

By: Senator(s) Doxey, Albritton, Butler, Chassaniol, Dawkins, Dearing, Fillingane, Frazier, Harden, Hyde-Smith, Jackson (11th), King, Lee (35th), Morgan, Posey, Ross, Walls, White, Williamson

To: Judiciary, Division A; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2477

1 AN ACT TO AMEND SECTION 43-21-111, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT STATE FUNDING WILL BE CONTINGENT ON A COUNTY'S  
3 REGULAR YOUTH COURT REFEREE COMPLYING WITH ANNUAL TRAINING  
4 REQUIREMENTS; TO AMEND SECTION 43-21-123, MISSISSIPPI CODE OF  
5 1972, TO PROVIDE FOR STATE AND COUNTY CONTRIBUTIONS TOWARD THE  
6 YOUTH COURT BUDGET; TO AMEND SECTION 43-21-107, MISSISSIPPI CODE  
7 OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 43-21-111, Mississippi Code of 1972, is  
10 amended as follows:

11 43-21-111. (1) In any county not having a county  
12 court, \* \* \* the judge may appoint as provided in Section  
13 43-21-123 regular or special referees who shall be attorneys at  
14 law and members of the bar in good standing to act in cases  
15 concerning children within the jurisdiction of the youth court,  
16 and a regular referee shall hold office until removed by the  
17 judge. The requirement that regular or special referees appointed  
18 pursuant to this subsection be attorneys shall apply only to  
19 regular or special referees who were not first appointed regular  
20 or special referees prior to July 1, 1991.

21 (2) Any referee appointed pursuant to subsection (1) of this  
22 section or Section 43-21-107(2) and any municipal youth court  
23 judge shall be required to receive judicial training approved by  
24 the Mississippi Judicial College and shall be required to receive  
25 regular annual continuing education in the field of juvenile  
26 justice. The amount of judicial training and annual continuing  
27 education which shall be satisfactory to fulfill the requirements  
28 of this section shall conform with the amount prescribed by the  
29 Rules and Regulations for Mandatory Continuing Judicial Education

30 promulgated by the Supreme Court. The Administrative Office of  
31 Courts shall maintain a roll of referees appointed under this  
32 section, shall enforce the provisions of this subsection, shall  
33 maintain records on all such referees regarding such training, and  
34 shall not disburse funds to any county for the budget of a youth  
35 court referee or municipal youth court judge who is not in  
36 compliance with the judicial training requirements. Should a  
37 referee miss two (2) consecutive training sessions sponsored or  
38 approved by the Mississippi Judicial College as required by this  
39 subsection or fail to attend one (1) such training session within  
40 six (6) months of their initial appointment as a referee, the  
41 referee shall be disqualified to serve and be immediately removed  
42 as a referee and another member of the bar shall be appointed as  
43 provided in this section.

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

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

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

62 supersedeas of the referee's order, unless the judge shall so  
63 order.

64 (6) The salary for the referee shall be \* \* \* as provided in  
65 Section 43-21-123 \* \* \*.

66 (7) \* \* \* The judge of the chancery court may appoint a  
67 suitable person as referee to two (2) or more counties within his  
68 district \* \* \*.

69 **SECTION 2.** Section 43-21-123, Mississippi Code of 1972, is  
70 amended as follows:

71 43-21-123. (1) Except for expenses provided by state funds  
72 and/or other monies, the board of supervisors, or the municipal  
73 governing board where there is a municipal youth court, shall  
74 adequately provide funds for the operation of the youth court  
75 division of the appropriate court in conjunction with the  
76 regular \* \* \* court budget \* \* \*. In preparation for said  
77 funding, on an annual basis at the time requested, the youth court  
78 judge, regular youth court referee or administrator shall prepare  
79 and submit to the board of supervisors, or the municipal governing  
80 board of the youth court wherever the youth court is a municipal  
81 court, an annual budget which will identify the number, staff  
82 position, title and amount of annual or monthly compensation of  
83 each position as well as provide for other expenditures necessary  
84 to the functioning and operation of the youth court. When the  
85 budget of the youth court or youth court judge is approved by the  
86 board of supervisors or the governing authority of the  
87 municipality, then the youth court, youth court judge, regular  
88 youth court referee or administrator may employ such persons as  
89 provided in the budget from time to time.

90 (2) The board of supervisors of any county in which there is  
91 located a youth court, and the governing authority of any  
92 municipality in which there is located a municipal youth court,  
93 are each authorized to reimburse the youth court referees and  
94 other county-employed or municipally employed youth court

95 employees or personnel for reasonable travel and expenses incurred  
96 in the performance of their duties and in attending educational  
97 meetings offering professional training to such persons as  
98 budgeted.

99       (3) (a) In order to ensure that all youth courts served by  
100 a county court or a referee court have sufficient support funds to  
101 carry on the business of the court, the Administrative Office of  
102 Courts shall establish a formula for providing state support for  
103 the support of all county and referee youth courts. Funds may  
104 also be provided to youth courts existing under Section  
105 43-21-107(3). In each referee court, youth court support funds  
106 shall be available to each regular youth court referee so long as  
107 the senior chancellor does not elect to employ a youth court  
108 administrator as set forth in paragraph (b) of this subsection,  
109 and each regular youth court referee shall have the individual  
110 discretion to appropriate those funds as expense monies to assist  
111 in hiring secretarial staff and acquiring materials incident to  
112 carrying on the business of the court within the referee's private  
113 practice of law, or may direct the use of those funds through the  
114 county budget for court support supplies or services. Youth court  
115 support funds authorized under this subsection shall be subject to  
116 specific appropriation therefor by the Legislature. Recipients of  
117 funds under this section shall be accountable for assuring,  
118 through private, county or municipal employees, the proper  
119 preparation and filing of all necessary tracking and other  
120 documentation attendant to the administration of the youth court.  
121 The formula developed by the Administrative Office of Courts for  
122 providing youth court support funds shall be reviewed by the  
123 Administrative Office of Courts every two (2) years to ensure that  
124 the youth court support funds provided herein are proportional to  
125 each youth court's caseload. Approval of the use of any of the  
126 youth court support funds made under this subsection shall be made

127 by the Administrative Office of Courts in accordance with  
128 procedures established by the Administrative Office of Courts.

129 (b) In lieu of accepting any referee support funds as  
130 provided in paragraph (a) of this subsection, when permitted by  
131 the Administrative Office of Courts, the senior chancellors of  
132 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
133 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
134 administrator for the district whose responsibility will be to  
135 perform all reporting, tracking and other duties of a court  
136 administrator for all youth courts in the district which are under  
137 the chancery court system. The Administrative Office of Courts  
138 shall allocate to each chancellor so electing a sum not to exceed  
139 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,  
140 fringe benefits and equipment of such administrator, and an  
141 additional sum not to exceed One Thousand Nine Hundred Dollars  
142 (\$1,900.00) to cover travel expenses of the administrator.

143 **SECTION 3.** Section 43-21-107, Mississippi Code of 1972, is  
144 amended as follows:

145 43-21-107. \* \* \*

146 (1) A youth court division is hereby created as a division  
147 of the county court of each county now or hereafter having a  
148 county court \* \* \*, and the county judge shall be the judge of the  
149 youth court unless another judge is named by the county judge as  
150 provided by this chapter.

151 (2) A youth court division is hereby created as a division  
152 of the chancery court of each county in which no county  
153 court \* \* \* is maintained and any chancellor within a chancery  
154 court district shall be the judge of the youth court of that  
155 county within such chancery court district unless another judge is  
156 named by the senior chancellor of the county or chancery court  
157 district as provided by this chapter.

158 (3) In any county where there is no county court or family  
159 court on July 1, 1979, there may be created a youth court division

160 as a division of the municipal court in any city if the governing  
161 authorities of such city adopt a resolution to that effect. The  
162 cost of the youth court division of the municipal court shall be  
163 paid from any funds available to the municipality \* \* \*.

164         **SECTION 4.** This act shall take effect and be in force from  
165 and after July 1, 2007.