

By: Representative Hood

To: Judiciary A

HOUSE BILL NO. 1315
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 9-21-9, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE ADMINISTRATIVE DIRECTOR OF COURTS TO AUDIT THE
3 MISSISSIPPI YOUTH COURT INFORMATION SYSTEM (MYCIDS); TO AMEND
4 SECTION 9-17-1, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN
5 WHICH THE CIRCUIT JUDGES, CHANCELLORS AND COUNTY COURT JUDGES MAY
6 ESTABLISH THE OFFICE OF COURT ADMINISTRATOR; TO REQUIRE THE
7 ADMINISTRATIVE OFFICE OF COURTS TO DETERMINE IF A PROSPECTIVE
8 COURT ADMINISTRATOR MEETS THE MINIMUM REQUIREMENTS BEFORE THE
9 PERSON IS HIRED; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF
10 1972, TO REQUIRE CIRCUIT JUDGES AND CHANCELLORS DESIRING TO EMPLOY
11 SUPPORT STAFF TO HAVE CANDIDATES APPROVED BY THE ADMINISTRATIVE
12 OFFICE OF COURTS BEFORE FILLING POSITIONS; TO AMEND SECTIONS
13 43-21-261, 43-21-351, 43-21-801, 45-33-61 AND 93-31-3, MISSISSIPPI
14 CODE OF 1972, TO PROVIDE THAT SUCH SECTIONS SHALL STAND REPEALED
15 ON JULY 1, 2026; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 9-21-9, Mississippi Code of 1972, is
18 amended as follows:

19 9-21-9. (1) The Administrative Director of Courts shall
20 have the following duties and authority with respect to all courts
21 in addition to any other duties and responsibilities as may be
22 properly assigned by the Supreme Court and/or by law:

23 (a) To require the filing of reports, the collection
24 and compilation of statistical data and other information on the



25 judicial and financial operation of the courts and on the
26 operation of other offices directly related to and serving the
27 courts;

28 (b) To determine the state of the dockets and evaluate
29 the practices and procedures of the courts and make
30 recommendations concerning the number of judges and other
31 personnel required for the efficient administration of justice;

32 (c) To prescribe uniform administrative and business
33 methods, systems, forms and records to be used in the offices of
34 the clerks of courts;

35 (d) To devise, promulgate and require the use of a
36 uniform youth court case tracking system, including a youth court
37 case filing form for filing with each individual youth court
38 matter, to be utilized by the Administrative Office of Courts and
39 the youth courts in order that the number of youthful offenders,
40 abused, neglected, truant and dependent children, as well as
41 children in need of special care and children in need of
42 supervision, may be tracked with specificity through the youth
43 court and adult justice systems; in support of the uniform case
44 docketing system, the director shall require that all youth courts
45 utilize the Mississippi Youth Court Information Delivery System
46 (MYCIDS);

47 (e) To develop, promulgate and require the use of a
48 statewide docket numbering system to be utilized by the youth
49 courts, which youth court docket numbers shall standardize and



50 unify the numbering system by which youth court docket numbers are
51 assigned, such that each docket number would, among other things,
52 identify the county and year in which a particular youth court
53 action was commenced;

54 (f) To develop, promulgate and require the use of
55 uniform youth court orders and forms in all youth courts and youth
56 court proceedings;

57 (g) To prepare and submit budget recommendations for
58 state appropriations necessary for the maintenance and operation
59 of the judicial system and to authorize expenditures from funds
60 appropriated for these purposes as permitted or authorized by law;

61 (h) To develop and implement personnel policies for
62 nonjudicial personnel employed by the courts;

63 (i) To investigate, make recommendations concerning and
64 assist in the securing of adequate physical accommodations for the
65 judicial system;

66 (j) To procure, distribute, exchange, transfer and
67 assign such equipment, books, forms and supplies as are acquired
68 with state funds or grant funds or otherwise for the judicial
69 system;

70 (k) To make recommendations for the improvement of the
71 operations of the judicial system;

72 (l) To prepare and submit an annual report on the work
73 of the judicial system to the Supreme Court;



74 (m) To take necessary steps in the collection of unpaid
75 court costs, fines and forfeitures;

76 (n) To perform such additional administrative duties
77 relating to the improvement of the administration of justice as
78 may be assigned by the Supreme Court; and

79 (o) To promulgate standards, rules and regulations for
80 computer and/or electronic filing and storage of all court records
81 and court-related records maintained throughout the state in
82 courts and in offices of circuit and chancery clerks.

83 (p) To utilize the provisions of law that regulate
84 public purchasing in Sections 31-7-1 et seq., to contract with a
85 provider to effectuate the requirements of paragraph (d) for the
86 Mississippi Youth Court Information Delivery System (MYCIDS).

87 (2) (a) The Administrative Director of Courts shall conduct
88 an audit of the Mississippi Youth Court Information Delivery
89 System (MYCIDS), by August 1, 2024, to review: the services
90 provided by the system, any contractors or employees used to
91 administer the system, the process used to design or administer
92 the system, guidelines used to create the system and the primary
93 functions of the system and whether the system can be accessed by
94 users of the Mississippi Electronic Court System or merged with
95 the Mississippi Electronic Court System.

96 (b) The Administrative Director of Courts shall provide
97 a report to the Judiciary A Committees of the Mississippi House of



98 Representatives and the Senate by September 1, 2024, that
99 includes:

100 (i) A copy of the audit;

101 (ii) Recommendations that resolve any deficiencies
102 in the system or improve the system;

103 (iii) Recommendations that outline the creation of
104 a new system which is to be in operation by July 1, 2026.

105 (iv) A list of the companies or agencies that have
106 submitted bids to resolve deficiencies, make improvements or
107 create a new system.

108 **SECTION 2.** Section 9-17-1, Mississippi Code of 1972, is
109 amended as follows:

110 9-17-1. (1) * * * If a circuit or chancery district
111 contains more than one (1) judge or chancellor, the judges or
112 chancellors may * * * establish jointly the office of court
113 administrator * * * for that judicial district with an order
114 entered on the minutes of each * * * court in * * * that judicial
115 district.

116 The establishment of the office of court administrator shall
117 be accomplished by vote of a majority of the participating
118 judges * * * or chancellors in the * * * district, and such court
119 administrator shall be appointed by vote of a majority of the
120 judges or chancellors and may be removed by a majority vote of the
121 judges or chancellors. In case of a tie vote, the senior judge or
122 senior chancellor shall cast two (2) votes.



123 (2) As an alternative to subsection (1), in a circuit or
124 chancery district containing more than one (1) judge or
125 chancellor, a judge or chancellor independently may establish the
126 office of court administrator for that judge's or chancellor's
127 office with an order entered on the minutes of each court in that
128 judicial district appointing the court administrator to serve at
129 the will and pleasure of the hiring judge or chancellor.

130 (3) In a county court where there is more than one (1)
131 county judge, the county judges may establish jointly the office
132 of court administrator for that county court with an order entered
133 on the minutes of that court.

134 The establishment of the office of court administrator shall
135 be accomplished by vote of a majority of the county judges in the
136 county, and the court administrator shall be appointed by a vote
137 of a majority of the county judges and may be removed by a
138 majority vote of the county judges. In the case of a tie vote,
139 the senior county judge shall cast two (2) votes.

140 (4) In a county court with one (1) county judge, the office
141 of court administrator shall be established with an order entered
142 on the minutes of that court. The appointment of the court
143 administrator shall be accomplished with an order entered on the
144 minutes of the court stating that the court administrator serves
145 at the will and pleasure of the county judge.

146 (5) Before a court administrator appointed under this
147 section may be hired, the Administrative Office of Courts will



148 evaluate the chosen applicant to determine if the applicant meets
149 the minimum requirements of the position of court administrator.

150 (6) The court administrators shall be provided office space
151 in the same manner as such is afforded the circuit judges * * *,
152 chancellors and county judges.

153 (* * *7) The annual salary of * * * the court administrator
154 appointed pursuant to * * * subsection (1) shall be set by vote of
155 the circuit judges * * * or chancellors of * * * the district and
156 shall be submitted to the Administrative Office of Courts for
157 approval pursuant to Section 9-1-36. The salary shall be paid in
158 twelve (12) installments on the last working day of the month by
159 the Administrative Office of Courts after it has been authorized
160 by the participating judges and chancellors and an order has been
161 duly placed on the minutes of each participating court.

162 Any county within a judicial district having a court
163 administrator shall transfer to the Administrative Office of
164 Courts one-twelfth (1/12) of its pro rata cost of authorized
165 compensation, as defined in Section 9-1-36, for the court
166 administrator by the twentieth day of each month for the
167 compensation that is to be paid on the last day of that month.
168 The board of supervisors may transfer the pro rata cost of the
169 county from the funds of that county pursuant to Section
170 9-17-5(2) (b) .

171 (* * *8) The annual salary of each court administrator
172 appointed pursuant to subsection (2) shall be set by the



173 appointing circuit judge or chancellor and shall be submitted to
174 the Administrative Office of Courts for approval pursuant to
175 Section 9-1-36. The salary shall be paid in twelve (12)
176 installments on the last working day of the month by the
177 Administrative Office of Courts after it has been authorized by
178 the appointing judge or chancellor and an order has been duly
179 placed on the minutes of the participating court. Any county
180 within a judicial district that has a court administrator shall
181 transfer to the Administrative Office of Courts one-twelfth (1/12)
182 of its pro rata cost of authorized compensation, as defined in
183 Section 9-1-36, for the court administrator by the twentieth day
184 of each month for the compensation that is to be paid on the last
185 day of that month. The board of supervisors may transfer the pro
186 rata cost of the county from the funds of that county pursuant to
187 Section 9-17-5(2) (b) .

188 (9) The annual salary of the court administrator appointed
189 to subsection (3) shall be set by a vote of the county judges of
190 the county and shall be paid by the county's board of supervisors.

191 (10) The annual salary of the court administrator appointed
192 pursuant to subsection (4) shall be set by the county judge of the
193 county and shall be paid by that county's board of supervisors.

194 (11) For all travel required in the performance of official
195 duties, the court administrator shall be paid mileage by the
196 county in which the duties were performed at the same rate as
197 provided for state employees in Section 25-3-41, Mississippi Code



198 of 1972. The court administrator shall file a certificate of
199 mileage expense incurred during that term with the board of
200 supervisors of each participating county and payment of such
201 expense shall be paid proportionately out of the court
202 administration fund established pursuant to Section 9-17-5.

203 **SECTION 3.** Section 9-1-36, Mississippi Code of 1972, is
204 amended as follows:

205 9-1-36. (1) Each circuit judge and chancellor shall receive
206 an office operating allowance for the expenses of operating the
207 office of the judge, including retaining a law clerk, legal
208 research, stenographic help, stationery, stamps, furniture, office
209 equipment, telephone, office rent and other items and expenditures
210 necessary and incident to maintaining the office of judge which
211 may include expenses to travel out of state once per state fiscal
212 year for continuing legal education classes and or seminars if
213 approved by the Chief Justice. The allowance shall be paid only
214 to the extent of actual expenses incurred by the judge as itemized
215 and certified by the judge to the Supreme Court in the amounts set
216 forth in this subsection; however, the judge may expend sums in
217 excess thereof from the compensation otherwise provided for his
218 office.

219 From and after July 1, 2023, the office operating allowance
220 under this subsection shall be Fifteen Thousand Dollars
221 (\$15,000.00) per annum.



222 (2) In addition to the amounts provided for in subsection
223 (1), there is created a separate office allowance fund for the
224 purpose of providing support staff to judges. This fund shall be
225 managed by the Administrative Office of Courts.

226 (3) Each judge who desires to employ support staff * * *
227 must have each candidate approved by the Administrative Office of
228 Courts * * * before the positions may be filled. The
229 Administrative Office of Courts shall not approve any * * * hire
230 which does not first require the expenditure of the funds in the
231 support staff fund for compensation of any of the support staff
232 before expenditure is authorized of county funds for that purpose.
233 Upon approval by the Administrative Office of Courts, the judge or
234 judges may appoint the employees to the position or positions, and
235 each employee so appointed will work at the will and pleasure of
236 the judge or judges who appointed him but will be employees of the
237 Administrative Office of Courts. Upon approval by the
238 Administrative Office of Courts, the appointment of any support
239 staff shall be evidenced by the entry of an order on the minutes
240 of the court. When support staff is appointed jointly by two (2)
241 or more judges, the order setting forth any appointment shall be
242 entered on the minutes of each participating court.

243 (4) * * * Support staff shall receive compensation pursuant
244 to personnel policies established by the Administrative Office of
245 Courts * * *. Each judge shall be allotted the amount of One
246 Hundred Thirty Thousand Dollars * * * (\$130,000.00) per fiscal



247 year * * * for * * * all support staff * * * approved * * * by the
248 Administrative Office of Courts.

249 The Administrative Office of Courts may approve expenditures
250 from the fund for additional equipment for support staff appointed
251 pursuant to this section in any year in which the allocation per
252 judge is sufficient to meet the equipment expense after provision
253 for the compensation of the support staff.

254 (* * *5) For the purposes of this section, the following
255 terms have the meaning ascribed in this subsection unless the
256 context clearly requires otherwise:

257 (a) "Judges" means circuit judges and chancellors, or
258 any combination thereof.

259 (b) "Support staff" means court administrators, law
260 clerks, legal research assistants or secretaries, or any
261 combination thereof, but shall not mean school attendance
262 officers.

263 (c) "Compensation" means the gross salary plus all
264 amounts paid for benefits or otherwise as a result of employment
265 or as required by employment; however, only salary earned for
266 services rendered shall be reported and credited for Public
267 Employees' Retirement System purposes. Amounts paid for benefits
268 or otherwise, including reimbursement for travel expenses, shall
269 not be reported or credited for retirement purposes.



270 (d) "Law clerk" means a clerk hired to assist a judge
271 or judges who has a law degree or who is a full-time law student
272 who is making satisfactory progress at an accredited law school.

273 (* * *6) Title to all tangible property, excepting stamps,
274 stationery and minor expendable office supplies, procured with
275 funds authorized by this section, shall be and forever remain in
276 the State of Mississippi to be used by the circuit judge or
277 chancellor during the term of his office and thereafter by his
278 successors.

279 (* * *7) Any circuit judge or chancellor who did not have a
280 primary office provided by the county on March 1, 1988, shall be
281 allowed an additional Seven Thousand Dollars (\$7,000.00) per annum
282 to defray the actual expenses incurred by the judge or chancellor
283 in maintaining an office; however, any circuit judge or chancellor
284 who had a primary office provided by the county on March 1, 1988,
285 and who vacated the office space after that date for a legitimate
286 reason, as determined by the Department of Finance and
287 Administration, shall be allowed the additional office expense
288 allowance provided under this subsection. The county in which a
289 circuit judge or chancellor sits is authorized to provide funds
290 from any available source to assist in defraying the actual
291 expenses to maintain an office.

292 (* * *8) The Supreme Court, through the Administrative
293 Office of Courts, shall submit to the Department of Finance and
294 Administration the itemized and certified expenses for office



295 operating allowances that are directed to the court pursuant to
296 this section.

297 (* * *9) The Supreme Court, through the Administrative
298 Office of Courts, shall have the power to adopt rules and
299 regulations regarding the administration of the office operating
300 allowance authorized pursuant to this section.

301 **SECTION 4.** Section 43-21-261, Mississippi Code of 1972, is
302 amended as follows:

303 43-21-261. (1) Except as otherwise provided in this
304 section, records involving children shall not be disclosed, other
305 than to necessary staff or officials of the youth court, a
306 guardian ad litem appointed to a child by the court, or a
307 Court-Appointed Special Advocate (CASA) volunteer who may be
308 assigned in an abuse and neglect case, except pursuant to an order
309 of the youth court specifying the person or persons to whom the
310 records may be disclosed, the extent of the records which may be
311 disclosed and the purpose of the disclosure. Such court orders
312 for disclosure shall be limited to those instances in which the
313 youth court concludes, in its discretion, that disclosure is
314 required for the best interests of the child, the public safety,
315 the functioning of the youth court, or to identify a person who
316 knowingly made a false allegation of child abuse or neglect, and
317 then only to the following persons:

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



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

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

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

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

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

341 (g) Any person pursuant to a finding by a judge of the
342 youth court of compelling circumstances affecting the health,
343 safety or well-being of a child and that such disclosure is in the



344 best interests of the child or an adult who was formerly the
345 subject of a youth court delinquency proceeding;

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

352 Law enforcement agencies may disclose information to the
353 public concerning the taking of a child into custody for the
354 commission of a delinquent act without the necessity of an order
355 from the youth court. The information released shall not identify
356 the child or his address unless the information involves a child
357 convicted as an adult.

358 (2) Any records involving children which are disclosed under
359 an order of the youth court or pursuant to the terms of this
360 section and the contents thereof shall be kept confidential by the
361 person or agency to whom the record is disclosed unless otherwise
362 provided in the order. Any further disclosure of any records
363 involving children shall be made only under an order of the youth
364 court as provided in this section.

365 (3) Upon request, the parent, guardian or custodian of the
366 child who is the subject of a youth court cause or any attorney
367 for such parent, guardian or custodian, shall have the right to
368 inspect any record, report or investigation relevant to a matter



369 to be heard by a youth court, except that the identity of the
370 reporter shall not be released, nor the name of any other person
371 where the person or agency making the information available finds
372 that disclosure of the information would be likely to endanger the
373 life or safety of such person. The attorney for the parent,
374 guardian or custodian of the child, upon request, shall be
375 provided a copy of any record, report or investigation relevant to
376 a matter to be heard by a youth court, but the identity of the
377 reporter must be redacted and the name of any other person must
378 also be redacted if the person or agency making the information
379 available finds that disclosure of the information would be likely
380 to endanger the life, safety or well-being of the person. A
381 record provided to the attorney under this section must remain in
382 the attorney's control and the attorney may not provide copies or
383 access to another person or entity without prior consent of a
384 court with appropriate jurisdiction.

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

390 (5) (a) The youth court prosecutor or prosecutors, the
391 county attorney, the district attorney, the youth court defender
392 or defenders, or any attorney representing a child shall have the



393 right to inspect and copy any law enforcement record involving
394 children.

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

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

404 (d) Records involving children shall be disclosed to
405 the Division of Victim Compensation of the Office of the Attorney
406 General upon the division's request without order of the youth
407 court for purposes of determination of eligibility for victim
408 compensation benefits.

409 (6) Information concerning an investigation into a report of
410 child abuse or child neglect may be disclosed by the Department of
411 Child Protection Services without order of the youth court to any
412 attorney, physician, dentist, intern, resident, nurse,
413 psychologist, social worker, family protection worker, family
414 protection specialist, child caregiver, minister, law enforcement
415 officer, or a public or private school employee making that report
416 pursuant to Section 43-21-353(1) if the reporter has a continuing



417 professional relationship with the child and a need for such
418 information in order to protect or treat the child.

419 (7) Information concerning an investigation into a report of
420 child abuse or child neglect may be disclosed without further
421 order of the youth court to any interagency child abuse task force
422 established in any county or municipality by order of the youth
423 court of that county or municipality.

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

428 (9) Names and addresses of juveniles adjudicated as
429 delinquent for murder, manslaughter, burglary, arson, armed
430 robbery, aggravated assault, any sex offense as defined in Section
431 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
432 violation of Section 63-11-30, shall not be held confidential and
433 shall be made available to the public.

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

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



442 (12) A classification hearing officer of the State
443 Department of Corrections, as provided in Section 47-5-103, shall
444 have the right to inspect any youth court records, excluding abuse
445 and neglect records, of any offender in the custody of the
446 department who as a child or minor was a juvenile offender or was
447 the subject of a youth court cause of action, and the State Parole
448 Board, as provided in Section 47-7-17, shall have the right to
449 inspect such records when the offender becomes eligible for
450 parole.

451 (13) The youth court shall notify the Department of Public
452 Safety of the name, and any other identifying information such
453 department may require, of any child who is adjudicated delinquent
454 as a result of a violation of the Uniform Controlled Substances
455 Law.

456 (14) The Administrative Office of Courts shall have the
457 right to inspect any youth court records in order that the number
458 of youthful offenders, abused, neglected, truant and dependent
459 children, as well as children in need of special care and children
460 in need of supervision, may be tracked with specificity through
461 the youth court and adult justice system, and to utilize tracking
462 forms for such purpose.

463 (15) Upon a request by a youth court, the Administrative
464 Office of Courts shall disclose all information at its disposal
465 concerning any previous youth court intakes alleging that a child
466 was a delinquent child, child in need of supervision, child in



467 need of special care, truant child, abused child or neglected
468 child, as well as any previous youth court adjudications for the
469 same and all dispositional information concerning a child who at
470 the time of such request comes under the jurisdiction of the youth
471 court making such request.

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

477 (17) The youth courts of the state shall disclose to the
478 Joint Legislative Committee on Performance Evaluation and
479 Expenditure Review (PEER) any youth court records in order that
480 the number of youthful offenders, abused, neglected, truant and
481 dependent children, as well as children in need of special care
482 and children in need of supervision, may be tracked with
483 specificity through the youth court and adult justice system, and
484 to utilize tracking forms for such purpose. The disclosure
485 prescribed in this subsection shall not require a court order and
486 shall be made in sortable, electronic format where possible. The
487 PEER Committee may seek the assistance of the Administrative
488 Office of Courts in seeking this information. The PEER Committee
489 shall not disclose the identities of any youth who have been
490 adjudicated in the youth courts of the state and shall only use
491 the disclosed information for the purpose of monitoring the



492 effectiveness and efficiency of programs established to assist
493 adjudicated youth, and to ascertain the incidence of adjudicated
494 youth who become adult offenders.

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

502 (19) In every case of child abuse or neglect, if a child's
503 physical condition is medically labeled as medically "serious" or
504 "critical" or a child dies, the confidentiality provisions of this
505 section shall not apply. In such cases, the following information
506 may be released by the Mississippi Department of Child Protection
507 Services: the cause of the circumstances regarding the fatality
508 or medically serious or critical physical condition; the age and
509 gender of the child; information describing any previous reports
510 of child abuse or neglect investigations that are pertinent to the
511 child abuse or neglect that led to the fatality or medically
512 serious or critical physical condition; the result of any such
513 investigations; and the services provided by and actions of the
514 state on behalf of the child that are pertinent to the child abuse
515 or neglect that led to the fatality or medically serious or
516 critical physical condition.



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

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

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

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

533 (b) An individual, agency or organization that provides
534 services to a child or the child's family in furtherance of the
535 child's permanency plan to the extent necessary in providing those
536 services;

537 (c) Health and mental health care providers of a child
538 to the extent necessary for the provider to properly treat and
539 care for the child;

540 (d) An educational institution or educational services
541 provider where the child is enrolled or where enrollment is



542 anticipated to the extent necessary for the school to provide
543 appropriate services to the child;

544 (e) Any state agency or board that administers student
545 financial assistance programs. However, any records request under
546 this paragraph shall be initiated by the agency or board for the
547 purpose determining the child's eligibility for student financial
548 assistance, and any disclosure shall be limited to the
549 verification of the child's age during the period of time in which
550 the child was in the department's legal custody; and

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

554 (23) Nothing in this section or chapter shall require youth
555 court approval for disclosure of records involving children as
556 defined in Section 43-21-105(u), if the disclosure is made in a
557 criminal matter by a municipal or county prosecutor, a district
558 attorney or statewide prosecutor, pursuant to the Mississippi
559 Rules of Criminal Procedure and the records are disclosed under a
560 protective order issued by the Circuit Court presiding over the
561 criminal matter which incorporates the penalties stated in Section
562 43-21-267.

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

565 **SECTION 5.** Section 43-21-351, Mississippi Code of 1972, is
566 amended as follows:



567 43-21-351. (1) Any person or agency having knowledge that a
568 child residing or being within the county is within the
569 jurisdiction of the youth court may make a written report to the
570 intake unit alleging facts sufficient to establish the
571 jurisdiction of the youth court. The report shall bear a
572 permanent number that will be assigned by the court in accordance
573 with the standards established by the Administrative Office of
574 Courts pursuant to Section 9-21-9(d), and shall be preserved until
575 destroyed on order of the court.

576 (2) There shall be in each youth court of the state an
577 intake officer who shall be responsible for the accurate and
578 timely entering of all intake and case information into the
579 Mississippi Youth Court Information Delivery System (MYCIDS) for
580 the Department of Human Services - Division of Youth Services,
581 truancy matters, and the Department of Child Protection Services.
582 It shall be the responsibility of the youth court judge or referee
583 of each county to ensure that the intake officer is carrying out
584 the responsibility of this section.

585 (3) The provisions of this section shall stand repealed on
586 July 1, 2026.

587 **SECTION 6.** Section 43-21-801, Mississippi Code of 1972, is
588 amended as follows:

589 43-21-801. (1) There is established the Youth Court Support
590 Program. The purpose of the program shall be to ensure that all
591 youth courts have sufficient support funds to carry on the



592 business of the youth court. The Administrative Office of Courts
593 shall establish a formula consistent with this section for
594 providing state support payable from the Youth Court Support Fund
595 for the support of the youth courts.

596 (a) (i) Each regular youth court referee is eligible
597 for youth court support funds so long as the senior chancellor
598 does not elect to employ a youth court administrator as set forth
599 in paragraph (b); a municipal youth court judge is also eligible.
600 The Administrative Office of Courts shall direct any funds to the
601 appropriate county or municipality. The funds shall be utilized
602 to compensate an intake officer who shall be responsible for
603 ensuring that all intake and case information for the Department
604 of Human Services - Division of Youth Services, truancy matters,
605 and the Department of Child Protection Services is entered into
606 the Mississippi Youth Court Information Delivery System (MYCIDS)
607 in an accurate and timely manner. If the court already has an
608 intake officer responsible for entering all cases of the
609 Department of Human Services - Division of Youth Services, truancy
610 matters, and the Department of Child Protection Services into
611 MYCIDS, the regular youth court referee or municipal court judge
612 may certify to the Administrative Office of Courts that such a
613 person is already on staff. In such a case, each regular youth
614 court referee or municipal youth court judge shall have the sole
615 individual discretion to appropriate those funds as expense monies
616 to assist in hiring secretarial staff and acquiring materials and



617 equipment incidental to carrying on the business of the court
618 within the private practice of law of the referee or judge, or may
619 direct the use of those funds through the county or municipal
620 budget for court support supplies or services. The regular youth
621 court referee and municipal youth court judge shall be accountable
622 for assuring through private, county or municipal employees the
623 proper preparation and filing of all necessary tracking and other
624 documentation attendant to the administration of the youth court.

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

630 (b) (i) When permitted by the Administrative Office of
631 Courts and as funds are available, the senior chancellor for
632 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
633 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
634 administrator for the district whose responsibility will be to
635 perform all reporting, tracking and other duties of a court
636 administrator for all youth courts in the district that are under
637 the chancery court system. Any chancery district listed in this
638 paragraph in which a chancellor appoints a referee or special
639 master to hear any youth court matter is ineligible for funding
640 under this paragraph (b). The Administrative Office of Courts may
641 allocate to an eligible chancery district a sum not to exceed



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

646 (ii) The appointment of a youth court
647 administrator shall be evidenced by the entry of an order on the
648 minutes of the court. The person appointed shall serve at the
649 will and pleasure of the senior chancellor but shall be an
650 employee of the Administrative Office of Courts.

651 (iii) The Administrative Office of Courts must
652 approve the position, job description and salary before the
653 position can be filled. The Administrative Office of Courts shall
654 not approve any plan that does not first require the expenditure
655 of the funds from the Youth Court Support Fund before expenditure
656 of county funds is authorized for that purpose.

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

660 (c) (i) Each county court is eligible for youth court
661 support funds. The funds shall be utilized to provide
662 compensation to an intake officer who shall be responsible for
663 ensuring that all intake and case information for the Department
664 of Human Services - Division of Youth Services, truancy matters,
665 and the Department of Child Protection Services is entered into
666 the Mississippi Youth Court Information Delivery System (MYCIDS)



667 in an accurate and timely manner. If the county court already has
668 an intake officer or other staff person responsible for entering
669 all cases of the Department of Human Services - Division of Youth
670 Services, truancy matters and the Department of Child Protection
671 Services into MYCIDS, the senior county court judge may certify
672 that such a person is already on staff. In such a case, the
673 senior county court judge shall have discretion to direct the
674 expenditure of those funds in hiring other support staff to carry
675 on the business of the court.

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

681 (iii) The appointment of support staff shall be
682 evidenced by the entry of an order on the minutes of the court.
683 The support staff so appointed shall serve at the will and
684 pleasure of the senior county court judge but shall be an employee
685 of the county.

686 (iv) The Administrative Office of Courts must
687 approve the positions, job descriptions and salaries before the
688 positions may be filled. The Administrative Office of Courts
689 shall not approve any plan that does not first require the
690 expenditure of funds from the Youth Court Support Fund before
691 expenditure of county funds is authorized for that purpose.



692 (v) The Administrative Office of Courts may
693 approve expenditure from the fund for additional equipment for
694 support staff appointed pursuant to this paragraph if the
695 additional expenditure falls within the formula. Title to any
696 tangible property procured with funds authorized under this
697 paragraph shall be and forever remain in the county to be used by
698 the youth court and support staff.

699 (2) (a) (i) The formula developed by the Administrative
700 Office of Courts for providing youth court support funds shall be
701 devised so as to distribute appropriated funds proportional to
702 caseload and other appropriate factors as set forth in regulations
703 promulgated by the Administrative Office of Courts. The formula
704 will determine a reasonable maximum amount per judge or referee
705 per annum that will not be exceeded in allocating funds under this
706 section.

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

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

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



717 (c) Approval of the use of any of the youth court
718 support funds distributed under this section shall be made by the
719 Administrative Office of Courts in accordance with procedures
720 established by the Administrative Office of Courts.

721 (3) (a) There is created in the State Treasury a special
722 fund to be designated as the "Youth Court Support Fund," which
723 shall consist of funds appropriated or otherwise made available by
724 the Legislature in any manner and funds from any other source
725 designated for deposit into such fund. Unexpended amounts
726 remaining in the fund at the end of a fiscal year shall not lapse
727 into the State General Fund, and any investment earnings or
728 interest earned on amounts in the fund shall be deposited to the
729 credit of the fund. Monies in the fund shall be distributed to
730 the youth courts by the Administrative Office of Courts for the
731 purposes described in this section.

732 (b) (i) During the regular legislative session held in
733 calendar year 2007, the Legislature may appropriate an amount not
734 to exceed Two Million Five Hundred Thousand Dollars
735 (\$2,500,000.00) to the Youth Court Support Fund.

736 (ii) During each regular legislative session
737 subsequent to the 2007 Regular Session, the Legislature shall
738 appropriate Two Million Five Hundred Thousand Dollars
739 (\$2,500,000.00) to the Youth Court Support Fund.

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



742 who has not received annual continuing education in the field of
743 juvenile justice in an amount to conform with the requirements of
744 the Rules and Regulations for Mandatory Continuing Judicial
745 Education promulgated by the Supreme Court. The Administrative
746 Office of Courts shall maintain records of all referees and youth
747 court judges regarding such training and shall not disburse funds
748 to any county or municipality for the budget of a youth court
749 judge or referee who is not in compliance with the judicial
750 training requirements.

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

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

758 **SECTION 7.** Section 45-33-61, Mississippi Code of 1972, is
759 amended as follows:

760 45-33-61. (1) A person convicted of a sex offense shall not
761 access the Administrative Office of Courts' youth court data
762 management system known as the Mississippi Youth Court Information
763 Delivery System or "MYCIDS."

764 (2) This section applies to all registered sex offenders
765 without regard to the date of conviction for a registrable
766 offense.



767 (3) The provisions of this section shall stand repealed on
768 July 1, 2026.

769 **SECTION 8.** Section 93-31-3, Mississippi Code of 1972, is
770 amended as follows:

771 93-31-3. (1) (a) A parent or legal custodian of a child,
772 by means of a properly executed power of attorney as provided in
773 Section 93-31-5, may delegate to another willing person or persons
774 as attorney-in-fact any of the powers regarding the care and
775 custody of the child other than the following:

776 (i) The power to consent to marriage or adoption
777 of the child;

778 (ii) The performance or inducement of an abortion
779 on or for the child; or

780 (iii) The termination of parental rights to the
781 child.

782 (b) A delegation of powers under this section does not:

783 (i) Change or modify any parental or legal rights,
784 obligations, or authority established by an existing court order;

785 (ii) Deprive any custodial or noncustodial parent
786 or legal guardian of any parental or legal rights, obligations, or
787 authority regarding the custody, visitation, or support of the
788 child; or

789 (iii) Affect a court's ability to determine the
790 best interests of a child.



791 (c) If both parents are living and neither parent's
792 parental rights have been terminated, both parents must execute
793 the power of attorney. If a noncustodial parent is absent or
794 unknown, the custodial parent must complete the affidavit
795 contemplated under Section 93-31-5 and attach it to the power of
796 attorney.

797 (d) A power of attorney under this chapter must be
798 facilitated by either a child welfare agency that is licensed to
799 place children for adoption and that is operating under the Safe
800 Families for Children model or another charitable organization
801 that is operating under the Safe Families for Children model. A
802 full criminal history and child abuse and neglect background check
803 must be conducted on any person who is not a grandparent, aunt,
804 uncle, or sibling of the child if the person is:

805 (i) Designated or proposed to be designated as the
806 attorney-in-fact; or

807 (ii) Is a person over the age of fifteen (15) who
808 resides in the home of the designated attorney-in-fact.

809 (2) A power of attorney executed under this chapter shall
810 not be used for the sole purposes of enrolling a child in a school
811 to participate in the academic or interscholastic athletic
812 programs provided by that school or for any other unlawful
813 purposes, except as may be permitted by the federal Every Student
814 Succeeds Act (Public Law 114-95).



815 (3) The parent or legal custodian of the child has the
816 authority to revoke or withdraw the power of attorney authorized
817 by this section at any time. Upon the termination, expiration, or
818 revocation of the power of attorney, the child must be returned to
819 the custody of the parent or legal custodian.

820 (4) Until the authority expires or is revoked or withdrawn
821 by the parent or legal custodian, the attorney-in-fact shall
822 exercise parental or legal authority on a continuous basis without
823 compensation for the duration of the power of attorney.

824 (5) The execution of a power of attorney by a parent or
825 legal custodian does not, in the absence of other evidence,
826 constitute abandonment, desertion, abuse, neglect, or any evidence
827 of unfitness as a parent unless the parent or legal custodian
828 fails to take custody of the child or execute a new power of
829 attorney after the one-year time limit, or after a longer time
830 period as allowed for a serving parent, has elapsed. Nothing in
831 this subsection prevents the Department of Child Protection
832 Services or law enforcement from investigating allegations of
833 abuse, abandonment, desertion, neglect or other mistreatment of a
834 child.

835 (6) When the custody of a child is transferred by a power of
836 attorney under this chapter, the child is not considered to have
837 been placed in foster care and the attorney-in-fact will not be
838 subject to any of the requirements or licensing regulations for
839 foster care or other regulations relating to out-of-home care for



840 children and will not be subject to any statutes or regulations
841 dealing with the licensing or regulation of foster care homes.

842 (7) (a) "Serving parent" means a parent who is a member of
843 the Armed Forces of the United States, including any reserve
844 component thereof, or the National Oceanic and Atmospheric
845 Administration Commissioned Officer Corps or the Public Health
846 Service of the United States Department of Health and Human
847 Services detailed by proper authority for duty with the Armed
848 Forces of the United States, or who is required to enter or serve
849 in the active military service of the United States under a call
850 or order of the President of the United States or to serve on
851 state active duty.

852 (b) A serving parent may delegate the powers designated
853 in subsection (1) of this section for longer than one (1) year if
854 on active-duty service or if scheduled to be on active-duty
855 service. The term of delegation, however, may not exceed the term
856 of active-duty service plus thirty (30) days.

857 (8) (a) A power of attorney under this chapter must be
858 filed in the youth court of the county where the minor child or
859 children reside at the time the form is completed, and the clerk
860 of the youth court will not impose or collect a filing fee. The
861 filing is informational only, and no judicial intervention shall
862 result at the time of filing.

863 (b) The power of attorney must be entered into the
864 Mississippi Youth Court Information Delivery System (MYCIDS) under



865 Section 43-21-351, and must be administratively reviewed by the
866 youth court judge or referee, or a person designated by the youth
867 court judge or referee, to ensure the safety of the child or
868 children who are the subjects of the power of attorney one (1)
869 year after the date of execution.

870 (9) The provisions of this section shall stand repealed on
871 July 1, 2026.

872 **SECTION 9.** This act shall take effect and be in force from
873 and after its passage.

