



WEST'S ANNOTATED MISSISSIPPI CODE
TITLE 43. PUBLIC WELFARE
CHAPTER 21. YOUTH COURT
ORGANIZATION, ADMINISTRATION AND OPERATION
§ 43-21-111. Regular and special referees

(1) In any county not having a county court or family court the judge may appoint as provided in Section 43-21-123 regular or special referees who shall be attorneys at law and members of the bar in good standing to act in cases concerning children within the jurisdiction of the youth court, and a regular referee shall hold office until removed by the judge. The requirement that regular or special referees appointed pursuant to this subsection be attorneys shall apply only to regular or special referees who were not first appointed regular or special referees prior to July 1, 1991.

(2) Any referee appointed pursuant to subsection (1) of this section shall be required to receive judicial training approved by the Mississippi Judicial College and shall be required to receive regular annual continuing education in the field of juvenile justice. The amount of judicial training and annual continuing education which shall be satisfactory to fulfill the requirements of this section shall conform with the amount prescribed by the Rules and Regulations for Mandatory Continuing Judicial Education promulgated by the Supreme Court. The Administrative Office of Courts shall maintain a roll of referees appointed under this section, shall enforce the provisions of this subsection and shall maintain records on all such referees regarding such training. Should a referee miss two (2) consecutive training sessions sponsored or approved by the Mississippi Judicial College as required by this subsection or fail to attend one (1) such training session within six (6) months of their initial appointment as a referee, the referee shall be disqualified to serve and be immediately removed as a referee and another member of the bar shall be appointed as provided in this section.

(3) The judge may direct that hearings in any case or class of cases be conducted in the first instance by the referee. The judge may also delegate his own administrative responsibilities to the referee.

(4) All hearings authorized to be heard by a referee shall proceed in the same manner as hearings before the youth court judge. A referee shall possess all powers and perform all the duties of the youth court judge in the hearings authorized to be heard by the referee.

(5) An order entered by the referee shall be mailed immediately to all parties and their counsel. A rehearing by the judge shall be allowed if any party files a written motion for a rehearing or on the court's own motion within three (3) days after notice of referee's order. The youth court may enlarge the time for filing a motion for a rehearing for good cause shown. Any rehearing shall be upon the record of the hearing before the referee, but additional evidence may be admitted in the discretion of the judge. A motion for a rehearing shall not act as a supersedeas of the referee's order, unless the judge shall so order.

(6) The salary for the referee shall be fixed on order of the judge as provided in Section 43-21-123 and shall be paid by the county out of any available funds budgeted for the youth court by the board of supervisors.

(7) Upon request of the boards of supervisors of two (2) or more counties, the judge of the chancery court may appoint a suitable person as referee to two (2) or more counties within his district, and the payment of salary may be divided in such ratio as may be agreed upon by the boards of supervisors.

CREDIT(S)

Laws 1979, Ch. 506, § 6; Laws 1991, Ch. 537, § 2; Laws 1997, Ch. 440, § 2; Laws 1998, Ch. 367, § 1, eff. July 1, 1998.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

At its May 20, 1998 meeting, pursuant to its authority under Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation ratified the correction of a typographical error in the second sentence of subsection (2). The words "Rules and Regulation" were changed to "Rules and Regulations".

CROSS REFERENCES

Administrative director of courts, powers and duties, see § 9-21-9.

Rules and regulations for mandatory continuing legal education, noncompliance and sanctions, see MS CLE Rule 6.

Youth court procedures, see M.R.C.P. 81.

RESEARCH REFERENCES

Encyclopedias

Encyclopedia of Mississippi Law § 78:3, Youth Court Personnel.

Encyclopedia of Mississippi Law § 78:31, Disposition.

JUDICIAL DECISIONS

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1. In general

Payment of a legally appointed "designee" is authorized but must come within the youth court budget which has been approved by the Board of Supervisors. Where the "designee" as set out in the Order of the Youth Court of Warren County, the "designee" is obviously not an employee of the county and therefore would not be included on the county payroll or entitled to employee benefits. The Board of Supervisors has ample authority to set reasonable compensation in its discretion for services rendered. Op.Atty.Gen. No. 2002-0014, Sherard, January 18, 2002.

There is no law that requires the Youth Court Judge or Referee to provide compensation for the service of process. Op.Atty.Gen. No. 95-0637, Winter, Oct. 18, 1995.

Although Section 43-21-111 requires that any referee appointed pursuant to that section receive judicial training from the Mississippi Judicial College and regular annual continuing education in the field of

juvenile justice, designee and referee are not synonymous, and an attorney appointed to serve as a designee for the limited purpose of conducting a specific type of hearing under Section 43-21-301 et seq., is not a referee and therefore is not required to undergo judicial training. Op.Atty.Gen. No. 2000-0595, Storey, October 27, 2000.

2. Construction with other laws

Under Section 43-21-121, the guardian ad litem is appointed by the chancellor or by the referee depending on the authority delegated to the referee by the chancellor, and Section 43-21-111 provides that the "judge may also delegate his own administrative responsibilities to the referee." Op.Atty.Gen. No. 2005-0062, Johnson, April 15, 2005, 2005 WL 1220429.

Miss. Code Ann. § 43-21-111, MS ST § 43-21-111

Current through End of the 2006 Regular
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and 1st and 2nd Ex. Sessions

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