

Task Force begins work on uniform rules of procedure for Youth Courts

January 8, 2008

The Task Force for Youth Court Rules of Procedure convened on Jan. 7 in Jackson to discuss uniform rules for the state's Youth Courts.

Supreme Court Justice Mike Randolph of Hattiesburg, co-chair of the Task Force, told the group, "Most important in drafting, you should consider the people you are serving. How is this going to affect a child? How is this going to affect a parent? How will this affect the protection of our society?"

The Mississippi Supreme Court in an order signed by Chief Justice James W. Smith Jr. on Oct. 22, 2007, created the Task Force and charged it with overseeing development of a set of uniform rules of procedure. The 12-member Task Force includes judges and representatives of the Department of Human Services, Department of Mental Health, Department of Education and the Administrative Office of Courts.

The Mississippi Judicial College is developing the proposed uniform rules. Judicial College Staff Attorney William Charlton, Director Cynthia D. Davis and University of Mississippi School of Law Dean Samuel M. Davis will lead in drafting proposed rules for consideration by the Task Force, and ultimately, the Supreme Court. The Supreme Court has rule-making authority over all state courts.

Charlton said, "Our purpose is to bring efficiency, economy and uniformity and make the system work better."

The work of the Judicial College will include a survey of judges, attorneys and others associated with the juvenile justice system, study of juvenile court rules in other states, and review of state and federal laws.

After proposed rules are drafted, the Judicial College will also seek comment from the Mississippi Commission for Children's Justice, the Council of Youth Court Judges, other judges, attorneys and the public. A timetable for the submission of comments has yet to be announced.

Abuse and neglect of juveniles, as well as delinquent acts committed by juveniles, are matters within the jurisdiction of the Youth Court. The structure of the Youth Court varies across the state. In the 19 counties which have a County Court, those judges also serve as Youth Court judges. In counties which do not have a County Court, the Chancery judge may hear Youth Court matters, or the Chancery Judge may appoint a lawyer to act in a judicial capacity as Youth Court Referee. The city of Pearl also has its own municipal Youth Court.

Rankin County Court Judge Thomas H. Broome said that with all the different levels of courts handling matters involving juveniles, "There is a lack of consistency."

Inconsistencies also cost the state sorely needed federal dollars in areas such as foster care, said attorney Jamie McBride, Court Improvement Program Coordinator for the Administrative Office of Courts. For instance, children in foster care under the supervision of the Department of Human Services may be deemed ineligible for some federal reimbursement money if a "permanency hearing" is not conducted within a prescribed time. Even if the judge conducted such a hearing, if the court documents refer to it by some other name, the funding may be lost.

Permanency requirements under the federal statutes must be addressed in the development of uniform rules for Mississippi Youth Courts, the Supreme Court said in an Oct. 12, 2007, document which set out issues to be addressed in the uniform rules.

The Supreme Court called for the proposed rules to address state and federal statutes, case

law and Department of Human Services policies. The rules must address Youth Court processes and forms for orders, petitions, summonses and other Youth Court documents.

State laws governing the conduct of Youth Court matters are contained in the Youth Court Act, which was enacted in 1979. Forrest County Court Judge Michael W. McPhail noted that federal and state requirements differ. “The federal law has drastically changed, ” Judge McPhail said.

Adams County Court Judge John N. Hudson said he hopes that the Task Force can develop a uniform set of rules that will help anyone involved in a Youth Court matter navigate the system.

Judge Broome said, “My hope is to provide a practical and realistic guide for the practitioners, the judges, the families and the youth.”

Justice Randolph co-chairs the Task Force with Judge Thomas B. Storey of West Point, who is Clay County Youth Court Referee. Other members of the Task Force include: Rankin County Court Judge Thomas H. Broome, Adams County Court Judge John N. Hudson, Forrest County Court Judge Michael W. McPhail, Department of Human Services officials Ricky Felder and Kathy Pittman, Department of Mental Health Executive Director Ed LeGrand, Department of Education officials Joy Milam and Steve Williams, Court Improvement Program Coordinator Jamie McBride, and Administrative Office of Courts Project Manager Dennis Perkins.

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