

By: Representative Hines

To: Juvenile Justice

HOUSE BILL NO. 348

1 AN ACT TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE YOUTH DETENTION STAFF TO NOTIFY SCHOOL DISTRICTS IF A  
3 DETAINED CHILD MISSES ONE OR MORE DAYS FROM SCHOOL DUE TO SUCH  
4 CHILD'S DETAINMENT; TO AMEND SECTION 43-21-605, MISSISSIPPI CODE  
5 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-21-321, Mississippi Code of 1972, is  
8 amended as follows:

9 43-21-321. (1) All juveniles shall undergo a health  
10 screening within one (1) hour of admission to any juvenile  
11 detention center, or as soon thereafter as reasonably possible.  
12 Information obtained during the screening shall include, but shall  
13 not be limited to, the juvenile's:

- 14 (a) Mental health;
- 15 (b) Suicide risk;
- 16 (c) Alcohol and other drug use and abuse;
- 17 (d) Physical health;
- 18 (e) Aggressive behavior;
- 19 (f) Family relations;
- 20 (g) Peer relations;
- 21 (h) Social skills;
- 22 (i) Educational status; and
- 23 (j) Vocational status.

24 (2) If the screening instrument indicates that a juvenile is  
25 in need of emergency medical care or mental health intervention  
26 services, the detention staff shall refer those juveniles to the  
27 proper health care facility or community mental health service  
28 provider for further evaluation, as soon as reasonably possible.



29 If the screening instrument, such as the Massachusetts Youth  
30 Screening Instrument version 2 (MAYSI-2) or other comparable  
31 mental health screening instrument indicates that the juvenile is  
32 in need of emergency medical care or mental health intervention  
33 services, the detention staff shall refer the juvenile to the  
34 proper health care facility or community mental health service  
35 provider for further evaluation, recommendation and referral for  
36 treatment, if necessary, within forty-eight (48) hours, excluding  
37 Saturdays, Sundays and statutory state holidays.

38 (3) All juveniles shall receive a thorough orientation to  
39 the center's procedures, rules, programs and services. The intake  
40 process shall operate twenty-four (24) hours per day.

41 (4) The directors of all of the juvenile detention centers  
42 shall amend or develop written procedures for admission of  
43 juveniles who are new to the system. These shall include, but are  
44 not limited to, the following:

45 (a) Determine that the juvenile is legally committed to  
46 the facility;

47 (b) Make a complete search of the juvenile and his  
48 possessions;

49 (c) Dispose of personal property;

50 (d) Require shower and hair care, if necessary;

51 (e) Issue clean, laundered clothing, as needed;

52 (f) Issue personal hygiene articles;

53 (g) Perform medical, dental and mental health  
54 screening;

55 (h) Assign a housing unit for the juvenile;

56 (i) Record basic personal data and information to be  
57 used for mail and visiting lists;

58 (j) Assist juveniles in notifying their families of  
59 their admission and procedures for mail and visiting;

60 (k) Assign a registered number to the juvenile; and



61 (1) Provide written orientation materials to the  
62 juvenile.

63 (5) If a student's detention will cause him or her to miss  
64 one or more days of school the detention center staff shall notify  
65 school district officials where the detainee last attended school  
66 by the first school day following the student's placement in the  
67 facility. Detention center staff shall not disclose youth court  
68 records to the school district, except as provided by Section  
69 43-21-261.

70 (6) All juvenile detention centers shall adhere to the  
71 following minimum standards:

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

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

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

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

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

84 (iv) The opportunities available for the treatment  
85 and counseling for drug abuse; and

86 (v) The penalties for violation of the drug-free  
87 workplace policy;

88 (c) Each center shall have a policy, procedure and  
89 practice that ensures that personnel files and records are  
90 current, accurate and confidential;

91 (d) Each center shall promote the safety and protection  
92 of juvenile detainees from personal abuse, corporal punishment,  
93 personal injury, disease, property damage and harassment;



94 (e) Each center shall have written policies that allow  
95 for mail and telephone rights for juvenile detainees, and the  
96 policies are to be made available to all staff and reviewed  
97 annually;

98 (f) Center food service personnel shall implement  
99 sanitation practices based on State Department of Health food  
100 codes;

101 (g) Each center shall provide juveniles with meals that  
102 are nutritionally adequate and properly prepared, stored and  
103 served according to the State Department of Health food codes;

104 (h) Each center shall offer special diet food plans to  
105 juveniles under the following conditions:

106 (i) When prescribed by appropriate medical or  
107 dental staff; or

108 (ii) As directed or approved by a registered  
109 dietitian or physician; and

110 (iii) As a complete meal service and not as a  
111 supplement to or choice between dietary meals and regular meals;

112 (i) Each center shall serve religious diets when  
113 approved and petitioned in writing by a religious professional on  
114 behalf of a juvenile and approved by the juvenile detention center  
115 director;

116 (j) Juvenile detention center directors shall provide a  
117 written method of ensuring regular monitoring of daily  
118 housekeeping, pest control and sanitation practices, and centers  
119 shall comply with all federal, state and local sanitation and  
120 health codes;

121 (k) Juvenile detention center staff shall screen  
122 detainees for medical, dental and mental health needs during the  
123 intake process. If medical, dental or mental health assistance is  
124 indicated by the screening, or if the intake officer deems it  
125 necessary, the detainee shall be provided access to appropriate  
126 health care professionals for evaluation and treatment. Youth who



127 are held less than seventy-two (72) hours shall receive treatment  
128 for emergency medical, dental or mental health assistance or  
129 chronic conditions if a screening indicates such treatment is  
130 needed. A medical history of all detainees shall be completed by  
131 the intake staff of the detention center immediately after arrival  
132 at the facility by using a medical history form which shall  
133 include, but not be limited to, the following:

134 (i) Any medical, dental and mental health  
135 treatments and medications the juvenile is taking;

136 (ii) Any chronic health problems such as  
137 allergies, seizures, diabetes, hearing or sight loss, hearing  
138 conditions or any other health problems; and

139 (iii) Documentation of all medications  
140 administered and all health care services rendered;

141 (l) Juvenile detention center detainees shall be  
142 provided access to medical care and treatment while in custody of  
143 the facility;

144 (m) Each center shall provide reasonable access by  
145 youth services or county counselors for counseling opportunities.  
146 The youth service or county counselor shall visit with detainees  
147 on a regular basis;

148 (n) Juvenile detention center detainees shall be  
149 referred to other counseling services when necessary including:  
150 mental health services; crisis intervention; referrals for  
151 treatment of drugs and alcohol and special offender treatment  
152 groups;

153 (o) Local school districts shall work collaboratively  
154 with juvenile detention center staff to provide special education  
155 services as required by state and federal law. Upon the written  
156 request of the youth court judge for the county in which the  
157 detention center is located, a local school district in the county  
158 in which the detention center is located, or a private provider  
159 agreed upon by the youth court judge and sponsoring school



160 district, shall provide a certified teacher to provide educational  
161 services to detainees. The youth court judge shall designate said  
162 school district which shall be defined as the sponsoring school  
163 district. The local home school district shall be defined as the  
164 school district where the detainee last attended prior to  
165 detention. Teacher selection shall be in consultation with the  
166 youth court judge. The Legislature shall annually appropriate  
167 sufficient funds for the provision of educational services, as  
168 provided under this act, to detainees in detention centers.

169 (p) The sponsoring school district, or a private  
170 provider agreed upon by the youth court judge and sponsoring  
171 school district, shall be responsible for providing the necessary  
172 instructional program for the student. After forty-eight (48)  
173 hours of detention, excluding legal holidays and weekends, the  
174 detainee shall receive the following services which may be  
175 computer-based:

176 (i) Diagnostic assessment of grade-level mastery  
177 of reading and math skills;

178 (ii) Individualized instruction and practice to  
179 address any weaknesses identified in the assessment conducted  
180 under subparagraph (i), provided such detainee is in the center  
181 for more than forty-eight (48) hours; and

182 (iii) Character education to improve behavior.

183 (q) No later than the tenth day of detention, the  
184 detainee shall begin an extended detention education program. A  
185 team consisting of a certified teacher provided by the local  
186 sponsoring school district or a private provider agreed upon by  
187 the youth court judge and sponsoring school district, the  
188 appropriate official from the local home school district, and the  
189 youth court counselor or representative will develop an  
190 individualized education program for the detainee, where  
191 appropriate as determined by the teacher of the sponsoring school  
192 district, or a private provider agreed upon by the youth court



193 judge and sponsoring school district. The detainee's parent or  
194 guardian shall participate on the team unless excused by the youth  
195 court judge. Failure of any party to participate shall not delay  
196 implementation of this education program.

197 (r) The sponsoring school district, or a private  
198 provider agreed upon by the youth court judge and sponsoring  
199 school district, shall provide the detention center with an  
200 appropriate and adequate computer lab to serve detainees. The  
201 Legislature shall annually appropriate sufficient funds to equip  
202 and maintain the computer labs. The computer lab shall become the  
203 property of the detention centers and the sponsoring school  
204 districts shall maintain and update the labs.

205 (s) The Mississippi Department of Education will  
206 collaborate with the appropriate state and local agencies,  
207 juvenile detention centers and local school districts to ensure  
208 the provision of educational services to every student placed in a  
209 juvenile detention center. Such services may include, but not be  
210 limited to: assessment and math and reading instruction,  
211 character education and behavioral counseling. The Mississippi  
212 Department of Education shall work with the appropriate state and  
213 local agencies, juvenile detention centers and local school  
214 districts to annually determine the proposed costs for educational  
215 services to youth placed in juvenile detention centers and  
216 annually request sufficient funding for such services as  
217 necessary.

218 (t) Recreational services shall be made available to  
219 juvenile detainees for purpose of physical exercise;

220 (u) Juvenile detention center detainees shall have the  
221 opportunity to participate in the practices of their religious  
222 faith as long as such practices do not violate facility rules and  
223 are approved by the director of the juvenile detention center;

224 (v) Each center shall provide sufficient space for a  
225 visiting room, and the facility shall encourage juveniles to



226 maintain ties with families through visitation, and the detainees  
227 shall be allowed the opportunity to visit with the social workers,  
228 counselors and lawyers involved in the juvenile's care;

229           (w) Juvenile detention centers shall ensure that staffs  
230 create transition planning for youth leaving the facilities.  
231 Plans shall include providing the youth and his or her parents or  
232 guardian with copies of the youth's detention center education and  
233 health records, information regarding the youth's home community,  
234 referrals to mental and counseling services when appropriate, and  
235 providing assistance in making initial appointments with community  
236 service providers; the transition team will work together to help  
237 the detainee successfully transition back into the home school  
238 district once released from detention. The transition team will  
239 consist of a certified teacher provided by the local sponsoring  
240 school district, or a private provider agreed upon by the youth  
241 court judge and sponsoring school district, the appropriate  
242 official from the local home school district, the school  
243 attendance officer assigned to the local home school district, and  
244 the youth court counselor or representative. The detainee's  
245 parent or guardian shall participate on the team unless excused by  
246 the youth court judge. Failure of any party to participate shall  
247 not delay implementation of this education program; and

248           (x) The Juvenile Detention Facilities Monitoring Unit  
249 shall monitor the detention facilities for compliance with these  
250 minimum standards, and no child shall be housed in a detention  
251 facility the monitoring unit determines is substantially out of  
252 compliance with the standards prescribed in this subsection.

253           (7) Programs and services shall be initiated for all  
254 juveniles once they have completed the admissions process.

255           (8) Programs and professional services may be provided by  
256 the detention staff, youth court staff or the staff of the local  
257 or state agencies, or those programs and professional services may





258 be provided through contractual arrangements with community  
259 agencies.

260 (9) Persons providing the services required in this section  
261 must be qualified or trained in their respective fields.

262 (10) All directors of juvenile detention centers shall amend  
263 or develop written procedures to fit the programs and services  
264 described in this section.

265 **SECTION 2.** Section 43-21-605, Mississippi Code of 1972, is  
266 amended as follows:

267 43-21-605. (1) In delinquency cases, the disposition order  
268 may include any of the following alternatives:

269 (a) Release the child without further action;

270 (b) Place the child in the custody of the parents, a  
271 relative or other persons subject to any conditions and  
272 limitations, including restitution, as the youth court may  
273 prescribe;

274 (c) Place the child on probation subject to any  
275 reasonable and appropriate conditions and limitations, including  
276 restitution, as the youth court may prescribe;

277 (d) Order terms of treatment calculated to assist the  
278 child and the child's parents or guardian which are within the  
279 ability of the parent or guardian to perform;

280 (e) Order terms of supervision which may include  
281 participation in a constructive program of service or education or  
282 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
283 restitution not in excess of actual damages caused by the child to  
284 be paid out of his own assets or by performance of services  
285 acceptable to the victims and approved by the youth court and  
286 reasonably capable of performance within one (1) year;

287 (f) Suspend the child's driver's license by taking and  
288 keeping it in custody of the court for not more than one (1) year;

289 (g) Give legal custody of the child to any of the  
290 following:



291 (i) The Department of Human Services for  
292 appropriate placement; or  
293 (ii) Any public or private organization,  
294 preferably community-based, able to assume the education, care and  
295 maintenance of the child, which has been found suitable by the  
296 court; or  
297 (iii) The Department of Human Services for  
298 placement in a wilderness training program or the Division of  
299 Youth Services for placement in a state-supported training school,  
300 except that no child under the age of ten (10) years shall be  
301 committed to a state training school, and no first-time nonviolent  
302 youth offenders shall be committed to a state training school  
303 until all other options provided for in this section have been  
304 considered and the court makes a specific finding of fact that  
305 commitment is appropriate.

306 The training school may retain custody of the child until the  
307 child's twentieth birthday but for no longer. When the child is  
308 committed to a training school, the child shall remain in the  
309 legal custody of the training school until the child has made  
310 sufficient progress in treatment and rehabilitation and it is in  
311 the best interest of the child to release the child. However, the  
312 superintendent of a state training school, in consultation with  
313 the treatment team, may parole a child at any time he may deem it  
314 in the best interest and welfare of such child. Twenty (20) days  
315 prior to such parole, the training school shall notify the  
316 committing court of the pending release. The youth court may then  
317 arrange subsequent placement after a reconvened disposition  
318 hearing, except that the youth court may not recommit the child to  
319 the training school or any other secure facility without an  
320 adjudication of a new offense or probation or parole violation.  
321 The Department of Human Services shall ensure that staffs create  
322 transition planning for youth leaving the facilities. Plans shall  
323 include providing the youth and his or her parents or guardian



324 with copies of the youth's training school education and health  
325 records, information regarding the youth's home community,  
326 referrals to mental and counseling services when appropriate, and  
327 providing assistance in making initial appointments with community  
328 service providers. Prior to assigning the custody of any child to  
329 any private institution or agency, the youth court through its  
330 designee shall first inspect the physical facilities to determine  
331 that they provide a reasonable standard of health and safety for  
332 the child. No child shall be placed in the custody of a state  
333 training school for a status offense or for contempt of or  
334 revocation of a status offense adjudication unless the child is  
335 contemporaneously adjudicated for having committed an act of  
336 delinquency that is not a status offense. A disposition order  
337 rendered under this subparagraph shall meet the following  
338 requirements:

339                   1. The disposition is the least restrictive  
340 alternative appropriate to the best interest of the child and the  
341 community;

342                   2. The disposition allows the child to be in  
343 reasonable proximity to the family home community of each child  
344 given the dispositional alternatives available and the best  
345 interest of the child and the state; and

346                   3. The disposition order provides that the  
347 court has considered the medical, educational, vocational, social  
348 and psychological guidance, training, social education,  
349 counseling, substance abuse treatment and other rehabilitative  
350 services required by that child as determined by the court;

351                   (h) Recommend to the child and the child's parents or  
352 guardian that the child attend and participate in the Youth  
353 Challenge Program under the Mississippi National Guard, as created  
354 in Section 43-27-203, subject to the selection of the child for  
355 the program by the National Guard; however, the child must



356 volunteer to participate in the program. The youth court shall  
357 not order any child to apply for or attend the program;

358 (i) (i) Adjudicate the juvenile to the Statewide  
359 Juvenile Work Program if the program is established in the court's  
360 jurisdiction. The juvenile and his parents or guardians must sign  
361 a waiver of liability in order to participate in the work program.  
362 The judge will coordinate with the youth services counselors as to  
363 placing participants in the work program;

364 (ii) The severity of the crime, whether or not the  
365 juvenile is a repeat offender or is a felony offender will be  
366 taken into consideration by the judge when adjudicating a juvenile  
367 to the work program. The juveniles adjudicated to the work  
368 program will be supervised by police officers or reserve officers.  
369 The term of service will be from twenty-four (24) to one hundred  
370 twenty (120) hours of community service. A juvenile will work the  
371 hours to which he was adjudicated on the weekends during school  
372 and weekdays during the summer. Parents are responsible for a  
373 juvenile reporting for work. Noncompliance with an order to  
374 perform community service will result in a heavier adjudication.  
375 A juvenile may be adjudicated to the community service program  
376 only two (2) times;

377 (iii) The judge shall assess an additional fine on  
378 the juvenile which will be used to pay the costs of implementation  
379 of the program and to pay for supervision by police officers and  
380 reserve officers. The amount of the fine will be based on the  
381 number of hours to which the juvenile has been adjudicated;

382 (j) Order the child to participate in a youth court  
383 work program as provided in Section 43-21-627;

384 (k) Order the child into a juvenile detention center  
385 operated by the county or into a juvenile detention center  
386 operated by any county with which the county in which the court is  
387 located has entered into a contract for the purpose of housing  
388 delinquents. The time period for detention cannot exceed ninety



389 (90) days, and any detention exceeding forty-five (45) days shall  
390 be administratively reviewed by the youth court no later than  
391 forty-five (45) days after the entry of the order. The youth  
392 court judge may order that the number of days specified in the  
393 detention order be served either throughout the week or on  
394 weekends only. No first-time nonviolent youth offender shall be  
395 committed to a detention center for a period of ninety (90) days  
396 until all other options provided for in this section have been  
397 considered and the court makes a specific finding of fact that  
398 commitment to a detention center is appropriate. However, if a  
399 child is committed to a detention center ninety (90) consecutive  
400 days, the disposition order shall meet the following requirements:

401 (i) The disposition order is the least restrictive  
402 alternative appropriate to the best interest of the child and the  
403 community;

404 (ii) The disposition order allows the child to be  
405 in reasonable proximity to the family home community of each child  
406 given the dispositional alternatives available and the best  
407 interest of the child and the state; and

408 (iii) The disposition order provides that the  
409 court has considered the medical, educational, vocational, social  
410 and psychological guidance, training, social education,  
411 counseling, substance abuse treatment and other rehabilitative  
412 services required by that child as determined by the court; or

413 (1) Referral to A-team provided system of care  
414 services.

415 (2) If a disposition order requires that a child miss school  
416 due to other placement, the youth court shall notify a child's  
417 school while maintaining the confidentiality of the youth court  
418 process. If a disposition order requires placement of a child in  
419 a juvenile detention facility, the facility shall comply with the  
420 educational services and notification requirements of Section  
421 43-21-321.



422           (3) In addition to any of the disposition alternatives  
423 authorized under subsection (1) of this section, the disposition  
424 order in any case in which the child is adjudicated delinquent for  
425 an offense under Section 63-11-30 shall include an order denying  
426 the driver's license and driving privileges of the child as  
427 required under Section 63-11-30(9).

428           (4) If the youth court places a child in a state-supported  
429 training school, the court may order the parents or guardians of  
430 the child and other persons living in the child's household to  
431 receive counseling and parenting classes for rehabilitative  
432 purposes while the child is in the legal custody of the training  
433 school. A youth court entering an order under this subsection (4)  
434 shall utilize appropriate services offered either at no cost or  
435 for a fee calculated on a sliding scale according to income unless  
436 the person ordered to participate elects to receive other  
437 counseling and classes acceptable to the court at the person's  
438 sole expense.

439           (5) Fines levied under this chapter shall be paid into the  
440 general fund of the county but, in those counties wherein the  
441 youth court is a branch of the municipal government, it shall be  
442 paid into the municipal treasury.

443           (6) Any institution or agency to which a child has been  
444 committed shall give to the youth court any information concerning  
445 the child as the youth court may at any time require.

446           (7) The youth court shall not place a child in another  
447 school district who has been expelled from a school district for  
448 the commission of a violent act. For the purpose of this  
449 subsection, "violent act" means any action which results in death  
450 or physical harm to another or an attempt to cause death or  
451 physical harm to another.

452           (8) The youth court may require drug testing as part of a  
453 disposition order. If a child tests positive, the court may  
454 require treatment, counseling and random testing, as it deems



455 appropriate. The costs of such tests shall be paid by the parent,  
456 guardian or custodian of the child unless the court specifically  
457 finds that the parent, guardian or custodian is unable to pay.

458 (9) The Mississippi Department of Human Services, Division  
459 of Youth Services, shall operate and maintain services for youth  
460 adjudicated delinquent at Columbia and Oakley Training Schools.  
461 The program shall be designed for children committed to the  
462 training schools by the youth courts. The purpose of the program  
463 is to promote good citizenship, self-reliance, leadership and  
464 respect for constituted authority, teamwork, cognitive abilities  
465 and appreciation of our national heritage. The Division of Youth  
466 Services shall issue credit towards academic promotions and high  
467 school completion. The Division of Youth Services may award  
468 credits to each student who meets the requirements for a general  
469 education development certification. The Division of Youth  
470 Services must also provide to each special education eligible  
471 youth the services required by that youth's individualized  
472 education plan.

473 **SECTION 3.** This act shall take effect and be in force from  
474 and after July 1, 2008.

