

**MISSISSIPPI JUVENILE JUSTICE ADVISORY COMMITTEE SIGN-IN
ROSTER**

October 14, 2016

**Department of Public Safety Planning Building
Ridgeland, MS**

<u>NAME</u>	<u>SIGNATURE</u>
Tia Anderson Grisham	Excused
Judge Tom Broome	Kateina Phillips
Judge Frank Coleman	Frank Coleman
Mr. Gary Davis	Excused
Ms. Jaqueline Dedeaux	Jaqueline Dedeaux
Dr. Alfred Martin	Alfred Martin
Dr. Lisa Nored	Excused
Justice Randy Pierce	Randy Pierce
Dr. Ginger Smith	Ginger Smith
Ms. Linda Whittington	Excused
Mr. Eric Williams	Excused
Mr. Jim Maccarone	Excused
Kateina Phillips	Kateina Phillips
Gloria Salters	Gloria Salters

**MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY
PLANNING
SIGN IN SHEET
SAG QUARTERLY MEETING
OCTOBER 14, 2016**

Emberly Holmes Emberly K. Holmes
Ray Sims II Ray Sims II
Jacqueline Ledger J. Ledger
Anslem Palmer Anslem R. Palmer
Mary Lukens Mary Lukens
Teresa Wash T. Wash

Juvenile Justice Advisory Committee - 4th Quarter Meeting
October 14, 2016 - 9:30AM
DPSP Office, Jackson, MS

AGENDA

- I. Call to Order** **Martin**
- II. Roll Call** **Dedeaux**
- III. Approval of Past Minutes**
 - A. August 3, 2016
- IV. Introduction of Guests and New SAG Stakeholder Members**
- V. Purpose of meeting**
 - Welcome SAG Stake holders
 - Go over 2017 meeting dates
 - Discuss agenda for Jan meeting:**
 - Handout booklets with bylaws
 - Discuss 2017 goals and projects
- VI. Adjourn**

MISSISSIPPI JUVENILE JUSTICE ADVISORY COMMITTEE
MINUTES
October 14, 2016

MEMBERS PRESENT

Judge Frank Coleman
Mr. Gary Davis
Ms. Jaqueline Dedeaux
Dr. Alfred Martin
Dr. Ginger Smith
Katrina Phillips
Gloria Salters

EXCUSED MEMBERS

Judge Tom Broome
Dr. Lisa Nored
Eric Williams

DPS STAFF PRESENT

Emberly Holmes
Ray Sims II
Jacqueline Ledger
Anslem Palmer
Mary Lukens
Teresa Wash

CALL TO ORDER

Meeting was called to order by Chair, Dr. Alfred Martin at 9:34 a.m.

APPROVAL OF MINUTES

Minutes from August 3, 2016 were read. Dr. Ginger Smith moved that the minutes be accepted and Katrina Phillips second.

NEW BUSINESS

Dr. Martin explained procedures for new stakeholders and introduced new stakeholder members of the Mississippi State Advisory Group: Jim Maccarone, Katrina Phillips, Gloria Salters and Angela Robertson.

It was reported the Juvenile Justice Task Force was meeting today and Jim Maccarone was attending this meeting.

Dr. Martin announced that Ray Sims has been promoted to Executive Director of Public Safety Planning and Emberly Holmes is now the Office Director of Public Safety Planning.

The dates for SAG Meetings for 2017 are as follows:

January 13, 2017

April 13, 2017

July 14, 2017

October 13, 2017

The members of the SAG Committee will be notified by the Chair in advance if any of these dates change.

Dr. Martin suggested that the SAG Committee focus on the following for the 2017 year:

- Next year's tasks, projects goals and objectives
- More hands on involvement of SAG members for all projects including the 2017 Mississippi Juvenile Justice Conference

Ray Sims gave report on changes made in DPSP Compliance Division.

There is one paid monitor by DPSP, Anslem Palmer. There are two contract monitors paid by Title II monies.

Dr. Ginger Smith asked, "What is the number one issue with Compliance?" She and the committee were informed that Runaways and Status Offenders were the number one issue with compliance.

Senate Bill 2364 was shared with the SAG Committee (See Attached)

OLD BUSINESS

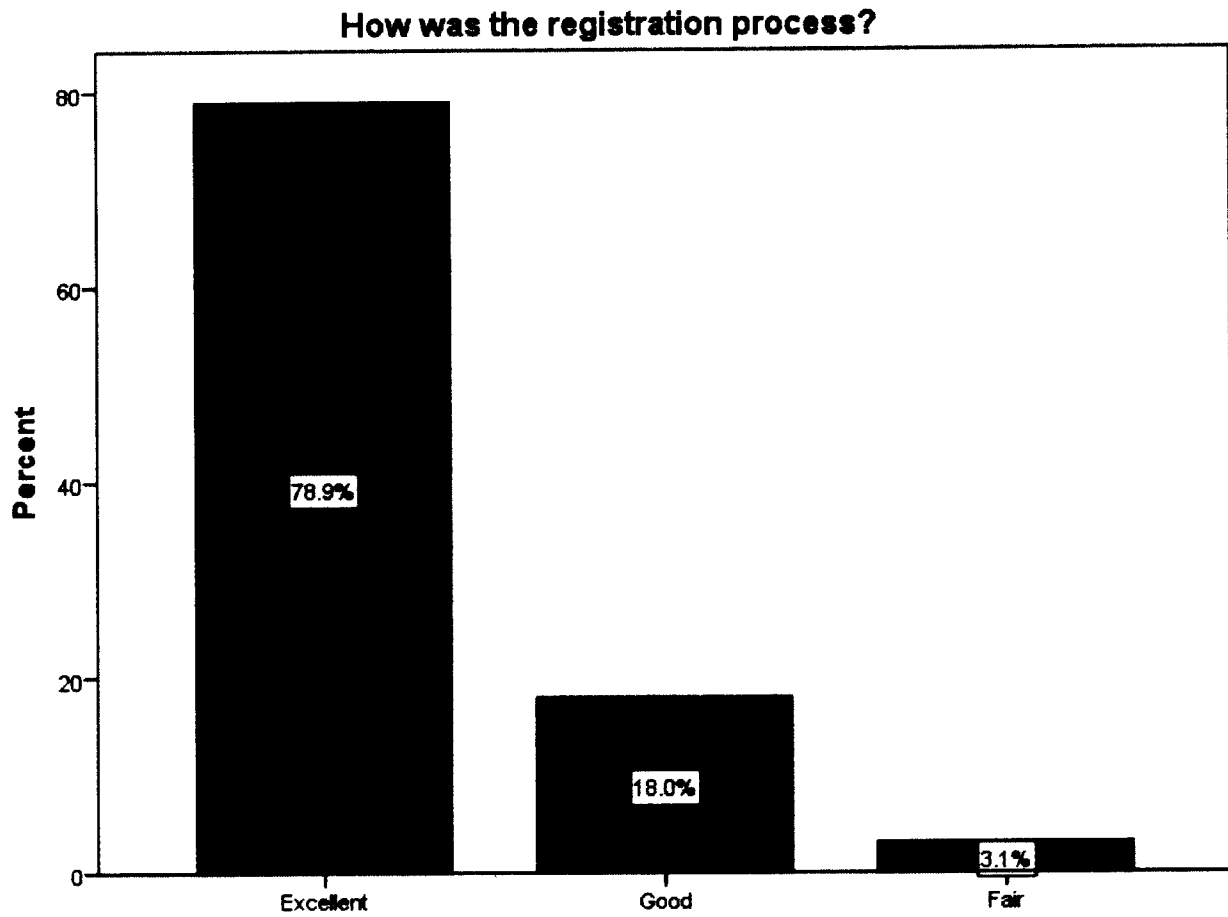
Old Business consisted of dialogue of the 2016 Mississippi Juvenile Justice Conference. Chair, Dr. Alfred Martin and SAG members in attendance of this conference felt that it was a tremendous success.

Attached are the evaluation results from the 2016 Ms. Juvenile Justice Conference

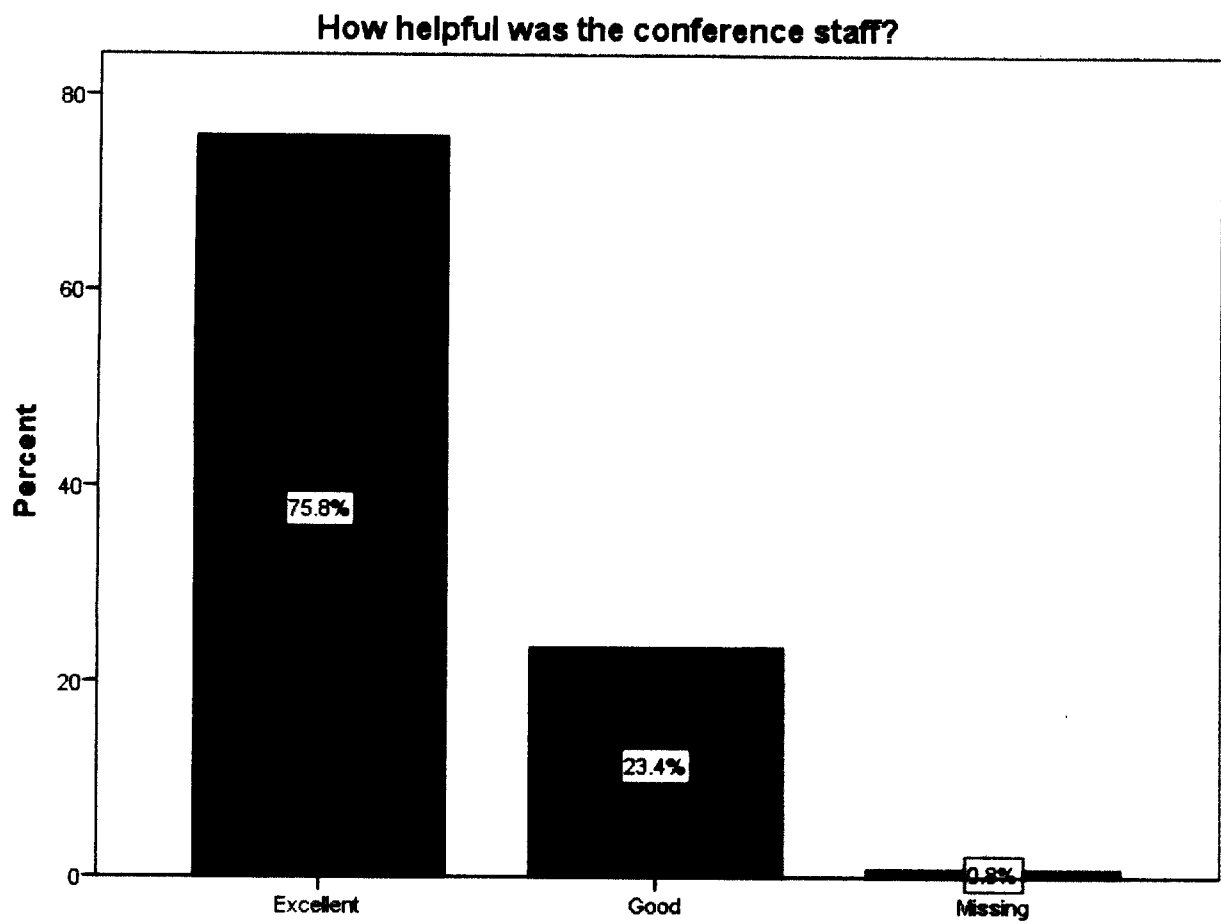
Meeting Adjourned,

Minutes prepared by,
Jaqueline H. Dedeaux
SAG Secretary

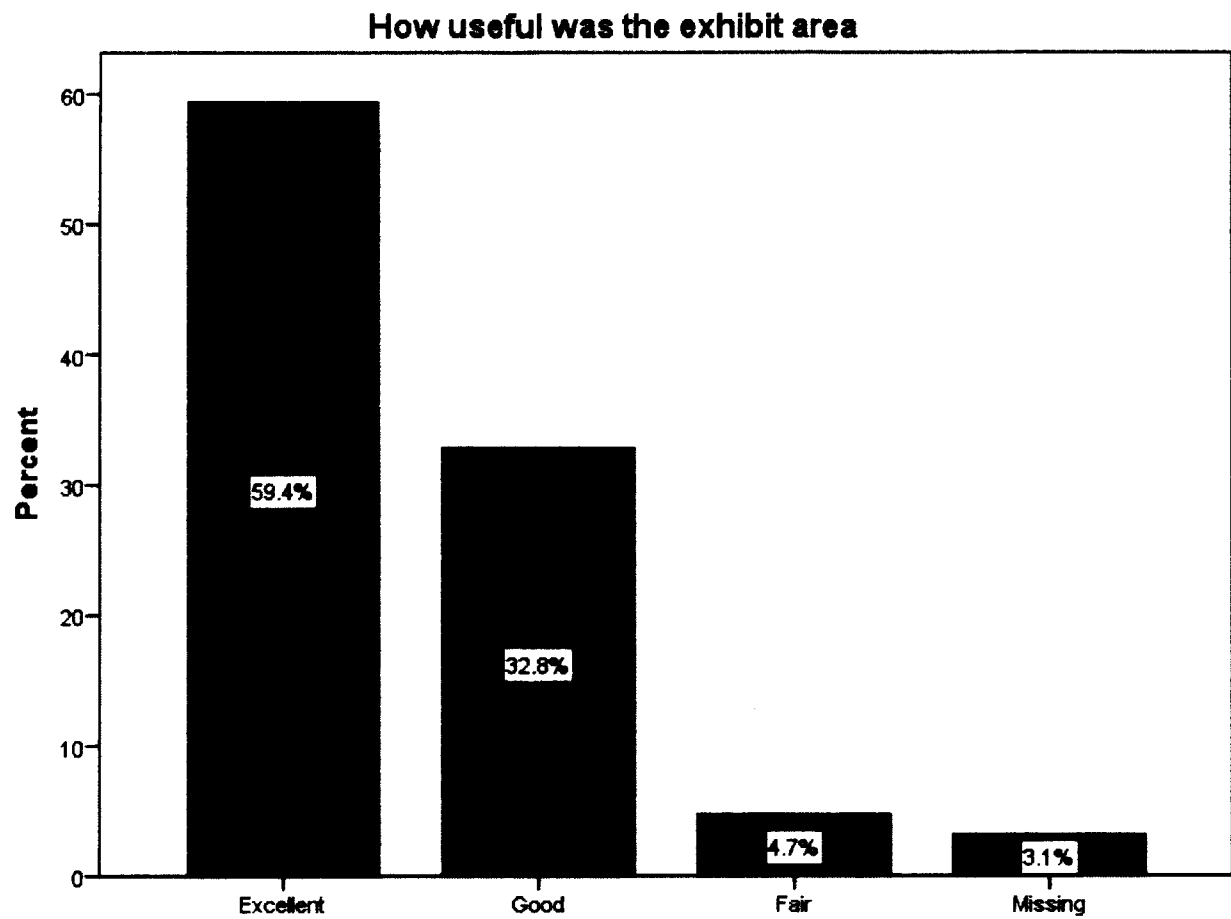
Juvenile Justice Conference Evaluation 08-2016



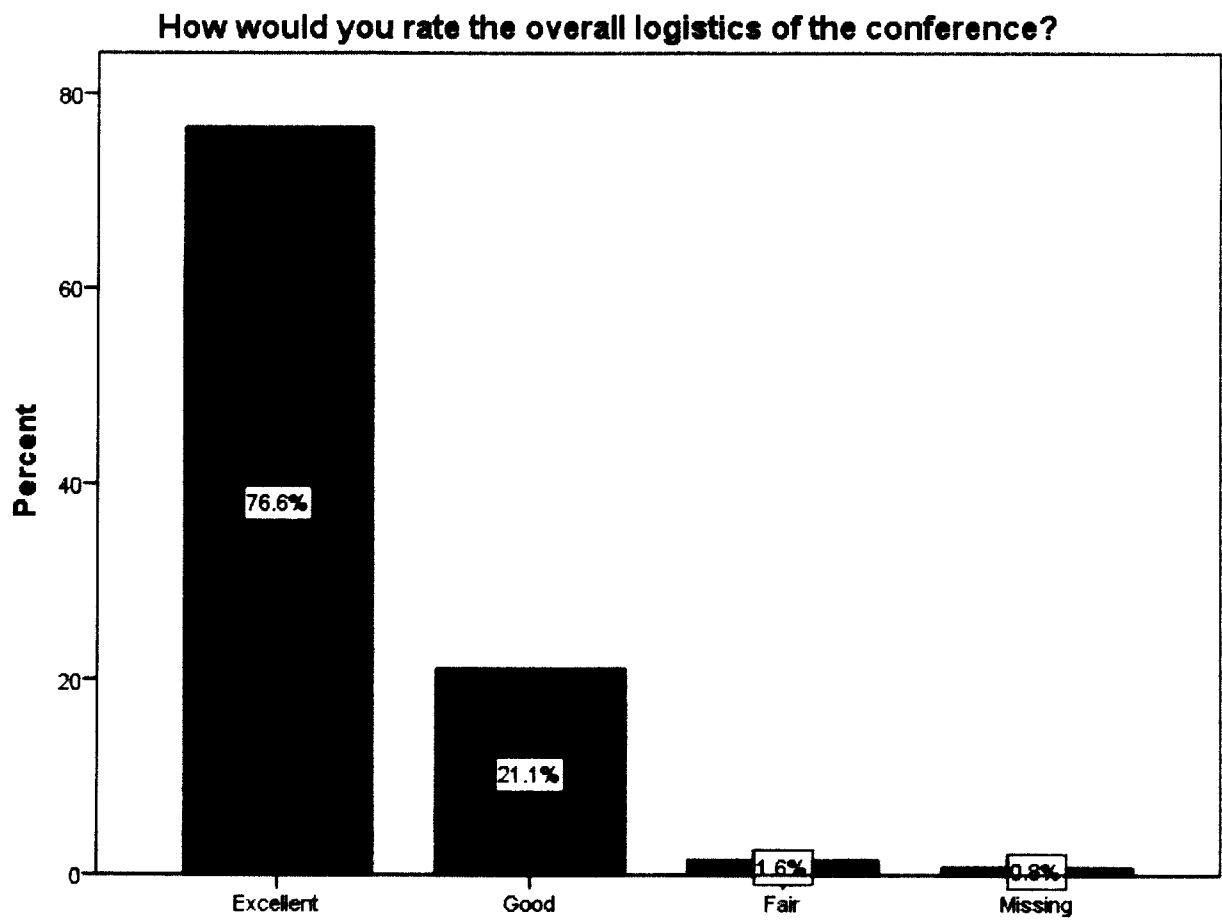
Candice Green, MPH
Mississippi State Department of Health
October 12, 2016



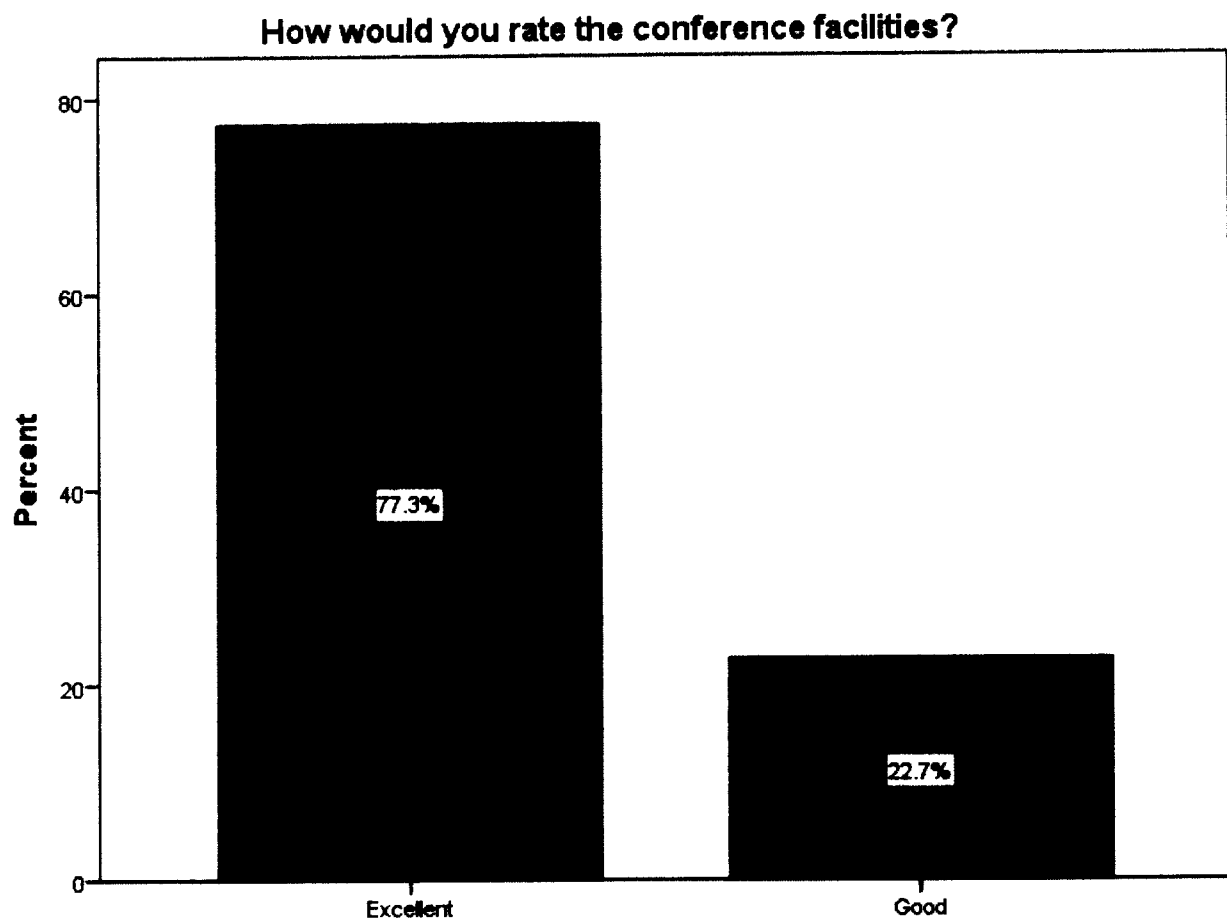
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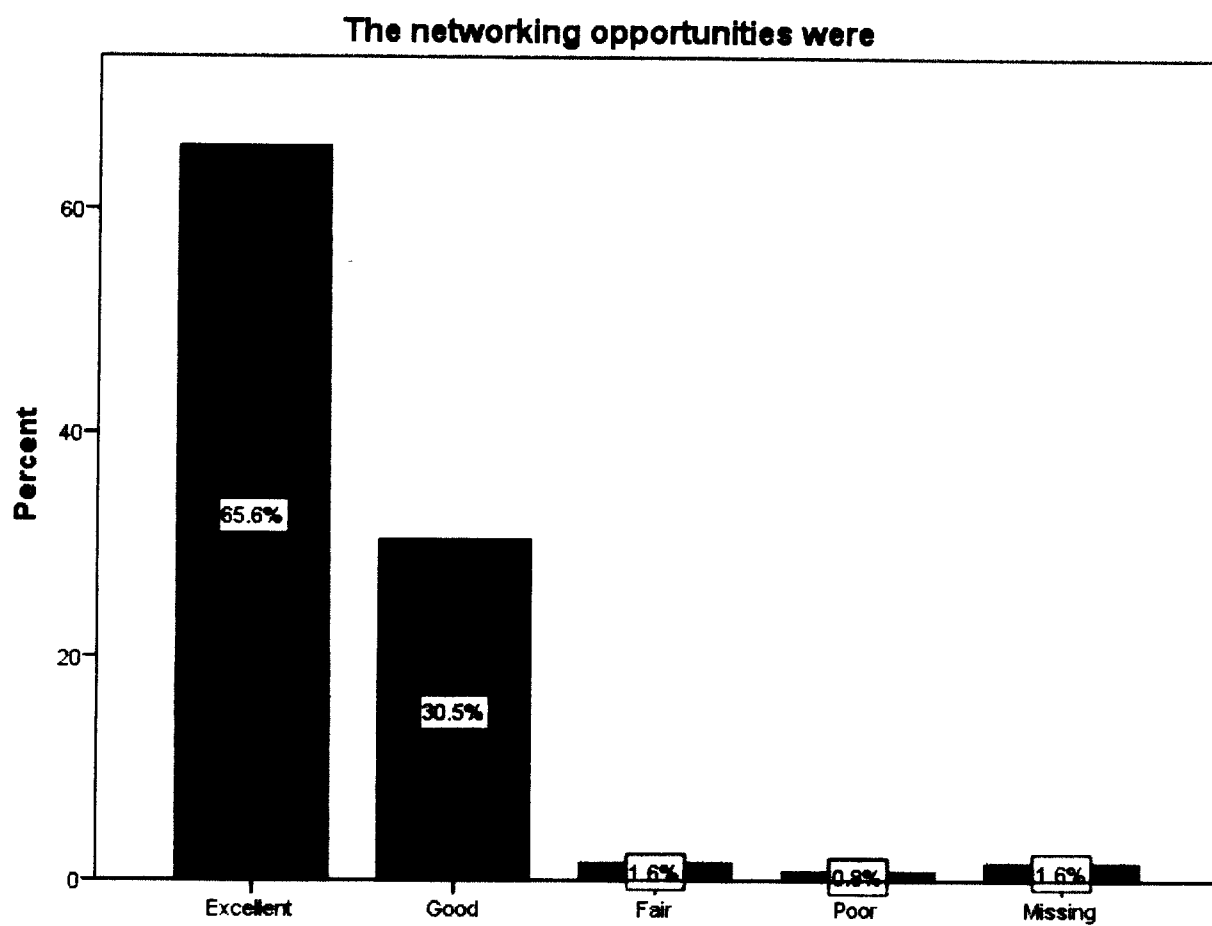
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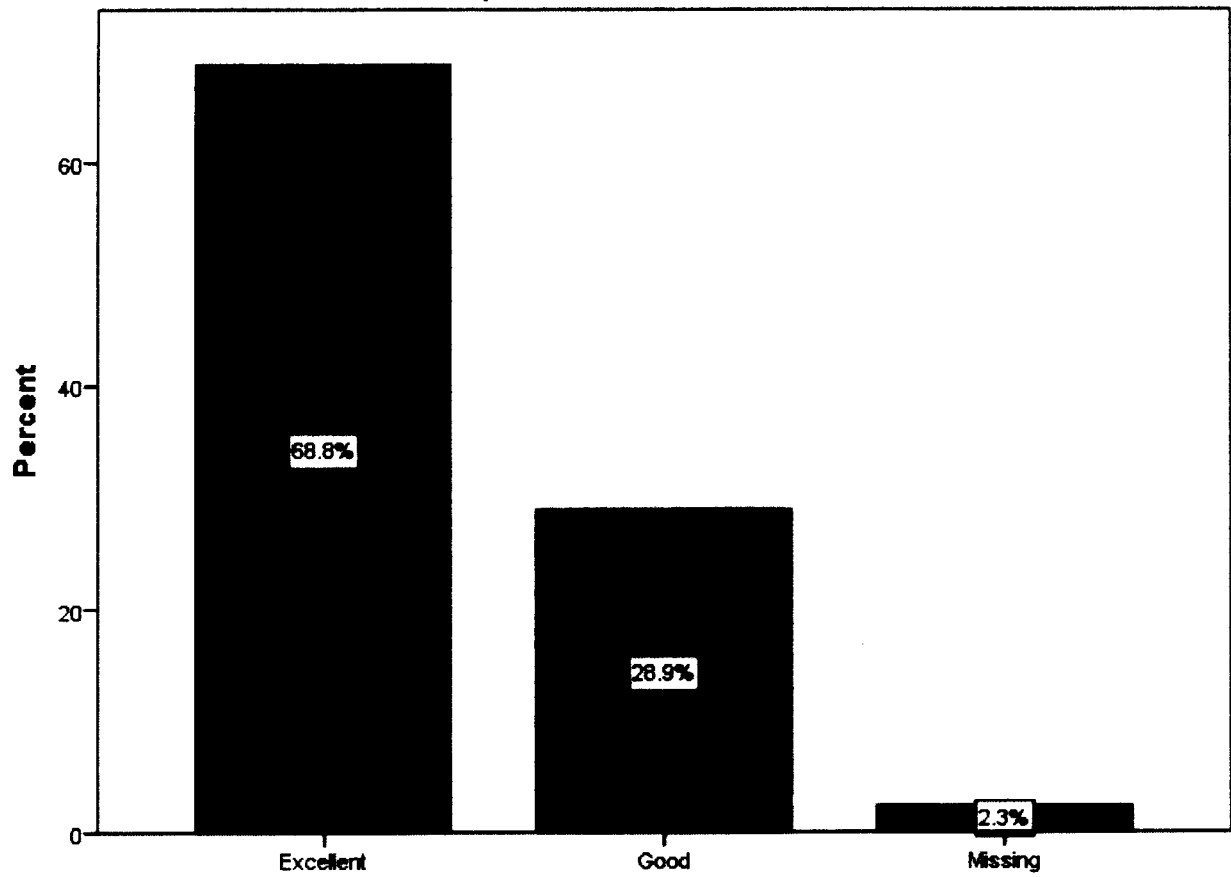


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Mississippi State Department of Health
October 12, 2016



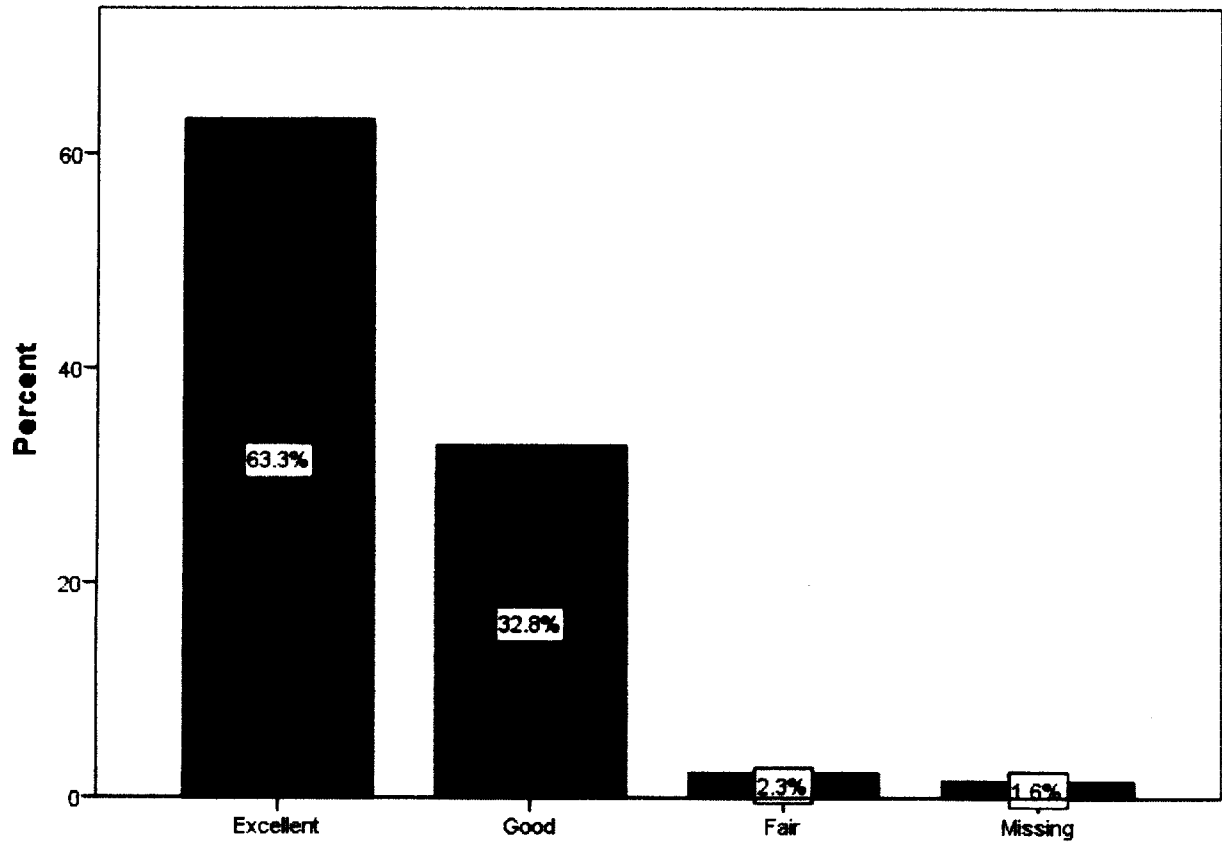
Candice Green, MPH
Mississippi State Department of Health
October 12, 2016

The information presented at this conference was

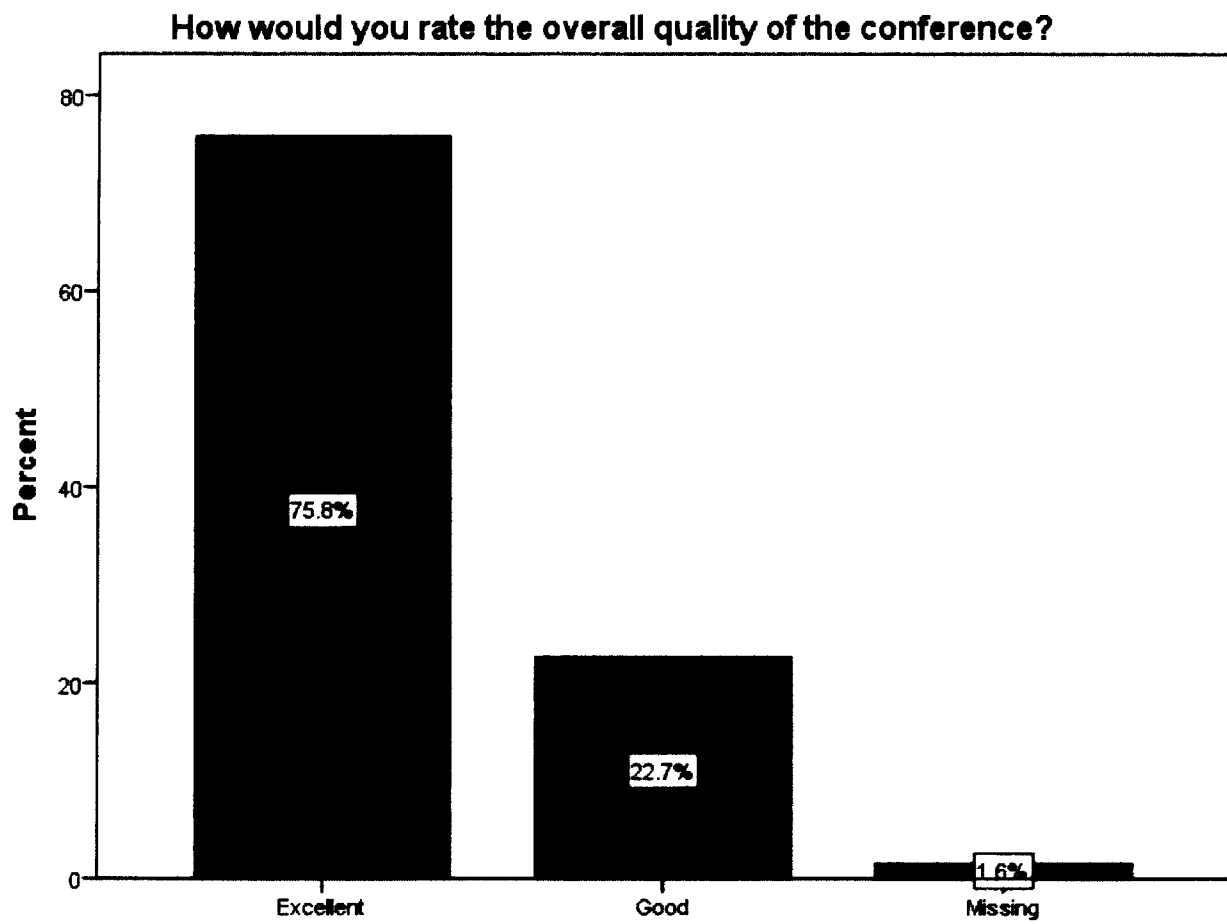


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Mississippi State Department of Health
October 12, 2016

The information obtained during the conference will have a (n) ____ impact on my career.



Candice Green, MPH
Mississippi State Department of Health
October 12, 2016



Candice Green, MPH
Mississippi State Department of Health
October 12, 2016

CONFERENCE EVALUATION SUMMARY

	Based on your experiences, would you attend this conference next year?			Based on your experiences, would you recommend someone else to attend this conference next year?	
	Yes	No		Yes	No
1	1			1	
2	1			1	
3	1			1	
4	1			1	
5	1			1	
6		1		1	
7	1			1	
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CONFERENCE EVALUATION SUMMARY

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CONFERENCE EVALUATION SUMMARY

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121	1		1	
122	1		0	0
123	1		1	

CONFERENCE EVALUATION SUMMARY

124	1	1	1
125	1	1	1
126	1	1	1
127	1	1	1
128	1	1	1
98.44%		1.56%	88.28% 1.56%
100.00%			89.84%

Notes:

- 1 Of the 128 completed evaluations, 100% responded to this question. There were 98.44 %
responding "Yes" and 1.56% responding "No".
- 2 Of the 128 completed evaluation, 89.84% responded to Question 2. There were 88.28%
responding "Yes" and 1.56% responding "No".
- 3 Response = 1 Non-Response = 0

CONFERENCE EVALUATION SUMMARY

My three favorite workshops were:

A Guide to overcoming Burnout	Human Trafficking
Annisa Rinnaw	Human Trafficking and Domestic Violence
Art Powell	Human Trafficking and Domestic Violence
Art Powell	Human Trafficking and Domestic Violence
Art Powell	Human Trafficking and Domestic Violence
Art Powell	Human Trafficking and Domestic Violence
Art Powell's Gang Workshops	Human Trafficking and Domestic Violence
Burnout	I need help not punishment
Burnout	I need help not punishment
Burnout	I need help not punishment
Burnout	I need help not punishment
Burnout	I need help not punishment
Burnout	I need help not punishment
Burnout	I'm coming out LGBTQ
Burnout (Mrs. Cloy)	Incarcerated Youth
Burnout Session	Interstate Compact
Closing Session	Interstate compact
Closing Session	Intestate Compact for Juveniles
Closing Session	Job Burnout
Closing Speaker	Judge Glenda Hatchett
Coach	Judge Glenda Hatchett
Coach	Judge Glenda Hatchett
Courtroom Etiquette	Judge Hatchett was AWESOME!!
Courtroom practices	Judge Hatchett
Courtroom Practices, Etiquette and Testimony	Judge Hatchett
De-escalation of Violence Within the Facility	Judge Hatchett
De-escalation of Violence Within the Facility	Judge Hatchett
De-escalation of Violence Within the Facility	Judge Hatchett
De-escalation of Violence Within the Facility	Judge Hatchett
De-escalation of Violence Within the Facility	Judge Hatchett
De-escalation of Violence Within the Facility	Judge Hatchett
De-escalation of Violence Within the Facility	Judge Hatchett
De-escalation of Violence within the facility	Juvenile Restraints
De-escalation of Violence within the facility	Kelli Scurry
De-escalation of Violence within the facility	LaTosha Myers-Mitchell - Teen Dating Violence
Delinquency to Destiny	LGBTQ
Delinquency to Destiny	Luncheon
Domestic Violence	Luncheon
Domestic Violence	Meeting Juveniles Where They Are
Domestic Violence	Meeting Juveniles where they are
Domestic Violence	Meeting Juveniles where they are
Domestic Violence	Meeting Juveniles where they are

CONFERENCE EVALUATION SUMMARY

Domestic Violence	Mental Health
Dr. Jones	Mr. Powell - Gangs
Dr. Jones	Need help not punishment
Dr. Jones	No Favorites
Dr. Jones	Opening
Dr. Samuel Jones	Opening Session
Dr. Samuel Jones	Opening Session
Dr. Samuel Jones	Overcoming Burnout
Dr. Samuel Jones	Overcoming Burnout
Due process (much needed)	Pipeline from school to prison
Due Process and Custody	Police Gang Member
Due Process and Custody	Psychological Trauma 1010
Due Process and Custody	Put me back in the game coach
Due Process and Custody	Put me back in the game coach (Dr. Samuel Jones)
Due Process and Custody	Put me back in the game coach (Dr. Samuel Jones)
Due Process and Custody	Put me in the game coach
Due process and custody	Pyschological Trauma 101
Due process and custody	Reducing Recidivism
Effectively reducing the school to prison pipeline	Reducing Recidivism
Effectively reducing the school to prison pipeline	Reducing Recidivism
Effectively reducing the school to prison pipeline	Reducing Recidivism
Effectively reducing the school to prison pipeline	Reducing the School to Prison Pipeline
Female Gangs	Reducing the School to Prison Pipeline
From Delinquency to Destiny	Reducing the school to prison pipeline
From Delinquency to Destiny	Runaways and Interstate Compact for Juveniles
From Delinquency to Destiny	Runaways and the Interstate Compact for Juveniles
From Delinquency to Destiny	Sam Jones
Gang	Sam Jones
Gang Activity	Samuel L. Jones
Gang Life	Samuel L. Jones
Gang Life	Samuel L. Jones
Gang Life	School to prison pipeline
Gang Life	School to prison pipeline
Gang Life	Sex Crimes
Gang Life	Sex Crimes
Gang Life	Sex Crimes
Gang Life	Shane Gerrado - Trauma
Gang Life	Someone forgot to invite Treatment
Gang Life	Teen Dating
Gang Life: The Reality of what draws them	Teen Dating
Gangs	Teen Dating
Gangs	Teen Dating
Gangs	Teen Dating

CONFERENCE EVALUATION SUMMARY

Gangs	Teen Dating Violence and Sex Crimes
Gangs	Teen Dating Violence and Sex Crimes
Gangs	Teen Domestic Violence
Gangs - How to relate	Teen Domestic Violence
Gangs and Girls	Teens and Domestic Violence
Gangs and Girls	Teens and Trauma
Gangs and Girls	Teens and Trauma
Gangs and Girls	Teens Dating Violence
Gangs and Girls	Teens in Trauma
Gangs and Girls	Teens in Trauma
Gangs and Girls	The Beginning and the Ending
Gender Identity	The Troubled Youth
Gender Identity for Incarcerated Youth	Trafficking
Gender Identity for Incarcerated youth	Trauma
Girls and Gangs	Trauma
Girls and Gangs	Trauma Informed
Girls and Gangs	Trauma Informed
Girls and Gangs	Trauma Informed Care
Girls and Gangs	Trauma Informed Care (Great Speaker)
Girls and Gangs	Trauma Informed Care - Kelli Scurry
Girls and Gangs	Troubled Youth
Girls and Gangs	Troubled Youth
Girls and Gangs	Use of Force
Girls and Gangs	Use of Force
Girls and Gangs	Use of Force
Girls and Gangs	Use of force
Girls and Gangs	Use of force
Girls and Gangs	Use of force
Girls and Gangs	Use of force
Girls and Gangs	What we don't know may hurt them
Girls and Gangs	When a good officer go wrong
Girls and Gangs	When a good officer go wrong
Girls and Gangs	When a good officer go wrong
Girls and Gangs	When good cops go bad
Girls and Gangs	When good cops go bad - Juan Cloy
Girls and Gangs	When good officers go wrong
Girls and Gangs	When public service becomes a person sacrifice
Girls and Gangs	When public service becomes personal
Girls and Gangs	When some good officer go wrong
Glenda Hatchett	Where some good officers go wrong
Guest Speakers	
Human Trafficking	
Human Trafficking	

CONFERENCE EVALUATION SUMMARY

Human Trafficking

My three least favorite workshops were:

Burnout	Human Trafficking (speaker not good)
Criminal Justice (pie in the sky)	ICT
Due Process	LGBTQ
Due Process	MYCIDS
Due Process and Custody	PREA (cancelled)
Gang Life	Psychological Trauma - Dr. Rick Costa
Gang Life	Psychological Trauma 101
Gangs - Art Powell	Reducing Recidivism
Gangs and Girls	Runaways
Gender Identity for Incarcerated Youth	Runaways and Interstate Compact for Juveniles
Gender Identity for Incarcerated Youth	Teens, Dating Violence and Sex Crimes
Girls and Gangs	The use of force with Juveniles
Girls and Gangs	Trafficking
Girls and Gangs	Use of Force
Good officers go wrong	Use of Force
Human Trafficking	Use of Force (not specific to juveniles)
Human Trafficking	Where some good officers go wrong
Human Trafficking	Youth Sexual Offender
Human Trafficking	Youth Violence

Other Comments:

- 1 Excellent conference, great speakers and great opportunity to network with others.
I am allergic to smoking so non-smoking facilities would be better for my comfort. I loved Judge Hackett's speech and agree that it was one of the best speeches I have ever heard. I enjoyed Maxine Conway as well
- 2 but I already know & love her so I admit bias. I was impressed by our governor taking time to address us in person instead of sending someone else to speak for him. I was also impressed by the transparency and humility of our final speaker.
- 3 The agenda was better this year. Continue to excel forward. I could not attend all the classes but wanted to. The overall conference was excellent. Keep up the good work.
- 4 Having food in vending area not good. Could not concentrate on talking to vendors with all the noise. There were no sessions that helped law enforcement when dealing with juveniles other than Art Powell's
- 5 session. We felt like outsiders at this conference. It was a good conference but it was only geared for social workers, educators and detention centers.
Great conference would love to extend the conference or repeat sessions. It's great to hear from presenters
- 6 with so much hands on experience. The delivery of presenters were excellent with the topics. I can't say enough about how great this conference.
- 7 When you don't have a speaker that was scheduled to teach a class, have backup speakers and/or classes.
- 8 Will be back next year for more information on juveniles.

CONFERENCE EVALUATION SUMMARY

- 9 The conferences are always well organized with good information, good food, and good entertainment.
- 10 Judge Hatchett speech was very inspiring and motivating.
- 11 Breakfast on the second day could have been better, but everything else was great.
- 12 Great conference learned a lot.
- 13 Great Job!
- 14 I did not like that I had to wait around 2 hours on Thursday till the Reception. I live 30 minutes away and probaly would not have com back.
- 15 I enjoyed all the workshops and I would want presenters to return next year.
- 16 Great conference.
- 17 **Everything was informative.**
- 18 Very educational. Speaker was very excellent the beginning of the conference and the ending of the conference.
- 19 Awesome!
- 20 Very informative.
- 21 We need to be able to download all information from one location.
- 22 Loved all the key speakers for general sessions.
- 23 More workshops for educators.
- 24 Conference was great.
- 25 Heathier snacks woud be good!
- 26 **Have CEs for LPC or NCC sponsored by MS Dept of Mental Health.**
- 27 Love One Man Show!
- 28 Love Love Loved One Man Show!
- 29 LPC=CEUs Please Please
- 30 **We were instructed to be present via email at 8 am. Many of us drove four hours to meet that time. Not only could we not register till 11 am but we**
- 31 I wish to have more days to attend more classes. GREAT JOB to the committee.
- 32 Best Conference Every!! Very Informative.
- 33 The speaker didn't show for the suicide, bullying session. I was looking forward to that one.
- 34 Dr. Jones/One Man Band/were great. Would love to see them next year.
- 35 This conference was phenomenal as always. Lots of useful into presented!
- 36 All the sessions were great, only thing I wish the presenter has more time to explore their objectives.
- 37 Please keep up the good work and continue to let God use each one of you that he's a part when it comes to our youth.
- 38 Great Keep up the great work.
- 39 I really enjoyed everything from the conference.
- 40 Awesome speakers.
- 41 Great conference.
- 42 Don't change a thing!
- 43 Enjoyed opening and closing speakers.
- 44 Dr. Jones, Art Powell and Judge Hatchett were great!
- 45 Great conference.
- 46 Need more diversity at networking events!

CONFERENCE EVALUATION SUMMARY

- 47 Judge Hatchett & Dr. Jones speeches were excellent!
- 48 Great Conference - Love the starting time on last day!!
- 49 Great opening session with Judge Hatchett!
- 50 Room temps were very good.
- 51 This was an excellent conference. Great information.
- 52 The first time that I have attended a conference when I enjoyed everything.
- 53 I enjoyed the conference. It was very helpful and I'm looking forward to taking the information I have learned and using it.
- 54 I really enjoyed everything, and looking forward to the next one. Keep up the good training!!
- 55 On the opening afternoon, there was poor time management during the ceremonies.

Notes:

- 1 If the response is highlighted, only the wording that could be read was recorded. I had the copies, so the original may need to be reviewed.
- 2 The responses to Questions 3 and 4 were sorted according to how participants named the session.

By: Senator(s) Wiggins

To: Judiciary, Division A;
AppropriationsSENATE BILL NO. 2364
(As Sent to Governor)

1 AN ACT TO CREATE THE MISSISSIPPI JUVENILE DETENTION
2 FACILITIES LICENSING ACT; TO PROVIDE CERTAIN DEFINITIONS; TO
3 PRESCRIBE CERTAIN DUTIES OF THE JUVENILE FACILITIES MONITORING
4 UNIT IN ITS ROLE AS A LICENSING AGENCY; TO REQUIRE THE DEPARTMENT
5 OF EDUCATION TO PROMULGATE CERTAIN RULES AS THEY PERTAIN TO THE
6 EDUCATION OF CHILDREN HOUSED IN JUVENILE DETENTION FACILITIES; TO
7 PROVIDE THAT JUVENILE DETENTION FACILITIES MUST HAVE A LICENSE TO
8 OPERATE AS OF OCTOBER OF 2017; TO REQUIRE THE LICENSING AGENCY TO
9 MAKE INSPECTIONS; TO PROVIDE A HEARING AND APPEALS PROCESS IF A
10 JUVENILE DETENTION FACILITY'S LICENSE IS SUSPENDED, REVOKED OR
11 RESTRICTED; TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972,
12 TO REMOVE CERTAIN MINIMUM STANDARDS FOR THE JUVENILE DETENTION
13 CENTER; TO AMEND SECTION 43-21-323, MISSISSIPPI CODE OF 1972, IN
14 CONFORMITY THERETO; TO PROVIDE THAT NO STATEMENTS, ADMISSIONS OR
15 CONFESSIONS OR INCRIMINATING INFORMATION OBTAINED FROM A YOUTH
16 DURING A SCREENING OR ASSESSMENT SHALL BE ADMITTED INTO EVIDENCE
17 AGAINST THE CHILD ON THE ISSUE OF WHETHER THE CHILD COMMITTED A
18 DELINQUENT ACT; TO AMEND SECTION 43-21-105, MISSISSIPPI CODE OF
19 1972, TO ADD THE TERMS "ASSESSMENT" AND "SCREENING" UNDER THE
20 YOUTH COURT LAW; TO AMEND SECTIONS 43-21-559 AND 43-21-561,
21 MISSISSIPPI CODE OF 1972, TO PROHIBIT STATEMENTS, ADMISSIONS OR
22 CONFESSIONS FROM BEING ADMITTED INTO EVIDENCE TO DETERMINE
23 DELINQUENCY; TO AMEND SECTION 43-21-603, MISSISSIPPI CODE OF 1972,
24 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Sections 1 through 8 and Section 11 of this act
27 shall be cited as the "Mississippi Juvenile Detention Facilities
28 Licensing Act."

29 **SECTION 2.** The purpose of this act is to protect and promote
30 the health and safety of the children who are detained in juvenile
31 detention centers in this state by providing for the licensing of
32 juvenile detention facilities to assure that certain minimum
33 standards are maintained.

34 **SECTION 3.** As used in this act, the following words shall
35 have the following meanings:

36 (a) "Facility administrator" means the principal
37 official of the facility.

38 (b) "Facility staff" means all employees of the
39 facility who are under the supervision of the facility
40 administrator.

41 (c) "Juvenile detention facility" and "facility" are
42 synonymous and each means a secure facility that house children
43 who are charged with a delinquent act as defined in Section
44 43-21-105(j).

45 (d) "Licensing agency" means the Juvenile Facilities
46 Monitoring Unit of the Department of Public Safety.

47 **SECTION 4.** (1) The licensing agency shall have the
48 following powers and duties, in addition to the other duties
49 prescribed by law:

50 (a) To adopt the licensing standards set forth by the
51 Juvenile Detention and Alternatives Taskforce's 2014 report;



52 (b) To promulgate future rules and regulations
53 concerning the licensing and regulation of juvenile detention
54 facilities;

55 (c) To issue, deny, suspend, revoke, restrict, or
56 otherwise take disciplinary action against juvenile detention
57 facilities;

58 (d) To provide the training required by the rules and
59 regulations promulgated by the licensing agency to all facility
60 administrators and facility staff; and

61 (e) To have such other powers as may be required to
62 carry out the provisions of this act.

63 (2) The licensing agency shall require a criminal records
64 background check and a child abuse registry check for all facility
65 administrators and facility staff of a juvenile detention
66 facility. The Department of Human Services has the authority to
67 disclose to the licensing agency any potential applicant whose
68 name is listed on the Child Abuse Central Registry or has a
69 pending administrative review. That information shall remain
70 confidential.

71 (3) The licensing agency shall have the authority to exclude
72 individuals or entities for prospective or current employment on
73 the basis of a particular crime or crimes or a substantiated
74 finding of child abuse or neglect.

75 (4) Information in the possession of the licensing agency
76 concerning the license of a juvenile detention facility may be



disclosed to the public, but the information shall not be disclosed in a manner that would identify children detained in the facility. Nothing in this section affects the agency's authority to release findings of investigations into allegations of abuse under either Section 43-21-353(8) or Section 43-21-257.

(5) The Mississippi Department of Education is responsible for promulgating rules and regulations related to the education of all children housed in a juvenile detention facility. The Mississippi Department of Education must conduct inspections of the facility's educational services at least annually or more often as deemed necessary. After each inspection, the department must provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure.

SECTION 5. Beginning October 1, 2016, the licensing agency shall conduct mock reviews of all juvenile detention facilities and determine what, if any, issues exist that may prevent licensure pursuant to the adopted rules and regulations. From and after October 1, 2017, no county or state entity shall establish, own, operate, and maintain a juvenile detention facility without a license issued under this act.

SECTION 6. A license issued under this act must be renewed every two (2) years.



101 **SECTION 7.** The licensing agency shall make inspections to
102 determine ongoing compliance with the laws and regulations
103 governing the licensure of juvenile detention facilities.
104 Inspections shall be made at least twice a year, but additional
105 inspections may be made as often as deemed necessary by the
106 licensing agency. The licensing agency is not required to provide
107 any notice to the facility before making an inspection.

108 **SECTION 8.** (1) The licensing agency may deny or refuse to
109 renew a license for any of the reasons set forth in subsection (3)
110 of this section.

111 (2) Before the licensing agency may deny or refuse to renew
112 a license, the county or contractor operating the juvenile
113 detention facility is entitled to a hearing before the director of
114 the licensing agency in order to show cause why the license should
115 not be denied or should be renewed.

116 (3) The licensing agency may suspend, revoke, or restrict
117 the license of any juvenile detention center upon one or more of
118 the following grounds:

119 (a) Fraud, misrepresentation or concealment of material
120 facts;

121 (b) Violation of any of the provisions of this act or
122 any of the regulations governing the licensing and regulation of
123 juvenile detention facilities promulgated by the licensing agency;



124 (c) Any conduct, or failure to act that is found or
125 determined by the licensing agency to threaten the health and
126 safety of children at the facility;

127 (d) Failure of a juvenile detention facility to conduct
128 background checks as required under Section 4 of this act.

129 (e) Information that is received by the licensing
130 agency as a result of the criminal records background check and
131 the child abuse registry check on all facility administrators and
132 facility staff under Section 4 of this act.

133 (4) The licensing agency shall develop rules and regulations
134 related to the development and implementation of corrective action
135 plans to address violations at facilities before a revocation,
136 suspension, or restriction of the facility's license.

137 (5) Before the licensing agency may suspend, revoke or
138 restrict the license of a facility, the county or contractor
139 affected by that decision is entitled to a hearing before the
140 director of the licensing agency in which it may show cause why
141 the license should not be suspended, revoked, or restricted.

142 (6) A juvenile detention facility that disagrees with or is
143 aggrieved by the licensing agency in regard to the denial, refusal
144 to renew, or the suspension, revocation, or restriction of the
145 license for the juvenile detention facility may appeal to the
146 chancery court of the county in which the facility is located.
147 The appeal shall be filed no later than thirty (30) days after the



licensee receives written notice of the final administrative action by the licensing agency.

SECTION 9. Section 43-21-321, Mississippi Code of 1972, is amended as follows:

43-21-321. (1) * * * All juvenile detention centers shall develop and implement policies and procedures that comply with the regulations promulgated by the Juvenile Facilities Monitoring Unit.

* * *

(* * *2) If a student's detention will cause * * * the student to miss one or more days of school during the academic school year, the detention center staff shall notify school district officials where the detainee last attended school by the first school day following the student's placement in the facility. Detention center staff shall not disclose youth court records to the school district, except as provided by Section 43-21-261.

(* * *3) All juvenile detention centers shall adhere to the following minimum standards:

(a) Each center shall have a manual that states the policies and procedures for operating and maintaining the facility, and the manual shall be reviewed annually and revised as needed;



171 (b) Each center shall have a policy that specifies
172 support for a drug-free workplace for all employees, and the
173 policy shall, at a minimum, include the following:

174 (i) The prohibition of the use of illegal drugs;

175 (ii) The prohibition of the possession of any
176 illegal drugs except in the performance of official duties;

177 (iii) The procedure used to ensure compliance with
178 a drug-free workplace policy;

179 (iv) The opportunities available for the treatment
180 and counseling for drug abuse; and

181 (v) The penalties for violation of the drug-free
182 workplace policy; and

183 (c) Each center shall have a policy, procedure and
184 practice that ensures that personnel files and records are
185 current, accurate and confidential * * *.

186 * * *

187 (* * *4) Local school districts shall work collaboratively
188 with juvenile detention center staff to provide special education
189 services as required by state and federal law. Upon the written
190 request of the youth court judge for the county in which the
191 detention center is located, a local school district in the county
192 in which the detention center is located, or a private provider
193 agreed upon by the youth court judge and sponsoring school
194 district, shall provide a certified teacher to provide educational
195 services to detainees. The youth court judge shall designate the



196 school district which shall be defined as the sponsoring school
197 district. The local home school district shall be defined as the
198 school district where the detainee last attended prior to
199 detention. Teacher selection shall be in consultation with the
200 youth court judge. The Legislature shall annually appropriate
201 sufficient funds for the provision of educational services, as
202 provided under this section, to detainees in detention
203 centers * * *.

204 (* * *5) The sponsoring school district, or a private
205 provider agreed upon by the youth court judge and sponsoring
206 school district, shall be responsible for providing the
207 instructional program for the detainee while in detention. After
208 forty-eight (48) hours of detention, excluding legal holidays and
209 weekends, the detainee shall receive the following services which
210 may be computer-based:

211 (* * *a) Diagnostic assessment of grade-level mastery
212 of reading and math skills;

213 (* * *b) Individualized instruction and practice to
214 address any weaknesses identified in the assessment conducted
215 under * * * paragraph (a) of this subsection if the detainee is in
216 the center for more than forty-eight (48) hours; and

217 (* * *c) Character education to improve
218 behavior * * *.

219 (* * *6) No later than the tenth day of detention, the
220 detainee shall begin an extended detention education program. A



221 team consisting of a certified teacher provided by the local
222 sponsoring school district or a private provider agreed upon by
223 the youth court judge and sponsoring school district, the
224 appropriate official from the local home school district, and the
225 youth court counselor or representative will develop an
226 individualized education program for the detainee, where
227 appropriate as determined by the teacher of the sponsoring school
228 district, or a private provider agreed upon by the youth court
229 judge and sponsoring school district. The detainee's parent or
230 guardian shall participate on the team unless excused by the youth
231 court judge. Failure of any party to participate shall not delay
232 implementation of this education program * * *.

233 (* * *7) The sponsoring school district, or a private
234 provider agreed upon by the youth court judge and sponsoring
235 school district, shall provide the detention center with an
236 appropriate and adequate computer lab to serve detainees. The
237 Legislature shall annually appropriate sufficient funds to equip
238 and maintain the computer labs. The computer lab shall become the
239 property of the detention centers and the sponsoring school
240 districts shall maintain and update the labs * * *.

241 (* * *8) The Mississippi Department of Education will
242 collaborate with the appropriate state and local agencies,
243 juvenile detention centers and local school districts to ensure
244 the provision of educational services to every student placed in a
245 juvenile detention center. The Mississippi Department of



246 Education has the authority to develop and promulgate policies and
247 procedures regarding financial reimbursements to the sponsoring
248 school district from school districts that have students of record
249 or compulsory-school-age residing in said districts placed in a
250 youth detention center. Such services may include, but not be
251 limited to: assessment and math and reading instruction,
252 character education and behavioral counseling. The Mississippi
253 Department of Education shall work with the appropriate state and
254 local agencies, juvenile detention centers and local school
255 districts to annually determine the proposed costs for educational
256 services to youth placed in juvenile detention centers and
257 annually request sufficient funding for such services as
258 necessary * * *.

259 * * *

260 (* * *9) Juvenile detention centers shall ensure that
261 staffs create transition planning for youth leaving the
262 facilities. Plans shall include providing the youth and his or
263 her parents or guardian with copies of the youth's detention
264 center education and health records, information regarding the
265 youth's home community, referrals to mental and counseling
266 services when appropriate, and providing assistance in making
267 initial appointments with community service providers; the
268 transition team will work together to help the detainee
269 successfully transition back into the home school district once
270 released from detention. The transition team will consist of a



271 certified teacher provided by the local sponsoring school
272 district, or a private provider agreed upon by the youth court
273 judge and sponsoring school district, the appropriate official
274 from the local home school district, the school attendance officer
275 assigned to the local home school district, and the youth court
276 counselor or representative. The detainee's parent or guardian
277 shall participate on the team unless excused by the youth court
278 judge. Failure of any party to participate shall not delay
279 implementation of this education program * * *.

280 (* * *10) The Juvenile Detention Facilities Monitoring Unit
281 shall monitor the detention facilities for compliance with these
282 minimum standards, and no child shall be housed in a detention
283 facility the monitoring unit determines is substantially out of
284 compliance with the standards prescribed in this subsection.

285 * * *

286 **SECTION 10.** Section 43-21-323, Mississippi Code of 1972, is
287 amended as follows:

288 43-21-323. (1) There is established the Juvenile Detention
289 Facilities Monitoring Unit within the Department of Public Safety
290 to work in cooperation with the Council of Youth Court Judges and
291 Referees and the Juvenile Justice Advisory Committee described in
292 Sections 45-1-33 and 43-21-125; the Juvenile Detention Facilities
293 Monitoring Unit is the licensing agency for juvenile detention
294 facilities, as defined in Section 3 of this act. The unit shall
295 be responsible for investigating, evaluating and securing the



296 rights of children held in juvenile justice facilities, including
297 detention centers, training schools and group homes throughout the
298 state to ensure that the facilities operate in compliance with
299 national best practices and state and federal law. The monitoring
300 unit shall only monitor group homes that serve as a dispositional
301 placement for delinquent youth pursuant to Section 43-21-605.

302 Nothing in this section shall be construed as giving the
303 monitoring unit authority to monitor foster care or shelter care
304 placements. All monitors shall be employees of the Department of
305 Public Safety. The inspections by the unit shall encompass the
306 following:

307 (a) To review and evaluate (i) all procedures set by
308 detention centers, training schools and group homes and (ii) all
309 records containing information related to the operations of the
310 detention centers, training schools and group homes;

311 (b) To review and investigate all complaints filed with
312 the monitoring unit concerning children's treatment in detention
313 centers, training schools and group homes;

314 (c) To conduct quarterly monitoring visits of all
315 detention centers, training schools and group homes. The monitor
316 shall have access to an entire facility and shall conduct
317 confidential interviews with youth and facility staff;

318 (d) To advise a facility on how to meet the needs of
319 children who require immediate attention;



320 (e) To provide technical assistance and advice to
321 juvenile detention facilities, which will assist the facilities in
322 complying with state and federal law.

323 To carry out the duties in this subsection (1) a monitor may
324 consult with an administrator, employee, child, parent, expert or
325 other individual in the course of monitoring or investigating. In
326 addition, the monitor may review court documents and other
327 confidential records as necessary to fulfill these duties.

328 (2) Additional duties of the monitoring unit are as follows:

329 (a) To make available on a quarterly basis to the
330 Governor, Lieutenant Governor and each member of the Legislature
331 and each member of a county board of supervisors, a report that
332 describes:

- 333 (i) The work of the monitoring unit;
334 (ii) The results of any review or investigation
335 undertaken by the monitoring unit;
336 (iii) Any allegations of abuse or injury of a
337 child; and
338 (iv) Any problems concerning the administration of
339 a detention center.

340 The reports described in this subsection shall keep the names
341 of all children, parents and employees confidential.

342 (b) To promote awareness among the public and the
343 children held in detention by providing the following:

- 344 (i) How the monitoring unit may be contacted;



345 (ii) The purpose of the monitoring unit; and
346 (iii) The services that the monitoring unit
347 provides.

348 (3) The records of a monitor shall be confidential. Any
349 child, staff member, parent or other interested individual may
350 communicate to a monitor in person, by mail, by phone, or any
351 other means. All communications shall be kept confidential and
352 privileged, except that the youth court and the facility shall
353 have access to such records, but the identity of reporters shall
354 remain confidential.

355 **SECTION 11.** (1) No statements, admissions or confessions
356 made by or incriminatory information obtained from a child in the
357 course of a screening or assessment that is undertaken in
358 conjunction with any proceedings under this act, including, but
359 not limited to, that which is court-ordered, shall be admitted
360 into evidence against the child on the issue of whether the child
361 committed a delinquent act under the Youth Court Act or on the
362 issue of guilt in any criminal proceedings.

363 (2) The provisions of subsection (1) of this section are in
364 addition to and do not override any existing statutory and
365 constitutional prohibition on the admission into evidence in
366 delinquency or criminal proceedings of information obtained during
367 screening, assessment or treatment.

368 **SECTION 12.** Section 43-21-105, Mississippi Code of 1972, is
369 amended as follows:



370 43-21-105. The following words and phrases, for purposes of
371 this chapter, shall have the meanings ascribed herein unless the
372 context clearly otherwise requires:

373 (a) "Youth court" means the Youth Court Division.

374 (b) "Judge" means the judge of the Youth Court
375 Division.

376 (c) "Designee" means any person that the judge appoints
377 to perform a duty which this chapter requires to be done by the
378 judge or his designee. The judge may not appoint a person who is
379 involved in law enforcement to be his designee.

380 (d) "Child" and "youth" are synonymous, and each means
381 a person who has not reached his eighteenth birthday. A child who
382 has not reached his eighteenth birthday and is on active duty for
383 a branch of the armed services or is married is not considered a
384 "child" or "youth" for the purposes of this chapter.

385 (e) "Parent" means the father or mother to whom the
386 child has been born, or the father or mother by whom the child has
387 been legally adopted.

388 (f) "Guardian" means a court-appointed guardian of the
389 person of a child.

390 (g) "Custodian" means any person having the present
391 care or custody of a child whether such person be a parent or
392 otherwise.

393 (h) "Legal custodian" means a court-appointed custodian
394 of the child.

395 (i) "Delinquent child" means a child who has reached
396 his tenth birthday and who has committed a delinquent act.

397 (j) "Delinquent act" is any act, which if committed by
398 an adult, is designated as a crime under state or federal law, or
399 municipal or county ordinance other than offenses punishable by
400 life imprisonment or death. A delinquent act includes escape from
401 lawful detention and violations of the Uniform Controlled
402 Substances Law and violent behavior.

403 (k) "Child in need of supervision" means a child who
404 has reached his seventh birthday and is in need of treatment or
405 rehabilitation because the child:

406 (i) Is habitually disobedient of reasonable and
407 lawful commands of his parent, guardian or custodian and is
408 ungovernable; or

409 (ii) While being required to attend school,
410 willfully and habitually violates the rules thereof or willfully
411 and habitually absents himself therefrom; or

412 (iii) Runs away from home without good cause; or

413 (iv) Has committed a delinquent act or acts.

414 (l) "Neglected child" means a child:

415 (i) Whose parent, guardian or custodian or any
416 person responsible for his care or support, neglects or refuses,
417 when able so to do, to provide for him proper and necessary care
418 or support, or education as required by law, or medical, surgical,
419 or other care necessary for his well-being; however, a parent who



420 withholds medical treatment from any child who in good faith is
421 under treatment by spiritual means alone through prayer in
422 accordance with the tenets and practices of a recognized church or
423 religious denomination by a duly accredited practitioner thereof
424 shall not, for that reason alone, be considered to be neglectful
425 under any provision of this chapter; or

426 (ii) Who is otherwise without proper care,
427 custody, supervision or support; or

428 (iii) Who, for any reason, lacks the special care
429 made necessary for him by reason of his mental condition, whether
430 the mental condition is having mental illness or having an
431 intellectual disability; or

432 (iv) Who, for any reason, lacks the care necessary
433 for his health, morals or well-being.

434 (m) "Abused child" means a child whose parent, guardian
435 or custodian or any person responsible for his care or support,
436 whether legally obligated to do so or not, has caused or allowed
437 to be caused, upon the child, sexual abuse, sexual exploitation,
438 emotional abuse, mental injury, nonaccidental physical injury or
439 other maltreatment. However, physical discipline, including
440 spanking, performed on a child by a parent, guardian or custodian
441 in a reasonable manner shall not be deemed abuse under this
442 section.

443 (n) "Sexual abuse" means obscene or pornographic
444 photographing, filming or depiction of children for commercial



445 purposes, or the rape, molestation, incest, prostitution or other
446 such forms of sexual exploitation of children under circumstances
447 which indicate that the child's health or welfare is harmed or
448 threatened.

449 (o) "A child in need of special care" means a child
450 with any mental or physical illness that cannot be treated with
451 the dispositional alternatives ordinarily available to the youth
452 court.

453 (p) A "dependent child" means any child who is not a
454 child in need of supervision, a delinquent child, an abused child
455 or a neglected child, and which child has been voluntarily placed
456 in the custody of the Department of Human Services by his parent,
457 guardian or custodian.

458 (q) "Custody" means the physical possession of the
459 child by any person.

460 (r) "Legal custody" means the legal status created by a
461 court order which gives the legal custodian the responsibilities
462 of physical possession of the child and the duty to provide him
463 with food, shelter, education and reasonable medical care, all
464 subject to residual rights and responsibilities of the parent or
465 guardian of the person.

466 (s) "Detention" means the care of children in
467 physically restrictive facilities.

468 (t) "Shelter" means care of children in physically
469 nonrestrictive facilities.



470 (u) "Records involving children" means any of the
471 following from which the child can be identified:
472 (i) All youth court records as defined in Section
473 43-21-251;
474 (ii) All social records as defined in Section
475 43-21-253;
476 (iii) All law enforcement records as defined in
477 Section 43-21-255;
478 (iv) All agency records as defined in Section
479 43-21-257; and
480 (v) All other documents maintained by any
481 representative of the state, county, municipality or other public
482 agency insofar as they relate to the apprehension, custody,
483 adjudication or disposition of a child who is the subject of a
484 youth court cause.
485 (v) "Any person responsible for care or support" means
486 the person who is providing for the child at a given time. This
487 term shall include, but is not limited to, stepparents, foster
488 parents, relatives, nonlicensed baby-sitters or other similar
489 persons responsible for a child and staff of residential care
490 facilities and group homes that are licensed by the Department of
491 Human Services.
492 (w) The singular includes the plural, the plural the
493 singular and the masculine the feminine when consistent with the
494 intent of this chapter.



495 (x) "Out-of-home" setting means the temporary
496 supervision or care of children by the staff of licensed day care
497 centers, the staff of public, private and state schools, the staff
498 of juvenile detention facilities, the staff of unlicensed
499 residential care facilities and group homes and the staff of, or
500 individuals representing, churches, civic or social organizations.

501 (y) "Durable legal custody" means the legal status
502 created by a court order which gives the durable legal custodian
503 the responsibilities of physical possession of the child and the
504 duty to provide him with care, nurture, welfare, food, shelter,
505 education and reasonable medical care. All these duties as
506 enumerated are subject to the residual rights and responsibilities
507 of the natural parent(s) or guardian(s) of the child or children.

508 (z) "Status offense" means conduct subject to
509 adjudication by the youth court that would not be a crime if
510 committed by an adult.

511 (aa) "Financially able" means a parent or child who is
512 ineligible for a court-appointed attorney.

513 (bb) "Assessment" means an individualized examination
514 of a child to determine the child's psychosocial needs and
515 problems, including the type and extent of any mental health,
516 substance abuse or co-occurring mental health and substance abuse
517 disorders and recommendations for treatment. The term includes,
518 but is not limited to, a drug and alcohol, psychological or



519 psychiatric evaluation, records review, clinical interview or the
520 administration of a formal test and instrument.

521 (cc) "Screening" means a process, with or without the
522 administration of a formal instrument, that is designed to
523 identify a child who is at increased risk of having mental health,
524 substance abuse or co-occurring mental health and substance abuse
525 disorders that warrant immediate attention, intervention or more
526 comprehensive assessment.

527 **SECTION 13.** Section 43-21-559, Mississippi Code of 1972, is
528 amended as follows:

529 43-21-559. (1) In arriving at its adjudicatory decision,
530 the youth court shall consider only evidence which has been
531 formally admitted at the adjudicatory hearing. All testimony
532 shall be under oath and may be in narrative form. In proceedings
533 to determine whether a child is a delinquent child or a child in
534 need of supervision, the youth court shall admit any evidence that
535 would be admissible in a criminal proceeding. In proceedings to
536 determine whether a child is a neglected child or an abused child,
537 the youth court shall admit any evidence that would be admissible
538 in a civil proceeding.

539 (2) An out-of-court admission by the child, even if
540 otherwise admissible, shall be insufficient to support an
541 adjudication that the child is a delinquent child unless the
542 admission is corroborated, in whole or in part, by other competent
543 evidence.

(3) Members of the youth court staff may appear as witnesses except that no member of the youth court staff may testify as to an admission or confession made to him.

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

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

SECTION 14. Section 43-21-561, Mississippi Code of 1972, is amended as follows:

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

(2) Where the petition alleges that the child is a delinquent child, the youth court may enter an order that the



569 child is a child in need of supervision on proof beyond a
570 reasonable doubt that the child is a child in need of supervision.

571 (3) If the court finds from a preponderance of the evidence
572 that the child is a neglected child, an abused child, a dependent
573 child or a child in need of special care the youth court shall
574 enter an order adjudicating the child to be a neglected child, an
575 abused child, dependent child or a child in need of special care.

576 (4) No decree or order of adjudication concerning any child
577 shall recite that a child has been found guilty; but it shall
578 recite that a child is found to be a delinquent child or a child
579 in need of supervision or a neglected child or an abused child or
580 a sexually abused child or a dependent child or a child in need of
581 special care. Upon a written motion by a party, the youth court
582 shall make written findings of fact and conclusions of law upon
583 which it relies for the adjudication that the child is a
584 delinquent child, a child in need of supervision, a neglected
585 child, an abused child, a dependent child or a child in need of
586 special care.

587 (5) No adjudication upon the status of any child shall
588 operate to impose any of the civil disabilities ordinarily imposed
589 on an adult because of a criminal conviction, nor shall any child
590 be deemed a criminal by reason of adjudication, nor shall that
591 adjudication be deemed a conviction. A person in whose interest
592 proceedings have been brought in the youth court may deny, without
593 any penalty, the existence of those proceedings and any



594 adjudication made in those proceedings. Except for the right of a
595 defendant or prosecutor in criminal proceedings and a respondent
596 or a youth court prosecutor in youth court proceedings to
597 cross-examine a witness, including a defendant or respondent, to
598 show bias or interest, no adjudication shall be used for
599 impeachment purposes in any court.

600 (6) (a) No statements, admissions or confessions made by or
601 incriminatory information obtained from a child in the course of a
602 screening or assessment that is undertaken in conjunction with any
603 proceedings under this chapter, including, but not limited to,
604 that which is court-ordered, shall be admitted into evidence
605 against the child on the issue of whether the child committed a
606 delinquent act under this chapter or on the issue of guilt in any
607 criminal proceedings.

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

613 **SECTION 15.** Section 43-21-603, Mississippi Code of 1972, is
614 amended as follows:

615 43-21-603. (1) At the beginning of each disposition
616 hearing, the judge shall inform the parties of the purpose of the
617 hearing.



618 (2) All testimony shall be under oath unless waived by all
619 parties and may be in narrative form. The court may consider any
620 evidence that is material and relevant to the disposition of the
621 cause, including hearsay and opinion evidence. At the conclusion
622 of the evidence, the youth court shall give the parties an
623 opportunity to present oral argument.

624 (3) If the child has been adjudicated a delinquent child,
625 before entering a disposition order, the youth court should
626 consider, among others, the following relevant factors:

627 (a) The nature of the offense;

628 (b) The manner in which the offense was committed;

629 (c) The nature and number of a child's prior
630 adjudicated offenses;

631 (d) The child's need for care and assistance;

632 (e) The child's current medical history, including
633 medication and diagnosis;

634 (f) The child's mental health history, which may
635 include, but not be limited to, the Massachusetts Youth Screening
636 Instrument version 2 (MAYSI-2);

637 (g) Copies of the child's cumulative record from the
638 last school of record, including special education records, if
639 applicable;

640 (h) Recommendation from the school of record based on
641 areas of remediation needed;

642 (i) Disciplinary records from the school of record; and

643 (j) Records of disciplinary actions outside of the
644 school setting.

645 (4) If the child has been adjudicated a child in need of
646 supervision, before entering a disposition order, the youth court
647 should consider, among others, the following relevant factors:

648 (a) The nature and history of the child's conduct;

649 (b) The family and home situation; and

650 (c) The child's need of care and assistance.

651 (5) If the child has been adjudicated a neglected child or
652 an abused child, before entering a disposition order, the youth
653 court shall consider, among others, the following relevant
654 factors:

655 (a) The child's physical and mental conditions;

656 (b) The child's need of assistance;

657 (c) The manner in which the parent, guardian or
658 custodian participated in, tolerated or condoned the abuse,
659 neglect or abandonment of the child;

660 (d) The ability of a child's parent, guardian or
661 custodian to provide proper supervision and care of a child; and

662 (e) Relevant testimony and recommendations, where
663 available, from the foster parent of the child, the grandparents
664 of the child, the guardian ad litem of the child, representatives
665 of any private care agency that has cared for the child, the
666 family protection worker or family protection specialist assigned

667 to the case, and any other relevant testimony pertaining to the
668 case.

669 (6) After consideration of all the evidence and the relevant
670 factors, the youth court shall enter a disposition order that
671 shall not recite any of the facts or circumstances upon which the
672 disposition is based, nor shall it recite that a child has been
673 found guilty; but it shall recite that a child is found to be a
674 delinquent child, a child in need of supervision, a neglected
675 child or an abused child.

676 (7) If the youth court orders that the custody or
677 supervision of a child who has been adjudicated abused or
678 neglected be placed with the Department of Human Services or any
679 other person or public or private agency, other than the child's
680 parent, guardian or custodian, the youth court shall find and the
681 disposition order shall recite that:

682 (a) (i) Reasonable efforts have been made to maintain
683 the child within his own home, but that the circumstances warrant
684 his removal and there is no reasonable alternative to custody; or

685 (ii) The circumstances are of such an emergency
686 nature that no reasonable efforts have been made to maintain the
687 child within his own home, and that there is no reasonable
688 alternative to custody; and

689 (b) That the effect of the continuation of the child's
690 residence within his own home would be contrary to the welfare of

691 the child and that the placement of the child in foster care is in
692 the best interests of the child; or

693 (c) Reasonable efforts to maintain the child within his
694 home shall not be required if the court determines that:

695 (i) The parent has subjected the child to
696 aggravated circumstances, including, but not limited to,
697 abandonment, torture, chronic abuse and sexual abuse; or

698 (ii) The parent has been convicted of murder of
699 another child of that parent, voluntary manslaughter of another
700 child of that parent, aided or abetted, attempted, conspired or
701 solicited to commit that murder or voluntary manslaughter, or a
702 felony assault that results in the serious bodily injury to the
703 surviving child or another child of that parent; or

704 (iii) The parental rights of the parent to a
705 sibling have been terminated involuntarily; and

706 (iv) That the effect of the continuation of the
707 child's residence within his own home would be contrary to the
708 welfare of the child and that placement of the child in foster
709 care is in the best interests of the child.

710 Once the reasonable efforts requirement is bypassed, the
711 court shall have a permanency hearing under Section 43-21-613
712 within thirty (30) days of the finding.

713 (8) Upon a written motion by a party, the youth court shall
714 make written findings of fact and conclusions of law upon which it
715 relies for the disposition order. If the disposition ordered by



716 the youth court includes placing the child in the custody of a
717 training school, an admission packet shall be prepared for the
718 child that contains the following information:

719 (a) The child's current medical history, including
720 medications and diagnosis;

721 (b) The child's mental health history;

722 (c) Copies of the child's cumulative record from the
723 last school of record, including special education records, if
724 reasonably available;

725 (d) Recommendation from the school of record based on
726 areas of remediation needed;

727 (e) Disciplinary records from the school of record; and

728 (f) Records of disciplinary actions outside of the
729 school setting, if reasonably available.

730 Only individuals who are permitted under the Health Insurance
731 Portability and Accountability Act of 1996 (HIPAA) shall have
732 access to a child's medical records which are contained in an
733 admission packet. The youth court shall provide the admission
734 packet to the training school at or before the child's arrival at
735 the training school. The admittance of any child to a training
736 school shall take place between the hours of 8:00 a.m. and 3:00
737 p.m. on designated admission days.

738 (9) When a child in the jurisdiction of the Youth Court is
739 committed to the custody of the Mississippi Department of Human
740 Services and is believed to be in need of treatment for a mental



741 or emotional disability or infirmity, the Department of Human
742 Services shall file an affidavit alleging that the child is in
743 need of mental health services with the Youth Court. The Youth
744 Court shall refer the child to the appropriate community mental
745 health center for evaluation pursuant to Section 41-21-67. If the
746 prescreening evaluation recommends residential care, the Youth
747 Court shall proceed with civil commitment pursuant to Sections
748 41-21-61 et seq., 43-21-315 and 43-21-611, and the Department of
749 Mental Health, once commitment is ordered, shall provide
750 appropriate care, treatment and services for at least as many
751 adolescents as were provided services in fiscal year 2004 in its
752 facilities.

753 (10) Any screening and assessment examinations ordered by
754 the court may aid in dispositions related to delinquency, but no
755 statements or admissions made during the course thereof may be
756 admitted into evidence against the child on the issue of whether
757 the child committed a delinquent act.

758 **SECTION 16.** Sections 1 through 8 and Section 11 of this act
759 shall be codified in Chapter 21, Title 43, Mississippi Code of
760 1972.

761 **SECTION 17.** This act shall take effect and be in force from
762 and after July 1, 2016.

