
832 review the conditions of custody or release pending criminal court
833 proceedings.

834 (9) When any youth has been the subject of a transfer to
835 circuit court for an offense committed in any county of the state
836 or has committed any act which is in the original jurisdiction of
837 the circuit court pursuant to Section 43-21-151, that transfer or
838 original jurisdiction shall be recognized by all other courts of
839 the state and no subsequent offense committed by such youth in any
840 county of the state shall be in the jurisdiction of the youth
841 court unless transferred to the youth court pursuant to Section
842 43-21-159(3). Transfers from youth courts of other states shall
843 be recognized by the courts of this state and no youth who has a
844 pending charge or a conviction in the adult court system of any
845 other state shall be in the jurisdiction of the youth courts of
846 this state, but such youths shall be in the jurisdiction of the
847 circuit court for any felony committed in this state or in the
848 jurisdiction of the court of competent jurisdiction for any
849 misdemeanor committed in this state.

850 **SECTION 19.** Section 43-21-159, Mississippi Code of 1972, is
851 brought forward as follows:

852 43-21-159. (1) When a person appears before a court other
853 than the youth court, and it is determined that the person is a



854 child under jurisdiction of the youth court, such court shall,
855 unless the jurisdiction of the offense has been transferred to
856 such court as provided in this chapter, or unless the child has
857 previously been the subject of a transfer from the youth court to
858 the circuit court for trial as an adult and was convicted,
859 immediately dismiss the proceeding without prejudice and forward
860 all documents pertaining to the cause to the youth court; and all
861 entries in permanent records shall be expunged. The youth court
862 shall have the power to order and supervise the expunction or the
863 destruction of such records in accordance with Section 43-21-265.
864 Upon petition therefor, the youth court shall expunge the record
865 of any case within its jurisdiction in which an arrest was made,
866 the person arrested was released and the case was dismissed or the
867 charges were dropped, there was no disposition of such case, or
868 the person was found not delinquent.

869 In cases where the child is charged with a hunting or fishing
870 violation or a traffic violation, whether it be any state or
871 federal law, a violation of the Mississippi Implied Consent Law,
872 or municipal ordinance or county resolution, or where the child is
873 charged with a violation of Section 67-3-70, the appropriate
874 criminal court shall proceed to dispose of the same in the same
875 manner as for other adult offenders and it shall not be necessary
876 to transfer the case to the youth court of the county. However,
877 unless the cause has been transferred, or unless the child has
878 previously been the subject of a transfer from the youth court to



879 the circuit court for trial as an adult and was convicted, the
880 youth court shall have power on its own motion to remove
881 jurisdiction from any criminal court of any offense including a
882 hunting or fishing violation, a traffic violation, a violation of
883 the Mississippi Implied Consent Law, or a violation of Section
884 67-3-70, committed by a child in a matter under the jurisdiction
885 of the youth court and proceed therewith in accordance with the
886 provisions of this chapter.

887 (2) After conviction and sentence of any child by any other
888 court having original jurisdiction on a misdemeanor charge, and
889 within the time allowed for an appeal of such conviction and
890 sentence, the youth court of the county shall have the full power
891 to stay the execution of the sentence and to release the child on
892 good behavior or on other order as the youth court may see fit to
893 make unless the child has previously been the subject of a
894 transfer from the youth court to the circuit court for trial as an
895 adult and was convicted. When a child is convicted of a
896 misdemeanor and is committed to, incarcerated in or imprisoned in
897 a jail or other place of detention by a criminal court having
898 proper jurisdiction of such charge, such court shall notify the
899 youth court judge or the judge's designee of the conviction and
900 sentence prior to the commencement of such incarceration. The
901 youth court shall have the power to order and supervise the
902 destruction of any records involving children maintained by the
903 criminal court in accordance with Section 43-21-265. However, the



904 youth court shall have the power to set aside a judgment of any
905 other court rendered in any matter over which the youth court has
906 exclusive original jurisdiction, to expunge or destroy the records
907 thereof in accordance with Section 43-21-265, and to order a
908 refund of fines and costs.

909 (3) Nothing in subsection (1) or (2) shall apply to a youth
910 who has a pending charge or a conviction for any crime over which
911 circuit court has original jurisdiction.

912 (4) In any case wherein the defendant is a child as defined
913 in this chapter and of which the circuit court has original
914 jurisdiction, the circuit judge, upon a finding that it would be
915 in the best interest of such child and in the interest of justice,
916 may at any stage of the proceedings prior to the attachment of
917 jeopardy transfer such proceedings to the youth court for further
918 proceedings unless the child has previously been the subject of a
919 transfer from the youth court to the circuit court for trial as an
920 adult and was convicted or has previously been convicted of a
921 crime which was in original circuit court jurisdiction, and the
922 youth court shall, upon acquiring jurisdiction, proceed as
923 provided in this chapter for the adjudication and disposition of
924 delinquent child proceeding proceedings. If the case is not
925 transferred to the youth court and the youth is convicted of a
926 crime by any circuit court, the trial judge shall sentence the
927 youth as though such youth was an adult. The circuit court shall
928 not have the authority to commit such child to the custody of the



929 Department of Youth Services for placement in a state-supported
930 training school.

931 (5) In no event shall a court sentence an offender over the
932 age of eighteen (18) to the custody of the Division of Youth
933 Services for placement in a state-supported training school.

934 (6) When a child's driver's license is suspended by the
935 youth court for any reason, the clerk of the youth court shall
936 report the suspension, without a court order under Section
937 43-21-261, to the Commissioner of Public Safety in the same manner
938 as such suspensions are reported in cases involving adults.

939 (7) No offense involving the use or possession of a firearm
940 by a child who has reached his fifteenth birthday and which, if
941 committed by an adult would be a felony, shall be transferred to
942 the youth court.

943 **SECTION 20.** Section 43-21-205, Mississippi Code of 1972, is
944 brought forward as follows:

945 43-21-205. In proceedings under this chapter, no court costs
946 shall be charged against any party to a petition, and no salaried
947 officer of the state, county or any municipality, nor any youth
948 court counselor, nor any witness other than an expert witness
949 shall be entitled to receive any fee for any service rendered to
950 the youth court or for attendance in the youth court in any
951 proceedings under this chapter; but the fees of the circuit and
952 chancery clerks in youth court cases originating by petition shall
953 be paid as is provided by law for like services in other cases and



954 shall be paid by the county on allowance of the board of
955 supervisors on an itemized cost bill approved by the judge. These
956 costs shall be paid out of the general fund. No clerk shall be
957 allowed compensation for attendance in youth court.

958 **SECTION 21.** Section 43-21-261, Mississippi Code of 1972, is
959 brought forward as follows:

960 43-21-261. (1) Except as otherwise provided in this
961 section, records involving children shall not be disclosed, other
962 than to necessary staff or officials of the youth court, a
963 guardian ad litem appointed to a child by the court, or a
964 Court-Appointed Special Advocate (CASA) volunteer who may be
965 assigned in an abuse and neglect case, except pursuant to an order
966 of the youth court specifying the person or persons to whom the
967 records may be disclosed, the extent of the records which may be
968 disclosed and the purpose of the disclosure. Such court orders
969 for disclosure shall be limited to those instances in which the
970 youth court concludes, in its discretion, that disclosure is
971 required for the best interests of the child, the public safety,
972 the functioning of the youth court, or to identify a person who
973 knowingly made a false allegation of child abuse or neglect, and
974 then only to the following persons:

975 (a) The judge of another youth court or member of
976 another youth court staff;

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



979 (c) A judge of any other court or members of another
980 court staff, including the chancery court that ordered a forensic
981 interview;

982 (d) Representatives of a public or private agency
983 providing supervision or having custody of the child under order
984 of the youth court;

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

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

998 (g) Any person pursuant to a finding by a judge of the
999 youth court of compelling circumstances affecting the health,
1000 safety or well-being of a child and that such disclosure is in the
1001 best interests of the child or an adult who was formerly the
1002 subject of a youth court delinquency proceeding;



1003 (h) A person who was the subject of a knowingly made
1004 false allegation of child abuse or neglect which has resulted in a
1005 conviction of a perpetrator in accordance with Section 97-35-47 or
1006 which allegation was referred by the Department of Child
1007 Protection Services to a prosecutor or law enforcement official in
1008 accordance with the provisions of Section 43-21-353(4).

1009 Law enforcement agencies may disclose information to the
1010 public concerning the taking of a child into custody for the
1011 commission of a delinquent act without the necessity of an order
1012 from the youth court. The information released shall not identify
1013 the child or his address unless the information involves a child
1014 convicted as an adult.

1015 (2) Any records involving children which are disclosed under
1016 an order of the youth court or pursuant to the terms of this
1017 section and the contents thereof shall be kept confidential by the
1018 person or agency to whom the record is disclosed unless otherwise
1019 provided in the order. Any further disclosure of any records
1020 involving children shall be made only under an order of the youth
1021 court as provided in this section.

1022 (3) Upon request, the parent, guardian or custodian of the
1023 child who is the subject of a youth court cause or any attorney
1024 for such parent, guardian or custodian, shall have the right to
1025 inspect any record, report or investigation relevant to a matter
1026 to be heard by a youth court, except that the identity of the
1027 reporter shall not be released, nor the name of any other person



1028 where the person or agency making the information available finds
1029 that disclosure of the information would be likely to endanger the
1030 life or safety of such person. The attorney for the parent,
1031 guardian or custodian of the child, upon request, shall be
1032 provided a copy of any record, report or investigation relevant to
1033 a matter to be heard by a youth court, but the identity of the
1034 reporter must be redacted and the name of any other person must
1035 also be redacted if the person or agency making the information
1036 available finds that disclosure of the information would be likely
1037 to endanger the life, safety or well-being of the person. A
1038 record provided to the attorney under this section must remain in
1039 the attorney's control and the attorney may not provide copies or
1040 access to another person or entity without prior consent of a
1041 court with appropriate jurisdiction.

1042 (4) Upon request, the child who is the subject of a youth
1043 court cause shall have the right to have his counsel inspect and
1044 copy any record, report or investigation which is filed with the
1045 youth court or which is to be considered by the youth court at a
1046 hearing.

1047 (5) (a) The youth court prosecutor or prosecutors, the
1048 county attorney, the district attorney, the youth court defender
1049 or defenders, or any attorney representing a child shall have the
1050 right to inspect and copy any law enforcement record involving
1051 children.



1052 (b) The Department of Child Protection Services shall
1053 disclose to a county prosecuting attorney or district attorney any
1054 and all records resulting from an investigation into suspected
1055 child abuse or neglect when the case has been referred by the
1056 Department of Child Protection Services to the county prosecuting
1057 attorney or district attorney for criminal prosecution.

1058 (c) Agency records made confidential under the
1059 provisions of this section may be disclosed to a court of
1060 competent jurisdiction.

1061 (d) Records involving children shall be disclosed to
1062 the Division of Victim Compensation of the Office of the Attorney
1063 General upon the division's request without order of the youth
1064 court for purposes of determination of eligibility for victim
1065 compensation benefits.

1066 (6) Information concerning an investigation into a report of
1067 child abuse or child neglect may be disclosed by the Department of
1068 Child Protection Services without order of the youth court to any
1069 attorney, physician, dentist, intern, resident, nurse,
1070 psychologist, social worker, family protection worker, family
1071 protection specialist, child caregiver, minister, law enforcement
1072 officer, or a public or private school employee making that report
1073 pursuant to Section 43-21-353(1) if the reporter has a continuing
1074 professional relationship with the child and a need for such
1075 information in order to protect or treat the child.



1076 (7) Information concerning an investigation into a report of
1077 child abuse or child neglect may be disclosed without further
1078 order of the youth court to any interagency child abuse task force
1079 established in any county or municipality by order of the youth
1080 court of that county or municipality.

1081 (8) Names and addresses of juveniles twice adjudicated as
1082 delinquent for an act which would be a felony if committed by an
1083 adult or for the unlawful possession of a firearm shall not be
1084 held confidential and shall be made available to the public.

1085 (9) Names and addresses of juveniles adjudicated as
1086 delinquent for murder, manslaughter, burglary, arson, armed
1087 robbery, aggravated assault, any sex offense as defined in Section
1088 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
1089 violation of Section 63-11-30, shall not be held confidential and
1090 shall be made available to the public.

1091 (10) The judges of the circuit and county courts, and
1092 presentence investigators for the circuit courts, as provided in
1093 Section 47-7-9, shall have the right to inspect any youth court
1094 records of a person convicted of a crime for sentencing purposes
1095 only.

1096 (11) The victim of an offense committed by a child who is
1097 the subject of a youth court cause shall have the right to be
1098 informed of the child's disposition by the youth court.

1099 (12) A classification hearing officer of the State
1100 Department of Corrections, as provided in Section 47-5-103, shall



1101 have the right to inspect any youth court records, excluding abuse
1102 and neglect records, of any offender in the custody of the
1103 department who as a child or minor was a juvenile offender or was
1104 the subject of a youth court cause of action, and the State Parole
1105 Board, as provided in Section 47-7-17, shall have the right to
1106 inspect such records when the offender becomes eligible for
1107 parole.

1108 (13) The youth court shall notify the Department of Public
1109 Safety of the name, and any other identifying information such
1110 department may require, of any child who is adjudicated delinquent
1111 as a result of a violation of the Uniform Controlled Substances
1112 Law.

1113 (14) The Administrative Office of Courts shall have the
1114 right to inspect any youth court records in order that the number
1115 of youthful offenders, abused, neglected, truant and dependent
1116 children, as well as children in need of special care and children
1117 in need of supervision, may be tracked with specificity through
1118 the youth court and adult justice system, and to utilize tracking
1119 forms for such purpose.

1120 (15) Upon a request by a youth court, the Administrative
1121 Office of Courts shall disclose all information at its disposal
1122 concerning any previous youth court intakes alleging that a child
1123 was a delinquent child, child in need of supervision, child in
1124 need of special care, truant child, abused child or neglected
1125 child, as well as any previous youth court adjudications for the



1126 same and all dispositional information concerning a child who at
1127 the time of such request comes under the jurisdiction of the youth
1128 court making such request.

1129 (16) The Administrative Office of Courts may, in its
1130 discretion, disclose to the Department of Public Safety any or all
1131 of the information involving children contained in the office's
1132 youth court data management system known as Mississippi Youth
1133 Court Information Delivery System or "MYCIDS."

1134 (17) The youth courts of the state shall disclose to the
1135 Joint Legislative Committee on Performance Evaluation and
1136 Expenditure Review (PEER) any youth court records in order that
1137 the number of youthful offenders, abused, neglected, truant and
1138 dependent children, as well as children in need of special care
1139 and children in need of supervision, may be tracked with
1140 specificity through the youth court and adult justice system, and
1141 to utilize tracking forms for such purpose. The disclosure
1142 prescribed in this subsection shall not require a court order and
1143 shall be made in sortable, electronic format where possible. The
1144 PEER Committee may seek the assistance of the Administrative
1145 Office of Courts in seeking this information. The PEER Committee
1146 shall not disclose the identities of any youth who have been
1147 adjudicated in the youth courts of the state and shall only use
1148 the disclosed information for the purpose of monitoring the
1149 effectiveness and efficiency of programs established to assist



1150 adjudicated youth, and to ascertain the incidence of adjudicated
1151 youth who become adult offenders.

1152 (18) In every case where an abuse or neglect allegation has
1153 been made, the confidentiality provisions of this section shall
1154 not apply to prohibit access to a child's records by any state
1155 regulatory agency, any state or local prosecutorial agency or law
1156 enforcement agency; however, no identifying information concerning
1157 the child in question may be released to the public by such agency
1158 except as otherwise provided herein.

1159 (19) In every case of child abuse or neglect, if a child's
1160 physical condition is medically labeled as medically "serious" or
1161 "critical" or a child dies, the confidentiality provisions of this
1162 section shall not apply. In such cases, the following information
1163 may be released by the Mississippi Department of Child Protection
1164 Services: the cause of the circumstances regarding the fatality
1165 or medically serious or critical physical condition; the age and
1166 gender of the child; information describing any previous reports
1167 of child abuse or neglect investigations that are pertinent to the
1168 child abuse or neglect that led to the fatality or medically
1169 serious or critical physical condition; the result of any such
1170 investigations; and the services provided by and actions of the
1171 state on behalf of the child that are pertinent to the child abuse
1172 or neglect that led to the fatality or medically serious or
1173 critical physical condition.



1174 (20) Any member of a foster care review board designated by
1175 the Department of Child Protection Services shall have the right
1176 to inspect youth court records relating to the abuse, neglect or
1177 child in need of supervision cases assigned to such member for
1178 review.

1179 (21) Information concerning an investigation into a report
1180 of child abuse or child neglect may be disclosed without further
1181 order of the youth court in any administrative or due process
1182 hearing held, pursuant to Section 43-21-257, by the Department of
1183 Child Protection Services for individuals whose names will be
1184 placed on the central registry as substantiated perpetrators.

1185 (22) The Department of Child Protection Services may
1186 disclose records involving children to the following:

1187 (a) A foster home, residential child-caring agency or
1188 child-placing agency to the extent necessary to provide such care
1189 and services to a child;

1190 (b) An individual, agency or organization that provides
1191 services to a child or the child's family in furtherance of the
1192 child's permanency plan to the extent necessary in providing those
1193 services;

1194 (c) Health and mental health care providers of a child
1195 to the extent necessary for the provider to properly treat and
1196 care for the child;

1197 (d) An educational institution or educational services
1198 provider where the child is enrolled or where enrollment is



1199 anticipated to the extent necessary for the school to provide
1200 appropriate services to the child;

1201 (e) Any state agency or board that administers student
1202 financial assistance programs. However, any records request under
1203 this paragraph shall be initiated by the agency or board for the
1204 purpose determining the child's eligibility for student financial
1205 assistance, and any disclosure shall be limited to the
1206 verification of the child's age during the period of time in which
1207 the child was in the department's legal custody; and

1208 (f) Any other state agency if the disclosure is
1209 necessary to the department in fulfilling its statutory
1210 responsibilities in protecting the best interests of the child.

1211 (23) Nothing in this section or chapter shall require youth
1212 court approval for disclosure of records involving children as
1213 defined in Section 43-21-105(u), if the disclosure is made in a
1214 criminal matter by a municipal or county prosecutor, a district
1215 attorney or statewide prosecutor, pursuant to the Mississippi
1216 Rules of Criminal Procedure and the records are disclosed under a
1217 protective order issued by the Circuit Court presiding over the
1218 criminal matter which incorporates the penalties stated in Section
1219 43-21-267.

1220 **SECTION 22.** Section 43-21-351, Mississippi Code of 1972, is
1221 brought forward as follows:

1222 43-21-351. (1) Any person or agency having knowledge that a
1223 child residing or being within the county is within the



1224 jurisdiction of the youth court may make a written report to the
1225 intake unit alleging facts sufficient to establish the
1226 jurisdiction of the youth court. The report shall bear a
1227 permanent number that will be assigned by the court in accordance
1228 with the standards established by the Administrative Office of
1229 Courts pursuant to Section 9-21-9(d), and shall be preserved until
1230 destroyed on order of the court.

1231 (2) There shall be in each youth court of the state an
1232 intake officer who shall be responsible for the accurate and
1233 timely entering of all intake and case information into the
1234 Mississippi Youth Court Information Delivery System (MYCIDS) for
1235 the Department of Human Services - Division of Youth Services,
1236 truancy matters, and the Department of Child Protection Services.
1237 It shall be the responsibility of the youth court judge or referee
1238 of each county to ensure that the intake officer is carrying out
1239 the responsibility of this section.

1240 **SECTION 23.** Section 43-21-353, Mississippi Code of 1972, is
1241 brought forward as follows:

1242 43-21-353. (1) Any attorney, physician, dentist, intern,
1243 resident, nurse, psychologist, social worker, family protection
1244 worker, family protection specialist, child caregiver, minister,
1245 law enforcement officer, public or private school employee or any
1246 other person having reasonable cause to suspect that a child is a
1247 neglected child, an abused child, or a victim of commercial sexual
1248 exploitation or human trafficking shall cause an oral report to be



1249 made immediately by telephone or otherwise and followed as soon
1250 thereafter as possible by a report in writing to the Department of
1251 Child Protection Services, and immediately a referral shall be
1252 made by the Department of Child Protection Services to the youth
1253 court intake unit, which unit shall promptly comply with Section
1254 43-21-357. In the course of an investigation, at the initial time
1255 of contact with the individual(s) about whom a report has been
1256 made under this Youth Court Act or with the individual(s)
1257 responsible for the health or welfare of a child about whom a
1258 report has been made under this chapter, the Department of Child
1259 Protection Services shall inform the individual of the specific
1260 complaints or allegations made against the individual. Consistent
1261 with subsection (4), the identity of the person who reported his
1262 or her suspicion shall not be disclosed at that point. Where
1263 appropriate, the Department of Child Protection Services shall
1264 additionally make a referral to the youth court prosecutor.

1265 Upon receiving a report that a child has been sexually
1266 abused, is a victim of commercial sexual exploitation or human
1267 trafficking or has been burned, tortured, mutilated or otherwise
1268 physically abused in such a manner as to cause serious bodily
1269 harm, or upon receiving any report of abuse that would be a felony
1270 under state or federal law, the Department of Child Protection
1271 Services shall immediately notify the law enforcement agency in
1272 whose jurisdiction the abuse occurred. Within forty-eight (48)
1273 hours, the department must notify the appropriate prosecutor and



1274 the Statewide Human Trafficking Coordinator. The department shall
1275 have the duty to provide the law enforcement agency all the names
1276 and facts known at the time of the report; this duty shall be of a
1277 continuing nature. The law enforcement agency and the department
1278 shall investigate the reported abuse immediately and shall file a
1279 preliminary report with the appropriate prosecutor's office within
1280 twenty-four (24) hours and shall make additional reports as new or
1281 additional information or evidence becomes available. The
1282 department shall advise the clerk of the youth court and the youth
1283 court prosecutor of all cases of abuse reported to the department
1284 within seventy-two (72) hours and shall update such report as
1285 information becomes available. In addition, if the Department of
1286 Child Protection Services determines that a parent or other person
1287 responsible for the care or welfare of an abused or neglected
1288 child maintains active duty status within the military, the
1289 department shall notify the applicable military installation
1290 family advocacy program that there is an allegation of abuse or
1291 neglect that relates to that child.

1292 (2) Any report shall contain the names and addresses of the
1293 child and his parents or other persons responsible for his care,
1294 if known, the child's age, the nature and extent of the child's
1295 injuries, including any evidence of previous injuries, any other
1296 information that might be helpful in establishing the cause of the
1297 injury, and the identity of the perpetrator.



1298 (3) The Department of Child Protection Services shall
1299 maintain a statewide incoming wide-area telephone service or
1300 similar service for the purpose of receiving reports of suspected
1301 cases of child abuse, commercial sexual exploitation or human
1302 trafficking; provided that any attorney, physician, dentist,
1303 intern, resident, nurse, psychologist, social worker, family
1304 protection worker, family protection specialist, child caregiver,
1305 minister, law enforcement officer or public or private school
1306 employee who is required to report under subsection (1) of this
1307 section shall report in the manner required in subsection (1).

1308 (4) Reports of abuse, neglect and commercial sexual
1309 exploitation or human trafficking made under this chapter and the
1310 identity of the reporter are confidential except when the court in
1311 which the investigation report is filed, in its discretion,
1312 determines the testimony of the person reporting to be material to
1313 a judicial proceeding or when the identity of the reporter is
1314 released to law enforcement agencies and the appropriate
1315 prosecutor pursuant to subsection (1). Reports made under this
1316 section to any law enforcement agency or prosecutorial officer are
1317 for the purpose of criminal investigation and prosecution only and
1318 no information from these reports may be released to the public
1319 except as provided by Section 43-21-261. Disclosure of any
1320 information by the prosecutor shall be according to the
1321 Mississippi Uniform Rules of Circuit and County Court Procedure.
1322 The identity of the reporting party shall not be disclosed to



1323 anyone other than law enforcement officers or prosecutors without
1324 an order from the appropriate youth court. Any person disclosing
1325 any reports made under this section in a manner not expressly
1326 provided for in this section or Section 43-21-261 shall be guilty
1327 of a misdemeanor and subject to the penalties prescribed by
1328 Section 43-21-267. Notwithstanding the confidentiality of the
1329 reporter's identity under this section, the Department of Child
1330 Protection Services may disclose a reporter's identity to the
1331 appropriate law enforcement agency or prosecutor if the department
1332 has reason to suspect the reporter has made a fraudulent report,
1333 and the Department of Child Protection Services must provide to
1334 the subject of the alleged fraudulent report written notification
1335 of the disclosure.

1336 (5) All final dispositions of law enforcement investigations
1337 described in subsection (1) of this section shall be determined
1338 only by the appropriate prosecutor or court. All final
1339 dispositions of investigations by the Department of Child
1340 Protection Services as described in subsection (1) of this section
1341 shall be determined only by the youth court. Reports made under
1342 subsection (1) of this section by the Department of Child
1343 Protection Services to the law enforcement agency and to the
1344 district attorney's office shall include the following, if known
1345 to the department:

- 1346 (a) The name and address of the child;
- 1347 (b) The names and addresses of the parents;



1348 (c) The name and address of the suspected perpetrator;

1349 (d) The names and addresses of all witnesses, including
1350 the reporting party if a material witness to the abuse;

1351 (e) A brief statement of the facts indicating that the
1352 child has been abused, including whether the child experienced
1353 commercial sexual exploitation or human trafficking, and any other
1354 information from the agency files or known to the family
1355 protection worker or family protection specialist making the
1356 investigation, including medical records or other records, which
1357 may assist law enforcement or the district attorney in
1358 investigating and/or prosecuting the case; and

1359 (f) What, if any, action is being taken by the
1360 Department of Child Protection Services.

1361 (6) In any investigation of a report made under this chapter
1362 of the abuse or neglect of a child as defined in Section
1363 43-21-105(1) or (m), the Department of Child Protection Services
1364 may request the appropriate law enforcement officer with
1365 jurisdiction to accompany the department in its investigation, and
1366 in such cases the law enforcement officer shall comply with such
1367 request.

1368 (7) Anyone who willfully violates any provision of this
1369 section shall be, upon being found guilty, punished by a fine not
1370 to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in
1371 jail not to exceed one (1) year, or both.



1372 (8) If a report is made directly to the Department of Child
1373 Protection Services that a child has been abused or neglected or
1374 experienced commercial sexual exploitation or human trafficking in
1375 an out-of-home setting, a referral shall be made immediately to
1376 the law enforcement agency in whose jurisdiction the abuse
1377 occurred and the department shall notify the district attorney's
1378 office and the Statewide Human Trafficking Coordinator within
1379 forty-eight (48) hours of such report. The Department of Child
1380 Protection Services shall investigate the out-of-home setting
1381 report of abuse or neglect to determine whether the child who is
1382 the subject of the report, or other children in the same
1383 environment, comes within the jurisdiction of the youth court and
1384 shall report to the youth court the department's findings and
1385 recommendation as to whether the child who is the subject of the
1386 report or other children in the same environment require the
1387 protection of the youth court. The law enforcement agency shall
1388 investigate the reported abuse immediately and shall file a
1389 preliminary report with the district attorney's office within
1390 forty-eight (48) hours and shall make additional reports as new
1391 information or evidence becomes available. If the out-of-home
1392 setting is a licensed facility, an additional referral shall be
1393 made by the Department of Child Protection Services to the
1394 licensing agency. The licensing agency shall investigate the
1395 report and shall provide the department, the law enforcement
1396 agency and the district attorney's office with their written



1397 findings from such investigation as well as that licensing
1398 agency's recommendations and actions taken.

1399 (9) If a child protective investigation does not result in
1400 an out-of-home placement, a child protective investigator must
1401 provide information to the parent or guardians about community
1402 service programs that provide respite care, counseling and support
1403 for children who have experienced commercial sexual exploitation
1404 or human trafficking, voluntary guardianship or other support
1405 services for families in crisis.

1406 **SECTION 24.** Section 43-21-354, Mississippi Code of 1972, is
1407 brought forward as follows:

1408 43-21-354. The statewide incoming wide area telephone
1409 service established pursuant to Section 43-21-353 shall be
1410 maintained by the Department of Child Protection Services, or its
1411 successor, on a twenty-four-hour seven (7) days a week basis.

1412 **SECTION 25.** Section 43-21-355, Mississippi Code of 1972, is
1413 brought forward as follows:

1414 43-21-355. Any attorney, physician, dentist, intern,
1415 resident, nurse, psychologist, social worker, family protection
1416 worker, family protection specialist, child caregiver, minister,
1417 law enforcement officer, school attendance officer, public school
1418 district employee, nonpublic school employee, licensed
1419 professional counselor or any other person participating in the
1420 making of a required report pursuant to Section 43-21-353 or
1421 participating in an investigation, evaluation or judicial



1422 proceeding resulting from the report shall be presumed to be
1423 acting in good faith. Any person or institution reporting or
1424 participating in an investigation, evaluation or judicial
1425 proceeding resulting from the report in good faith shall be immune
1426 from any liability, civil or criminal, that might otherwise be
1427 incurred or imposed.

1428 **SECTION 26.** Section 43-21-357, Mississippi Code of 1972, is
1429 brought forward as follows:

1430 43-21-357. (1) After receiving a report, the youth court
1431 intake unit shall promptly make a preliminary inquiry to determine
1432 whether the interest of the child, other children in the same
1433 environment or the public requires the youth court to take further
1434 action. As part of the preliminary inquiry, the youth court
1435 intake unit may request or the youth court may order the
1436 Department of Child Protection Services, the Department of Human
1437 Services - Division of Youth Services, any successor agency or any
1438 other qualified public employee to make an investigation or report
1439 concerning the child and any other children in the same
1440 environment, and present the findings thereof to the youth court
1441 intake unit. If the youth court intake unit receives a neglect or
1442 abuse report, the youth court intake unit shall immediately
1443 forward the complaint to the Department of Child Protection
1444 Services to promptly make an investigation or report concerning
1445 the child and any other children in the same environment and
1446 promptly present the findings thereof to the youth court intake



1447 unit. If it appears from the preliminary inquiry that the child
1448 or other children in the same environment are within the
1449 jurisdiction of the court, the youth court intake unit shall
1450 recommend to the youth court:

1451 (a) That the youth court take no action;

1452 (b) That an informal adjustment be made;

1453 (c) That the Department of Child Protection Services
1454 monitor the child, family and other children in the same
1455 environment;

1456 (d) That the child is warned or counseled informally;

1457 (e) That the child be referred to the youth court
1458 intervention court; or

1459 (f) That a petition be filed.

1460 (2) The youth court shall then, without a hearing:

1461 (a) Order that no action be taken;

1462 (b) Order that an informal adjustment be made;

1463 (c) Order that the Department of Child Protection
1464 Services monitor the child, family and other children in the same
1465 environment;

1466 (d) Order that the child is warned or counseled
1467 informally;

1468 (e) That the child be referred to the youth
1469 intervention court; or

1470 (f) Order that a petition be filed.



1471 (3) If the preliminary inquiry discloses that a child needs
1472 emergency medical treatment, the judge may order the necessary
1473 treatment.

1474 **SECTION 27.** Section 43-21-651, Mississippi Code of 1972, is
1475 brought forward as follows:

1476 43-21-651. (1) The court to which appeals may be taken from
1477 final orders or decrees of the youth court shall be the Supreme
1478 Court of Mississippi. In any case wherein an appeal is desired,
1479 written notice of intention to appeal shall be filed with the
1480 youth court clerk within the time, and costs in the youth court
1481 and the filing fee in the Supreme Court shall be paid, as is
1482 otherwise required for appeals to the Supreme Court. If the
1483 appellant shall make affidavit that he is unable to pay such costs
1484 and filing fee, he shall have an appeal without prepayment of
1485 court costs and filing fee. Only the initials of the child shall
1486 appear on the record on appeal.

1487 (2) The pendency of an appeal shall not suspend the order or
1488 decree of the youth court regarding a child, nor shall it
1489 discharge the child from the custody of that court or of the
1490 person, institution or agency to whose care such child shall have
1491 been committed, unless the youth court or Supreme Court shall so
1492 order. If appellant desires to appeal with supersedeas, the
1493 matter first shall be presented to the youth court. If refused,
1494 the youth court shall forthwith issue a written order stating the
1495 reasons for the denial, which order shall be subject to review by



1496 the Supreme Court. If the Supreme Court does not dismiss the
1497 proceedings and discharge the child, it shall affirm or modify or
1498 reverse the order of the youth court and remand the child to the
1499 jurisdiction of the youth court for placement and supervision in
1500 accordance with its order, and thereafter the child shall be and
1501 remain under the jurisdiction of the youth court in the same
1502 manner as if the youth court had made the order without an appeal
1503 having been taken.

1504 (3) Appeals from the youth court shall be preference cases
1505 in the Supreme Court.

1506 **SECTION 28.** Section 43-21-701, Mississippi Code of 1972, is
1507 brought forward as follows:

1508 43-21-701. (1) There is established the Mississippi
1509 Commission on a Uniform Youth Court System and Procedures. The
1510 commission shall consist of the following twenty-one (21) members:

1511 (a) One (1) circuit court judge appointed by the Chief
1512 Justice of the Mississippi Supreme Court;

1513 (b) One (1) chancery court judge, appointed by the
1514 Chief Justice of the Mississippi Supreme Court;

1515 (c) The President of the Mississippi Council of Youth
1516 Court Judges, or his designee;

1517 (d) Two (2) who may be either family court judges or
1518 county court judges, appointed by the President of the Mississippi
1519 Council of Youth Court Judges;



1520 (e) Two (2) youth court referees, appointed by the
1521 President of the Mississippi Council of Youth Court Judges;

1522 (f) One (1) member of the Mississippi House of
1523 Representatives to be appointed by the Speaker of the House;

1524 (g) One (1) member of the Mississippi Senate to be
1525 appointed by the Lieutenant Governor;

1526 (h) The directors of the following state agencies or
1527 their designated representatives: the Mississippi Department of
1528 Human Services and the Mississippi Department of Child Protection
1529 Services;

1530 (i) The director or his designated representative of
1531 the Governor's Office of Federal-State Programs;

1532 (j) Two (2) employees, other than the commissioner, of
1533 the Department of Child Protection Services who are supervisors of
1534 social workers primarily assigned to youth cases, appointed by the
1535 Governor;

1536 (k) One (1) employee, other than the commissioner, of
1537 the Department of Child Protection Services who is experienced
1538 with the legal process of youth court cases, appointed by the
1539 Governor;

1540 (l) One (1) municipal police chief, appointed by the
1541 Governor;

1542 (m) One (1) county sheriff, appointed by the Governor;

1543 (n) Two (2) lawyers experienced in youth court work,
1544 appointed by the Governor; and



1545 (o) Two (2) prosecuting attorneys who prosecute cases
1546 in youth court, appointed by the Governor.

1547 (2) The members shall be appointed to the commission within
1548 fifteen (15) days of the effective date of Sections 43-21-701 and
1549 43-21-703 and shall serve until the end of their respective terms
1550 of office, if applicable, or until October 1, 2024, whichever
1551 occurs first. Vacancies on the commission shall be filled in the
1552 manner of the original appointment. Members shall be eligible for
1553 reappointment provided that upon such reappointment they meet the
1554 qualifications required of a new appointee.

1555 (3) The commission may elect any officers from among its
1556 membership as it deems necessary for the efficient discharge of
1557 the commission's duties.

1558 (4) The commission shall adopt rules and regulations
1559 governing times and places for meetings and governing the manner
1560 of conducting its business. Twelve (12) or more members shall
1561 constitute a quorum for the purpose of conducting any business of
1562 the commission; provided, however, a vote of not less than
1563 fourteen (14) members shall be required for any recommendations to
1564 the Legislature.

1565 (5) Members of the commission shall serve without
1566 compensation, except that state and county employees and officers
1567 shall receive any per diem as authorized by law from
1568 appropriations available to their respective agencies or political
1569 subdivisions. All commission members shall be entitled to receive



1570 reimbursement for any actual and reasonable expenses incurred as a
1571 necessary incident to service on the commission, including mileage
1572 as provided by law.

1573 (6) The commission may select and employ a research director
1574 who shall perform the duties which the commission directs, which
1575 duties shall include the hiring of such other employees for the
1576 commission as the commission may approve. The research director
1577 and all other employees of the commission shall be in the state
1578 service and their salaries shall be established by the commission
1579 subject to approval by the State Personnel Board. Employees of
1580 the commission shall be reimbursed for the expenses necessarily
1581 incurred in the performance of their official duties in the same
1582 manner as other state employees. The commission may also employ
1583 any consultants it deems necessary, including consultants to
1584 compile any demographic data needed to accomplish the duties of
1585 the commission.

1586 (7) The Governor's Office of Federal-State Programs shall
1587 support the Commission on a Uniform Youth Court System and shall
1588 act as agent for any funds made available to the commission for
1589 its use. In order to expedite the implementation of the
1590 Commission on a Uniform Youth Court System, any funds available to
1591 the Governor's Office of Federal-State Programs for the 2023-2024
1592 fiscal year may be expended for the purpose of defraying the
1593 expenses of the commission created herein.



1594 (8) The commission may contract for suitable office space in
1595 accordance with the provisions of Section 29-5-2, Mississippi Code
1596 of 1972. In addition, the commission may utilize, with their
1597 consent, the services, equipment, personnel, information and
1598 resources of other state agencies; and may accept voluntary and
1599 uncompensated services, contract with individuals, public and
1600 private agencies, and request information, reports and data from
1601 any agency of the state, or any of its political subdivisions, to
1602 the extent authorized by law.

1603 (9) In order to conduct and carry out its purposes, duties
1604 and related activities as provided for in this section and Section
1605 43-21-703, the commission is authorized to apply for and accept
1606 gifts, grants, subsidies and other funds from persons,
1607 corporations, foundations, the United States government or other
1608 entities, provided that the receipt of such gifts, grants,
1609 subsidies and funds shall be reported and otherwise accounted for
1610 in the manner provided by law.

1611 **SECTION 29.** Section 43-21-703, Mississippi Code of 1972, is
1612 brought forward as follows:

1613 43-21-703. (1) The commission shall study the youth court
1614 system in Mississippi, and prepare a report including any proposed
1615 changes in the youth court system and/or its procedures. It shall
1616 submit the report to the Legislature, on or before October 1,
1617 2024, along with a report detailing any legislation which may be
1618 needed to implement the plan. In preparing the report, the



1619 commission shall evaluate the existing juvenile services in the
1620 state and may recommend changes in the organizational concepts,
1621 institutions, laws and resources.

1622 (2) In formulating its report, the commission shall take
1623 into consideration the following:

1624 (a) Whether a uniform statewide youth court system
1625 would be desirable;

1626 (b) How best the service needs of the state could be
1627 met in relation to the taxing and resource capacity of various
1628 multi-county districts now existing or proposed;

1629 (c) Whether counties in a given service area or
1630 district may develop district shelters, detention centers and
1631 diagnostic centers to serve a multi-county area; and

1632 (d) What proposals or alternatives would update or
1633 modernize the system to provide staffing for all counties and
1634 citizens.

1635 (3) The commission, in addition to recommending the plan
1636 described in this section, shall serve as a clearinghouse and
1637 information center for the collection, preparation, analysis and
1638 dissemination of information on the youth court system in
1639 Mississippi and shall conduct ongoing research relating to the
1640 improvement of the youth court system. Pursuant to its duties
1641 under this subsection, the commission may request the regular
1642 submission to it of such reports, information and statistics by
1643 the courts, judges, prosecuting attorneys and agencies of this



1644 state which the commission deems necessary for the development of
1645 its reports.

1646 **SECTION 30.** Section 43-21-753, Mississippi Code of 1972, is
1647 brought forward as follows:

1648 43-21-753. The youth court of any county in the state may
1649 establish a teen court program for the diversion of certain
1650 offenders who have waived all right of confidentiality and
1651 privilege against self-incrimination. The youth court of Rankin
1652 County may extend its teen court program within the city limits of
1653 Pearl. The offenders eligible to participate shall be those
1654 offenders who in the discretion of the youth court are suitable
1655 and compulsory-school-age children who have come into the
1656 jurisdiction of the youth court as a result of not attending
1657 school. The teen court shall be a preventive program for
1658 juveniles comprised of youth who are not less than thirteen (13)
1659 nor more than seventeen (17) years of age, which students shall
1660 serve as prosecutor, defense counsel, bailiff, court clerk and
1661 jurors. The program is to administer the "sentencing" or
1662 disposition phase of the proceedings against offenders who elect
1663 to participate, shall be under the guidance of the local youth
1664 court, and shall be approved by the local youth court. The youth
1665 court judge, or his designee who is a licensed attorney, shall
1666 preside. The teen court is authorized to require eligible
1667 offenders who choose to go to teen court in lieu of youth court to
1668 perform up to one hundred twelve (112) hours of community service,



1669 require offenders to make a personal apology to a victim, require
1670 offenders to submit a research paper on any relevant subject,
1671 attend counseling and make restitution or any other disposition
1672 authorized by the youth court. The youth court shall establish
1673 rules and regulations, including sentencing guidelines, for the
1674 operation of a teen court. The teen court is authorized to accept
1675 monies from any available public or private source, including
1676 public or private donations, grants, gifts and appropriated funds
1677 for funding expenses of operating the court.

1678 Teen court may be held at whatever location the youth court
1679 selects at whatever time or times. Eligible offenders shall be
1680 only those children who agree to participate in the teen court and
1681 to abide by the teen court's rulings, whose parents or legal
1682 guardian shall also so agree, and who are otherwise qualified to
1683 participate.

1684 The youth court judge may require an offender who elects to
1685 participate in the teen court to pay a fee not to exceed Five
1686 Dollars (\$5.00); any such fees shall be used in administering this
1687 article, and the fee shall not be refunded, regardless of whether
1688 the child successfully completes the teen court program.

1689 **SECTION 31.** Section 43-21-801, Mississippi Code of 1972, is
1690 brought forward as follows:

1691 43-21-801. (1) There is established the Youth Court Support
1692 Program. The purpose of the program shall be to ensure that all
1693 youth courts have sufficient support funds to carry on the



1694 business of the youth court. The Administrative Office of Courts
1695 shall establish a formula consistent with this section for
1696 providing state support payable from the Youth Court Support Fund
1697 for the support of the youth courts.

1698 (a) (i) Each regular youth court referee is eligible
1699 for youth court support funds so long as the senior chancellor
1700 does not elect to employ a youth court administrator as set forth
1701 in paragraph (b); a municipal youth court judge is also eligible.
1702 The Administrative Office of Courts shall direct any funds to the
1703 appropriate county or municipality. The funds shall be utilized
1704 to compensate an intake officer who shall be responsible for
1705 ensuring that all intake and case information for the Department
1706 of Human Services - Division of Youth Services, truancy matters,
1707 and the Department of Child Protection Services is entered into
1708 the Mississippi Youth Court Information Delivery System (MYCIDS)
1709 in an accurate and timely manner. If the court already has an
1710 intake officer responsible for entering all cases of the
1711 Department of Human Services - Division of Youth Services, truancy
1712 matters, and the Department of Child Protection Services into
1713 MYCIDS, the regular youth court referee or municipal court judge
1714 may certify to the Administrative Office of Courts that such a
1715 person is already on staff. In such a case, each regular youth
1716 court referee or municipal youth court judge shall have the sole
1717 individual discretion to appropriate those funds as expense monies
1718 to assist in hiring secretarial staff and acquiring materials and



1719 equipment incidental to carrying on the business of the court
1720 within the private practice of law of the referee or judge, or may
1721 direct the use of those funds through the county or municipal
1722 budget for court support supplies or services. The regular youth
1723 court referee and municipal youth court judge shall be accountable
1724 for assuring through private, county or municipal employees the
1725 proper preparation and filing of all necessary tracking and other
1726 documentation attendant to the administration of the youth court.

1727 (ii) Title to all tangible property, excepting
1728 stamps, stationery and minor expendable office supplies, procured
1729 with funds authorized by this section, shall be and forever remain
1730 in the county or municipality to be used by the judge or referee
1731 during the term of his office and thereafter by his successors.

1732 (b) (i) When permitted by the Administrative Office of
1733 Courts and as funds are available, the senior chancellor for
1734 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
1735 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
1736 administrator for the district whose responsibility will be to
1737 perform all reporting, tracking and other duties of a court
1738 administrator for all youth courts in the district that are under
1739 the chancery court system. Any chancery district listed in this
1740 paragraph in which a chancellor appoints a referee or special
1741 master to hear any youth court matter is ineligible for funding
1742 under this paragraph (b). The Administrative Office of Courts may
1743 allocate to an eligible chancery district a sum not to exceed



1744 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
1745 fringe benefits and equipment of the youth court administrator,
1746 and an additional sum not to exceed One Thousand Nine Hundred
1747 Dollars (\$1,900.00) for the administrator's travel expenses.

1748 (ii) The appointment of a youth court
1749 administrator shall be evidenced by the entry of an order on the
1750 minutes of the court. The person appointed shall serve at the
1751 will and pleasure of the senior chancellor but shall be an
1752 employee of the Administrative Office of Courts.

1753 (iii) The Administrative Office of Courts must
1754 approve the position, job description and salary before the
1755 position can be filled. The Administrative Office of Courts shall
1756 not approve any plan that does not first require the expenditure
1757 of the funds from the Youth Court Support Fund before expenditure
1758 of county funds is authorized for that purpose.

1759 (iv) Title to any tangible property procured with
1760 funds authorized under this paragraph shall be and forever remain
1761 in the State of Mississippi.

1762 (c) (i) Each county court is eligible for youth court
1763 support funds. The funds shall be utilized to provide
1764 compensation to an intake officer who shall be responsible for
1765 ensuring that all intake and case information for the Department
1766 of Human Services - Division of Youth Services, truancy matters,
1767 and the Department of Child Protection Services is entered into
1768 the Mississippi Youth Court Information Delivery System (MYCIDS)



1769 in an accurate and timely manner. If the county court already has
1770 an intake officer or other staff person responsible for entering
1771 all cases of the Department of Human Services - Division of Youth
1772 Services, truancy matters and the Department of Child Protection
1773 Services into MYCIDS, the senior county court judge may certify
1774 that such a person is already on staff. In such a case, the
1775 senior county court judge shall have discretion to direct the
1776 expenditure of those funds in hiring other support staff to carry
1777 on the business of the court.

1778 (ii) For the purposes of this paragraph, "support
1779 staff" means court administrators, law clerks, legal research
1780 assistants, secretaries, resource administrators or case managers
1781 appointed by a youth court judge, or any combination thereof, but
1782 shall not mean school attendance officers.

1783 (iii) The appointment of support staff shall be
1784 evidenced by the entry of an order on the minutes of the court.
1785 The support staff so appointed shall serve at the will and
1786 pleasure of the senior county court judge but shall be an employee
1787 of the county.

1788 (iv) The Administrative Office of Courts must
1789 approve the positions, job descriptions and salaries before the
1790 positions may be filled. The Administrative Office of Courts
1791 shall not approve any plan that does not first require the
1792 expenditure of funds from the Youth Court Support Fund before
1793 expenditure of county funds is authorized for that purpose.



1794 (v) The Administrative Office of Courts may
1795 approve expenditure from the fund for additional equipment for
1796 support staff appointed pursuant to this paragraph if the
1797 additional expenditure falls within the formula. Title to any
1798 tangible property procured with funds authorized under this
1799 paragraph shall be and forever remain in the county to be used by
1800 the youth court and support staff.

1801 (2) (a) (i) The formula developed by the Administrative
1802 Office of Courts for providing youth court support funds shall be
1803 devised so as to distribute appropriated funds proportional to
1804 caseload and other appropriate factors as set forth in regulations
1805 promulgated by the Administrative Office of Courts. The formula
1806 will determine a reasonable maximum amount per judge or referee
1807 per annum that will not be exceeded in allocating funds under this
1808 section.

1809 (ii) The formula shall be reviewed by the
1810 Administrative Office of Courts every two (2) years to ensure that
1811 the youth court support funds provided herein are proportional to
1812 each youth court's caseload and other specified factors.

1813 (iii) The Administrative Office of Courts shall
1814 have wide latitude in the first two-year cycle to implement a
1815 formula designed to maximize caseload data collection.

1816 (b) Application to receive funds under this section
1817 shall be submitted in accordance with procedures established by
1818 the Administrative Office of Courts.



1819 (c) Approval of the use of any of the youth court
1820 support funds distributed under this section shall be made by the
1821 Administrative Office of Courts in accordance with procedures
1822 established by the Administrative Office of Courts.

1823 (3) (a) There is created in the State Treasury a special
1824 fund to be designated as the "Youth Court Support Fund," which
1825 shall consist of funds appropriated or otherwise made available by
1826 the Legislature in any manner and funds from any other source
1827 designated for deposit into such fund. Unexpended amounts
1828 remaining in the fund at the end of a fiscal year shall not lapse
1829 into the State General Fund, and any investment earnings or
1830 interest earned on amounts in the fund shall be deposited to the
1831 credit of the fund. Monies in the fund shall be distributed to
1832 the youth courts by the Administrative Office of Courts for the
1833 purposes described in this section.

1834 (b) (i) During the regular legislative session held in
1835 calendar year 2007, the Legislature may appropriate an amount not
1836 to exceed Two Million Five Hundred Thousand Dollars
1837 (\$2,500,000.00) to the Youth Court Support Fund.

1838 (ii) During each regular legislative session
1839 subsequent to the 2007 Regular Session, the Legislature shall
1840 appropriate Two Million Five Hundred Thousand Dollars
1841 (\$2,500,000.00) to the Youth Court Support Fund.

1842 (c) No youth court judge or youth court referee shall
1843 be eligible to receive funding from the Youth Court Support Fund



1844 who has not received annual continuing education in the field of
1845 juvenile justice in an amount to conform with the requirements of
1846 the Rules and Regulations for Mandatory Continuing Judicial
1847 Education promulgated by the Supreme Court. The Administrative
1848 Office of Courts shall maintain records of all referees and youth
1849 court judges regarding such training and shall not disburse funds
1850 to any county or municipality for the budget of a youth court
1851 judge or referee who is not in compliance with the judicial
1852 training requirements.

1853 (4) Any recipient of funds from the Youth Court Support Fund
1854 shall not be eligible for continuing disbursement of funds if the
1855 recipient is not in compliance with the terms, conditions and
1856 reporting requirements set forth in the procedures promulgated by
1857 the Administrative Office of Courts.

1858 **SECTION 32.** Section 9-5-1, Mississippi Code of 1972, is
1859 brought forward as follows:

1860 9-5-1. A chancellor shall be elected for and from each of
1861 the chancery court districts as provided in this chapter and the
1862 listing of individual precincts shall be those precincts as they
1863 existed on October 1, 1990. He shall hold court in any other
1864 district with the consent of the chancellor thereof when in their
1865 opinion the public interest may be thereby promoted. The terms of
1866 all chancellors elected at the regular election for the year 1930
1867 shall begin on the first day of January, 1931, and their terms of
1868 office shall continue for four (4) years. A chancellor shall be a



1869 resident of the district in which he serves but shall not be
1870 required to be a resident of a subdistrict if the district is
1871 divided into subdistricts.

1872 **SECTION 33.** Section 9-5-3, Mississippi Code of 1972, is
1873 brought forward as follows:

1874 9-5-3. (1) The state shall be divided into an appropriate
1875 number of chancery court districts, severally numbered and
1876 composed of the counties as set forth in the sections which
1877 follow. A court to be styled "The Chancery Court of the County of
1878 ____" shall be held in each county, and within each judicial
1879 district of a county having two (2) judicial districts, at least
1880 twice a year. Court shall be held in chancery court districts
1881 consisting of a single county on the same dates state agencies and
1882 political subdivisions are open for business excluding legal
1883 holidays. The dates upon which terms shall commence and the
1884 number of days for which terms shall continue in chancery court
1885 districts consisting of more than one (1) county shall be set by
1886 order of the chancellor in accordance with the provisions of
1887 subsection (2) of this section. A matter in court may extend past
1888 a term if the interest of justice so requires.

1889 (2) An order establishing the commencement and continuation
1890 of terms of court for each of the counties within a chancery court
1891 district consisting of more than one (1) county shall be entered
1892 annually and not later than October 1 of the year immediately
1893 preceding the calendar year for which the terms of court are to



1894 become effective. Notice of the dates upon which terms of court
1895 shall commence and the number of days for which the terms shall
1896 continue in each of the counties within a chancery court district
1897 shall be posted in the office of the chancery clerk of each county
1898 within the district and mailed to the office of the Secretary of
1899 State for publication and distribution to all Mississippi Bar
1900 members. If an order is not timely entered, the terms of court
1901 for each of the counties within the chancery court district shall
1902 remain unchanged for the next calendar year.

1903 (3) The number of chancellorships for each chancery court
1904 district shall be determined by the Legislature based upon the
1905 following criteria:

- 1906 (a) The population of the district;
- 1907 (b) The number of cases filed in the district;
- 1908 (c) The caseload of each chancellor in the district;
- 1909 (d) The geographic area of the district;
- 1910 (e) An analysis of the needs of the district by the
1911 court personnel of the district; and
- 1912 (f) Any other appropriate criteria.

1913 (4) The Judicial College of the University of Mississippi
1914 Law Center and the Administrative Office of Courts shall determine
1915 the appropriate:

- 1916 (a) Specific data to be collected as a basis for
1917 applying the above criteria;



1918 (b) Method of collecting and maintaining the specified
1919 data; and

1920 (c) Method of assimilating the specified data.

1921 (5) In a district having more than one (1) office of
1922 chancellor, there shall be no distinction whatsoever in the
1923 powers, duties and emoluments of those offices except that the
1924 chancellor who has been for the longest time continuously a
1925 chancellor of that court or, should no chancellor have served
1926 longer in office than the others, the chancellor who has been for
1927 the longest time a member of The Mississippi Bar shall be the
1928 senior chancellor. The senior chancellor shall have the right to
1929 assign causes and dockets and to set terms in districts consisting
1930 of more than one (1) county.

1931 **SECTION 34.** Section 9-5-5, Mississippi Code of 1972, is
1932 brought forward as follows:

1933 9-5-5. The First Chancery Court District is composed of the
1934 following counties:

- 1935 (a) Alcorn County;
- 1936 (b) Itawamba County;
- 1937 (c) Lee County;
- 1938 (d) Monroe County;
- 1939 (e) Pontotoc County;
- 1940 (f) Prentiss County;
- 1941 (g) Tishomingo County; and
- 1942 (h) Union County.



1943 **SECTION 35.** Section 9-5-7, Mississippi Code of 1972, is
1944 brought forward as follows:

1945 9-5-7. (1) There shall be four (4) chancellors for the
1946 First Chancery Court District.

1947 (2) The four (4) chancellorships shall be separate and
1948 distinct and denominated for purposes of appointment and election
1949 only as "Place One," "Place Two," "Place Three" and "Place Four."
1950 The chancellor to fill Place One must be a resident of Alcorn,
1951 Prentiss or Tishomingo County. The chancellors to fill Place Two
1952 and Place Three must reside in Itawamba, Lee, Monroe, Pontotoc or
1953 Union County. The chancellor to fill Place Four may be a resident
1954 of any county in the district. Election of the four (4) offices
1955 of chancellor shall be by election to be held in every county
1956 within the First Chancery Court District.

1957 **SECTION 36.** Section 9-5-9, Mississippi Code of 1972, is
1958 brought forward as follows:

1959 9-5-9. The Second Chancery Court District is composed of the
1960 following counties:

- 1961 (a) Jasper County;
- 1962 (b) Newton County; and
- 1963 (c) Scott County.

1964 **SECTION 37.** Section 9-5-11, Mississippi Code of 1972, is
1965 brought forward as follows:

1966 9-5-11. (1) The Third Chancery Court District is composed
1967 of the following counties:



- 1968 (a) DeSoto County;
1969 (b) Grenada County;
1970 (c) Montgomery County;
1971 (d) Panola County;
1972 (e) Tate County; and
1973 (f) Yalobusha County.

1974 (2) The Third Chancery Court District shall be divided into
1975 two (2) subdistricts as follows:

- 1976 (a) Subdistrict 3-1 shall consist of DeSoto County.
1977 (b) Subdistrict 3-2 shall consist of Grenada County,
1978 Montgomery County, Panola County, Tate County and Yalobusha
1979 County.

1980 **SECTION 38.** Section 9-5-13, Mississippi Code of 1972, is
1981 brought forward as follows:

1982 **[Until January 1, 2027, this section shall read as follows:]**

1983 9-5-13. (1) There shall be three (3) chancellors for the
1984 Third Chancery Court District.

1985 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
1986 from DeSoto County. The two (2) chancellors of Subdistrict 3-2
1987 shall be elected from Grenada County, Montgomery County, Panola
1988 County, Tate County and Yalobusha County.

1989 (b) For purposes of appointment and election, the three
1990 (3) chancellorships shall be separate and distinct. The
1991 chancellorship in Subdistrict 3-1 shall be denominated only as



1992 "Place One," and the chancellorships in Subdistrict 3-2 shall be
1993 denominated only as "Place Two" and "Place Three."

1994 **[From and after January 1, 2027, this section shall read as**
1995 **follows:]**

1996 9-5-13. (1) There shall be four (4) chancellors for the
1997 Third Chancery Court District.

1998 (2) (a) The two (2) chancellors of Subdistrict 3-1 shall be
1999 elected from DeSoto County. The two (2) chancellors of
2000 Subdistrict 3-2 shall be elected from Grenada County, Montgomery
2001 County, Panola County, Tate County and Yalobusha County.

2002 (b) For purposes of appointment and election, the four
2003 (4) chancellorships shall be separate and distinct and denominated
2004 as "Place One," "Place Two," "Place Three" and "Place Four." The
2005 chancellorships in Subdistrict 3-1 shall be denominated only as
2006 "Place One" and "Place Four" and the chancellorships in
2007 Subdistrict 3-2 shall be denominated only as "Place Two" and
2008 "Place Three."

2009 **SECTION 39.** Section 9-5-17, Mississippi Code of 1972, is
2010 brought forward as follows:

2011 9-5-17. (1) The Fifth Chancery Court District is composed
2012 of Hinds County.

2013 (2) The Fifth Chancery Court District shall be divided into
2014 the following four (4) subdistricts:

2015 (a) Subdistrict 5-1 shall consist of the following
2016 precincts in Hinds County: 1, 2, 4, 5, 6, 8, 9, 10, 32, 33, 34,



2017 35, 36, 44, 45, 46, 47, 72, 73, 74, 75, 76, 77, 78, 79, 92, 93, 96
2018 and 97.

2019 (b) Subdistrict 5-2 shall consist of the following
2020 precincts in Hinds County: 11, 12, 13, 14, 15, 16, 17, 23, 27,
2021 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 80, 81, 82, 83, 84, 85,
2022 Brownsville, Cynthia, Pocahontas and Tinnin.

2023 (c) Subdistrict 5-3 shall consist of the following
2024 precincts in Hinds County: 18, 19, 20, 21, 22, 24, 25, 26, 31,
2025 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66,
2026 67, 68, 69, 70, 71, 86, 89 and Jackson State.

2027 (d) Subdistrict 5-4 shall consist of the following
2028 precincts in Hinds County: 87, 88, 90, 91, 94, 95, Bolton, Byram
2029 1, Byram 2, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3,
2030 Clinton 4, Clinton 5, Clinton 6, Dry Grove, Edwards, Learned, Old
2031 Byram, Pinehaven, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,
2032 Terry, Utica 1 and Utica 2.

2033 **SECTION 40.** Section 9-5-19, Mississippi Code of 1972, is
2034 brought forward as follows:

2035 9-5-19. (1) There shall be four (4) chancellors for the
2036 Fifth Chancery Court District. One (1) chancellor shall be
2037 elected from each subdistrict.

2038 (2) While there shall be no limitation whatsoever upon the
2039 powers and duties of the said chancellors other than as cast upon
2040 them by the Constitution and laws of this state, the court in the
2041 First Judicial District of Hinds County, in the discretion of the



2042 senior chancellor, may be divided into four (4) divisions as a
2043 matter of convenience by the entry of an order upon the minutes of
2044 the court.

2045 **SECTION 41.** Section 9-5-21, Mississippi Code of 1972, is
2046 brought forward as follows:

2047 9-5-21. The Sixth Chancery Court District is composed of the
2048 following counties:

- 2049 (a) Attala County;
- 2050 (b) Carroll County;
- 2051 (c) Choctaw County;
- 2052 (d) Kemper County;
- 2053 (e) Neshoba County; and
- 2054 (f) Winston County.

2055 **SECTION 42.** Section 9-5-22, Mississippi Code of 1972, is
2056 brought forward as follows:

2057 9-5-22. (1) There shall be two (2) chancellors for the
2058 Sixth Chancery Court District.

2059 (2) The two (2) chancellorships shall be separate and
2060 distinct and denominated for purposes of appointment and election
2061 only as "Place One" and "Place Two."

2062 **SECTION 43.** Section 9-5-23, Mississippi Code of 1972, is
2063 brought forward as follows:

2064 9-5-23. (1) The Seventh Chancery Court District is composed
2065 of the following counties:

- 2066 (a) Bolivar County;



- 2067 (b) Coahoma County;
2068 (c) Leflore County;
2069 (d) Quitman County;
2070 (e) Tallahatchie County; and
2071 (f) Tunica County.

2072 (2) The Seventh Chancery Court District shall be divided
2073 into two (2) subdistricts as follows:

2074 (a) Subdistrict 7-1 shall consist of Bolivar County and
2075 Coahoma County;

2076 (b) Subdistrict 7-2 shall consist of Leflore County,
2077 Quitman County, Tallahatchie County and Tunica County.

2078 **SECTION 44.** Section 9-5-25, Mississippi Code of 1972, is
2079 brought forward as follows:

2080 9-5-25. There shall be three (3) chancellors for the Seventh
2081 Chancery Court District. The three (3) chancellorships shall be
2082 separate and distinct. One (1) chancellor shall be elected from
2083 Subdistrict 7-1 and shall be denominated for purposes of
2084 appointment and election only as "Place One," and two (2)
2085 chancellors shall be elected from Subdistrict 7-2 and shall be
2086 denominated for purposes of appointment and election only as
2087 "Place Two" and "Place Three."

2088 **SECTION 45.** Section 9-5-27, Mississippi Code of 1972, is
2089 brought forward as follows:

2090 9-5-27. The Eighth Chancery Court District is composed of
2091 the following counties:



- 2092 (a) Hancock County;
2093 (b) Harrison County; and
2094 (c) Stone County.

2095 **SECTION 46.** Section 9-5-29, Mississippi Code of 1972, is
2096 brought forward as follows:

2097 9-5-29. (1) There shall be four (4) chancellors for the
2098 Eighth Chancery Court District.

2099 (2) The four (4) chancellorships shall be separate and
2100 distinct and denominated for purposes of appointment and election
2101 only as "Place One," "Place Two," "Place Three" and "Place Four."

2102 (3) While there shall be no limitation whatsoever upon the
2103 powers and duties of the chancellors other than as cast upon them
2104 by the Constitution and laws of this state, the court in the
2105 Eighth Chancery Court District, in the discretion of the senior
2106 chancellor, may be divided into four (4) divisions as a matter of
2107 convenience by the entry of an order upon the minutes of the
2108 court.

2109 **SECTION 47.** Section 9-5-31, Mississippi Code of 1972, is
2110 brought forward as follows:

2111 9-5-31. (1) The Ninth Chancery Court District is composed
2112 of the following counties:

- 2113 (a) Humphreys County;
2114 (b) Issaquena County;
2115 (c) Sharkey County;
2116 (d) Sunflower County;



2117 (e) Warren County; and

2118 (f) Washington County.

2119 (2) The Ninth Chancery Court District shall be divided into
2120 three (3) subdistricts as follows:

2121 (a) Subdistrict 9-1 shall consist of the following
2122 precincts in the following counties:

2123 (i) Sunflower County: Boyer-Linn, Drew,
2124 Fairview-Hale, Indianola 2 East*, Indianola 3 North*, Indianola 3
2125 Northeast*, Indianola 3 South*, Rome, Ruleville, Ruleville North
2126 and Sunflower Plantation; and

2127 (ii) Washington County: American Legion, Brent
2128 Center, Buster Brown Community Center, Darlove Baptist Church*,
2129 Elks Club, Extension Building, Grace Methodist Church*, Greenville
2130 Industrial College, Leland Health Department Clinic, Leland Rotary
2131 Club, Metcalf City Hall and Potter House Church.

2132 (b) Subdistrict 9-2 shall consist of Humphreys County
2133 and the following precincts in the following counties:

2134 (i) Sunflower County: Doddsville, Indianola 2
2135 East*, Indianola 2 West, Indianola 3 North*, Indianola 3
2136 Northeast*, Indianola 3 South*, Indianola Southeast, Inverness,
2137 Moorhead, Sunflower 3 and Sunflower 4; and

2138 (ii) Washington County: Arcola City Hall, Christ
2139 Wesleyan Methodist Church, Darlove Baptist Church*, Glen Allan
2140 Health Clinic, Grace Methodist Church*, Hollandale City Hall, St.



2141 James Episcopal Church, Swiftwater Baptist Church, Tampa Drive and
2142 Ward's Recreation Center.

2143 (c) Subdistrict 9-3 shall consist of Issaquena County,
2144 Sharkey County and Warren County.

2145 **SECTION 48.** Section 9-5-33, Mississippi Code of 1972, is
2146 brought forward as follows:

2147 9-5-33. There shall be three (3) chancellors for the Ninth
2148 Chancery Court District. One (1) chancellor shall be elected from
2149 each subdistrict.

2150 **SECTION 49.** Section 9-5-35, Mississippi Code of 1972, is
2151 brought forward as follows:

2152 9-5-35. The Tenth Chancery Court District is composed of the
2153 following counties:

- 2154 (a) Forrest County;
- 2155 (b) Lamar County;
- 2156 (c) Marion County;
- 2157 (d) Pearl River County; and
- 2158 (e) Perry County.

2159 **SECTION 50.** Section 9-5-36, Mississippi Code of 1972, is
2160 brought forward as follows:

2161 9-5-36. (1) There shall be four (4) chancellors for the
2162 Tenth Chancery Court District.

2163 (2) The four (4) chancellorships shall be separate and
2164 distinct and denominated for purposes of appointment and election
2165 only as "Place One," "Place Two," "Place Three" and "Place Four."



2166 The chancellor to fill Place One and Place Four may be a resident
2167 of any county in the district. The chancellor to fill Place Two
2168 must be a resident of Lamar, Marion, Pearl River or Perry County.
2169 The chancellor to fill Place Three must be a resident of Forrest
2170 County. Election of the four (4) offices of chancellor shall be
2171 by election to be held in every county within the Tenth Chancery
2172 Court District.

2173 **SECTION 51.** Section 9-5-37, Mississippi Code of 1972, is
2174 brought forward as follows:

2175 9-5-37. (1) The Eleventh Chancery Court District is
2176 composed of the following counties:

- 2177 (a) Holmes County;
- 2178 (b) Leake County;
- 2179 (c) Madison County; and
- 2180 (d) Yazoo County.

2181 (2) The Eleventh Chancery Court District shall be divided
2182 into two (2) subdistricts as follows:

2183 (a) Subdistrict 11-1 shall consist of Holmes County,
2184 Yazoo County and the following precincts in Madison County: Bible
2185 Church, Canton 4, Canton 5, Flora, Madison County Baptist Family
2186 Life Center, Magnolia Heights and Smith School;

2187 (b) Subdistrict 11-2 shall consist of Leake County and
2188 the following precincts in Madison County: Bear Creek, Camden,
2189 Cameron, Canton 1, Canton 2, Canton 3, Canton 7, Cedar Grove,
2190 Cobblestone, Couparle, Gluckstadt, Highland Colony Baptist Church,



2191 Liberty, Lorman/Cavalier, Luther Branson School, Madison 1,
2192 Madison 2, Madison 3, Main Harbor, New Industrial Park, North Bay,
2193 Ratliff Ferry, Ridgeland 1, Ridgeland 3, Ridgeland 4, Ridgeland
2194 First Methodist Church, Ridgeland Tennis Center, Sharon,
2195 Sunnybrook, Tougaloo, Trace Harbor, Victory Baptist Church,
2196 Virililia, Whisper Lake and Yandell Road.

2197 **SECTION 52.** Section 9-5-38, Mississippi Code of 1972, is
2198 brought forward as follows:

2199 9-5-38. There shall be three (3) chancellors for the
2200 Eleventh Chancery Court District. The three (3) chancellorships
2201 shall be separate and distinct. One (1) chancellor shall be
2202 elected from Subdistrict 11-1 and denominated for purposes of
2203 appointment and election only as "Place One," one (1) chancellor
2204 shall be elected from Subdistrict 11-2 and denominated for
2205 purposes of appointment and election only as "Place Two," and one
2206 (1) chancellor shall be elected at large from the entire Eleventh
2207 Chancery Court District and denominated for purposes of
2208 appointment and election only as "Place Three."

2209 **SECTION 53.** Section 9-5-39, Mississippi Code of 1972, is
2210 brought forward as follows:

2211 9-5-39. The Twelfth Chancery Court District is composed of
2212 the following counties:

- 2213 (a) Clarke County; and
2214 (b) Lauderdale County.



2215 **SECTION 54.** Section 9-5-40, Mississippi Code of 1972, is
2216 brought forward as follows:

2217 9-5-40. (1) There shall be two (2) judges for the Twelfth
2218 Chancery Court District.

2219 (2) The two (2) chancellorships shall be separate and
2220 distinct and denominated for purposes of appointment and election
2221 only as "Place One" and "Place Two."

2222 **SECTION 55.** Section 9-5-41, Mississippi Code of 1972, is
2223 brought forward as follows:

2224 9-5-41. (1) The Thirteenth Chancery Court District is
2225 composed of the following counties:

- 2226 (a) Covington County;
- 2227 (b) Jefferson Davis County;
- 2228 (c) Lawrence County;
- 2229 (d) Simpson County; and
- 2230 (e) Smith County.

2231 (2) There shall be two (2) chancellors for the Thirteenth
2232 Chancery Court District. The two (2) chancellorships shall be
2233 separate and distinct and denominated for purposes of appointment
2234 and election only as "Place One" and "Place Two."

2235 **SECTION 56.** Section 9-5-43, Mississippi Code of 1972, is
2236 brought forward as follows:

2237 9-5-43. (1) The Fourteenth Chancery Court District is
2238 composed of the following counties:

- 2239 (a) Chickasaw County;



- 2240 (b) Clay County;
- 2241 (c) Lowndes County;
- 2242 (d) Noxubee County;
- 2243 (e) Oktibbeha County; and
- 2244 (f) Webster County.

2245 (2) The Fourteenth Chancery Court District shall be divided
2246 into three (3) subdistricts as follows:

2247 (a) Subdistrict 14-1 shall consist of Chickasaw County,
2248 Webster County and the following precincts in Oktibbeha County:
2249 Bell Schoolhouse*, Bradley, Center Grove, Central Starkville*,
2250 Craig Springs, Double Springs, East Starkville*, Gillespie Street
2251 Center*, Maben, North Adaton, North Longview, North Starkville 2*,
2252 North Starkville 3, Northeast Starkville, Self Creek, South
2253 Adaton, South Longview, South Starkville*, Sturgis and West
2254 Starkville*.

2255 (b) Subdistrict 14-2 shall consist of the following
2256 precincts in the following counties:

2257 (i) Clay County: Cedar Bluff, Central West Point,
2258 East West Point, Siloam, South West Point and Vinton; and

2259 (ii) Lowndes County: Air Base A, Air Base B, Air
2260 Base C, Air Base D, Air Base E, Brandon A, Brandon B, Brandon C,
2261 Brandon D, Caledonia, Columbus High School A, Columbus High School
2262 B, Columbus High School C, Columbus High School D, Dowdle Gas
2263 Training Center B, Fairgrounds C, Fairgrounds E, Fairgrounds F,
2264 Hunt C, Lee Middle School, Mitchell A, New Hope A, New Hope B, New



2265 Hope C, New Hope D, New Hope E, Rural Hill A, Rural Hill B, Rural
2266 Hill C, Sale A, Sale B, Sale C, Steens A, Steens B, Steens C,
2267 Trinity B, Union Academy B, Union Academy C and University A.

2268 (c) Subdistrict 14-3 shall consist of Noxubee County
2269 and the following precincts in the following counties:

2270 (i) Clay County: Cairo, Caradine, North West
2271 Point, Pheba, Pine Bluff, Tibbee, Union Star and West West Point;

2272 (ii) Lowndes County: Artesia, Coleman A, Coleman
2273 B, Crawford A, Fairgrounds A, Fairgrounds B, Fairgrounds D,
2274 Fairgrounds G, Hunt A, Hunt B, Mitchell B, New Hope F, Plum Grove
2275 A, Plum Grove B, Plum Grove C, Propst Park Community Hut, Trinity
2276 A, Union Academy A, University B, West Lowndes A and West Lowndes
2277 B; and

2278 (iii) Oktibbeha County: Bell Schoolhouse*,
2279 Central Starkville*, East Starkville*, Gillespie Street Center*,
2280 Hickory Grove, North Starkville 2*, Oktoc, Osborn, Sessums, South
2281 Starkville*, Southeast Oktibbeha and West Starkville*.

2282 **SECTION 57.** Section 9-5-45, Mississippi Code of 1972, is
2283 brought forward as follows:

2284 9-5-45. There shall be three (3) chancellors for the
2285 Fourteenth Chancery Court District. One (1) chancellor shall be
2286 elected from each subdistrict.

2287 **SECTION 58.** Section 9-5-47, Mississippi Code of 1972, is
2288 brought forward as follows:



2289 9-5-47. The Fifteenth Chancery Court District is composed of
2290 the following counties:

2291 (a) Covich County; and

2292 (b) Lincoln County.

2293 **SECTION 59.** Section 9-5-49, Mississippi Code of 1972, is
2294 brought forward as follows:

2295 9-5-49. The Sixteenth Chancery Court District is composed of
2296 the following counties:

2297 (a) George County;

2298 (b) Greene County; and

2299 (c) Jackson County.

2300 **SECTION 60.** Section 9-5-50, Mississippi Code of 1972, is
2301 brought forward as follows:

2302 9-5-50. (1) There shall be three (3) chancellors for the
2303 Sixteenth Chancery Court District.

2304 (2) The three (3) chancellorships shall be separate and
2305 distinct and denominated for purposes of appointment and election
2306 only as "Place One," "Place Two" and "Place Three."

2307 **SECTION 61.** Section 9-5-51, Mississippi Code of 1972, is
2308 brought forward as follows:

2309 9-5-51. (1) The Seventeenth Chancery Court District is
2310 composed of the following counties:

2311 (a) Adams County;

2312 (b) Claiborne County;

2313 (c) Jefferson County; and



2314 (d) Wilkinson County.

2315 (2) The Seventeenth Chancery Court District shall be divided
2316 into two (2) subdistricts as follows:

2317 (a) Subdistrict 17-1 shall consist of Claiborne County,
2318 Jefferson County, and the following precincts in Adams County:

2319 Airport Carpenter*, Convention Center*, Foster Mound, Maryland*,
2320 Northside School, Palestine, Pine Ridge, Thompson and Washington*.

2321 (b) Subdistrict 17-2 shall consist of Wilkinson County
2322 and the following precincts in Adams County: Beau Pre, Bellemont,

2323 By-Pass Fire Station, Carpenter*, Concord, Convention Center*,
2324 Courthouse, Duncan Park, Kingston, Liberty Park, Maryland*,

2325 Morgantown, Oakland and Washington*.

2326 (3) There shall be two (2) chancellors for the Seventeenth
2327 Chancery Court District. One (1) chancellor shall be elected from
2328 each subdistrict.

2329 **SECTION 62.** Section 9-5-53, Mississippi Code of 1972, is
2330 brought forward as follows:

2331 9-5-53. The Eighteenth Chancery Court District is composed
2332 of the following counties:

2333 (a) Benton County;

2334 (b) Calhoun County;

2335 (c) Lafayette County;

2336 (d) Marshall County; and

2337 (e) Tippah County.



2338 **SECTION 63.** Section 9-5-54, Mississippi Code of 1972, is
2339 brought forward as follows:

2340 9-5-54. (1) There shall be two (2) chancellors for the
2341 Eighteenth Chancery Court District.

2342 (2) The two (2) chancellorships shall be separate and
2343 distinct and denominated for purposes of appointment and election
2344 only as "Place One" and "Place Two."

2345 **SECTION 64.** Section 9-5-55, Mississippi Code of 1972, is
2346 brought forward as follows:

2347 9-5-55. The Nineteenth Chancery Court District is composed
2348 of the following counties:

2349 (a) Jones County; and

2350 (b) Wayne County.

2351 **SECTION 65.** Section 9-5-57, Mississippi Code of 1972, is
2352 brought forward as follows:

2353 9-5-57. The Twentieth Chancery Court District shall be
2354 Rankin County.

2355 **SECTION 66.** Section 9-5-58, Mississippi Code of 1972, is
2356 brought forward as follows:

2357 9-5-58. There shall be three (3) chancellors for the
2358 Twentieth Chancery Court District. For purposes of appointment
2359 and election the three (3) chancellorships shall be separate and
2360 distinct and denominated for purposes of appointment and election
2361 only as "Place One," "Place Two" and "Place Three."



2362 **SECTION 67.** Section 9-5-255, Mississippi Code of 1972, is
2363 brought forward as follows:

2364 9-5-255. (1) Except as provided by subsection (9) of this
2365 section, the senior chancellor of each chancery court district in
2366 the state may apply to the Chief Justice of the Supreme Court for
2367 the appointment of one or more persons to serve as family masters
2368 in chancery in each of the counties or for all of the counties
2369 within the respective chancery court district if the senior
2370 chancellor states in writing that the chancery court district's
2371 docket is crowded enough to warrant an appointment of a family
2372 master. The Chief Justice shall determine from the information
2373 provided by the senior chancellor if the need exists for the
2374 appointment of a family master. If the Chief Justice determines
2375 that the need exists, a family master shall be appointed. If the
2376 Chief Justice determines that the need does not exist, no family
2377 master shall be appointed.

2378 (2) Family masters in chancery shall have the power to hear
2379 cases and recommend orders establishing, modifying and enforcing
2380 orders for support in matters referred to them by chancellors and
2381 judges of the circuit, county or family courts of such county.
2382 The family master in chancery shall have jurisdiction over
2383 paternity matters brought pursuant to the Mississippi Uniform Law
2384 on Paternity and referred to them by chancellors and judges of the
2385 circuit, county or family courts of such county. As used in this



2386 section, "order for support" shall have the same meaning as such
2387 term is defined in Section 93-11-101.

2388 (3) In all cases in which an order for support has been
2389 established and the person to whom the support obligation is owed
2390 is a nonrelated Temporary Assistance for Needy Families (TANF)
2391 family on whose behalf the Department of Human Services is
2392 providing services, the family master in chancery or any other
2393 judge or court of competent jurisdiction shall, upon proper
2394 pleading by the department and upon appropriate proceedings
2395 conducted thereon, order that the department may recover and that
2396 the obligor shall be liable for reasonable attorney's fees at a
2397 minimum of Two Hundred Fifty Dollars (\$250.00) or an amount set by
2398 the court and court costs which the department incurs in enforcing
2399 and collecting amounts of support obligation which exceed
2400 administrative fees collected and current support owed by the
2401 obligor.

2402 (4) Persons appointed as family masters in chancery pursuant
2403 to this section shall meet and possess all of the qualifications
2404 required of chancery and circuit court judges of this state, shall
2405 remain in office at the pleasure of the appointing chancellor, and
2406 shall receive reasonable compensation for services rendered by
2407 them, as fixed by law, or allowed by the court. Family masters in
2408 chancery shall be paid out of any available funds budgeted by the
2409 board of supervisors of the county in which they serve; provided,
2410 however, in the event that a family master in chancery is



2411 appointed to serve in more than one county within a chancery court
2412 district, then the compensation and expenses of such master shall
2413 be equally apportioned among and paid by each of the counties in
2414 which such master serves. The chancery clerk shall issue to such
2415 persons a certificate of appointment.

2416 (5) Family masters in chancery shall have power to
2417 administer oaths, to take the examination of witnesses in cases
2418 referred to them, to examine and report upon all matters referred
2419 to them, and they shall have all the powers in cases referred to
2420 them properly belonging to masters or commissioners in chancery
2421 according to the practice of equity courts as heretofore
2422 exercised.

2423 (6) Family masters in chancery shall have power to issue
2424 subpoenas for witnesses to attend before them to testify in any
2425 matter referred to them or generally in the cause, and the
2426 subpoenas shall be executed in like manner as subpoenas issued by
2427 the clerk of the court. If any witness shall fail to appear, the
2428 master shall proceed by process of attachment to compel the
2429 witness to attend and give evidence.

2430 (7) Family masters in chancery are authorized and empowered
2431 to conduct original hearings on matters in such county referred to
2432 such masters by any chancellor or judge of such county.

2433 (8) In all cases heard by masters pursuant to this section,
2434 such masters shall make a written report to the chancellor or
2435 judge who refers the case to him. Such chancellor or judge may



2436 accept, reject or modify, in whole or in part, the findings or
2437 recommendations made and reported by the master, and may recommit
2438 the matter to the master with instructions. In all cases referred
2439 to such master, initialing for approval by the master of a
2440 proposed decree shall be sufficient to constitute the master's
2441 report.

2442 (9) Any chancellor required by this section to appoint a
2443 person or persons to serve as family masters in chancery may
2444 forego the requirement to appoint such masters or if family
2445 masters have been appointed, such chancellor may terminate such
2446 appointments and leave such positions vacant, only if an exemption
2447 from the United States Department of Health and Human Services is
2448 obtained for the county or counties involved. Such positions may
2449 remain vacant for as long as such exemption remains in effect.

2450 **SECTION 68.** Section 9-9-14, Mississippi Code of 1972, is
2451 brought forward as follows:

2452 9-9-14. (1) In order to relieve the crowded condition of
2453 the docket in the county court of Harrison County and particularly
2454 to facilitate and make possible the trial and disposition of the
2455 large number of causes on said docket, there shall be three (3)
2456 county judges for Harrison County provided for and elected as
2457 herein set out.

2458 (2) For the purposes of nomination and election, the three
2459 (3) judgeships shall be separate and distinct, to be denominated
2460 for purposes of appointment, nomination and election only as



2461 "place one," "place two" and "place three." There shall be no
2462 distinction whatsoever in the powers, duties and emoluments of the
2463 three (3) offices of county judge, except that the county judge of
2464 Harrison County who has been for the longest time continuously a
2465 county judge of said county shall have the power to assign causes,
2466 terms and dockets.

2467 (3) While there shall be no limitation whatsoever upon the
2468 powers and duties of the said county judges other than as cast
2469 upon them by the constitution and laws of this state, the county
2470 court of Harrison County may, in the discretion of the county
2471 judge who has been for the longest time continuously a judge of
2472 said court, be divided into civil, equity and criminal divisions
2473 as a matter of convenience, by the entry of an order upon the
2474 minutes of the court.

2475 (4) The Governor shall appoint some qualified person from
2476 Harrison County to fill the office of county judge hereby created,
2477 who shall hold office until his successor is elected and qualified
2478 in the manner and form as provided in Section 9-9-5, Mississippi
2479 Code of 1972, and said appointment and election shall in all
2480 respects be of the same import as if the office had heretofore
2481 been in existence and a vacancy had as of October 1, 1972,
2482 occurred therein.

2483 (5) Each county judge shall appoint his own court reporter
2484 in accordance with Section 9-13-61, Mississippi Code of 1972, for
2485 the purpose of doing the necessary stenographic work of the court.



2486 (6) The family court judge in Harrison County shall be the
2487 county judge for "place three" from and after the passage of House
2488 Bill No. 876, 1999 Regular Session, to serve for the term expiring
2489 December 31, 2002.

2490 **SECTION 69.** Section 9-9-16, Mississippi Code of 1972, is
2491 brought forward as follows:

2492 9-9-16. (1) In order to relieve the crowded condition of
2493 the docket in the county court of Washington County and
2494 particularly to facilitate and make possible the trial and
2495 disposition of the large number of causes on said docket, it is
2496 enacted that from and after January 1, 1976, in the manner
2497 provided herein, there shall be two (2) county judges for
2498 Washington County, Mississippi, provided for and elected as herein
2499 set out.

2500 (2) For the purposes of nomination and election, the two (2)
2501 judgeships shall be separate and distinct, the presently existing
2502 judgeship and its succession to be denominated for purposes of
2503 appointment, nomination and election only as "Place One" and the
2504 judgeship hereby created and its succession for said selfsame
2505 purposes and none other to be designated as "Place Two." There
2506 shall be no distinction whatsoever in the powers, duties and
2507 emoluments of the two (2) offices of county judge, except that the
2508 county judge of Washington County who has been for the longest
2509 time continuously a county judge of said county shall have the
2510 power to assign causes, terms and dockets. Should neither judge



2511 of said county court have served longer in said office than the
2512 other, then that judge of this county court who has been for the
2513 longest time a member of The Mississippi State Bar shall have the
2514 right to assign causes, terms and dockets.

2515 (3) While there shall be no limitation whatsoever upon the
2516 powers and duties of the said county judges other than as cast
2517 upon them by the Constitution and laws of this state, the County
2518 Court of Washington County may, in the discretion of the county
2519 judge who has been for the longest time continuously a judge of
2520 said court, be divided into civil, equity, youth and criminal
2521 divisions as a matter of convenience, by the entry of an order
2522 upon the minutes of the court.

2523 (4) Each county judge shall appoint his own court reporter
2524 in accordance with Section 9-13-61, Mississippi Code of 1972, for
2525 the purpose of doing the necessary stenographic work of the court.

2526 (5) The additional judgeship created by this section shall
2527 remain vacant unless prior to May 10, 1975, the Board Of
2528 Supervisors of Washington County, Mississippi, shall adopt an
2529 order duly entered upon the minutes of said board stating that
2530 sufficient county funds are available for the compensation and
2531 related expenses of the additional judgeship created herein.

2532 (6) If the order of the board of supervisors as required
2533 under subsection (5) of this section shall have been duly adopted
2534 and entered upon the minutes of said board prior to May 10, 1975,
2535 then the additional judgeship herein created shall be filled by a



2536 person elected in the regular primary and general elections to be
2537 held in 1975, and the person so elected shall hold office from
2538 January 1, 1976, for the remainder of the regular term for county
2539 judges. All candidates for such office shall possess all of the
2540 qualifications of a circuit judge as prescribed by the State
2541 Constitution and shall qualify for election in the same manner and
2542 be governed by the same statutes as other candidates for county
2543 office. After the first election to fill the judgeship created
2544 herein, the provisions of Section 9-9-5, Mississippi Code of 1972,
2545 shall apply to the judgeship created herein.

2546 **SECTION 70.** Section 9-9-17, Mississippi Code of 1972, is
2547 brought forward as follows:

2548 9-9-17. (1) In order to relieve the crowded condition of
2549 the docket in the county court and in the youth court of Jackson
2550 County and particularly to facilitate and make possible the trial
2551 and disposition of the large number of causes on said docket and
2552 in the youth court, there shall be two (2) county judges for
2553 Jackson County, Mississippi, provided for and elected as herein
2554 set out.

2555 (2) For the purposes of nomination and election, the two (2)
2556 judgeships shall be separate and distinct, the presently existing
2557 judgeship and its succession to be denominated for purposes of
2558 appointment, nomination and election only as Place One and the
2559 judgeship hereby created and its succession for said selfsame
2560 purposes and none other to be designated as Place Two. There



2561 shall be no distinction whatsoever in the powers, duties and
2562 emoluments of the two (2) offices of county judge, except that the
2563 county judge of Jackson County who has been for the longest time
2564 continuously a county judge of said county shall have the right to
2565 assign causes, terms and dockets.

2566 (3) While there shall be no limitation whatsoever upon the
2567 powers and duties of the said county judges other than as cast
2568 upon them by the Constitution and laws of this state, the county
2569 court of Jackson County may, in the discretion of the county judge
2570 who has been for the longest time continuously a judge of said
2571 court, be divided into civil, equity, criminal and youth court
2572 divisions as a matter of convenience by the entry of an order upon
2573 the minutes of the court.

2574 (4) The two (2) county judges shall be elected at the same
2575 time and in the same manner now prescribed by law for the existing
2576 judgeship of Jackson County.

2577 (5) The Board of Supervisors of Jackson County may, in its
2578 discretion, set aside, appropriate and expend monies from the
2579 general fund to be used in the payment of salaries of judges,
2580 clerks, reporters, officers and employees of the youth court
2581 division of the county court, including the related facilities of
2582 the youth court division of the county court, and such funds shall
2583 be expended for no other purposes.



2584 The county shall not be reimbursed for the amount of any such
2585 levy provided for by this section under the terms of the Homestead
2586 Exemption Law.

2587 **SECTION 71.** Section 9-9-18, Mississippi Code of 1972, is
2588 brought forward as follows:

2589 9-9-18. (1) In order to relieve the crowded condition of
2590 the docket in the county court and in the youth court of Rankin
2591 County and particularly to facilitate and make possible the trial
2592 and disposition of the large number of causes on the docket and in
2593 the youth court, there shall be two (2) county judges for Rankin
2594 County, provided for and elected as herein set out.

2595 (2) For the purposes of nomination and election, the two (2)
2596 judgeships shall be separate and distinct, the presently existing
2597 judgeship and its succession to be denominated for purposes of
2598 appointment, nomination and election only as "Place One" and the
2599 judgeship hereby created and its succession for said selfsame
2600 purposes and none other to be designated as "Place Two." There
2601 shall be no distinction whatsoever in the powers, duties and
2602 emoluments of the two (2) offices of county judge, except that the
2603 county judge of Rankin County who has been for the longest time
2604 continuously a county judge of the county shall have the right to
2605 assign causes, terms and dockets. Should neither judge of the
2606 county court have served longer in office than the other, then
2607 that judge of this county court who has been for the longest time



2608 a member of The Mississippi Bar shall have the right to assign
2609 causes, terms and dockets.

2610 (3) While there shall be no limitation whatsoever upon the
2611 powers and duties of the county judges other than as cast upon
2612 them by the Constitution and laws of this state, the county court
2613 of Rankin County may, in the discretion of the county judge who
2614 has been for the longest time continuously a judge of the court,
2615 be divided into civil, equity, criminal and youth court divisions
2616 as a matter of convenience by the entry of an order upon the
2617 minutes of the court.

2618 (4) The initial holder of the additional judgeship created
2619 by this section, or "Place Two," shall be elected in the regular
2620 election of November 2002; candidates therefor shall qualify to
2621 run not later than forty-five (45) days before that election. The
2622 person elected shall begin the term of office in January of 2003
2623 at the same time as county judges generally, and there shall be no
2624 vacancy of the office before that time. The two (2) judges shall
2625 otherwise be elected, and any vacancy in office filled, as
2626 provided for county judges generally.

2627 (5) The Board of Supervisors of Rankin County may, in its
2628 discretion, set aside, appropriate and expend monies from the
2629 general fund to be used in the payment of salaries of judges,
2630 clerks, reporters, officers and employees of the youth court
2631 division of the county court, including the related facilities of
2632 the youth court division of the county court, and such funds shall



2633 be expended for no other purposes. The county shall not be
2634 reimbursed for the amount of any such levy provided for by this
2635 section under the terms of the Homestead Exemption Law.

2636 **SECTION 72.** Section 9-9-18.1, Mississippi Code of 1972, is
2637 brought forward as follows:

2638 9-9-18.1. (1) In order to relieve the crowded condition of
2639 the docket in the county court and in the youth court of Madison
2640 County and particularly to facilitate and make possible the trial
2641 and disposition of the large number of causes on the docket and in
2642 the youth court, there shall be two (2) county judges for Madison
2643 County, provided for and elected as herein set out.

2644 (2) For the purposes of nomination and election, the two (2)
2645 judgeships shall be separate and distinct, the presently existing
2646 judgeship and its succession to be denominated for purposes of
2647 appointment, nomination and election only as "Place One" and the
2648 judgeship hereby created and its succession for said selfsame
2649 purposes and none other to be designated as "Place Two." There
2650 shall be no distinction whatsoever in the powers, duties and
2651 emoluments of the two (2) offices of county judge, except that the
2652 county judge of Madison County who has been for the longest time
2653 continuously a county judge of the county shall have the right to
2654 assign causes, terms and dockets. Should neither judge of the
2655 county court have served longer in office than the other, then
2656 that judge of this county court who has been for the longest time



2657 a member of The Mississippi Bar shall have the right to assign
2658 causes, terms and dockets.

2659 (3) While there shall be no limitation whatsoever upon the
2660 powers and duties of the county judges other than as cast upon
2661 them by the Constitution and laws of this state, the county court
2662 of Madison County may, in the discretion of the county judge who
2663 has been for the longest time continuously a judge of the court,
2664 be divided into civil, equity, criminal and youth court divisions
2665 as a matter of convenience by the entry of an order upon the
2666 minutes of the court.

2667 (4) The initial holder of the additional judgeship created
2668 by this section, or "Place Two," shall be elected in the regular
2669 election of November 2002; candidates therefor shall qualify to
2670 run not later than forty-five (45) days before that election. The
2671 person elected shall begin the term of office in January of 2003
2672 at the same time as county judges generally, and there shall be no
2673 vacancy of the office before that time. The two (2) judges shall
2674 otherwise be elected, and any vacancy in office filled, as
2675 provided for county judges generally.

2676 (5) The Board of Supervisors of Madison County may, in its
2677 discretion, set aside, appropriate and expend monies from the
2678 general fund to be used in the payment of salaries of judges,
2679 clerks, reporters, officers and employees of the youth court
2680 division of the county court, including the related facilities of
2681 the youth court division of the county court, and such funds shall



2682 be expended for no other purposes. The county shall not be
2683 reimbursed for the amount of any such levy provided for by this
2684 section under the terms of the Homestead Exemption Law.

2685 **SECTION 73.** Section 9-9-18.2, Mississippi Code of 1972, is
2686 brought forward as follows:

2687 9-9-18.2. (1) In order to relieve the crowded condition of
2688 the docket in the courts and in the youth court of Pearl River
2689 County and particularly to facilitate and make possible the trial
2690 and disposition of the large number of causes on the docket and in
2691 the youth court, there shall be a county court with one (1) county
2692 judge for Pearl River County, provided for and elected as herein
2693 set out.

2694 (2) The county court of Pearl River County may, in the
2695 discretion of the county judge, be divided into civil, equity,
2696 criminal and youth court divisions as a matter of convenience by
2697 the entry of an order upon the minutes of the court.

2698 (3) The initial holder of the judgeship created by this
2699 section shall be elected in the regular election of November 2010;
2700 candidates therefor shall qualify to run not later than sixty (60)
2701 days before that election. The person elected shall begin the
2702 term of office in January of 2011 at the same time as county
2703 judges generally, and there shall be no vacancy of the office
2704 before that time. Thereafter, the judge shall otherwise be
2705 elected, and any vacancy in office filled, as provided for county
2706 judges generally.



2707 (4) The Board of Supervisors of Pearl River County may, in
2708 its discretion, set aside, appropriate and expend monies from the
2709 general fund to be used in the payment of salaries of the judge,
2710 clerks, reporters, officers and employees of the youth court
2711 division of the county court, including the related facilities of
2712 the youth court division of the county court, and such funds shall
2713 be expended for no other purposes. The county shall not be
2714 reimbursed for the amount of any such levy provided for by this
2715 section under the terms of the Homestead Exemption Law.

2716 **SECTION 74.** Section 9-9-18.3, Mississippi Code of 1972, is
2717 brought forward as follows:

2718 9-9-18.3. (1) In order to relieve the crowded condition of
2719 the docket in the county court and in the youth court of
2720 Lauderdale County and particularly to facilitate and make possible
2721 the trial and disposition of the large number of causes on the
2722 docket and in the youth court, there shall be two (2) county
2723 judges for Lauderdale County, provided for and elected as herein
2724 set out.

2725 (2) For the purposes of nomination and election, the two (2)
2726 judgeships shall be separate and distinct, the presently existing
2727 judgeship and its succession to be denominated for purposes of
2728 appointment, nomination and election only as "Place One" and the
2729 judgeship hereby created and its succession for said selfsame
2730 purposes and none other to be designated as "Place Two." There
2731 shall be no distinction whatsoever in the powers, duties and



2732 emoluments of the two (2) offices of county judge, except that the
2733 county judge of Lauderdale County who has been for the longest
2734 time continuously a county judge of the county shall have the
2735 right to assign causes, terms and dockets. Should neither judge
2736 of the county court have served longer in office than the other,
2737 then that judge of the county court who has been for the longest
2738 time a member of The Mississippi Bar shall have the right to
2739 assign causes, terms and dockets.

2740 (3) While there shall be no limitation whatsoever upon the
2741 powers and duties of the said county judges other than as cast
2742 upon them by the Constitution and laws of this state, the county
2743 court of Lauderdale County may, in the discretion of the county
2744 judge who has been for the longest time continuously a judge of
2745 said court, be divided into civil, equity, criminal and youth
2746 court divisions as a matter of convenience by the entry of an
2747 order upon the minutes of the court.

2748 (4) The initial holder of the additional judgeship created
2749 by this section, or "Place Two," shall be elected in the regular
2750 election of November 2006; candidates therefor shall qualify to
2751 run not later than forty-five (45) days before that election. The
2752 person elected shall begin the term of office in January of 2007
2753 at the same time as county judges generally, and there shall be no
2754 vacancy of the office before that time. Thereafter the two (2)
2755 judges shall otherwise be elected, and any vacancy in office
2756 filled, as provided for county judges generally.



2757 (5) The Board of Supervisors of Lauderdale County may, in
2758 its discretion, set aside, appropriate and expend monies from the
2759 general fund to be used in the payment of salaries of judges,
2760 clerks, reporters, officers and employees of the youth court
2761 division of the county court, including the related facilities of
2762 the youth court division of the county court, and such funds shall
2763 be expended for no other purposes. The county shall not be
2764 reimbursed for the amount of any such levy provided for by this
2765 section under the terms of the Homestead Exemption Law.

2766 **SECTION 75.** Section 9-9-18.5, Mississippi Code of 1972, is
2767 brought forward as follows:

2768 9-9-18.5. (1) In order to relieve the crowded condition of
2769 the docket in the county court and in the youth court of DeSoto
2770 County and particularly to facilitate and make possible the trial
2771 and disposition of the large number of causes on the docket and in
2772 the youth court, there shall be two (2) county judges for DeSoto
2773 County, provided for and elected as herein set out.

2774 (2) For the purposes of nomination and election, the two (2)
2775 judgeships shall be separate and distinct, the first existing
2776 judgeship and its succession to be denominated for purposes of
2777 appointment, nomination and election only as "Place One" and the
2778 judgeship hereby created and its succession for said selfsame
2779 purposes and none other to be designated as "Place Two." There
2780 shall be no distinction whatsoever in the powers, duties and
2781 emoluments of the two (2) offices of county judge, except that the



2782 county judge of DeSoto County who has been for the longest time
2783 continuously a county judge of the county shall have the right to
2784 assign causes, terms and dockets. Should neither judge of the
2785 county court have served longer in office than the other, then
2786 that judge who has been for the longest time a member of The
2787 Mississippi Bar shall have the right to assign causes, terms and
2788 dockets.

2789 (3) While there shall be no limitation whatsoever upon the
2790 powers and duties of the county judges other than as cast upon
2791 them by the Constitution and laws of this state, the county court
2792 of DeSoto County may, in the discretion of the county judge who
2793 has been for the longest time continuously a judge of the court,
2794 be divided into civil, equity, criminal and youth court divisions
2795 as a matter of convenience by the entry of an order upon the
2796 minutes of the court.

2797 (4) The initial holder of the additional judgeship created
2798 by this section, or "Place Two," shall be elected in the regular
2799 election of November 2008; candidates therefor shall qualify to
2800 run not later than forty-five (45) days before that election. The
2801 term of office of the person elected shall begin on the first day
2802 of January following the November election and shall end at the
2803 same time as for county judges generally. The two (2) judges
2804 shall otherwise be elected, and any vacancy in office filled, as
2805 provided for county judges generally.



2806 (5) The Board of Supervisors of DeSoto County may, in its
2807 discretion, set aside, appropriate and expend monies from the
2808 general fund to be used in the payment of salaries of judges,
2809 clerks, reporters, officers and employees of the youth court
2810 division of the county court, including the related facilities of
2811 the youth court division of the county court, and such funds shall
2812 be expended for no other purposes. The county shall not be
2813 reimbursed for the amount of any such levy provided for by this
2814 section under the terms of the Homestead Exemption Law.

2815 **SECTION 76.** Section 9-9-18.6, Mississippi Code of 1972, is
2816 brought forward as follows:

2817 9-9-18.6. (1) In order to relieve the crowded condition of
2818 the docket in the county court and in the youth court of Lee
2819 County and particularly to facilitate and make possible the trial
2820 and disposition of the large number of causes in the youth court,
2821 there shall be two (2) county judges for Lee County, provided for
2822 and elected as herein set out.

2823 (2) For the purposes of nomination and election, the two (2)
2824 judgeships shall be separate and distinct, with the county
2825 judgeship that existed on January 1, 2018, to be denominated for
2826 purposes of appointment, nomination and election only as "Place
2827 One" and the additional judgeship hereby created to be designated
2828 as "Place Two." There shall be no distinction whatsoever in the
2829 powers, duties and emoluments of the two (2) offices of county
2830 judge, except that the county judge of Lee County who has been for



2831 the longest time continuously a county judge of the county shall
2832 have the right to assign causes, terms and dockets. Should
2833 neither judge of the county court have served longer in office
2834 than the other, then that judge of the county court who has been
2835 for the longest time a member of The Mississippi Bar shall have
2836 the right to assign causes, terms and dockets.

2837 (3) While there shall be no limitation whatsoever upon the
2838 powers and duties of the county judges other than as cast upon
2839 them by the Constitution and laws of this state, the county court
2840 of Lee County may, in the discretion of the county judge who has
2841 been for the longest time continuously a judge of the court, be
2842 divided into civil, equity, criminal and youth court divisions as
2843 a matter of convenience by the entry of an order upon the minutes
2844 of the court.

2845 (4) The initial holder of the additional judgeship created
2846 by this section, or "Place Two," shall be elected in the regular
2847 election of November 2018. The person elected shall begin the
2848 term of office in January 2019 at the same time as county judges
2849 generally, and there shall be no vacancy of the office before that
2850 time. The two (2) judges shall otherwise be elected, and any
2851 vacancy in office filled, as provided for county judges generally.

2852 (5) Each county judge shall appoint a court reporter in
2853 accordance with Section 9-13-61 for the purpose of doing the
2854 necessary stenographic work of the court.



2855 (6) The Board of Supervisors of Lee County may, in its
2856 discretion, set aside, appropriate and expend monies from the
2857 general fund to be used in the payment of salaries of judges,
2858 clerks, reporters, officers and employees of the youth court
2859 division of the county court, including the related facilities of
2860 the youth court division of the county court, and such funds shall
2861 be expended for no other purposes. The county shall not be
2862 reimbursed for the amount of any such levy provided for by this
2863 section under the terms of the Homestead Exemption Law.

2864 **SECTION 77.** Section 9-9-36, Mississippi Code of 1972, is
2865 brought forward as follows:

2866 9-9-36. In any county in cases where an overcrowded docket
2867 justifies the same, any chancellor may assign to a county judge in
2868 that county only, for hearing and final disposition, any case,
2869 cause, hearing or motion, or any proceedings involved in the trial
2870 and final disposition thereof.

2871 All orders in the cause, trial or hearing may be signed as
2872 follows: " _____ County Judge and Acting Chancellor by
2873 assignment." No special order evidencing the assignment shall be
2874 entered on the minutes.

2875 No compensation for those services shall be allowed the
2876 county judge, neither shall the county judge be compelled to
2877 accept any assignment except at his will. Furthermore, no
2878 assignment of any cause or hearing shall be made where counsel on
2879 both sides object to the assignment.



2880 **SECTION 78.** Section 9-9-21, Mississippi Code of 1972, is
2881 brought forward as follows:
2882 9-9-21. (1) The jurisdiction of the county court shall be
2883 as follows: It shall have jurisdiction concurrent with the
2884 justice court in all matters, civil and criminal of which the
2885 justice court has jurisdiction; and it shall have jurisdiction
2886 concurrent with the circuit and chancery courts in all matters of
2887 law and equity wherein the amount of value of the thing in
2888 controversy shall not exceed, exclusive of costs and interest, the
2889 sum of Two Hundred Thousand Dollars (\$200,000.00), and the
2890 jurisdiction of the county court shall not be affected by any
2891 setoff, counterclaim or cross-bill in such actions where the
2892 amount sought to be recovered in such setoff, counterclaim or
2893 cross-bill exceeds Two Hundred Thousand Dollars (\$200,000.00).
2894 Provided, however, the party filing such setoff, counterclaim or
2895 cross-bill which exceeds Two Hundred Thousand Dollars
2896 (\$200,000.00) shall give notice to the opposite party or parties
2897 as provided in Section 13-3-83, and on motion of all parties filed
2898 within twenty (20) days after the filing of such setoff,
2899 counterclaim or cross-bill, the county court shall transfer the
2900 case to the circuit or chancery court wherein the county court is
2901 situated and which would otherwise have jurisdiction. It shall
2902 have exclusively the jurisdiction heretofore exercised by the
2903 justice court in the following matters and causes: namely,
2904 eminent domain, the partition of personal property, and actions of



2905 unlawful entry and detainer, provided that the actions of eminent
2906 domain and unlawful entry and detainer may be returnable and
2907 triable before the judge of said court in vacation. The county
2908 court shall have jurisdiction over criminal matters in the county
2909 assigned by a judge of the circuit court district in which the
2910 county is included.

2911 (2) In the event of the establishment of a county court by
2912 an agreement between two (2) or more counties as provided in
2913 Section 9-9-3, it shall be lawful for such court sitting in one
2914 (1) county to act upon any and all matters of which it has
2915 jurisdiction as provided by law arising in the other county under
2916 the jurisdiction of said court.

2917 **SECTION 79.** This act shall take effect and be in force from
2918 and after July 1, 2024.

