MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Ladner

To: Youth and Family Affairs; Judiciary A

HOUSE BILL NO. 669

AN ACT TO AMEND SECTION 43-21-203, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE IMMEDIATE AND THE EXTENDED FAMILY MEMBERS OF A CHILD WHO IS UNDER THE JURISDICTION OF THE YOUTH COURT MAY ATTEND YOUTH COURT HEARINGS CONCERNING SUCH CHILD UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 43-21-203, Mississippi Code of 1972, is amended as follows:

43-21-203. (1) The youth court shall be in session at all times.

(2) All cases involving children shall be heard at any place the judge deems suitable but separately from the trial of cases involving adults.

(3) Hearings in all cases involving children shall be conducted without a jury and may be recessed from time to time.

(4) All hearings shall be conducted under such rules of evidence and rules of court as may comply with applicable constitutional standards.

(5) No proceeding by the youth court in cases involving children shall be a criminal proceeding but shall be entirely of a civil nature.

(6) The general public shall be excluded from the hearing, and only those persons shall be admitted who are found by the youth court to have a direct interest in the cause or work of the youth court. Any person found by the youth court to have a direct interest in the cause shall have the right to appear and be represented by legal counsel.

(7) Except in cases where a family member is the alleged abuser of a child, in all hearings involving a child, the immediate family members and extended family members of the child shall be allowed to attend any hearings.

(* * *8) In all hearings, a complete record of all evidence shall be taken by stenographic reporting, by mechanical or electronic device or by some combination thereof.

(* * *9) The youth court may exclude the attendance of a child from a hearing in neglect and abuse cases with consent of the child's counsel. The youth court may exclude the attendance of a child from any portion of a disposition hearing that would be injurious to the best interest of the child in delinquency and children in need of supervision cases with consent of the child's counsel.

(* * *10) All parties to a youth court cause shall have the right at any hearing in which an investigation, record or report is admitted in evidence:

(a) To subpoena, confront and examine the person who prepared or furnished data for the report; and

(b) To introduce evidence controverting the contents of the report.

(* * *11) Except as provided by Section 43-21-561(5) or as otherwise provided by this chapter, the disposition of a child's cause or any evidence given in the youth court in any proceedings concerning the child shall not be admissible against the child in any case or proceeding in any court other than a youth court.

(* * *12) An order or ruling of the youth court judge delivered orally must be reduced to writing within forty-eight (48) hours, excluding Saturdays, Sundays and statutory state holidays.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.