

By: Senator(s) Wiggins

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2453

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;



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

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

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

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

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

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



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

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

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

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

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

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

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

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

(iv) Has committed a delinquent act or acts.

(l) "Neglected child" means a child:



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

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

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

(iv) Who is not provided by the child's parent, guardian or custodian, with food, clothing, or shelter necessary to sustain the life or health of the child, excluding such failure caused primarily by financial inability unless relief services have been offered and refused and the child is in imminent risk of harm.

(m) "Abused child" means a child whose parent, guardian or custodian or any person responsible for his care or support,



whether legally obligated to do so or not, has caused or allowed to be caused, upon the child, sexual abuse, sexual exploitation, commercial sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. However, physical discipline, including spanking, performed on a child by a parent, guardian or custodian in a reasonable manner shall not be deemed abuse under this section. "Abused child" also means a child who is or has been trafficked within the meaning of the Mississippi Human Trafficking Act by any person, without regard to the relationship of the person to the child.

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

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

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



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

(r) "Legal custody" means the legal status created by a court order which gives the legal custodian the responsibilities of physical possession of the child and the duty to provide him with food, shelter, education and reasonable medical care, all subject to residual rights and responsibilities of the parent or guardian of the person.

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

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

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

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

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

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

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

(v) All other documents maintained by any representative of the state, county, municipality or other public agency insofar as they relate to the apprehension, custody,



adjudication or disposition of a child who is the subject of a youth court cause.

(v) "Any person responsible for care or support" means the person who is providing for the child at a given time. This term shall include, but is not limited to, stepparents, foster parents, relatives, nonlicensed babysitters or other similar persons responsible for a child and staff of residential care facilities and group homes that are licensed by the Department of Human Services or the Department of Child Protection Services.

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

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

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



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

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

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

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

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



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

(ff) "Fictive kin" means a person not related to the child legally or biologically but who is considered a relative due to a significant, familial-like and ongoing relationship with the child and family.

(gg) "Reasonable efforts" means the exercise of reasonable care and due diligence by the Department of Human Services, the Department of Child Protection Services, or any other appropriate entity or person to use services appropriate to the child's background, accessible, and available to meet the individualized needs of the child and child's family to prevent removal and reunify the family as soon as safely possible consistent with the best interests of the child. Reasonable efforts must be made in collaboration with the family and must address the individualized needs of the family that brought the child to the attention of the Department of Child Protection Services and must not consist of required services that are not related to the family's needs.

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

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



264 43-21-107. (1) A youth court division is hereby created as
265 a division of the county court of each county now or hereafter
266 having a county court, and the county judge shall be the judge of
267 the youth court unless another judge is named by the county judge
268 as provided by this chapter.

269 (2) A youth court division is hereby created as a division
270 of the chancery court of each county in which no county court is
271 maintained and any chancellor within a chancery court district
272 shall be the judge of the youth court of that county within such
273 chancery court district unless another judge is named by the
274 senior chancellor of the county or chancery court district as
275 provided by this chapter.

276 (3) In any county where there is no county court or family
277 court on July 1, 1979, there may be created a youth court division
278 as a division of the municipal court in any city if the governing
279 authorities of such city adopt a resolution to that effect. The
280 cost of the youth court division of the municipal court shall be
281 paid from any funds available to the municipality excluding county
282 funds. No additional municipal youth court shall be formed after
283 January 1, 2007.

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

286 43-21-109. Any county or municipality may separately or
287 jointly establish and maintain detention facilities, shelter
288 facilities, foster homes, or any other facility necessary to carry



on the work of the youth court. For said purposes, the county or municipality may acquire necessary land by condemnation, by purchase or donation, may issue bonds as now provided by law for the purpose of purchasing, constructing, remodeling or maintaining such facilities; may expend necessary funds from the general fund to construct and maintain such facilities, and may employ architects to design or remodel such facilities. Such facilities may include a place for housing youth court facilities and personnel.

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

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

(2) Any referee appointed pursuant to subsection (1) of this section shall be required to receive judicial training approved by the Mississippi Judicial College and shall be required to receive regular annual continuing education in the field of juvenile



justice. The amount of judicial training and annual continuing education which shall be satisfactory to fulfill the requirements of this section shall conform with the amount prescribed by the Rules and Regulations for Mandatory Continuing Judicial Education promulgated by the Supreme Court. The Administrative Office of Courts shall maintain a roll of referees appointed under this section, shall enforce the provisions of this subsection and shall maintain records on all such referees regarding such training. Should a referee miss two (2) consecutive training sessions sponsored or approved by the Mississippi Judicial College as required by this subsection or fail to attend one (1) such training session within six (6) months of their initial appointment as a referee, the referee shall be disqualified to serve and be immediately removed as a referee and another member of the bar shall be appointed as provided in this section.

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

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



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

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

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

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

43-21-113. When a judge shall certify in writing that he is unable to serve because of illness or absence from the county or district, the judge may appoint as provided in Section 43-21-123 a



special judge to serve in his stead. A special judge shall possess all the powers and perform all the duties of the regular judge. The compensation for the special judge shall be fixed on order of the judge as provided in Section 43-21-123 on the basis of a statement as to the time and expense incurred by the special judge and shall be paid by the county out of any available funds. In the case of recusal, a judge shall be selected as provided by law.

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

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

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

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



387 (2) The county prosecuting attorney shall serve as the youth
388 court prosecutor; however, if funds are available pursuant to
389 Section 43-21-123, the court may designate, as provided in
390 subsection (3) of this section, a prosecutor or prosecutors in
391 lieu of or in addition to the county prosecuting attorney. Where
392 there is a municipal youth court division, the city prosecutor
393 shall serve as youth court prosecutor; provided that the district
394 attorney may participate in transfer proceedings.

395 (3) The judge may designate as provided in Section 43-21-123
396 some suitable attorney or attorneys to serve as youth court
397 prosecutor or prosecutors in lieu of or in conjunction with the
398 youth court prosecutor provided in subsection (2) of this section.
399 The designated youth court prosecutor or prosecutors shall be paid
400 a fee or salary fixed on order of the judge as provided in Section
401 43-21-123 and shall be paid by the county out of any available
402 funds budgeted for the youth court by the board of supervisors,
403 unless the designated youth court prosecutor or prosecutors serves
404 in a municipal youth court division, in which case he shall be
405 paid a fee or salary fixed on order of the judge from the funds
406 available to the municipality.

407 (4) All youth court prosecutors and county prosecuting
408 attorneys who serve as youth court prosecutors shall be required
409 to receive juvenile justice training approved by the Mississippi
410 Attorney General's office and regular annual continuing education
411 in the field of juvenile justice. The Mississippi Attorney



General's office shall determine the amount of juvenile justice training and annual continuing education which shall be satisfactory to fulfill the requirements of this subsection. The Administrative Office of Courts shall maintain a roll of youth court prosecutors, shall enforce the provisions of this subsection and shall maintain records on all such youth court prosecutors regarding such training. Should a youth court prosecutor miss two (2) consecutive training sessions sponsored by the Mississippi Attorney General's office as required by this subsection or fail to attend one (1) such training session within six (6) months of their designation as youth court prosecutor, the youth court prosecutor shall be disqualified to serve and be immediately removed from the office of youth court prosecutor and another youth court prosecutor shall be designated.

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

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

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



437 43-21-121. (1) The youth court shall appoint a guardian ad
438 litem for the child:

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

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

442 (c) When the parent is a minor or a person of unsound
443 mind;

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

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

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

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

455 (3) In addition to all other duties required by law, a
456 guardian ad litem shall have the duty to protect the interest of a
457 child for whom he has been appointed guardian ad litem. The
458 guardian ad litem shall investigate, make recommendations to the
459 court or enter reports as necessary to hold paramount the child's
460 best interest. The guardian ad litem is not an adversary party
461 and the court shall ensure that guardians ad litem perform their



duties properly and in the best interest of their wards. The guardian ad litem shall be a competent person who has no adverse interest to the minor. The court shall ensure that the guardian ad litem is adequately instructed on the proper performance of his duties.

(4) The court, including a county court serving as a youth court, may appoint either a suitable attorney or a suitable layman as guardian ad litem. In cases where the court appoints a layman as guardian ad litem, the court shall also appoint an attorney to represent the child. From and after January 1, 1999, in order to be eligible for an appointment as a guardian ad litem, such attorney or layperson must have received child protection and juvenile justice training provided by or approved by the Mississippi Judicial College within the year immediately preceding such appointment. The Mississippi Judicial College shall determine the amount of child protection and juvenile justice training which shall be satisfactory to fulfill the requirements of this section. The Administrative Office of Courts shall maintain a roll of all attorneys and laymen eligible to be appointed as a guardian ad litem under this section and shall enforce the provisions of this subsection.

(5) Upon appointment of a guardian ad litem, the youth court shall continue any pending proceedings for a reasonable time to allow the guardian ad litem to familiarize himself with the matter, consult with counsel and prepare his participation in the



487 cause. The youth court shall issue an order of assignment that
488 grants the guardian ad litem authority to review all relevant
489 documents concerning the minor child and to interview all parties
490 and witnesses involved in proceedings concerning the minor child
491 for whom the guardian ad litem is appointed.

492 (6) Upon order of the youth court, the guardian ad litem
493 shall be paid a reasonable fee as determined by the youth court
494 judge or referee out of the county general fund as provided under
495 Section 43-21-123. To be eligible for such fee, the guardian ad
496 litem shall submit an accounting of the time spent in performance
497 of his duties to the court.

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



512 court, the assignment of a CASA volunteer for a child shall
513 include subsequent proceedings through permanent placement of the
514 child.

515 (b) Before assigning a CASA volunteer as prescribed
516 under this subsection, the youth court judge shall determine if
517 the volunteer has sufficient qualifications, training and ability
518 to serve as a CASA volunteer, including his or her ability to
519 represent and advocate for the best interests of children assigned
520 to him or her. No volunteer shall be assigned until a
521 comprehensive criminal background check has been conducted.

522 All CASA volunteers shall:

523 (i) Be sworn in by a judge of the court;
524 (ii) Swear or affirm to abide by all laws,
525 regulations, and orders of the court;
526 (iii) Swear or affirm to advocate what he or she
527 perceives to be in the best interests of the child for whom he or
528 she is assigned in all matters pending before the court;

529 (iv) Provide independent, factual information to
530 the court regarding the children and cases to which they are
531 assigned;

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



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

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

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

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

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

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

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

(d) Upon application to the court and notice to all parties, the court shall grant the CASA volunteer access to other information, including the department records as provided in Section 43-21-261, relating to the child and the child's family and to other matters involved in the proceeding in which he or she is appointed. All records and information requested or reviewed by the CASA volunteer in the course of his or her assignment shall be deemed confidential and shall not be disclosed by him except



pursuant to court order. All records and information shall only be disclosed as directed by court order and shall be disclosed as directed by court order and shall be subject to whatever protective order the court deems appropriate.

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

43-21-123. Except for expenses provided by state funds and/or other monies, the board of supervisors, or the municipal governing board where there is a municipal youth court, shall adequately provide funds for the operation of the youth court division of the chancery court in conjunction with the regular chancery court budget, or the county or family courts where said courts are constituted. In preparation for said funding, on an annual basis at the time requested, the youth court judge or administrator shall prepare and submit to the board of supervisors, or the municipal governing board of the youth court wherever the youth court is a municipal court, an annual budget which will identify the number, staff position, title and amount of annual or monthly compensation of each position as well as provide for other expenditures necessary to the functioning and operation of the youth court. When the budget of the youth court or youth court judge is approved by the board of supervisors or the governing authority of the municipality, then the youth court or youth court judge may employ such persons as provided in the budget from time to time.



585 The board of supervisors of any county in which there is
586 located a youth court, and the governing authority of any
587 municipality in which there is located a municipal youth court,
588 are each authorized to reimburse the youth court judges and other
589 youth court employees or personnel for reasonable travel and
590 expenses incurred in the performance of their duties and in
591 attending educational meetings offering professional training to
592 such persons as budgeted.

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

595 43-21-125. (1) There shall be a Mississippi Council of
596 Youth Court Judges which shall be the official organization of the
597 judges having youth court jurisdiction in this state. The
598 membership of the council shall consist of all the judges and
599 referees of youth courts in the State of Mississippi.

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

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

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



609 (b) problems that have arisen in connection with the
610 operation of the youth courts in any county or in all counties in
611 order to improve the administration of juvenile justice in the
612 state.

613 (4) The council shall publish and submit to the governor,
614 the chief justice of the supreme court, and the Mississippi
615 Judicial Council an annual report of the operations which shall
616 include financial and statistical data and may include suggestions
617 and recommendations for legislation.

618 (5) The council is authorized to receive and expend any
619 funds which may become available from the federal government to
620 carry out any of the purposes of this chapter, and to this end the
621 council may meet any federal requirements not contrary to state
622 law which may be conditions precedent to receiving such federal
623 funds.

624 (6) The council may cooperate with the federal government in
625 a program for training personnel employed or preparing for
626 employment by the youth court and may receive and expend funds
627 from federal or state sources or from private donations for such
628 purposes. The council may contract with public or nonprofit
629 institutions of higher learning for the training of such
630 personnel, may conduct short-term training courses of its own, may
631 hire experts on a temporary basis for such purpose and may
632 cooperate with the department of youth services or other state
633 departments or agencies in personnel training programs.



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

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

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

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

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

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



658 (c) When a charge of abuse or neglect of a child first
659 arises in the course of a custody action between the parents of
660 the child already pending in the chancery court and no notice of
661 such abuse was provided prior to such chancery proceedings, the
662 chancery court may proceed with the investigation, hearing and
663 determination of such abuse or neglect charge as a part of its
664 hearing and determination of the custody issue as between the
665 parents, notwithstanding the other provisions of the Youth Court
666 Law. The proceedings in chancery court on the abuse or neglect
667 charge shall be confidential in the same manner as provided in
668 youth court proceedings.

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

672 (2) Jurisdiction of the child in the cause shall attach at
673 the time of the offense, or at the time of the allegation of
674 abuse, neglect or exploitation, and shall continue thereafter for
675 that offense or the allegations of abuse, neglect or exploitation
676 until the child's twentieth birthday, unless sooner terminated by
677 order of the youth court. The youth court shall not have
678 jurisdiction over offenses committed by a child on or after his
679 eighteenth birthday, nor have jurisdiction of abuse, neglect, or
680 exploitation committed against a child after their eighteenth
681 birthday.



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

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

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

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

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

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



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

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

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

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

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



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

(2) A motion to transfer shall be filed on a day prior to the date set for the adjudicatory hearing but not more than ten (10) days after the filing of the petition. The youth court may order a transfer study at any time after the motion to transfer is filed. The transfer study and any other social record which the youth court will consider at the transfer hearing shall be made available to the child's counsel prior to the hearing. Summons shall be served in the same manner as other summons under this chapter with a copy of the motion to transfer and the petition attached thereto.

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



757 (4) Upon such a finding of probable cause, the youth court
758 may transfer jurisdiction of the alleged offense and the youth if
759 the youth court finds by clear and convincing evidence that there
760 are no reasonable prospects of rehabilitation within the juvenile
761 justice system.

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

765 (a) Whether or not the alleged offense constituted a
766 substantial danger to the public;

767 (b) The seriousness of the alleged offense;

768 (c) Whether or not the transfer is required to protect
769 the community;

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

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

775 (f) The sophistication, maturity and educational
776 background of the child;

777 (g) The child's home situation, emotional condition and
778 lifestyle;

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



782 (i) Whether or not the child can be retained in the
783 juvenile justice system long enough for effective treatment or
784 rehabilitation;

785 (j) The dispositional resources available to the
786 juvenile justice system;

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

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

792 (m) Any other factors deemed relevant by the youth
793 court; and

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

798 (6) If the youth court transfers jurisdiction of the alleged
799 offense to a criminal court, the youth court shall enter a
800 transfer order containing:

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

803 (b) Facts showing that the child was represented by
804 counsel;

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



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

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

814 (f) A designation of the alleged offense transferred
815 and of the court to which the transfer is made and a direction to
816 the clerk to forward for filing in such court a certified copy of
817 the transfer order of the youth court.

818 (7) The testimony of the child respondent at a transfer
819 hearing conducted pursuant to this chapter shall not be admissible
820 against the child in any proceeding other than the transfer
821 hearing.

822 (8) When jurisdiction of an offense is transferred to the
823 circuit court, or when a youth has committed an act which is in
824 original circuit court jurisdiction pursuant to Section 43-21-151,
825 the jurisdiction of the youth court over the youth for any future
826 offenses is terminated, except that jurisdiction over future
827 offenses is not terminated if the circuit court transfers or
828 remands the transferred case to the youth court or if a child who
829 has been transferred to the circuit court or is in the original
830 jurisdiction of the circuit court is not convicted. However, when
831 jurisdiction of an offense is transferred to the circuit court



pursuant to this section or when an offense committed by a youth is in original circuit court jurisdiction pursuant to Section 43-21-151, the circuit court shall thereafter assume and retain jurisdiction of any felony offenses committed by such youth without any additional transfer proceedings. Any misdemeanor offenses committed by youth who are in circuit court jurisdiction pursuant to this section or Section 43-21-151 shall be prosecuted in the court which would have jurisdiction over that offense if committed by an adult without any additional transfer proceedings. The circuit court may review the transfer proceedings on motion of the transferred child. Such review shall be on the record of the hearing in the youth court. The circuit court shall remand the offense to the youth court if there is no substantial evidence to support the order of the youth court. The circuit court may also review the conditions of custody or release pending criminal court proceedings.

(9) When any youth has been the subject of a transfer to circuit court for an offense committed in any county of the state or has committed any act which is in the original jurisdiction of the circuit court pursuant to Section 43-21-151, that transfer or original jurisdiction shall be recognized by all other courts of the state and no subsequent offense committed by such youth in any county of the state shall be in the jurisdiction of the youth court unless transferred to the youth court pursuant to Section 43-21-159(3). Transfers from youth courts of other states shall



857 be recognized by the courts of this state and no youth who has a
858 pending charge or a conviction in the adult court system of any
859 other state shall be in the jurisdiction of the youth courts of
860 this state, but such youths shall be in the jurisdiction of the
861 circuit court for any felony committed in this state or in the
862 jurisdiction of the court of competent jurisdiction for any
863 misdemeanor committed in this state.

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

866 43-21-159. (1) When a person appears before a court other
867 than the youth court, and it is determined that the person is a
868 child under jurisdiction of the youth court, such court shall,
869 unless the jurisdiction of the offense has been transferred to
870 such court as provided in this chapter, or unless the child has
871 previously been the subject of a transfer from the youth court to
872 the circuit court for trial as an adult and was convicted,
873 immediately dismiss the proceeding without prejudice and forward
874 all documents pertaining to the cause to the youth court; and all
875 entries in permanent records shall be expunged. The youth court
876 shall have the power to order and supervise the expunction or the
877 destruction of such records in accordance with Section 43-21-265.
878 Upon petition therefor, the youth court shall expunge the record
879 of any case within its jurisdiction in which an arrest was made,
880 the person arrested was released and the case was dismissed or the



charges were dropped, there was no disposition of such case, or the person was found not delinquent.

In cases where the child is charged with a hunting or fishing violation or a traffic violation, whether it be any state or federal law, a violation of the Mississippi Implied Consent Law, or municipal ordinance or county resolution, or where the child is charged with a violation of Section 67-3-70, the appropriate criminal court shall proceed to dispose of the same in the same manner as for other adult offenders and it shall not be necessary to transfer the case to the youth court of the county. However, unless the cause has been transferred, or unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted, the youth court shall have power on its own motion to remove jurisdiction from any criminal court of any offense including a hunting or fishing violation, a traffic violation, a violation of the Mississippi Implied Consent Law, or a violation of Section 67-3-70, committed by a child in a matter under the jurisdiction of the youth court and proceed therewith in accordance with the provisions of this chapter.

(2) After conviction and sentence of any child by any other court having original jurisdiction on a misdemeanor charge, and within the time allowed for an appeal of such conviction and sentence, the youth court of the county shall have the full power to stay the execution of the sentence and to release the child on



906 good behavior or on other order as the youth court may see fit to
907 make unless the child has previously been the subject of a
908 transfer from the youth court to the circuit court for trial as an
909 adult and was convicted. When a child is convicted of a
910 misdemeanor and is committed to, incarcerated in or imprisoned in
911 a jail or other place of detention by a criminal court having
912 proper jurisdiction of such charge, such court shall notify the
913 youth court judge or the judge's designee of the conviction and
914 sentence prior to the commencement of such incarceration. The
915 youth court shall have the power to order and supervise the
916 destruction of any records involving children maintained by the
917 criminal court in accordance with Section 43-21-265. However, the
918 youth court shall have the power to set aside a judgment of any
919 other court rendered in any matter over which the youth court has
920 exclusive original jurisdiction, to expunge or destroy the records
921 thereof in accordance with Section 43-21-265, and to order a
922 refund of fines and costs.

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

926 (4) In any case wherein the defendant is a child as defined
927 in this chapter and of which the circuit court has original
928 jurisdiction, the circuit judge, upon a finding that it would be
929 in the best interest of such child and in the interest of justice,
930 may at any stage of the proceedings prior to the attachment of



jeopardy transfer such proceedings to the youth court for further proceedings unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted or has previously been convicted of a crime which was in original circuit court jurisdiction, and the youth court shall, upon acquiring jurisdiction, proceed as provided in this chapter for the adjudication and disposition of delinquent child proceeding proceedings. If the case is not transferred to the youth court and the youth is convicted of a crime by any circuit court, the trial judge shall sentence the youth as though such youth was an adult. The circuit court shall not have the authority to commit such child to the custody of the Department of Youth Services for placement in a state-supported training school.

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

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

(7) No offense involving the use or possession of a firearm by a child who has reached his fifteenth birthday and which, if



committed by an adult would be a felony, shall be transferred to the youth court.

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

43-21-205. In proceedings under this chapter, no court costs shall be charged against any party to a petition, and no salaried officer of the state, county or any municipality, nor any youth court counselor, nor any witness other than an expert witness shall be entitled to receive any fee for any service rendered to the youth court or for attendance in the youth court in any proceedings under this chapter; but the fees of the circuit and chancery clerks in youth court cases originating by petition shall be paid as is provided by law for like services in other cases and shall be paid by the county on allowance of the board of supervisors on an itemized cost bill approved by the judge. These costs shall be paid out of the general fund. No clerk shall be allowed compensation for attendance in youth court.

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

43-21-261. (1) Except as otherwise provided in this section, records involving children shall not be disclosed, other than to necessary staff or officials of the youth court, a guardian ad litem appointed to a child by the court, or a Court-Appointed Special Advocate (CASA) volunteer who may be assigned in a dependency, abuse or neglect case, except pursuant



to an order of the youth court specifying the person or persons to whom the records may be disclosed, the extent of the records which may be disclosed and the purpose of the disclosure. Such court orders for disclosure shall be limited to those instances in which the youth court concludes, in its discretion, that disclosure is required for the best interests of the child, the public safety, the functioning of the youth court, or to identify a person who knowingly made a false allegation of child abuse or neglect, and then only to the following persons:

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

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

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

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

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



1005 (f) The Mississippi Department of Employment Security,
1006 or its duly authorized representatives, for the purpose of a
1007 child's enrollment into the Job Corps Training Program as
1008 authorized by Title IV of the Comprehensive Employment Training
1009 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
1010 reports, investigations or information derived therefrom
1011 pertaining to child abuse or neglect shall be disclosed;

1012 (g) Any person pursuant to a finding by a judge of the
1013 youth court of compelling circumstances affecting the health,
1014 safety or well-being of a child and that such disclosure is in the
1015 best interests of the child or an adult who was formerly the
1016 subject of a youth court delinquency proceeding;

1017 (h) A person who was the subject of a knowingly made
1018 false allegation of child abuse or neglect which has resulted in a
1019 conviction of a perpetrator in accordance with Section 97-35-47 or
1020 which allegation was referred by the Department of Child
1021 Protection Services to a prosecutor or law enforcement official in
1022 accordance with the provisions of Section 43-21-353(4).

1023 Law enforcement agencies may disclose information to the
1024 public concerning the taking of a child into custody for the
1025 commission of a delinquent act without the necessity of an order
1026 from the youth court. The information released shall not identify
1027 the child or his address unless the information involves a child
1028 convicted as an adult.



1029 (2) Any records involving children which are disclosed under
1030 an order of the youth court or pursuant to the terms of this
1031 section and the contents thereof shall be kept confidential by the
1032 person or agency to whom the record is disclosed unless otherwise
1033 provided in the order. Any further disclosure of any records
1034 involving children shall be made only under an order of the youth
1035 court as provided in this section.

1036 (3) Upon request, the parent, guardian or custodian of the
1037 child who is the subject of a youth court cause or any attorney
1038 for such parent, guardian or custodian, shall have the right to
1039 inspect any record, report or investigation relevant to a matter
1040 to be heard by a youth court, except that the identity of the
1041 reporter shall not be released, nor the name of any other person
1042 where the person or agency making the information available finds
1043 that disclosure of the information would be likely to endanger the
1044 life or safety of such person. The attorney for the parent,
1045 guardian or custodian of the child, upon request, shall be
1046 provided a copy of any record, report or investigation relevant to
1047 a matter to be heard by a youth court, but the identity of the
1048 reporter must be redacted and the name of any other person must
1049 also be redacted if the person or agency making the information
1050 available finds that disclosure of the information would be likely
1051 to endanger the life, safety or well-being of the person. A
1052 record provided to the attorney under this section must remain in
1053 the attorney's control and the attorney may not provide copies or



access to another person or entity without prior consent of a court with appropriate jurisdiction.

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

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

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

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

(d) Records involving children shall be disclosed to the Division of Victim Compensation of the Office of the Attorney General upon the division's request without order of the youth



1078 court for purposes of determination of eligibility for victim
1079 compensation benefits.

1080 (6) Information concerning an investigation into a report of
1081 child abuse or child neglect may be disclosed by the Department of
1082 Child Protection Services without order of the youth court to any
1083 attorney, physician, dentist, intern, resident, nurse,
1084 psychologist, social worker, family protection worker, family
1085 protection specialist, child caregiver, minister, law enforcement
1086 officer, or a public or private school employee making that report
1087 pursuant to Section 43-21-353(1) if the reporter has a continuing
1088 professional relationship with the child and a need for such
1089 information in order to protect or treat the child.

1090 (7) Information concerning an investigation into a report of
1091 child abuse or child neglect may be disclosed without further
1092 order of the youth court to any interagency child abuse task force
1093 established in any county or municipality by order of the youth
1094 court of that county or municipality.

1095 (8) Names and addresses of juveniles twice adjudicated as
1096 delinquent for an act which would be a felony if committed by an
1097 adult or for the unlawful possession of a firearm shall not be
1098 held confidential and shall be made available to the public.

1099 (9) Names and addresses of juveniles adjudicated as
1100 delinquent for murder, manslaughter, burglary, arson, armed
1101 robbery, aggravated assault, any sex offense as defined in Section
1102 45-33-23, for any violation of Section 41-29-139(a) (1) or for any



1103 violation of Section 63-11-30, shall not be held confidential and
1104 shall be made available to the public.

1105 (10) The judges of the circuit and county courts, and
1106 presentence investigators for the circuit courts, as provided in
1107 Section 47-7-9, shall have the right to inspect any youth court
1108 records of a person convicted of a crime for sentencing purposes
1109 only.

1110 (11) The victim of an offense committed by a child who is
1111 the subject of a youth court cause shall have the right to be
1112 informed of the child's disposition by the youth court.

1113 (12) A classification hearing officer of the State
1114 Department of Corrections, as provided in Section 47-5-103, shall
1115 have the right to inspect any youth court records, excluding abuse
1116 and neglect records, of any offender in the custody of the
1117 department who as a child or minor was a juvenile offender or was
1118 the subject of a youth court cause of action, and the State Parole
1119 Board, as provided in Section 47-7-17, shall have the right to
1120 inspect such records when the offender becomes eligible for
1121 parole.

1122 (13) The youth court shall notify the Department of Public
1123 Safety of the name, and any other identifying information such
1124 department may require, of any child who is adjudicated delinquent
1125 as a result of a violation of the Uniform Controlled Substances
1126 Law.



1127 (14) The Administrative Office of Courts shall have the
1128 right to inspect any youth court records in order that the number
1129 of youthful offenders, abused, neglected, truant and dependent
1130 children, as well as children in need of special care and children
1131 in need of supervision, may be tracked with specificity through
1132 the youth court and adult justice system, and to utilize tracking
1133 forms for such purpose.

1134 (15) Upon a request by a youth court, the Administrative
1135 Office of Courts shall disclose all information at its disposal
1136 concerning any previous youth court intakes alleging that a child
1137 was a delinquent child, child in need of supervision, child in
1138 need of special care, truant child, abused child or neglected
1139 child, as well as any previous youth court adjudications for the
1140 same and all dispositional information concerning a child who at
1141 the time of such request comes under the jurisdiction of the youth
1142 court making such request.

1143 (16) The Administrative Office of Courts may, in its
1144 discretion, disclose to the Department of Public Safety any or all
1145 of the information involving children contained in the office's
1146 youth court data management system known as Mississippi Youth
1147 Court Information Delivery System or "MYCIDS."

1148 (17) The youth courts of the state shall disclose to the
1149 Joint Legislative Committee on Performance Evaluation and
1150 Expenditure Review (PEER) any youth court records in order that
1151 the number of youthful offenders, abused, neglected, truant and



1152 dependent children, as well as children in need of special care
1153 and children in need of supervision, may be tracked with
1154 specificity through the youth court and adult justice system, and
1155 to utilize tracking forms for such purpose. The disclosure
1156 prescribed in this subsection shall not require a court order and
1157 shall be made in sortable, electronic format where possible. The
1158 PEER Committee may seek the assistance of the Administrative
1159 Office of Courts in seeking this information. The PEER Committee
1160 shall not disclose the identities of any youth who have been
1161 adjudicated in the youth courts of the state and shall only use
1162 the disclosed information for the purpose of monitoring the
1163 effectiveness and efficiency of programs established to assist
1164 adjudicated youth, and to ascertain the incidence of adjudicated
1165 youth who become adult offenders.

1166 (18) In every case where an abuse or neglect allegation has
1167 been made, the confidentiality provisions of this section shall
1168 not apply to prohibit access to a child's records by any state
1169 regulatory agency, any state or local prosecutorial agency or law
1170 enforcement agency; however, no identifying information concerning
1171 the child in question may be released to the public by such agency
1172 except as otherwise provided herein.

1173 (19) In every case of child abuse or neglect, if a child's
1174 physical condition is medically labeled as medically "serious" or
1175 "critical" or a child dies, the confidentiality provisions of this
1176 section shall not apply. In such cases, the following information



1177 may be released by the Mississippi Department of Child Protection
1178 Services: the cause of the circumstances regarding the fatality
1179 or medically serious or critical physical condition; the age and
1180 gender of the child; information describing any previous reports
1181 of child abuse or neglect investigations that are pertinent to the
1182 child abuse or neglect that led to the fatality or medically
1183 serious or critical physical condition; the result of any such
1184 investigations; and the services provided by and actions of the
1185 state on behalf of the child that are pertinent to the child abuse
1186 or neglect that led to the fatality or medically serious or
1187 critical physical condition.

1188 (20) Any member of a foster care review board designated by
1189 the Department of Child Protection Services shall have the right
1190 to inspect youth court records relating to the abuse, neglect or
1191 child in need of supervision cases assigned to such member for
1192 review.

1193 (21) Information concerning an investigation into a report
1194 of child abuse or child neglect may be disclosed without further
1195 order of the youth court in any administrative or due process
1196 hearing held, pursuant to Section 43-21-257, by the Department of
1197 Child Protection Services for individuals whose names will be
1198 placed on the central registry as substantiated perpetrators.

1199 (22) The Department of Child Protection Services may
1200 disclose records involving children to the following:



1201 (a) A foster home, residential child-caring agency or
1202 child-placing agency to the extent necessary to provide such care
1203 and services to a child;

1204 (b) An individual, agency or organization that provides
1205 services to a child or the child's family in furtherance of the
1206 child's permanency plan to the extent necessary in providing those
1207 services;

1208 (c) Health and mental health care providers of a child
1209 to the extent necessary for the provider to properly treat and
1210 care for the child;

1211 (d) An educational institution or educational services
1212 provider where the child is enrolled or where enrollment is
1213 anticipated to the extent necessary for the school to provide
1214 appropriate services to the child;

1215 (e) Any state agency or board that administers student
1216 financial assistance programs. However, any records request under
1217 this paragraph shall be initiated by the agency or board for the
1218 purpose determining the child's eligibility for student financial
1219 assistance, and any disclosure shall be limited to the
1220 verification of the child's age during the period of time in which
1221 the child was in the department's legal custody; and

1222 (f) Any other state agency if the disclosure is
1223 necessary to the department in fulfilling its statutory
1224 responsibilities in protecting the best interests of the child.



1225 (23) Nothing in this section or chapter shall require youth
1226 court approval for disclosure of records involving children as
1227 defined in Section 43-21-105(u), if the disclosure is made in a
1228 criminal matter by a municipal or county prosecutor, a district
1229 attorney or statewide prosecutor, pursuant to the Mississippi
1230 Rules of Criminal Procedure and the records are disclosed under a
1231 protective order issued by the Circuit Court presiding over the
1232 criminal matter which incorporates the penalties stated in Section
1233 43-21-267.

1234 (24) The provisions of this section shall stand repealed on
1235 July 1, 2026.

1236 **SECTION 22.** Section 43-21-351, Mississippi Code of 1972, is
1237 brought forward as follows:

1238 43-21-351. (1) Any person or agency having knowledge that a
1239 child residing or being within the county is within the
1240 jurisdiction of the youth court may make a written report to the
1241 intake unit alleging facts sufficient to establish the
1242 jurisdiction of the youth court. The report shall bear a
1243 permanent number that will be assigned by the court in accordance
1244 with the standards established by the Administrative Office of
1245 Courts pursuant to Section 9-21-9(d), and shall be preserved until
1246 destroyed on order of the court.

1247 (2) There shall be in each youth court of the state an
1248 intake officer who shall be responsible for the accurate and
1249 timely entering of all intake and case information into the



1250 Mississippi Youth Court Information Delivery System (MYCIDS) for
1251 the Department of Human Services - Division of Youth Services,
1252 truancy matters, and the Department of Child Protection Services.
1253 It shall be the responsibility of the youth court judge or referee
1254 of each county to ensure that the intake officer is carrying out
1255 the responsibility of this section.

1256 (3) Each intake officer shall receive, at a minimum, six (6)
1257 hours of annual training on MYCIDS provided by the Mississippi
1258 Judicial College. The required training under this subsection
1259 shall be in addition to technical training provided by the
1260 Mississippi Supreme Court MYCIDS Information Technology
1261 Department.

1262 (4) The Mississippi Judicial College, in conjunction with
1263 the Administrative Office of Courts, shall develop training
1264 materials on MYCIDS:

1265 (a) To ensure the accurate and timely entrance of all
1266 intake and case information throughout the state by intake
1267 officers;

1268 (b) To ensure that youth court judges are equipped to
1269 oversee the functions of each intake officer.

1270 (5) The provisions of this section shall stand repealed on
1271 July 1, 2026.

1272 **SECTION 23.** Section 43-21-353, Mississippi Code of 1972, is
1273 brought forward as follows:



1274 43-21-353. (1) Any attorney, physician, dentist, intern,
1275 resident, nurse, psychologist, social worker, family protection
1276 worker, family protection specialist, child caregiver, minister,
1277 law enforcement officer, public or private school employee or any
1278 other person having reasonable cause to suspect that a child is a
1279 neglected child, an abused child, or a victim of commercial sexual
1280 exploitation or human trafficking shall cause an oral report to be
1281 made immediately by telephone or otherwise and followed as soon
1282 thereafter as possible by a report in writing to the Department of
1283 Child Protection Services, and immediately a referral shall be
1284 made by the Department of Child Protection Services to the youth
1285 court intake unit, which unit shall promptly comply with Section
1286 43-21-357. In the course of an investigation, at the initial time
1287 of contact with the individual(s) about whom a report has been
1288 made under this Youth Court Act or with the individual(s)
1289 responsible for the health or welfare of a child about whom a
1290 report has been made under this chapter, the Department of Child
1291 Protection Services shall inform the individual of the specific
1292 complaints or allegations made against the individual. Consistent
1293 with subsection (4), the identity of the person who reported his
1294 or her suspicion shall not be disclosed at that point. Where
1295 appropriate, the Department of Child Protection Services shall
1296 additionally make a referral to the youth court prosecutor.

1297 Upon receiving a report that a child has been sexually
1298 abused, is a victim of commercial sexual exploitation or human



1299 trafficking or has been burned, tortured, mutilated or otherwise
1300 physically abused in such a manner as to cause serious bodily
1301 harm, or upon receiving any report of abuse that would be a felony
1302 under state or federal law, the Department of Child Protection
1303 Services shall immediately notify the law enforcement agency in
1304 whose jurisdiction the abuse occurred. Within forty-eight (48)
1305 hours, the department must notify the appropriate prosecutor and
1306 the Statewide Human Trafficking Coordinator. The department shall
1307 have the duty to provide the law enforcement agency all the names
1308 and facts known at the time of the report; this duty shall be of a
1309 continuing nature. The law enforcement agency and the department
1310 shall investigate the reported abuse immediately and shall file a
1311 preliminary report with the appropriate prosecutor's office within
1312 twenty-four (24) hours and shall make additional reports as new or
1313 additional information or evidence becomes available. The
1314 department shall advise the clerk of the youth court and the youth
1315 court prosecutor of all cases of abuse reported to the department
1316 within seventy-two (72) hours and shall update such report as
1317 information becomes available. In addition, if the Department of
1318 Child Protection Services determines that a parent or other person
1319 responsible for the care or welfare of an abused or neglected
1320 child maintains active duty status within the military, the
1321 department shall notify the applicable military installation
1322 family advocacy program that there is an allegation of abuse or
1323 neglect that relates to that child.



1324 (2) Any report shall contain the names and addresses of the
1325 child and his parents or other persons responsible for his care,
1326 if known, the child's age, the nature and extent of the child's
1327 injuries, including any evidence of previous injuries, any other
1328 information that might be helpful in establishing the cause of the
1329 injury, and the identity of the perpetrator.

1330 (3) The Department of Child Protection Services shall
1331 maintain a statewide incoming wide-area telephone service or
1332 similar service for the purpose of receiving reports of suspected
1333 cases of child abuse, commercial sexual exploitation or human
1334 trafficking; provided that any attorney, physician, dentist,
1335 intern, resident, nurse, psychologist, social worker, family
1336 protection worker, family protection specialist, child caregiver,
1337 minister, law enforcement officer or public or private school
1338 employee who is required to report under subsection (1) of this
1339 section shall report in the manner required in subsection (1).

1340 (4) Reports of abuse, neglect and commercial sexual
1341 exploitation or human trafficking made under this chapter and the
1342 identity of the reporter are confidential except when the court in
1343 which the investigation report is filed, in its discretion,
1344 determines the testimony of the person reporting to be material to
1345 a judicial proceeding or when the identity of the reporter is
1346 released to law enforcement agencies and the appropriate
1347 prosecutor pursuant to subsection (1). Reports made under this
1348 section to any law enforcement agency or prosecutorial officer are



for the purpose of criminal investigation and prosecution only and no information from these reports may be released to the public except as provided by Section 43-21-261. Disclosure of any information by the prosecutor shall be according to the Mississippi Uniform Rules of Circuit and County Court Procedure. The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court. Any person disclosing any reports made under this section in a manner not expressly provided for in this section or Section 43-21-261 shall be guilty of a misdemeanor and subject to the penalties prescribed by Section 43-21-267. Notwithstanding the confidentiality of the reporter's identity under this section, the Department of Child Protection Services may disclose a reporter's identity to the appropriate law enforcement agency or prosecutor if the department has reason to suspect the reporter has made a fraudulent report, and the Department of Child Protection Services must provide to the subject of the alleged fraudulent report written notification of the disclosure.

(5) All final dispositions of law enforcement investigations described in subsection (1) of this section shall be determined only by the appropriate prosecutor or court. All final dispositions of investigations by the Department of Child Protection Services as described in subsection (1) of this section shall be determined only by the youth court. Reports made under



1374 subsection (1) of this section by the Department of Child
1375 Protection Services to the law enforcement agency and to the
1376 district attorney's office shall include the following, if known
1377 to the department:

- 1378 (a) The name and address of the child;
- 1379 (b) The names and addresses of the parents;
- 1380 (c) The name and address of the suspected perpetrator;
- 1381 (d) The names and addresses of all witnesses, including
1382 the reporting party if a material witness to the abuse;
- 1383 (e) A brief statement of the facts indicating that the
1384 child has been abused, including whether the child experienced
1385 commercial sexual exploitation or human trafficking, and any other
1386 information from the agency files or known to the family
1387 protection worker or family protection specialist making the
1388 investigation, including medical records or other records, which
1389 may assist law enforcement or the district attorney in
1390 investigating and/or prosecuting the case; and
- 1391 (f) What, if any, action is being taken by the
1392 Department of Child Protection Services.

1393 (6) In any investigation of a report made under this chapter
1394 of the abuse or neglect of a child as defined in Section
1395 43-21-105(1) or (m), the Department of Child Protection Services
1396 may request the appropriate law enforcement officer with
1397 jurisdiction to accompany the department in its investigation, and



1398 in such cases the law enforcement officer shall comply with such
1399 request.

1400 (7) Anyone who willfully violates any provision of this
1401 section shall be, upon being found guilty, punished by a fine not
1402 to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in
1403 jail not to exceed one (1) year, or both.

1404 (8) If a report is made directly to the Department of Child
1405 Protection Services that a child has been abused or neglected or
1406 experienced commercial sexual exploitation or human trafficking in
1407 an out-of-home setting, a referral shall be made immediately to
1408 the law enforcement agency in whose jurisdiction the abuse
1409 occurred and the department shall notify the district attorney's
1410 office and the Statewide Human Trafficking Coordinator within
1411 forty-eight (48) hours of such report. The Department of Child
1412 Protection Services shall investigate the out-of-home setting
1413 report of abuse or neglect to determine whether the child who is
1414 the subject of the report, or other children in the same
1415 environment, comes within the jurisdiction of the youth court and
1416 shall report to the youth court the department's findings and
1417 recommendation as to whether the child who is the subject of the
1418 report or other children in the same environment require the
1419 protection of the youth court. The law enforcement agency shall
1420 investigate the reported abuse immediately and shall file a
1421 preliminary report with the district attorney's office within
1422 forty-eight (48) hours and shall make additional reports as new



1423 information or evidence becomes available. If the out-of-home
1424 setting is a licensed facility, an additional referral shall be
1425 made by the Department of Child Protection Services to the
1426 licensing agency. The licensing agency shall investigate the
1427 report and shall provide the department, the law enforcement
1428 agency and the district attorney's office with their written
1429 findings from such investigation as well as that licensing
1430 agency's recommendations and actions taken.

1431 (9) If a child protective investigation does not result in
1432 an out-of-home placement, a child protective investigator must
1433 provide information to the parent or guardians about community
1434 service programs that provide respite care, counseling and support
1435 for children who have experienced commercial sexual exploitation
1436 or human trafficking, voluntary guardianship or other support
1437 services for families in crisis.

1438 **SECTION 24.** Section 43-21-354, Mississippi Code of 1972, is
1439 brought forward as follows:

1440 43-21-354. The statewide incoming wide area telephone
1441 service established pursuant to Section 43-21-353 shall be
1442 maintained by the Department of Child Protection Services, or its
1443 successor, on a twenty-four-hour seven (7) days a week basis.

1444 **SECTION 25.** Section 43-21-355, Mississippi Code of 1972, is
1445 brought forward as follows:

1446 43-21-355. Any attorney, physician, dentist, intern,
1447 resident, nurse, psychologist, social worker, family protection



1448 worker, family protection specialist, child caregiver, minister,
1449 law enforcement officer, school attendance officer, public school
1450 district employee, nonpublic school employee, licensed
1451 professional counselor or any other person participating in the
1452 making of a required report pursuant to Section 43-21-353 or
1453 participating in an investigation, evaluation or judicial
1454 proceeding resulting from the report shall be presumed to be
1455 acting in good faith. Any person or institution reporting or
1456 participating in an investigation, evaluation or judicial
1457 proceeding resulting from the report in good faith shall be immune
1458 from any liability, civil or criminal, that might otherwise be
1459 incurred or imposed.

1460 **SECTION 26.** Section 43-21-357, Mississippi Code of 1972, is
1461 brought forward as follows:

1462 43-21-357. (1) After receiving a report, the youth court
1463 intake unit shall promptly make a preliminary inquiry to determine
1464 whether the interest of the child, other children in the same
1465 environment or the public requires the youth court to take further
1466 action. As part of the preliminary inquiry, the youth court
1467 intake unit may request or the youth court may order the
1468 Department of Child Protection Services, the Department of Human
1469 Services - Division of Youth Services, any successor agency or any
1470 other qualified public employee to make an investigation or report
1471 concerning the child and any other children in the same
1472 environment, and present the findings thereof to the youth court



1473 intake unit. If the youth court intake unit receives a neglect or
1474 abuse report, the youth court intake unit shall immediately
1475 forward the complaint to the Department of Child Protection
1476 Services to promptly make an investigation or report concerning
1477 the child and any other children in the same environment and
1478 promptly present the findings thereof to the youth court intake
1479 unit. If it appears from the preliminary inquiry that the child
1480 or other children in the same environment are within the
1481 jurisdiction of the court, the youth court intake unit shall
1482 recommend to the youth court:

- 1483 (a) That the youth court take no action;
- 1484 (b) That an informal adjustment be made;
- 1485 (c) That the Department of Child Protection Services
1486 monitor the child, family and other children in the same
1487 environment;
- 1488 (d) That the child is warned or counseled informally;
- 1489 (e) That the child be referred to the youth court
1490 intervention court; or
- 1491 (f) That a petition be filed.

- 1492 (2) The youth court shall then, without a hearing:
 - 1493 (a) Order that no action be taken;
 - 1494 (b) Order that an informal adjustment be made;
 - 1495 (c) Order that the Department of Child Protection
1496 Services monitor the child, family and other children in the same
1497 environment;



1498 (d) Order that the child is warned or counseled
1499 informally;

1500 (e) That the child be referred to the youth
1501 intervention court; or

1502 (f) Order that a petition be filed.

1503 (3) If the preliminary inquiry discloses that a child needs
1504 emergency medical treatment, the judge may order the necessary
1505 treatment.

1506 **SECTION 27.** Section 43-21-651, Mississippi Code of 1972, is
1507 brought forward as follows:

1508 43-21-651. (1) (a) The court to which appeals may be taken
1509 from final orders or decrees of the youth court shall be the
1510 Supreme Court of Mississippi pursuant to the Rules of Appellate
1511 Procedure. Final Orders in youth court include orders that grant
1512 durable legal custody or durable legal relative guardianship,
1513 transfer jurisdiction over the minor child to another court, such
1514 as for an adoption, or otherwise terminate the jurisdiction of the
1515 youth court over the minor child. All factual findings, legal
1516 determinations, and adjudication of issues by the youth court
1517 prior to the time the final order is entered are preserved for
1518 appellate review and any common law to the contrary is expressly
1519 abrogated. Any matters adjudicated by the youth court through
1520 interim orders such as adjudication/disposition orders, or
1521 permanency review orders, may be only appealed through the



1522 interlocutory appeal process provided by the Rules of Appellate
1523 Procedure.

1524 (b) The rule of construction that statutes in
1525 derogation of the common law are to be strictly construed shall
1526 have no application to this subsection.

1527 (2) In any case wherein an appeal is desired, written notice
1528 of intention to appeal shall be filed with the youth court clerk
1529 within the time, and costs in the youth court and the filing fee
1530 in the Supreme Court shall be paid, as is otherwise required for
1531 appeals to the Supreme Court. If the appellant shall make
1532 affidavit that he is unable to pay such costs and filing fee, he
1533 shall have an appeal without prepayment of court costs and filing
1534 fee. Only the initials of the child shall appear on the record on
1535 appeal.

1536 (3) The pendency of an appeal shall not suspend the order or
1537 decree of the youth court regarding a child, nor shall it
1538 discharge the child from the custody of that court or of the
1539 person, institution or agency to whose care such child shall have
1540 been committed, unless the youth court or Supreme Court shall so
1541 order. If appellant desires to appeal with supersedeas, the
1542 matter first shall be presented to the youth court. If refused,
1543 the youth court shall forthwith issue a written order stating the
1544 reasons for the denial, which order shall be subject to review by
1545 the Supreme Court. If the Supreme Court does not dismiss the
1546 proceedings and discharge the child, it shall affirm or modify or



1547 reverse the order of the youth court and remand the child to the
1548 jurisdiction of the youth court for placement and supervision in
1549 accordance with its order, and thereafter the child shall be and
1550 remain under the jurisdiction of the youth court in the same
1551 manner as if the youth court had made the order without an appeal
1552 having been taken.

1553 (4) Appeals from the youth court shall be preference cases
1554 in the Supreme Court.

1555 **SECTION 28.** Section 43-21-701, Mississippi Code of 1972, is
1556 brought forward as follows:

1557 43-21-701. (1) There is established the Mississippi
1558 Commission on a Uniform Youth Court System and Procedures. The
1559 commission shall consist of the following twenty-one (21) members:

1560 (a) One (1) circuit court judge appointed by the Chief
1561 Justice of the Mississippi Supreme Court;

1562 (b) One (1) chancery court judge, appointed by the
1563 Chief Justice of the Mississippi Supreme Court;

1564 (c) The President of the Mississippi Council of Youth
1565 Court Judges, or his designee;

1566 (d) Two (2) who may be either family court judges or
1567 county court judges, appointed by the President of the Mississippi
1568 Council of Youth Court Judges;

1569 (e) Two (2) youth court referees, appointed by the
1570 President of the Mississippi Council of Youth Court Judges;



1571 (f) One (1) member of the Mississippi House of
1572 Representatives to be appointed by the Speaker of the House;
1573 (g) One (1) member of the Mississippi Senate to be
1574 appointed by the Lieutenant Governor;
1575 (h) The directors of the following state agencies or
1576 their designated representatives: the Mississippi Department of
1577 Human Services and the Mississippi Department of Child Protection
1578 Services;
1579 (i) The director or his designated representative of
1580 the Governor's Office of Federal-State Programs;
1581 (j) Two (2) employees, other than the commissioner, of
1582 the Department of Child Protection Services who are supervisors of
1583 social workers primarily assigned to youth cases, appointed by the
1584 Governor;
1585 (k) One (1) employee, other than the commissioner, of
1586 the Department of Child Protection Services who is experienced
1587 with the legal process of youth court cases, appointed by the
1588 Governor;
1589 (l) One (1) municipal police chief, appointed by the
1590 Governor;
1591 (m) One (1) county sheriff, appointed by the Governor;
1592 (n) Two (2) lawyers experienced in youth court work,
1593 appointed by the Governor; and
1594 (o) Two (2) prosecuting attorneys who prosecute cases
1595 in youth court, appointed by the Governor.



1596 (2) The members shall be appointed to the commission within
1597 fifteen (15) days of the effective date of Sections 43-21-701 and
1598 43-21-703 and shall serve until the end of their respective terms
1599 of office, if applicable, or until October 1, 2024, whichever
1600 occurs first. Vacancies on the commission shall be filled in the
1601 manner of the original appointment. Members shall be eligible for
1602 reappointment provided that upon such reappointment they meet the
1603 qualifications required of a new appointee.

1604 (3) The commission may elect any officers from among its
1605 membership as it deems necessary for the efficient discharge of
1606 the commission's duties.

1607 (4) The commission shall adopt rules and regulations
1608 governing times and places for meetings and governing the manner
1609 of conducting its business. Twelve (12) or more members shall
1610 constitute a quorum for the purpose of conducting any business of
1611 the commission; provided, however, a vote of not less than
1612 fourteen (14) members shall be required for any recommendations to
1613 the Legislature.

1614 (5) Members of the commission shall serve without
1615 compensation, except that state and county employees and officers
1616 shall receive any per diem as authorized by law from
1617 appropriations available to their respective agencies or political
1618 subdivisions. All commission members shall be entitled to receive
1619 reimbursement for any actual and reasonable expenses incurred as a



necessary incident to service on the commission, including mileage as provided by law.

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

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

(8) The commission may contract for suitable office space in accordance with the provisions of Section 29-5-2, Mississippi Code



1645 of 1972. In addition, the commission may utilize, with their
1646 consent, the services, equipment, personnel, information and
1647 resources of other state agencies; and may accept voluntary and
1648 uncompensated services, contract with individuals, public and
1649 private agencies, and request information, reports and data from
1650 any agency of the state, or any of its political subdivisions, to
1651 the extent authorized by law.

1652 (9) In order to conduct and carry out its purposes, duties
1653 and related activities as provided for in this section and Section
1654 43-21-703, the commission is authorized to apply for and accept
1655 gifts, grants, subsidies and other funds from persons,
1656 corporations, foundations, the United States government or other
1657 entities, provided that the receipt of such gifts, grants,
1658 subsidies and funds shall be reported and otherwise accounted for
1659 in the manner provided by law.

1660 **SECTION 29.** Section 43-21-703, Mississippi Code of 1972, is
1661 brought forward as follows:

1662 43-21-703. (1) The commission shall study the youth court
1663 system in Mississippi, and prepare a report including any proposed
1664 changes in the youth court system and/or its procedures. It shall
1665 submit the report to the Legislature, on or before October 1,
1666 2024, along with a report detailing any legislation which may be
1667 needed to implement the plan. In preparing the report, the
1668 commission shall evaluate the existing juvenile services in the



1669 state and may recommend changes in the organizational concepts,
1670 institutions, laws and resources.

1671 (2) In formulating its report, the commission shall take
1672 into consideration the following:

1673 (a) Whether a uniform statewide youth court system
1674 would be desirable;

1675 (b) How best the service needs of the state could be
1676 met in relation to the taxing and resource capacity of various
1677 multi-county districts now existing or proposed;

1678 (c) Whether counties in a given service area or
1679 district may develop district shelters, detention centers and
1680 diagnostic centers to serve a multi-county area; and

1681 (d) What proposals or alternatives would update or
1682 modernize the system to provide staffing for all counties and
1683 citizens.

1684 (3) The commission, in addition to recommending the plan
1685 described in this section, shall serve as a clearinghouse and
1686 information center for the collection, preparation, analysis and
1687 dissemination of information on the youth court system in
1688 Mississippi and shall conduct ongoing research relating to the
1689 improvement of the youth court system. Pursuant to its duties
1690 under this subsection, the commission may request the regular
1691 submission to it of such reports, information and statistics by
1692 the courts, judges, prosecuting attorneys and agencies of this



1693 state which the commission deems necessary for the development of
1694 its reports.

1695 **SECTION 30.** Section 43-21-753, Mississippi Code of 1972, is
1696 brought forward as follows:

1697 43-21-753. The youth court of any county in the state may
1698 establish a teen court program for the diversion of certain
1699 offenders who have waived all right of confidentiality and
1700 privilege against self-incrimination. The youth court of Rankin
1701 County may extend its teen court program within the city limits of
1702 Pearl. The offenders eligible to participate shall be those
1703 offenders who in the discretion of the youth court are suitable
1704 and compulsory-school-age children who have come into the
1705 jurisdiction of the youth court as a result of not attending
1706 school. The teen court shall be a preventive program for
1707 juveniles comprised of youth who are not less than thirteen (13)
1708 nor more than seventeen (17) years of age, which students shall
1709 serve as prosecutor, defense counsel, bailiff, court clerk and
1710 jurors. The program is to administer the "sentencing" or
1711 disposition phase of the proceedings against offenders who elect
1712 to participate, shall be under the guidance of the local youth
1713 court, and shall be approved by the local youth court. The youth
1714 court judge, or his designee who is a licensed attorney, shall
1715 preside. The teen court is authorized to require eligible
1716 offenders who choose to go to teen court in lieu of youth court to
1717 perform up to one hundred twelve (112) hours of community service,



1718 require offenders to make a personal apology to a victim, require
1719 offenders to submit a research paper on any relevant subject,
1720 attend counseling and make restitution or any other disposition
1721 authorized by the youth court. The youth court shall establish
1722 rules and regulations, including sentencing guidelines, for the
1723 operation of a teen court. The teen court is authorized to accept
1724 monies from any available public or private source, including
1725 public or private donations, grants, gifts and appropriated funds
1726 for funding expenses of operating the court.

1727 Teen court may be held at whatever location the youth court
1728 selects at whatever time or times. Eligible offenders shall be
1729 only those children who agree to participate in the teen court and
1730 to abide by the teen court's rulings, whose parents or legal
1731 guardian shall also so agree, and who are otherwise qualified to
1732 participate.

1733 The youth court judge may require an offender who elects to
1734 participate in the teen court to pay a fee not to exceed Five
1735 Dollars (\$5.00); any such fees shall be used in administering this
1736 article, and the fee shall not be refunded, regardless of whether
1737 the child successfully completes the teen court program.

1738 **SECTION 31.** Section 43-21-801, Mississippi Code of 1972, is
1739 brought forward as follows:

1740 43-21-801. (1) There is established the Youth Court Support
1741 Program. The purpose of the program shall be to ensure that all
1742 youth courts have sufficient support funds to carry on the



1743 business of the youth court. The Administrative Office of Courts
1744 shall establish a formula consistent with this section for
1745 providing state support payable from the Youth Court Support Fund
1746 for the support of the youth courts.

1747 (a) (i) Each regular youth court referee is eligible
1748 for youth court support funds so long as the senior chancellor
1749 does not elect to employ a youth court administrator as set forth
1750 in paragraph (b); a municipal youth court judge is also eligible.
1751 The Administrative Office of Courts shall direct any funds to the
1752 appropriate county or municipality. The funds shall be utilized
1753 to compensate an intake officer who shall be responsible for
1754 ensuring that all intake and case information for the Department
1755 of Human Services - Division of Youth Services, truancy matters,
1756 and the Department of Child Protection Services is entered into
1757 the Mississippi Youth Court Information Delivery System (MYCIDS)
1758 in an accurate and timely manner. If the court already has an
1759 intake officer responsible for entering all cases of the
1760 Department of Human Services - Division of Youth Services, truancy
1761 matters, and the Department of Child Protection Services into
1762 MYCIDS, the regular youth court referee or municipal court judge
1763 may certify to the Administrative Office of Courts that such a
1764 person is already on staff. In such a case, each regular youth
1765 court referee or municipal youth court judge shall have the sole
1766 individual discretion to appropriate those funds as expense monies
1767 to assist in hiring secretarial staff and acquiring materials and



1768 equipment incidental to carrying on the business of the court
1769 within the private practice of law of the referee or judge, or may
1770 direct the use of those funds through the county or municipal
1771 budget for court support supplies or services. The regular youth
1772 court referee and municipal youth court judge shall be accountable
1773 for assuring through private, county or municipal employees the
1774 proper preparation and filing of all necessary tracking and other
1775 documentation attendant to the administration of the youth court.

1776 (ii) Title to all tangible property, excepting
1777 stamps, stationery and minor expendable office supplies, procured
1778 with funds authorized by this section, shall be and forever remain
1779 in the county or municipality to be used by the judge or referee
1780 during the term of his office and thereafter by his successors.

1781 (b) (i) When permitted by the Administrative Office of
1782 Courts and as funds are available, the senior chancellor for
1783 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
1784 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
1785 administrator for the district whose responsibility will be to
1786 perform all reporting, tracking and other duties of a court
1787 administrator for all youth courts in the district that are under
1788 the chancery court system. Any chancery district listed in this
1789 paragraph in which a chancellor appoints a referee or special
1790 master to hear any youth court matter is ineligible for funding
1791 under this paragraph (b). The Administrative Office of Courts may
1792 allocate to an eligible chancery district a sum not to exceed



1793 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
1794 fringe benefits and equipment of the youth court administrator,
1795 and an additional sum not to exceed One Thousand Nine Hundred
1796 Dollars (\$1,900.00) for the administrator's travel expenses.

1797 (ii) The appointment of a youth court
1798 administrator shall be evidenced by the entry of an order on the
1799 minutes of the court. The person appointed shall serve at the
1800 will and pleasure of the senior chancellor but shall be an
1801 employee of the Administrative Office of Courts.

1802 (iii) The Administrative Office of Courts must
1803 approve the position, job description and salary before the
1804 position can be filled. The Administrative Office of Courts shall
1805 not approve any plan that does not first require the expenditure
1806 of the funds from the Youth Court Support Fund before expenditure
1807 of county funds is authorized for that purpose.

1808 (iv) Title to any tangible property procured with
1809 funds authorized under this paragraph shall be and forever remain
1810 in the State of Mississippi.

1811 (c) (i) Each county court is eligible for youth court
1812 support funds. The funds shall be utilized to provide
1813 compensation to an intake officer who shall be responsible for
1814 ensuring that all intake and case information for the Department
1815 of Human Services - Division of Youth Services, truancy matters,
1816 and the Department of Child Protection Services is entered into
1817 the Mississippi Youth Court Information Delivery System (MYCIDS)



1818 in an accurate and timely manner. If the county court already has
1819 an intake officer or other staff person responsible for entering
1820 all cases of the Department of Human Services - Division of Youth
1821 Services, truancy matters and the Department of Child Protection
1822 Services into MYCIDS, the senior county court judge may certify
1823 that such a person is already on staff. In such a case, the
1824 senior county court judge shall have discretion to direct the
1825 expenditure of those funds in hiring other support staff to carry
1826 on the business of the court.

1827 (ii) For the purposes of this paragraph, "support
1828 staff" means court administrators, law clerks, legal research
1829 assistants, secretaries, resource administrators or case managers
1830 appointed by a youth court judge, or any combination thereof, but
1831 shall not mean school attendance officers.

1832 (iii) The appointment of support staff shall be
1833 evidenced by the entry of an order on the minutes of the court.
1834 The support staff so appointed shall serve at the will and
1835 pleasure of the senior county court judge but shall be an employee
1836 of the county.

1837 (iv) The Administrative Office of Courts must
1838 approve the positions, job descriptions and salaries before the
1839 positions may be filled. The Administrative Office of Courts
1840 shall not approve any plan that does not first require the
1841 expenditure of funds from the Youth Court Support Fund before
1842 expenditure of county funds is authorized for that purpose.



1843 (v) The Administrative Office of Courts may
1844 approve expenditure from the fund for additional equipment for
1845 support staff appointed pursuant to this paragraph if the
1846 additional expenditure falls within the formula. Title to any
1847 tangible property procured with funds authorized under this
1848 paragraph shall be and forever remain in the county to be used by
1849 the youth court and support staff.

1850 (2) (a) (i) The formula developed by the Administrative
1851 Office of Courts for providing youth court support funds shall be
1852 devised so as to distribute appropriated funds proportional to
1853 caseload and other appropriate factors as set forth in regulations
1854 promulgated by the Administrative Office of Courts. The formula
1855 will determine a reasonable maximum amount per judge or referee
1856 per annum that will not be exceeded in allocating funds under this
1857 section.

1858 (ii) The formula shall be reviewed by the
1859 Administrative Office of Courts every two (2) years to ensure that
1860 the youth court support funds provided herein are proportional to
1861 each youth court's caseload and other specified factors.

1862 (iii) The Administrative Office of Courts shall
1863 have wide latitude in the first two-year cycle to implement a
1864 formula designed to maximize caseload data collection.

1865 (b) Application to receive funds under this section
1866 shall be submitted in accordance with procedures established by
1867 the Administrative Office of Courts.



1868 (c) Approval of the use of any of the youth court
1869 support funds distributed under this section shall be made by the
1870 Administrative Office of Courts in accordance with procedures
1871 established by the Administrative Office of Courts.

1872 (3) (a) There is created in the State Treasury a special
1873 fund to be designated as the "Youth Court Support Fund," which
1874 shall consist of funds appropriated or otherwise made available by
1875 the Legislature in any manner and funds from any other source
1876 designated for deposit into such fund. Unexpended amounts
1877 remaining in the fund at the end of a fiscal year shall not lapse
1878 into the State General Fund, and any investment earnings or
1879 interest earned on amounts in the fund shall be deposited to the
1880 credit of the fund. Monies in the fund shall be distributed to
1881 the youth courts by the Administrative Office of Courts for the
1882 purposes described in this section.

1883 (b) (i) During the regular legislative session held in
1884 calendar year 2007, the Legislature may appropriate an amount not
1885 to exceed Two Million Five Hundred Thousand Dollars
1886 (\$2,500,000.00) to the Youth Court Support Fund.

1887 (ii) During each regular legislative session
1888 subsequent to the 2007 Regular Session, the Legislature shall
1889 appropriate Two Million Five Hundred Thousand Dollars
1890 (\$2,500,000.00) to the Youth Court Support Fund.

1891 (c) No youth court judge or youth court referee shall
1892 be eligible to receive funding from the Youth Court Support Fund



1893 who has not received annual continuing education in the field of
1894 juvenile justice in an amount to conform with the requirements of
1895 the Rules and Regulations for Mandatory Continuing Judicial
1896 Education promulgated by the Supreme Court or received at least
1897 one (1) hour of annual continuing education concerning oversight
1898 of youth court intake officers and MYCIDS. The Administrative
1899 Office of Courts shall maintain records of all referees and youth
1900 court judges regarding such training and shall not disburse funds
1901 to any county or municipality for the budget of a youth court
1902 judge or referee who is not in compliance with the judicial
1903 training requirements.

1904 (4) Any recipient of funds from the Youth Court Support Fund
1905 shall not be eligible for continuing disbursement of funds if the
1906 recipient is not in compliance with the terms, conditions and
1907 reporting requirements set forth in the procedures promulgated by
1908 the Administrative Office of Courts.

1909 (5) The provisions of this section shall stand repealed on
1910 July 1, 2026.

1911 **SECTION 32.** Section 9-5-1, Mississippi Code of 1972, is
1912 brought forward as follows:

1913 9-5-1. A chancellor shall be elected for and from each of
1914 the chancery court districts as provided in this chapter and the
1915 listing of individual precincts shall be those precincts as they
1916 existed on October 1, 1990. He shall hold court in any other
1917 district with the consent of the chancellor thereof when in their



1918 opinion the public interest may be thereby promoted. The terms of
1919 all chancellors elected at the regular election for the year 1930
1920 shall begin on the first day of January, 1931, and their terms of
1921 office shall continue for four (4) years. A chancellor shall be a
1922 resident of the district in which he serves but shall not be
1923 required to be a resident of a subdistrict if the district is
1924 divided into subdistricts.

1925 **SECTION 33.** Section 9-5-3, Mississippi Code of 1972, is
1926 brought forward as follows:

1927 9-5-3. (1) The state shall be divided into an appropriate
1928 number of chancery court districts, severally numbered and
1929 composed of the counties as set forth in the sections which
1930 follow. A court to be styled "The Chancery Court of the County of
1931 ____" shall be held in each county, and within each judicial
1932 district of a county having two (2) judicial districts, at least
1933 twice a year. Court shall be held in chancery court districts
1934 consisting of a single county on the same dates state agencies and
1935 political subdivisions are open for business excluding legal
1936 holidays. The dates upon which terms shall commence and the
1937 number of days for which terms shall continue in chancery court
1938 districts consisting of more than one (1) county shall be set by
1939 order of the chancellor in accordance with the provisions of
1940 subsection (2) of this section. A matter in court may extend past
1941 a term if the interest of justice so requires.



1942 (2) An order establishing the commencement and continuation
1943 of terms of court for each of the counties within a chancery court
1944 district consisting of more than one (1) county shall be entered
1945 annually and not later than October 1 of the year immediately
1946 preceding the calendar year for which the terms of court are to
1947 become effective. Notice of the dates upon which terms of court
1948 shall commence and the number of days for which the terms shall
1949 continue in each of the counties within a chancery court district
1950 shall be posted in the office of the chancery clerk of each county
1951 within the district and mailed to the office of the Secretary of
1952 State for publication and distribution to all Mississippi Bar
1953 members. If an order is not timely entered, the terms of court
1954 for each of the counties within the chancery court district shall
1955 remain unchanged for the next calendar year.

1956 (3) The number of chancellorships for each chancery court
1957 district shall be determined by the Legislature based upon the
1958 following criteria:

- 1959 (a) The population of the district;
1960 (b) The number of cases filed in the district;
1961 (c) The caseload of each chancellor in the district;
1962 (d) The geographic area of the district;
1963 (e) An analysis of the needs of the district by the
1964 court personnel of the district; and
1965 (f) Any other appropriate criteria.



1966 (4) The Judicial College of the University of Mississippi
1967 Law Center and the Administrative Office of Courts shall determine
1968 the appropriate:

1969 (a) Specific data to be collected as a basis for
1970 applying the above criteria;

1971 (b) Method of collecting and maintaining the specified
1972 data; and

1973 (c) Method of assimilating the specified data.

1974 (5) In a district having more than one (1) office of
1975 chancellor, there shall be no distinction whatsoever in the
1976 powers, duties and emoluments of those offices except that the
1977 chancellor who has been for the longest time continuously a
1978 chancellor of that court or, should no chancellor have served
1979 longer in office than the others, the chancellor who has been for
1980 the longest time a member of The Mississippi Bar shall be the
1981 senior chancellor. The senior chancellor shall have the right to
1982 assign causes and dockets and to set terms in districts consisting
1983 of more than one (1) county.

1984 **SECTION 34.** Section 9-5-5, Mississippi Code of 1972, is
1985 brought forward as follows:

1986 9-5-5. The First Chancery Court District is composed of the
1987 following counties:

1988 (a) Alcorn County;

1989 (b) Itawamba County;

1990 (c) Lee County;



- 1991 (d) Monroe County;
1992 (e) Pontotoc County;
1993 (f) Prentiss County;
1994 (g) Tishomingo County; and
1995 (h) Union County.

1996 **SECTION 35.** Section 9-5-7, Mississippi Code of 1972, is
1997 brought forward as follows:

1998 9-5-7. (1) There shall be four (4) chancellors for the
1999 First Chancery Court District.

2000 (2) The four (4) chancellorships shall be separate and
2001 distinct and denominated for purposes of appointment and election
2002 only as "Place One," "Place Two," "Place Three" and "Place Four."
2003 The chancellor to fill Place One must be a resident of Alcorn,
2004 Prentiss or Tishomingo County. The chancellors to fill Place Two
2005 and Place Three must reside in Itawamba, Lee, Monroe, Pontotoc or
2006 Union County. The chancellor to fill Place Four may be a resident
2007 of any county in the district. Election of the four (4) offices
2008 of chancellor shall be by election to be held in every county
2009 within the First Chancery Court District.

2010 **SECTION 36.** Section 9-5-9, Mississippi Code of 1972, is
2011 brought forward as follows:

2012 9-5-9. The Second Chancery Court District is composed of the
2013 following counties:

- 2014 (a) Jasper County;
2015 (b) Newton County; and



2016 (c) Scott County.

2017 **SECTION 37.** Section 9-5-11, Mississippi Code of 1972, is
2018 brought forward as follows:

2019 9-5-11. (1) The Third Chancery Court District is composed
2020 of the following counties:

2021 (a) DeSoto County;

2022 (b) Grenada County;

2023 (c) Montgomery County;

2024 (d) Panola County;

2025 (e) Tate County; and

2026 (f) Yalobusha County.

2027 (2) The Third Chancery Court District shall be divided into
2028 two (2) subdistricts as follows:

2029 (a) Subdistrict 3-1 shall consist of DeSoto County.

2030 (b) Subdistrict 3-2 shall consist of Grenada County,
2031 Montgomery County, Panola County, Tate County and Yalobusha
2032 County.

2033 **SECTION 38.** Section 9-5-13, Mississippi Code of 1972, is
2034 brought forward as follows:

2035 **[Until January 1, 2027, this section shall read as follows:]**

2036 9-5-13. (1) There shall be three (3) chancellors for the
2037 Third Chancery Court District.

2038 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
2039 from DeSoto County. The two (2) chancellors of Subdistrict 3-2



shall be elected from Grenada County, Montgomery County, Panola County, Tate County and Yalobusha County.

(b) For purposes of appointment and election, the three (3) chancellorships shall be separate and distinct. The chancellorship in Subdistrict 3-1 shall be denominated only as "Place One," and the chancellorships in Subdistrict 3-2 shall be denominated only as "Place Two" and "Place Three."

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

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

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

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

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



2064 9-5-17. (1) The Fifth Chancery Court District is composed
2065 of Hinds County.

2066 (2) The Fifth Chancery Court District shall be divided into
2067 the following four (4) subdistricts:

2068 (a) Subdistrict 5-1 shall consist of the following
2069 precincts in Hinds County: 1, 2, 4, 5, 6, 8, 9, 10, 32, 33, 34,
2070 35, 36, 44, 45, 46, 47, 72, 73, 74, 75, 76, 77, 78, 79, 92, 93, 96
2071 and 97.

2072 (b) Subdistrict 5-2 shall consist of the following
2073 precincts in Hinds County: 11, 12, 13, 14, 15, 16, 17, 23, 27,
2074 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 80, 81, 82, 83, 84, 85,
2075 Brownsville, Cynthia, Pocahontas and Tinnin.

2076 (c) Subdistrict 5-3 shall consist of the following
2077 precincts in Hinds County: 18, 19, 20, 21, 22, 24, 25, 26, 31,
2078 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66,
2079 67, 68, 69, 70, 71, 86, 89 and Jackson State.

2080 (d) Subdistrict 5-4 shall consist of the following
2081 precincts in Hinds County: 87, 88, 90, 91, 94, 95, Bolton, Byram
2082 1, Byram 2, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3,
2083 Clinton 4, Clinton 5, Clinton 6, Dry Grove, Edwards, Learned, Old
2084 Byram, Pinehaven, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,
2085 Terry, Utica 1 and Utica 2.

2086 **SECTION 40.** Section 9-5-19, Mississippi Code of 1972, is
2087 brought forward as follows:



2088 9-5-19. (1) There shall be four (4) chancellors for the
2089 Fifth Chancery Court District. One (1) chancellor shall be
2090 elected from each subdistrict.

2091 (2) While there shall be no limitation whatsoever upon the
2092 powers and duties of the said chancellors other than as cast upon
2093 them by the Constitution and laws of this state, the court in the
2094 First Judicial District of Hinds County, in the discretion of the
2095 senior chancellor, may be divided into four (4) divisions as a
2096 matter of convenience by the entry of an order upon the minutes of
2097 the court.

2098 **SECTION 41.** Section 9-5-21, Mississippi Code of 1972, is
2099 brought forward as follows:

2100 9-5-21. The Sixth Chancery Court District is composed of the
2101 following counties:

- 2102 (a) Attala County;
- 2103 (b) Carroll County;
- 2104 (c) Choctaw County;
- 2105 (d) Kemper County;
- 2106 (e) Neshoba County; and
- 2107 (f) Winston County.

2108 **SECTION 42.** Section 9-5-22, Mississippi Code of 1972, is
2109 brought forward as follows:

2110 9-5-22. (1) There shall be two (2) chancellors for the
2111 Sixth Chancery Court District.



2112 (2) The two (2) chancellorships shall be separate and
2113 distinct and denominated for purposes of appointment and election
2114 only as "Place One" and "Place Two."

2115 **SECTION 43.** Section 9-5-23, Mississippi Code of 1972, is
2116 brought forward as follows:

2117 9-5-23. (1) The Seventh Chancery Court District is composed
2118 of the following counties:

- 2119 (a) Bolivar County;
- 2120 (b) Coahoma County;
- 2121 (c) Leflore County;
- 2122 (d) Quitman County;
- 2123 (e) Tallahatchie County; and
- 2124 (f) Tunica County.

2125 (2) The Seventh Chancery Court District shall be divided
2126 into two (2) subdistricts as follows:

- 2127 (a) Subdistrict 7-1 shall consist of Bolivar County and
2128 Coahoma County;
- 2129 (b) Subdistrict 7-2 shall consist of Leflore County,
2130 Quitman County, Tallahatchie County and Tunica County.

2131 **SECTION 44.** Section 9-5-25, Mississippi Code of 1972, is
2132 brought forward as follows:

2133 9-5-25. There shall be three (3) chancellors for the Seventh
2134 Chancery Court District. The three (3) chancellorships shall be
2135 separate and distinct. One (1) chancellor shall be elected from
2136 Subdistrict 7-1 and shall be denominated for purposes of



2137 appointment and election only as "Place One," and two (2)
2138 chancellors shall be elected from Subdistrict 7-2 and shall be
2139 denominated for purposes of appointment and election only as
2140 "Place Two" and "Place Three."

2141 **SECTION 45.** Section 9-5-27, Mississippi Code of 1972, is
2142 brought forward as follows:

2143 9-5-27. The Eighth Chancery Court District is composed of
2144 the following counties:

- 2145 (a) Hancock County;
- 2146 (b) Harrison County; and
- 2147 (c) Stone County.

2148 **SECTION 46.** Section 9-5-29, Mississippi Code of 1972, is
2149 brought forward as follows:

2150 9-5-29. (1) There shall be four (4) chancellors for the
2151 Eighth Chancery Court District.

2152 (2) The four (4) chancellorships shall be separate and
2153 distinct and denominated for purposes of appointment and election
2154 only as "Place One," "Place Two," "Place Three" and "Place Four."

2155 (3) While there shall be no limitation whatsoever upon the
2156 powers and duties of the chancellors other than as cast upon them
2157 by the Constitution and laws of this state, the court in the
2158 Eighth Chancery Court District, in the discretion of the senior
2159 chancellor, may be divided into four (4) divisions as a matter of
2160 convenience by the entry of an order upon the minutes of the
2161 court.



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

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

- (a) Humphreys County;
- (b) Issaquena County;
- (c) Sharkey County;
- (d) Sunflower County;
- (e) Warren County; and
- (f) Washington County.

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

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

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

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

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



2187 (i) Sunflower County: Doddsville, Indianola 2
2188 East*, Indianola 2 West, Indianola 3 North*, Indianola 3
2189 Northeast*, Indianola 3 South*, Indianola Southeast, Inverness,
2190 Moorhead, Sunflower 3 and Sunflower 4; and

2191 (ii) Washington County: Arcola City Hall, Christ
2192 Wesleyan Methodist Church, Darlove Baptist Church*, Glen Allan
2193 Health Clinic, Grace Methodist Church*, Hollandale City Hall, St.
2194 James Episcopal Church, Swiftwater Baptist Church, Tampa Drive and
2195 Ward's Recreation Center.

2196 (c) Subdistrict 9-3 shall consist of Issaquena County,
2197 Sharkey County and Warren County.

2198 **SECTION 48.** Section 9-5-33, Mississippi Code of 1972, is
2199 brought forward as follows:

2200 9-5-33. There shall be three (3) chancellors for the Ninth
2201 Chancery Court District. One (1) chancellor shall be elected from
2202 each subdistrict.

2203 **SECTION 49.** Section 9-5-35, Mississippi Code of 1972, is
2204 brought forward as follows:

2205 9-5-35. The Tenth Chancery Court District is composed of the
2206 following counties:

- 2207 (a) Forrest County;
2208 (b) Lamar County;
2209 (c) Marion County;
2210 (d) Pearl River County; and
2211 (e) Perry County.



2212 **SECTION 50.** Section 9-5-36, Mississippi Code of 1972, is
2213 brought forward as follows:

2214 9-5-36. (1) There shall be four (4) chancellors for the
2215 Tenth Chancery Court District.

2216 (2) The four (4) chancellorships shall be separate and
2217 distinct and denominated for purposes of appointment and election
2218 only as "Place One," "Place Two," "Place Three" and "Place Four."
2219 The chancellor to fill Place One and Place Four may be a resident
2220 of any county in the district. The chancellor to fill Place Two
2221 must be a resident of Lamar, Marion, Pearl River or Perry County.
2222 The chancellor to fill Place Three must be a resident of Forrest
2223 County. Election of the four (4) offices of chancellor shall be
2224 by election to be held in every county within the Tenth Chancery
2225 Court District.

2226 **SECTION 51.** Section 9-5-37, Mississippi Code of 1972, is
2227 brought forward as follows:

2228 9-5-37. (1) The Eleventh Chancery Court District is
2229 composed of the following counties:

- 2230 (a) Holmes County;
- 2231 (b) Leake County;
- 2232 (c) Madison County; and
- 2233 (d) Yazoo County.

2234 (2) The Eleventh Chancery Court District shall be divided
2235 into two (2) subdistricts as follows:



2236 (a) Subdistrict 11-1 shall consist of Holmes County,
2237 Yazoo County and the following precincts in Madison County: Bible
2238 Church, Canton 4, Canton 5, Flora, Madison County Baptist Family
2239 Life Center, Magnolia Heights and Smith School;

2240 (b) Subdistrict 11-2 shall consist of Leake County and
2241 the following precincts in Madison County: Bear Creek, Camden,
2242 Cameron, Canton 1, Canton 2, Canton 3, Canton 7, Cedar Grove,
2243 Cobblestone, Couparle, Gluckstadt, Highland Colony Baptist Church,
2244 Liberty, Lorman/Cavalier, Luther Branson School, Madison 1,
2245 Madison 2, Madison 3, Main Harbor, New Industrial Park, North Bay,
2246 Ratliff Ferry, Ridgeland 1, Ridgeland 3, Ridgeland 4, Ridgeland
2247 First Methodist Church, Ridgeland Tennis Center, Sharon,
2248 Sunnybrook, Tougaloo, Trace Harbor, Victory Baptist Church,
2249 Virililia, Whisper Lake and Yandell Road.

2250 **SECTION 52.** Section 9-5-38, Mississippi Code of 1972, is
2251 brought forward as follows:

2252 9-5-38. There shall be three (3) chancellors for the
2253 Eleventh Chancery Court District. The three (3) chancellorships
2254 shall be separate and distinct. One (1) chancellor shall be
2255 elected from Subdistrict 11-1 and denominated for purposes of
2256 appointment and election only as "Place One," one (1) chancellor
2257 shall be elected from Subdistrict 11-2 and denominated for
2258 purposes of appointment and election only as "Place Two," and one
2259 (1) chancellor shall be elected at large from the entire Eleventh



2260 Chancery Court District and denominated for purposes of
2261 appointment and election only as "Place Three."

2262 **SECTION 53.** Section 9-5-39, Mississippi Code of 1972, is
2263 brought forward as follows:

2264 9-5-39. The Twelfth Chancery Court District is composed of
2265 the following counties:

2266 (a) Clarke County; and

2267 (b) Lauderdale County.

2268 **SECTION 54.** Section 9-5-40, Mississippi Code of 1972, is
2269 brought forward as follows:

2270 9-5-40. (1) There shall be two (2) judges for the Twelfth
2271 Chancery Court District.

2272 (2) The two (2) chancellorships shall be separate and
2273 distinct and denominated for purposes of appointment and election
2274 only as "Place One" and "Place Two."

2275 **SECTION 55.** Section 9-5-41, Mississippi Code of 1972, is
2276 brought forward as follows:

2277 9-5-41. (1) The Thirteenth Chancery Court District is
2278 composed of the following counties:

2279 (a) Covington County;

2280 (b) Jefferson Davis County;

2281 (c) Lawrence County;

2282 (d) Simpson County; and

2283 (e) Smith County.



2284 (2) There shall be two (2) chancellors for the Thirteenth
2285 Chancery Court District. The two (2) chancellorships shall be
2286 separate and distinct and denominated for purposes of appointment
2287 and election only as "Place One" and "Place Two."

2288 **SECTION 56.** Section 9-5-43, Mississippi Code of 1972, is
2289 brought forward as follows:

2290 9-5-43. (1) The Fourteenth Chancery Court District is
2291 composed of the following counties:

- 2292 (a) Chickasaw County;
- 2293 (b) Clay County;
- 2294 (c) Lowndes County;
- 2295 (d) Noxubee County;
- 2296 (e) Oktibbeha County; and
- 2297 (f) Webster County.

2298 (2) The Fourteenth Chancery Court District shall be divided
2299 into three (3) subdistricts as follows:

- 2300 (a) Subdistrict 14-1 shall consist of Chickasaw County,
2301 Webster County and the following precincts in Oktibbeha County:
2302 Bell Schoolhouse*, Bradley, Center Grove, Central Starkville*,
2303 Craig Springs, Double Springs, East Starkville*, Gillespie Street
2304 Center*, Maben, North Adaton, North Longview, North Starkville 2*,
2305 North Starkville 3, Northeast Starkville, Self Creek, South
2306 Adaton, South Longview, South Starkville*, Sturgis and West
2307 Starkville*.



2308 (b) Subdistrict 14-2 shall consist of the following
2309 precincts in the following counties:

2310 (i) Clay County: Cedar Bluff, Central West Point,
2311 East West Point, Siloam, South West Point and Vinton; and

2312 (ii) Lowndes County: Air Base A, Air Base B, Air
2313 Base C, Air Base D, Air Base E, Brandon A, Brandon B, Brandon C,
2314 Brandon D, Caledonia, Columbus High School A, Columbus High School
2315 B, Columbus High School C, Columbus High School D, Dowdle Gas
2316 Training Center B, Fairgrounds C, Fairgrounds E, Fairgrounds F,
2317 Hunt C, Lee Middle School, Mitchell A, New Hope A, New Hope B, New
2318 Hope C, New Hope D, New Hope E, Rural Hill A, Rural Hill B, Rural
2319 Hill C, Sale A, Sale B, Sale C, Steens A, Steens B, Steens C,
2320 Trinity B, Union Academy B, Union Academy C and University A.

2321 (c) Subdistrict 14-3 shall consist of Noxubee County
2322 and the following precincts in the following counties:

2323 (i) Clay County: Cairo, Caradine, North West
2324 Point, Pheba, Pine Bluff, Tibbee, Union Star and West West Point;

2325 (ii) Lowndes County: Artesia, Coleman A, Coleman
2326 B, Crawford A, Fairgrounds A, Fairgrounds B, Fairgrounds D,
2327 Fairgrounds G, Hunt A, Hunt B, Mitchell B, New Hope F, Plum Grove
2328 A, Plum Grove B, Plum Grove C, Propst Park Community Hut, Trinity
2329 A, Union Academy A, University B, West Lowndes A and West Lowndes
2330 B; and

2331 (iii) Oktibbeha County: Bell Schoolhouse*,
2332 Central Starkville*, East Starkville*, Gillespie Street Center*,



2333 Hickory Grove, North Starkville 2*, Oktoc, Osborn, Sessums, South
2334 Starkville*, Southeast Oktibbeha and West Starkville*.

2335 **SECTION 57.** Section 9-5-45, Mississippi Code of 1972, is
2336 brought forward as follows:

2337 9-5-45. There shall be three (3) chancellors for the
2338 Fourteenth Chancery Court District. One (1) chancellor shall be
2339 elected from each subdistrict.

2340 **SECTION 58.** Section 9-5-47, Mississippi Code of 1972, is
2341 brought forward as follows:

2342 9-5-47. The Fifteenth Chancery Court District is composed of
2343 the following counties:

- 2344 (a) Copiah County; and
2345 (b) Lincoln County.

2346 **SECTION 59.** Section 9-5-49, Mississippi Code of 1972, is
2347 brought forward as follows:

2348 9-5-49. The Sixteenth Chancery Court District is composed of
2349 the following counties:

- 2350 (a) George County;
2351 (b) Greene County; and
2352 (c) Jackson County.

2353 **SECTION 60.** Section 9-5-50, Mississippi Code of 1972, is
2354 brought forward as follows:

2355 9-5-50. (1) There shall be three (3) chancellors for the
2356 Sixteenth Chancery Court District.



2357 (2) The three (3) chancellorships shall be separate and
2358 distinct and denominated for purposes of appointment and election
2359 only as "Place One," "Place Two" and "Place Three."

2360 **SECTION 61.** Section 9-5-51, Mississippi Code of 1972, is
2361 brought forward as follows:

2362 9-5-51. (1) The Seventeenth Chancery Court District is
2363 composed of the following counties:

- 2364 (a) Adams County;
2365 (b) Claiborne County;
2366 (c) Jefferson County; and
2367 (d) Wilkinson County.

2368 (2) The Seventeenth Chancery Court District shall be divided
2369 into two (2) subdistricts as follows:

2370 (a) Subdistrict 17-1 shall consist of Claiborne County,
2371 Jefferson County, and the following precincts in Adams County:
2372 Airport Carpenter*, Convention Center*, Foster Mound, Maryland*,
2373 Northside School, Palestine, Pine Ridge, Thompson and Washington*.

2374 (b) Subdistrict 17-2 shall consist of Wilkinson County
2375 and the following precincts in Adams County: Beau Pre, Bellemont,
2376 By-Pass Fire Station, Carpenter*, Concord, Convention Center*,
2377 Courthouse, Duncan Park, Kingston, Liberty Park, Maryland*,
2378 Morgantown, Oakland and Washington*.

2379 (3) There shall be two (2) chancellors for the Seventeenth
2380 Chancery Court District. One (1) chancellor shall be elected from
2381 each subdistrict.



2382 **SECTION 62.** Section 9-5-53, Mississippi Code of 1972, is
2383 brought forward as follows:

2384 9-5-53. The Eighteenth Chancery Court District is composed
2385 of the following counties:

- 2386 (a) Benton County;
- 2387 (b) Calhoun County;
- 2388 (c) Lafayette County;
- 2389 (d) Marshall County; and
- 2390 (e) Tippah County.

2391 **SECTION 63.** Section 9-5-54, Mississippi Code of 1972, is
2392 brought forward as follows:

2393 9-5-54. (1) There shall be two (2) chancellors for the
2394 Eighteenth Chancery Court District.

2395 (2) The two (2) chancellorships shall be separate and
2396 distinct and denominated for purposes of appointment and election
2397 only as "Place One" and "Place Two."

2398 **SECTION 64.** Section 9-5-55, Mississippi Code of 1972, is
2399 brought forward as follows:

2400 9-5-55. The Nineteenth Chancery Court District is composed
2401 of the following counties:

- 2402 (a) Jones County; and
- 2403 (b) Wayne County.

2404 **SECTION 65.** Section 9-5-57, Mississippi Code of 1972, is
2405 brought forward as follows:



2406 9-5-57. The Twentieth Chancery Court District shall be
2407 Rankin County.

2408 **SECTION 66.** Section 9-5-58, Mississippi Code of 1972, is
2409 brought forward as follows:

2410 9-5-58. There shall be three (3) chancellors for the
2411 Twentieth Chancery Court District. For purposes of appointment
2412 and election the three (3) chancellorships shall be separate and
2413 distinct and denominated for purposes of appointment and election
2414 only as "Place One," "Place Two" and "Place Three."

2415 **SECTION 67.** Section 9-5-255, Mississippi Code of 1972, is
2416 brought forward as follows:

2417 9-5-255. (1) Except as provided by subsection (9) of this
2418 section, the senior chancellor of each chancery court district in
2419 the state may apply to the Chief Justice of the Supreme Court for
2420 the appointment of one or more persons to serve as family masters
2421 in chancery in each of the counties or for all of the counties
2422 within the respective chancery court district if the senior
2423 chancellor states in writing that the chancery court district's
2424 docket is crowded enough to warrant an appointment of a family
2425 master. The Chief Justice shall determine from the information
2426 provided by the senior chancellor if the need exists for the
2427 appointment of a family master. If the Chief Justice determines
2428 that the need exists, a family master shall be appointed. If the
2429 Chief Justice determines that the need does not exist, no family
2430 master shall be appointed.



2431 (2) Family masters in chancery shall have the power to hear
2432 cases and recommend orders establishing, modifying and enforcing
2433 orders for support in matters referred to them by chancellors and
2434 judges of the circuit, county or family courts of such county.
2435 The family master in chancery shall have jurisdiction over
2436 paternity matters brought pursuant to the Mississippi Uniform Law
2437 on Paternity and referred to them by chancellors and judges of the
2438 circuit, county or family courts of such county. As used in this
2439 section, "order for support" shall have the same meaning as such
2440 term is defined in Section 93-11-101.

2441 (3) In all cases in which an order for support has been
2442 established and the person to whom the support obligation is owed
2443 is a nonrelated Temporary Assistance for Needy Families (TANF)
2444 family on whose behalf the Department of Human Services is
2445 providing services, the family master in chancery or any other
2446 judge or court of competent jurisdiction shall, upon proper
2447 pleading by the department and upon appropriate proceedings
2448 conducted thereon, order that the department may recover and that
2449 the obligor shall be liable for reasonable attorney's fees at a
2450 minimum of Two Hundred Fifty Dollars (\$250.00) or an amount set by
2451 the court and court costs which the department incurs in enforcing
2452 and collecting amounts of support obligation which exceed
2453 administrative fees collected and current support owed by the
2454 obligor.



2455 (4) Persons appointed as family masters in chancery pursuant
2456 to this section shall meet and possess all of the qualifications
2457 required of chancery and circuit court judges of this state, shall
2458 remain in office at the pleasure of the appointing chancellor, and
2459 shall receive reasonable compensation for services rendered by
2460 them, as fixed by law, or allowed by the court. Family masters in
2461 chancery shall be paid out of any available funds budgeted by the
2462 board of supervisors of the county in which they serve; provided,
2463 however, in the event that a family master in chancery is
2464 appointed to serve in more than one county within a chancery court
2465 district, then the compensation and expenses of such master shall
2466 be equally apportioned among and paid by each of the counties in
2467 which such master serves. The chancery clerk shall issue to such
2468 persons a certificate of appointment.

2469 (5) Family masters in chancery shall have power to
2470 administer oaths, to take the examination of witnesses in cases
2471 referred to them, to examine and report upon all matters referred
2472 to them, and they shall have all the powers in cases referred to
2473 them properly belonging to masters or commissioners in chancery
2474 according to the practice of equity courts as heretofore
2475 exercised.

2476 (6) Family masters in chancery shall have power to issue
2477 subpoenas for witnesses to attend before them to testify in any
2478 matter referred to them or generally in the cause, and the
2479 subpoenas shall be executed in like manner as subpoenas issued by



the clerk of the court. If any witness shall fail to appear, the master shall proceed by process of attachment to compel the witness to attend and give evidence.

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

(8) In all cases heard by masters pursuant to this section, such masters shall make a written report to the chancellor or judge who refers the case to him. Such chancellor or judge may accept, reject or modify, in whole or in part, the findings or recommendations made and reported by the master, and may recommit the matter to the master with instructions. In all cases referred to such master, initialing for approval by the master of a proposed decree shall be sufficient to constitute the master's report.

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

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



2505 9-9-14. (1) In order to relieve the crowded condition of
2506 the docket in the county court of Harrison County and particularly
2507 to facilitate and make possible the trial and disposition of the
2508 large number of causes on said docket, there shall be three (3)
2509 county judges for Harrison County provided for and elected as
2510 herein set out.

2511 (2) For the purposes of nomination and election, the three
2512 (3) judgeships shall be separate and distinct, to be denominated
2513 for purposes of appointment, nomination and election only as
2514 "place one," "place two" and "place three." There shall be no
2515 distinction whatsoever in the powers, duties and emoluments of the
2516 three (3) offices of county judge, except that the county judge of
2517 Harrison County who has been for the longest time continuously a
2518 county judge of said county shall have the power to assign causes,
2519 terms and dockets.

2520 (3) While there shall be no limitation whatsoever upon the
2521 powers and duties of the said county judges other than as cast
2522 upon them by the constitution and laws of this state, the county
2523 court of Harrison County may, in the discretion of the county
2524 judge who has been for the longest time continuously a judge of
2525 said court, be divided into civil, equity and criminal divisions
2526 as a matter of convenience, by the entry of an order upon the
2527 minutes of the court.

2528 (4) The Governor shall appoint some qualified person from
2529 Harrison County to fill the office of county judge hereby created,



2530 who shall hold office until his successor is elected and qualified
2531 in the manner and form as provided in Section 9-9-5, Mississippi
2532 Code of 1972, and said appointment and election shall in all
2533 respects be of the same import as if the office had heretofore
2534 been in existence and a vacancy had as of October 1, 1972,
2535 occurred therein.

2536 (5) Each county judge shall appoint his own court reporter
2537 in accordance with Section 9-13-61, Mississippi Code of 1972, for
2538 the purpose of doing the necessary stenographic work of the court.

2539 (6) The family court judge in Harrison County shall be the
2540 county judge for "place three" from and after the passage of House
2541 Bill No. 876, 1999 Regular Session, to serve for the term expiring
2542 December 31, 2002.

2543 **SECTION 69.** Section 9-9-16, Mississippi Code of 1972, is
2544 brought forward as follows:

2545 9-9-16. (1) In order to relieve the crowded condition of
2546 the docket in the county court of Washington County and
2547 particularly to facilitate and make possible the trial and
2548 disposition of the large number of causes on said docket, it is
2549 enacted that from and after January 1, 1976, in the manner
2550 provided herein, there shall be two (2) county judges for
2551 Washington County, Mississippi, provided for and elected as herein
2552 set out.

2553 (2) For the purposes of nomination and election, the two (2)
2554 judgeships shall be separate and distinct, the presently existing



2555 judgeship and its succession to be denominated for purposes of
2556 appointment, nomination and election only as "Place One" and the
2557 judgeship hereby created and its succession for said selfsame
2558 purposes and none other to be designated as "Place Two." There
2559 shall be no distinction whatsoever in the powers, duties and
2560 emoluments of the two (2) offices of county judge, except that the
2561 county judge of Washington County who has been for the longest
2562 time continuously a county judge of said county shall have the
2563 power to assign causes, terms and dockets. Should neither judge
2564 of said county court have served longer in said office than the
2565 other, then that judge of this county court who has been for the
2566 longest time a member of The Mississippi State Bar shall have the
2567 right to assign causes, terms and dockets.

2568 (3) While there shall be no limitation whatsoever upon the
2569 powers and duties of the said county judges other than as cast
2570 upon them by the Constitution and laws of this state, the County
2571 Court of Washington County may, in the discretion of the county
2572 judge who has been for the longest time continuously a judge of
2573 said court, be divided into civil, equity, youth and criminal
2574 divisions as a matter of convenience, by the entry of an order
2575 upon the minutes of the court.

2576 (4) Each county judge shall appoint his own court reporter
2577 in accordance with Section 9-13-61, Mississippi Code of 1972, for
2578 the purpose of doing the necessary stenographic work of the court.



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

(6) If the order of the board of supervisors as required under subsection (5) of this section shall have been duly adopted and entered upon the minutes of said board prior to May 10, 1975, then the additional judgeship herein created shall be filled by a person elected in the regular primary and general elections to be held in 1975, and the person so elected shall hold office from January 1, 1976, for the remainder of the regular term for county judges. All candidates for such office shall possess all of the qualifications of a circuit judge as prescribed by the State Constitution and shall qualify for election in the same manner and be governed by the same statutes as other candidates for county office. After the first election to fill the judgeship created herein, the provisions of Section 9-9-5, Mississippi Code of 1972, shall apply to the judgeship created herein.

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

9-9-17. (1) In order to relieve the crowded condition of the docket in the county court and in the youth court of Jackson County and particularly to facilitate and make possible the trial



2604 and disposition of the large number of causes on said docket and
2605 in the youth court, there shall be two (2) county judges for
2606 Jackson County, Mississippi, provided for and elected as herein
2607 set out.

2608 (2) For the purposes of nomination and election, the two (2)
2609 judgeships shall be separate and distinct, the presently existing
2610 judgeship and its succession to be denominated for purposes of
2611 appointment, nomination and election only as Place One and the
2612 judgeship hereby created and its succession for said selfsame
2613 purposes and none other to be designated as Place Two. There
2614 shall be no distinction whatsoever in the powers, duties and
2615 emoluments of the two (2) offices of county judge, except that the
2616 county judge of Jackson County who has been for the longest time
2617 continuously a county judge of said county shall have the right to
2618 assign causes, terms and dockets.

2619 (3) While there shall be no limitation whatsoever upon the
2620 powers and duties of the said county judges other than as cast
2621 upon them by the Constitution and laws of this state, the county
2622 court of Jackson County may, in the discretion of the county judge
2623 who has been for the longest time continuously a judge of said
2624 court, be divided into civil, equity, criminal and youth court
2625 divisions as a matter of convenience by the entry of an order upon
2626 the minutes of the court.



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

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

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

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

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

(2) For the purposes of nomination and election, the two (2) judgeships shall be separate and distinct, the presently existing judgeship and its succession to be denominated for purposes of appointment, nomination and election only as "Place One" and the



2652 judgeship hereby created and its succession for said selfsame
2653 purposes and none other to be designated as "Place Two." There
2654 shall be no distinction whatsoever in the powers, duties and
2655 emoluments of the two (2) offices of county judge, except that the
2656 county judge of Rankin County who has been for the longest time
2657 continuously a county judge of the county shall have the right to
2658 assign causes, terms and dockets. Should neither judge of the
2659 county court have served longer in office than the other, then
2660 that judge of this county court who has been for the longest time
2661 a member of The Mississippi Bar shall have the right to assign
2662 causes, terms and dockets.

2663 (3) While there shall be no limitation whatsoever upon the
2664 powers and duties of the county judges other than as cast upon
2665 them by the Constitution and laws of this state, the county court
2666 of Rankin County may, in the discretion of the county judge who
2667 has been for the longest time continuously a judge of the court,
2668 be divided into civil, equity, criminal and youth court divisions
2669 as a matter of convenience by the entry of an order upon the
2670 minutes of the court.

2671 (4) The initial holder of the additional judgeship created
2672 by this section, or "Place Two," shall be elected in the regular
2673 election of November 2002; candidates therefor shall qualify to
2674 run not later than forty-five (45) days before that election. The
2675 person elected shall begin the term of office in January of 2003
2676 at the same time as county judges generally, and there shall be no



vacancy of the office before that time. The two (2) judges shall otherwise be elected, and any vacancy in office filled, as provided for county judges generally.

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

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

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

(2) For the purposes of nomination and election, the two (2) judgeships shall be separate and distinct, the presently existing judgeship and its succession to be denominated for purposes of appointment, nomination and election only as "Place One" and the judgeship hereby created and its succession for said selfsame



2702 purposes and none other to be designated as "Place Two." There
2703 shall be no distinction whatsoever in the powers, duties and
2704 emoluments of the two (2) offices of county judge, except that the
2705 county judge of Madison County who has been for the longest time
2706 continuously a county judge of the county shall have the right to
2707 assign causes, terms and dockets. Should neither judge of the
2708 county court have served longer in office than the other, then
2709 that judge of this county court who has been for the longest time
2710 a member of The Mississippi Bar shall have the right to assign
2711 causes, terms and dockets.

2712 (3) While there shall be no limitation whatsoever upon the
2713 powers and duties of the county judges other than as cast upon
2714 them by the Constitution and laws of this state, the county court
2715 of Madison County may, in the discretion of the county judge who
2716 has been for the longest time continuously a judge of the court,
2717 be divided into civil, equity, criminal and youth court divisions
2718 as a matter of convenience by the entry of an order upon the
2719 minutes of the court.

2720 (4) The initial holder of the additional judgeship created
2721 by this section, or "Place Two," shall be elected in the regular
2722 election of November 2002; candidates therefor shall qualify to
2723 run not later than forty-five (45) days before that election. The
2724 person elected shall begin the term of office in January of 2003
2725 at the same time as county judges generally, and there shall be no
2726 vacancy of the office before that time. The two (2) judges shall



otherwise be elected, and any vacancy in office filled, as provided for county judges generally.

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

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

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

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



2751 (3) The initial holder of the judgeship created by this
2752 section shall be elected in the regular election of November 2010;
2753 candidates therefor shall qualify to run not later than sixty (60)
2754 days before that election. The person elected shall begin the
2755 term of office in January of 2011 at the same time as county
2756 judges generally, and there shall be no vacancy of the office
2757 before that time. Thereafter, the judge shall otherwise be
2758 elected, and any vacancy in office filled, as provided for county
2759 judges generally.

2760 (4) The Board of Supervisors of Pearl River County may, in
2761 its discretion, set aside, appropriate and expend monies from the
2762 general fund to be used in the payment of salaries of the judge,
2763 clerks, reporters, officers and employees of the youth court
2764 division of the county court, including the related facilities of
2765 the youth court division of the county court, and such funds shall
2766 be expended for no other purposes. The county shall not be
2767 reimbursed for the amount of any such levy provided for by this
2768 section under the terms of the Homestead Exemption Law.

2769 **SECTION 74.** Section 9-9-18.3, Mississippi Code of 1972, is
2770 brought forward as follows:

2771 9-9-18.3. (1) In order to relieve the crowded condition of
2772 the docket in the county court and in the youth court of
2773 Lauderdale County and particularly to facilitate and make possible
2774 the trial and disposition of the large number of causes on the
2775 docket and in the youth court, there shall be two (2) county



2776 judges for Lauderdale County, provided for and elected as herein
2777 set out.

2778 (2) For the purposes of nomination and election, the two (2)
2779 judgeships shall be separate and distinct, the presently existing
2780 judgeship and its succession to be denominated for purposes of
2781 appointment, nomination and election only as "Place One" and the
2782 judgeship hereby created and its succession for said selfsame
2783 purposes and none other to be designated as "Place Two." There
2784 shall be no distinction whatsoever in the powers, duties and
2785 emoluments of the two (2) offices of county judge, except that the
2786 county judge of Lauderdale County who has been for the longest
2787 time continuously a county judge of the county shall have the
2788 right to assign causes, terms and dockets. Should neither judge
2789 of the county court have served longer in office than the other,
2790 then that judge of the county court who has been for the longest
2791 time a member of The Mississippi Bar shall have the right to
2792 assign causes, terms and dockets.

2793 (3) While there shall be no limitation whatsoever upon the
2794 powers and duties of the said county judges other than as cast
2795 upon them by the Constitution and laws of this state, the county
2796 court of Lauderdale County may, in the discretion of the county
2797 judge who has been for the longest time continuously a judge of
2798 said court, be divided into civil, equity, criminal and youth
2799 court divisions as a matter of convenience by the entry of an
2800 order upon the minutes of the court.



2801 (4) The initial holder of the additional judgeship created
2802 by this section, or "Place Two," shall be elected in the regular
2803 election of November 2006; candidates therefor shall qualify to
2804 run not later than forty-five (45) days before that election. The
2805 person elected shall begin the term of office in January of 2007
2806 at the same time as county judges generally, and there shall be no
2807 vacancy of the office before that time. Thereafter the two (2)
2808 judges shall otherwise be elected, and any vacancy in office
2809 filled, as provided for county judges generally.

2810 (5) The Board of Supervisors of Lauderdale County may, in
2811 its discretion, set aside, appropriate and expend monies from the
2812 general fund to be used in the payment of salaries of judges,
2813 clerks, reporters, officers and employees of the youth court
2814 division of the county court, including the related facilities of
2815 the youth court division of the county court, and such funds shall
2816 be expended for no other purposes. The county shall not be
2817 reimbursed for the amount of any such levy provided for by this
2818 section under the terms of the Homestead Exemption Law.

2819 **SECTION 75.** Section 9-9-18.5, Mississippi Code of 1972, is
2820 brought forward as follows:

2821 9-9-18.5. (1) In order to relieve the crowded condition of
2822 the docket in the county court and in the youth court of DeSoto
2823 County and particularly to facilitate and make possible the trial
2824 and disposition of the large number of causes on the docket and in



2825 the youth court, there shall be two (2) county judges for DeSoto
2826 County, provided for and elected as herein set out.

2827 (2) For the purposes of nomination and election, the two (2)
2828 judgeships shall be separate and distinct, the first existing
2829 judgeship and its succession to be denominated for purposes of
2830 appointment, nomination and election only as "Place One" and the
2831 judgeship hereby created and its succession for said selfsame
2832 purposes and none other to be designated as "Place Two." There
2833 shall be no distinction whatsoever in the powers, duties and
2834 emoluments of the two (2) offices of county judge, except that the
2835 county judge of DeSoto County who has been for the longest time
2836 continuously a county judge of the county shall have the right to
2837 assign causes, terms and dockets. Should neither judge of the
2838 county court have served longer in office than the other, then
2839 that judge who has been for the longest time a member of The
2840 Mississippi Bar shall have the right to assign causes, terms and
2841 dockets.

2842 (3) While there shall be no limitation whatsoever upon the
2843 powers and duties of the county judges other than as cast upon
2844 them by the Constitution and laws of this state, the county court
2845 of DeSoto County may, in the discretion of the county judge who
2846 has been for the longest time continuously a judge of the court,
2847 be divided into civil, equity, criminal and youth court divisions
2848 as a matter of convenience by the entry of an order upon the
2849 minutes of the court.



2850 (4) The initial holder of the additional judgeship created
2851 by this section, or "Place Two," shall be elected in the regular
2852 election of November 2008; candidates therefor shall qualify to
2853 run not later than forty-five (45) days before that election. The
2854 term of office of the person elected shall begin on the first day
2855 of January following the November election and shall end at the
2856 same time as for county judges generally. The two (2) judges
2857 shall otherwise be elected, and any vacancy in office filled, as
2858 provided for county judges generally.

2859 (5) The Board of Supervisors of DeSoto County may, in its
2860 discretion, set aside, appropriate and expend monies from the
2861 general fund to be used in the payment of salaries of judges,
2862 clerks, reporters, officers and employees of the youth court
2863 division of the county court, including the related facilities of
2864 the youth court division of the county court, and such funds shall
2865 be expended for no other purposes. The county shall not be
2866 reimbursed for the amount of any such levy provided for by this
2867 section under the terms of the Homestead Exemption Law.

2868 **SECTION 76.** Section 9-9-18.6, Mississippi Code of 1972, is
2869 brought forward as follows:

2870 9-9-18.6. (1) In order to relieve the crowded condition of
2871 the docket in the county court and in the youth court of Lee
2872 County and particularly to facilitate and make possible the trial
2873 and disposition of the large number of causes in the youth court,



2874 there shall be two (2) county judges for Lee County, provided for
2875 and elected as herein set out.

2876 (2) For the purposes of nomination and election, the two (2)
2877 judgeships shall be separate and distinct, with the county
2878 judgeship that existed on January 1, 2018, to be denominated for
2879 purposes of appointment, nomination and election only as "Place
2880 One" and the additional judgeship hereby created to be designated
2881 as "Place Two." There shall be no distinction whatsoever in the
2882 powers, duties and emoluments of the two (2) offices of county
2883 judge, except that the county judge of Lee County who has been for
2884 the longest time continuously a county judge of the county shall
2885 have the right to assign causes, terms and dockets. Should
2886 neither judge of the county court have served longer in office
2887 than the other, then that judge of the county court who has been
2888 for the longest time a member of The Mississippi Bar shall have
2889 the right to assign causes, terms and dockets.

2890 (3) While there shall be no limitation whatsoever upon the
2891 powers and duties of the county judges other than as cast upon
2892 them by the Constitution and laws of this state, the county court
2893 of Lee County may, in the discretion of the county judge who has
2894 been for the longest time continuously a judge of the court, be
2895 divided into civil, equity, criminal and youth court divisions as
2896 a matter of convenience by the entry of an order upon the minutes
2897 of the court.



2898 (4) The initial holder of the additional judgeship created
2899 by this section, or "Place Two," shall be elected in the regular
2900 election of November 2018. The person elected shall begin the
2901 term of office in January 2019 at the same time as county judges
2902 generally, and there shall be no vacancy of the office before that
2903 time. The two (2) judges shall otherwise be elected, and any
2904 vacancy in office filled, as provided for county judges generally.

2905 (5) Each county judge shall appoint a court reporter in
2906 accordance with Section 9-13-61 for the purpose of doing the
2907 necessary stenographic work of the court.

2908 (6) The Board of Supervisors of Lee County may, in its
2909 discretion, set aside, appropriate and expend monies from the
2910 general fund to be used in the payment of salaries of judges,
2911 clerks, reporters, officers and employees of the youth court
2912 division of the county court, including the related facilities of
2913 the youth court division of the county court, and such funds shall
2914 be expended for no other purposes. The county shall not be
2915 reimbursed for the amount of any such levy provided for by this
2916 section under the terms of the Homestead Exemption Law.

2917 **SECTION 77.** Section 9-9-36, Mississippi Code of 1972, is
2918 brought forward as follows:

2919 9-9-36. In any county in cases where an overcrowded docket
2920 justifies the same, any chancellor may assign to a county judge in
2921 that county only, for hearing and final disposition, any case,



cause, hearing or motion, or any proceedings involved in the trial and final disposition thereof.

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

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

SECTION 78. Section 9-9-21, Mississippi Code of 1972, is brought forward as follows:

9-9-21. (1) The jurisdiction of the county court shall be as follows: It shall have jurisdiction concurrent with the justice court in all matters, civil and criminal of which the justice court has jurisdiction; and it shall have jurisdiction concurrent with the circuit and chancery courts in all matters of law and equity wherein the amount of value of the thing in controversy shall not exceed, exclusive of costs and interest, the sum of Two Hundred Thousand Dollars (\$200,000.00), and the jurisdiction of the county court shall not be affected by any setoff, counterclaim or cross-bill in such actions where the amount sought to be recovered in such setoff, counterclaim or cross-bill exceeds Two Hundred Thousand Dollars (\$200,000.00).



2947 Provided, however, the party filing such setoff, counterclaim or
2948 cross-bill which exceeds Two Hundred Thousand Dollars
2949 (\$200,000.00) shall give notice to the opposite party or parties
2950 as provided in Section 13-3-83, and on motion of all parties filed
2951 within twenty (20) days after the filing of such setoff,
2952 counterclaim or cross-bill, the county court shall transfer the
2953 case to the circuit or chancery court wherein the county court is
2954 situated and which would otherwise have jurisdiction. It shall
2955 have exclusively the jurisdiction heretofore exercised by the
2956 justice court in the following matters and causes: namely,
2957 eminent domain, the partition of personal property, and actions of
2958 unlawful entry and detainer, provided that the actions of eminent
2959 domain and unlawful entry and detainer may be returnable and
2960 triable before the judge of said court in vacation. The county
2961 court shall have jurisdiction over criminal matters in the county
2962 assigned by a judge of the circuit court district in which the
2963 county is included.

2964 (2) In the event of the establishment of a county court by
2965 an agreement between two (2) or more counties as provided in
2966 Section 9-9-3, it shall be lawful for such court sitting in one
2967 (1) county to act upon any and all matters of which it has
2968 jurisdiction as provided by law arising in the other county under
2969 the jurisdiction of said court.

2970 **SECTION 79.** This act shall take effect and be in force from
2971 and after July 1, 2025.

