

By: Representative Porter

To: Judiciary A

HOUSE BILL NO. 1353

1 AN ACT TO AMEND SECTION 43-21-405, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FOR THE INFORMAL ADJUSTMENT PROCESS OF A YOUTH
3 COURT, THE INFORMAL ADJUSTMENT COUNSELOR SHALL OBTAIN BACKGROUND
4 INFORMATION FROM SCHOOL PERSONNEL RELATING TO THE CHILD'S FAMILY
5 BACKGROUND, EDUCATION RECORDS AND OTHER AREAS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 43-21-405, Mississippi Code of 1972, is
9 amended as follows:

10 43-21-405. (1) The informal adjustment process shall be
11 initiated with an informal adjustment conference conducted by an
12 informal adjustment counselor appointed by the judge or his
13 designee.

14 (2) (a) If the child and his parent, guardian or custodian
15 appear at the informal adjustment conference without counsel, the
16 informal adjustment counselor shall, at the commencement of the
17 conference, inform them of their right to counsel, the child's
18 right to appointment of counsel and the right of the child to
19 remain silent. If either the child or his parent, guardian or
20 custodian indicates a desire to be represented by counsel, the



informal adjustment counselor shall adjourn the conference to afford an opportunity to secure counsel.

(b) Prior to initiating the informal adjustment conference, the informal adjustment counselor shall contact the school district that the child attends to obtain background information from school personnel regarding family background, education records, any services previously provided, and any recommended trauma informed strategies.

(3) At the beginning of the informal adjustment conference, the informal adjustment counselor shall inform the child and his parent, guardian or custodian:

(a) That information has been received concerning the child which appears to establish jurisdiction of the youth court;

(b) The purpose of the informal adjustment conference;

(c) That during the informal adjustment process no petition will be filed;

(d) That the informal adjustment process is voluntary with the child and his parent, guardian or custodian and that they may withdraw from the informal adjustment at any time; and

(e) The circumstances under which the informal adjustment process can be terminated under Section 43-21-407.

(4) The informal adjustment counselor shall then discuss with the child and his parent, guardian or custodian:



44 (a) Recommendations for actions or conduct in the
45 interest of the child to correct the conditions of behavior or
46 environment which may exist;

47 (b) Continuing conferences and contacts with the child
48 and his parent, guardian or custodian by the informal adjustment
49 counselor or other authorized persons; and

50 (c) The child's general behavior, his home and school
51 environment and other factors bearing upon the proposed informal
52 adjustment.

53 (5) After the parties have agreed upon the appropriate terms
54 and conditions of informal adjustment, the informal adjustment
55 counselor and the child and his parent, guardian or custodian
56 shall sign a written informal adjustment agreement setting forth
57 the terms and conditions of the informal adjustment. The informal
58 adjustment agreement may be modified at any time upon the consent
59 of all parties to the informal adjustment conference.

60 (6) The informal adjustment process shall not continue
61 beyond a period of six (6) months from its commencement unless
62 extended by the youth court for an additional period not to exceed
63 six (6) months by court authorization prior to the expiration of
64 the original six-month period. In no event shall the custody or
65 supervision of a child which has been placed with the Department
66 of Human Services - Division of Youth Services or the Department
67 of Child Protection Services be continued or extended except upon
68 a written finding by the youth court judge or referee that



69 reasonable efforts have been made to maintain the child within his
70 own home, but that the circumstances warrant his removal and there
71 is no reasonable alternative to custody, and that reasonable
72 efforts will continue to be made towards reunification of the
73 family.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2025.

