

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2119

1 AN ACT TO AMEND SECTION 43-21-357, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A YOUTH COURT TO CONSIDER THE OPINION OF A MEDICAL
3 PROFESSIONAL SUBMITTED BY A CHILD'S PARENT OR GUARDIAN BEFORE
4 ENTERING AN INTAKE ORDER; TO PROHIBIT THE YOUTH COURT FROM
5 ENTERING AN INTAKE ORDER BASED SOLELY ON THE OPINION OF A MEDICAL
6 PROFESSIONAL UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES
7 OR THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO AMEND SECTION
8 43-21-561, MISSISSIPPI CODE OF 1972, TO REQUIRE THE YOUTH COURT TO
9 CONSIDER THE OPINION OF A MEDICAL PROFESSIONAL OBTAINED BY THE
10 CHILD'S PARENT OR GUARDIAN AND PROPERLY ADMITTED AS EVIDENCE
11 BEFORE ENTERING AN ORDER ADJUDICATING THE CHILD TO BE A NEGLECTED
12 CHILD, AN ABUSED CHILD, DEPENDENT CHILD OR A CHILD IN NEED OF
13 SPECIAL CARE; TO PROHIBIT THE YOUTH COURT FROM ENTERING AN ORDER
14 ADJUDICATING THE CHILD TO BE A NEGLECTED CHILD, AN ABUSED CHILD,
15 DEPENDENT CHILD OR A CHILD IN NEED OF SPECIAL CARE BASED SOLELY ON
16 THE OPINION OF A MEDICAL PROFESSIONAL UNDER CONTRACT WITH THE
17 DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT OF CHILD PROTECTION
18 SERVICES; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 43-21-357, Mississippi Code of 1972, is
21 amended as follows:

22 43-21-357. (1) After receiving a report, the youth court
23 intake unit shall promptly make a preliminary inquiry to determine
24 whether the interest of the child, other children in the same
25 environment or the public requires the youth court to take further
26 action. As part of the preliminary inquiry, the youth court



27 intake unit may request or the youth court may order the
28 Department of Child Protection Services, the Department of Human
29 Services - Division of Youth Services, any successor agency or any
30 other qualified public employee to make an investigation or report
31 concerning the child and any other children in the same
32 environment, and present the findings thereof to the youth court
33 intake unit. If the youth court intake unit receives a neglect or
34 abuse report, the youth court intake unit shall immediately
35 forward the complaint to the Department of Child Protection
36 Services to promptly make an investigation or report concerning
37 the child and any other children in the same environment and
38 promptly present the findings thereof to the youth court intake
39 unit. If it appears from the preliminary inquiry that the child
40 or other children in the same environment are within the
41 jurisdiction of the court, the youth court intake unit shall
42 recommend to the youth court:

- 43 (a) That the youth court take no action;
- 44 (b) That an informal adjustment be made;
- 45 (c) That the Department of Child Protection Services
46 monitor the child, family and other children in the same
47 environment;
- 48 (d) That the child is warned or counseled informally;
- 49 (e) That the child be referred to the youth court
50 intervention court; or
- 51 (f) That a petition be filed.



52 (2) The youth court shall then, without a hearing:
53 (a) Order that no action be taken;
54 (b) Order that an informal adjustment be made;
55 (c) Order that the Department of Child Protection
56 Services monitor the child, family and other children in the same
57 environment;
58 (d) Order that the child is warned or counseled
59 informally;
60 (e) Order that the child be referred to the youth
61 intervention court; or
62 (f) Order that a petition be filed.

63 (3) If the preliminary inquiry discloses that a child needs
64 emergency medical treatment, the judge may order the necessary
65 treatment.

66 (4) (a) Before entering an order under subsection (2) of
67 this section, the youth court shall consider the opinion of a
68 medical professional obtained by the child's parent, guardian or
69 legal custodian if the child's parent, guardian or legal custodian
70 submits the opinion of a medical professional to the youth court.

71 (b) The youth court shall not enter an order under
72 subsection (2) of this section based solely on the opinion of a
73 medical professional under contract with the Department of Human
74 Services or the Department of Child Protection Services.

75 **SECTION 2.** Section 43-21-561, Mississippi Code of 1972, is
76 amended as follows:



77 43-21-561. (1) If the youth court finds on proof beyond a
78 reasonable doubt that a child is a delinquent child or a child in
79 need of supervision, the youth court shall enter an order
80 adjudicating the child to be a delinquent child or a child in need
81 of supervision.

82 (2) Where the petition alleges that the child is a
83 delinquent child, the youth court may enter an order that the
84 child is a child in need of supervision on proof beyond a
85 reasonable doubt that the child is a child in need of supervision.

86 (3) (a) If the court finds from a preponderance of the
87 evidence that the child is a neglected child, an abused child, a
88 dependent child or a child in need of special care, the youth
89 court shall enter an order adjudicating the child to be a
90 neglected child, an abused child, dependent child or a child in
91 need of special care.

92 (b) Before entering an order adjudicating the child to
93 be a neglected child, an abused child, dependent child or a child
94 in need of special care, the youth court shall consider the
95 opinion of a medical professional obtained by the child's parent,
96 guardian or legal custodian if the child's parent, guardian or
97 legal custodian submits the opinion of a medical professional to
98 the youth court and the opinion is properly admitted under Section
99 43-21-559.

100 (c) The youth court shall not enter an order
101 adjudicating a child to be a neglected child, an abused child,



102 dependent child or a child in need of special care based solely on
103 the opinion of a medical professional under contract with the
104 Department of Human Services or the Department of Child Protection
105 Services.

106 (4) No decree or order of adjudication concerning any child
107 shall recite that a child has been found guilty; but it shall
108 recite that a child is found to be a delinquent child or a child
109 in need of supervision or a neglected child or an abused child or
110 a sexually abused child or a dependent child or a child in need of
111 special care. Upon a written motion by a party, the youth court
112 shall make written findings of fact and conclusions of law upon
113 which it relies for the adjudication that the child is a
114 delinquent child, a child in need of supervision, a neglected
115 child, an abused child, a dependent child or a child in need of
116 special care.

117 (5) No adjudication upon the status of any child shall
118 operate to impose any of the civil disabilities ordinarily imposed
119 on an adult because of a criminal conviction, nor shall any child
120 be deemed a criminal by reason of adjudication, nor shall that
121 adjudication be deemed a conviction. A person in whose interest
122 proceedings have been brought in the youth court may deny, without
123 any penalty, the existence of those proceedings and any
124 adjudication made in those proceedings. Except for the right of a
125 defendant or prosecutor in criminal proceedings and a respondent
126 or a youth court prosecutor in youth court proceedings to



127 cross-examine a witness, including a defendant or respondent, to
128 show bias or interest, no adjudication shall be used for
129 impeachment purposes in any court.

130 (6) (a) No statements, admissions or confessions made by or
131 incriminatory information obtained from a child in the course of a
132 screening or assessment that is undertaken in conjunction with any
133 proceedings under this chapter, including, but not limited to,
134 that which is court-ordered, shall be admitted into evidence
135 against the child on the issue of whether the child committed a
136 delinquent act under this chapter or on the issue of guilt in any
137 criminal proceedings.

138 (b) The provisions of paragraph (a) of this subsection
139 are in addition to and do not override any existing statutory and
140 constitutional prohibition on the admission into evidence in
141 delinquency and criminal proceedings of information obtained
142 during screening, assessment or treatment.

143 **SECTION 3.** This act shall take effect and be in force from
144 and after July 1, 2024.

