

By: Representative Yates

To: Judiciary A

## HOUSE BILL NO. 1454

1 AN ACT TO AMEND SECTION 43-21-613, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE YOUTH COURT TO CONDUCT A PERMANENCY HEARING WITHIN  
3 90 DAYS AND THEN EVERY 90 DAYS THEREAFTER, RATHER THAN 120 DAYS OR  
4 EVERY 60 DAYS FOR CHILDREN UNDER A CERTAIN AGE, ONCE THE COURT HAS  
5 ADJUDICATED A CHILD HAS BEEN ABUSED OR NEGLECTED OR AFTER THE DATE  
6 OF THE CHILD'S REMOVAL FROM AN ALLEGEDLY ABUSIVE CUSTODIAN OR  
7 PARENT, WHICH EVER OCCURS FIRST; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 43-21-613, Mississippi Code of 1972, is  
10 amended as follows:

11 43-21-613. (1) If the youth court finds, after a hearing  
12 which complies with the sections governing adjudicatory hearings,  
13 that the terms of a delinquency or child in need of supervision  
14 disposition order, probation or parole have been violated, the  
15 youth court may, in its discretion, revoke the original  
16 disposition and make any disposition which it could have  
17 originally ordered. The hearing shall be initiated by the filing  
18 of a petition that complies with the sections governing petitions  
19 in this chapter and that includes a statement of the youth court's  
20 original disposition order, probation or parole, the alleged



21 violation of that order, probation or parole, and the facts which  
22 show the violation of that order, probation or parole. Summons  
23 shall be served in the same manner as summons for an adjudicatory  
24 hearing.

25 (2) On motion of a child or a child's parent, guardian or  
26 custodian, the youth court may, in its discretion, conduct an  
27 informal hearing to review the disposition order. If the youth  
28 court finds a material change of circumstances relating to the  
29 disposition of the child, the youth court may modify the  
30 disposition order to any appropriate disposition of equal or  
31 greater precedence which the youth court could have originally  
32 ordered.

33 (3) (a) All disposition orders for supervision, probation  
34 or placement of a child with an individual or an agency shall be  
35 reviewed by the youth court judge or referee at least annually to  
36 determine if continued placement, probation or supervision is in  
37 the best interest of the child or the public. For children who  
38 have been adjudicated abused or neglected, except for those  
39 children for which a different timeframe is provided under Section  
40 43-21-603(7), the youth court shall conduct a permanency hearing  
41 within \* \* \* ninety (90) days \* \* \* after the earlier of the  
42 following and every ninety (90) days thereafter:

43 (i) An adjudication that the child has been abused  
44 or neglected; or



45                   (ii) The date of the child's removal from the  
46 allegedly abusive or neglectful custodian/parent. Notice of such  
47 hearing shall be given in accordance with the provisions of  
48 Section 43-21-505(5). In conducting the hearing, the judge or  
49 referee shall require a written report and may require information  
50 or statements from the child's youth court counselor, parent,  
51 guardian or custodian, which includes, but is not limited to, an  
52 evaluation of the child's progress and recommendations for further  
53 supervision or treatment. The judge or referee shall, at the  
54 permanency hearing determine the future status of the child,  
55 including, but not limited to, whether the child should be  
56 returned to the parent(s) or placed with suitable relatives,  
57 placed for adoption, placed for the purpose of establishing  
58 durable legal custody or should, because of the child's special  
59 needs or circumstances, be continued in foster care on a permanent  
60 or long-term basis. If the child is in an out-of-state placement,  
61 the hearing shall determine whether the out-of-state placement  
62 continues to be appropriate and in the best interest of the child.  
63 At the permanency hearing the judge or referee shall determine,  
64 and the youth court order shall recite that reasonable efforts  
65 were made by the Department of Child Protection Services to  
66 finalize the child's permanency plan that was in effect on the  
67 date of the permanency hearing. The judge or referee may find  
68 that reasonable efforts to maintain the child within his home  
69 shall not be required in accordance with Section 43-21-603(7)(c),



70 and that the youth court shall continue to conduct permanency  
71 hearings for a child who has been adjudicated abused or neglected,  
72 at least annually thereafter, for as long as the child remains in  
73 the custody of the Mississippi Department of Child Protection  
74 Services.

75 (b) The court may find that the filing of a termination  
76 of parental rights petition is not in the child's best interest  
77 if:

78 (i) The child is being cared for by a relative;  
79 and/or

80 (ii) The Department of Child Protection Services  
81 has documented compelling and extraordinary reasons why  
82 termination of parental rights would not be in the best interests  
83 of the child.

84 (c) The provisions of this subsection shall also apply  
85 to review of cases involving a dependent child; however, such  
86 reviews shall take place not less frequently than once each one  
87 hundred eighty (180) days, or upon the request of the child's  
88 attorney, a parent's attorney, or a parent as deemed appropriate  
89 by the youth court in protecting the best interests of the child.  
90 A dependent child shall be ordered by the youth court judge or  
91 referee to be returned to the custody and home of the child's  
92 parent, guardian or custodian unless the judge or referee, upon  
93 such review, makes a written finding that the return of the child  
94 to the home would be contrary to the child's best interests.



95                   (d) Reviews are not to be conducted unless explicitly  
96 ordered by the youth court concerning those cases in which the  
97 court has granted durable legal custody. In such cases, the  
98 Department of Child Protection Services shall be released from any  
99 oversight or monitoring responsibilities, and relieved of physical  
100 and legal custody and supervision of the child.

101               (4) The provisions of this section do not apply to  
102 proceedings concerning durable legal relative guardianship.

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

