

By: Senator(s) Burton, Jackson (11th)

To: Judiciary, Division B

SENATE BILL NO. 2939
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-201, MISSISSIPPI CODE OF 1972,
2 TO PRESCRIBE THE DUTIES AND RESPONSIBILITIES OF YOUTH COURT
3 COUNSEL ASSIGNED TO PARTIES IN JUVENILE ADJUDICATORY PROCEEDINGS;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-21-201, Mississippi Code of 1972, is
7 amended as follows:

8 43-21-201. (1) Each party shall have the right to be
9 represented by counsel at all stages of the proceedings including,
10 but not limited to, detention, adjudicatory and disposition
11 hearings and parole or probation revocation proceedings. In
12 delinquency matters the court shall appoint legal defense counsel
13 who is not also a guardian ad litem for the same child. If the
14 party is a child, the child shall be represented by counsel at all
15 critical stages: detention, adjudicatory and disposition
16 hearings; parole or probation revocation proceedings; and
17 post-disposition matters. If indigent, the child shall have the
18 right to have counsel appointed for him by the youth court.

19 (2) When a party first appears before the youth court, the
20 judge shall ascertain whether he is represented by counsel and, if
21 not, inform him of his rights including his right to counsel.

22 (3) An attorney appointed to represent a delinquent child
23 shall be required to complete annual juvenile justice training
24 that is approved by the Mississippi Judicial College or the
25 Mississippi Commission on Continuing Legal Education. The
26 Mississippi Judicial College and the Mississippi Commission on
27 Continuing Legal Education shall determine the amount of juvenile



28 justice training and continuing education required to fulfill the
29 requirements of this subsection. The Administrative Office of
30 Courts shall maintain a roll of attorneys who have complied with
31 the training requirements and shall enforce the provisions of this
32 subsection. Should an attorney fail to complete the annual
33 training requirement or fail to attend the required training
34 within six (6) months of being appointed to a youth court case,
35 the attorney shall be disqualified to serve and the youth court
36 shall immediately terminate the representation and appoint another
37 attorney. Attorneys appointed by a youth court to five (5) or
38 fewer cases a year are exempt from the requirements of this
39 subsection.

40 (4) The child's attorney shall owe the same duties of
41 undivided loyalty, confidentiality and competent representation to
42 the child or minor as is due an adult client pursuant to the
43 Mississippi Rules of Professional Conduct.

44 (5) An attorney shall enter his appearance on behalf of a
45 party in the proceeding by filing a written notice of appearance
46 with the youth court, by filing a pleading, notice or motion
47 signed by counsel or by appearing in open court and advising the
48 youth court that he is representing a party. After counsel has
49 entered his appearance, he shall be served with copies of all
50 subsequent pleadings, motions and notices required to be served on
51 the party he represents. An attorney who has entered his
52 appearance shall not be permitted to withdraw from the case until
53 a timely appeal if any has been decided, except by leave of the
54 court then exercising jurisdiction of the cause after notice of
55 his intended withdrawal is served by him on the party he
56 represents.

57 (6) Each designee appointed by a youth court judge shall be
58 subject to the Code of Judicial Conduct and shall govern himself
59 or herself accordingly.



60 **SECTION 2.** This act shall take effect and be in force from
61 and after July 1, 2009.

