

Summary: Uniform Rules of Youth Court Practice

The Uniform Rules of Youth Court Practice were adopted by the Mississippi Supreme Court on December 11, 2008, pursuant to recommendations of the Task Force for Youth Court Rules of Procedure and based on rules drafted by the Mississippi Judicial College. The rules make significant changes in chancery court family law proceedings involving allegations of abuse or neglect of a child.

Application to Chancery Court. Rule 2 states that the rules apply to a chancery court action in which an allegation of abuse or neglect of a child arises. Proceedings governed by the rules are deemed to commence when a complaint is made that requires action by the Chancery Court. Rule 2(b).

Investigation by intake unit. When allegations of abuse and neglect arise in chancery court, the court must follow the procedures set out in the rules for youth courts. Rule 8(c) and comment to Rule 8(c).

The chancery court must order an investigation by the designated Youth Court Intake Unit, which may order investigation through DHS. After investigation, the intake unit makes a recommendation to the court, including whether to take no action, take informal action, monitor the child and family, or file a petition for a determination of abuse or neglect.

Action on recommendation. Upon receiving the intake unit's recommendation, the chancery court is to act on the recommendation "without a hearing." At this point, the Chancery Court must decide whether to hear the case (and, if so, what immediate action to take based on the recommendation) or to transfer the case to youth court. Rule 8(c).

Retention of case in Chancery Court. If the chancery court decides to hear the case, it must follow all procedures required of a youth court under the rules. Rule 8(c), comment. These include

- Designation of a person to file a petition (within 10 days) for an adjudication of abuse or neglect, using the prescribed form (or within 5 days if the child was taken into custody). Rule 20(c).
- If the child is taken into custody based on intake unit recommendations, a "reasonable efforts" finding within 60 days from the date the child is removed from the home (to assess DHS reasonable efforts to keep the child in the home). Rule 22.
- Use of summons and service procedures prescribed by Rule 22 and the Youth Court Act, MISS. CODE ANN. § 43-21-503.
- An adjudicatory hearing within 90 days of filing the petition, to determine whether the child is abused or neglected (or 30 days if child has been taken into custody)
- If the child is found to be abused or neglected, a separate disposition hearing to determine placement of the child. (Rules of evidence are not applicable in the disposition hearing). Rule 26, comment.

- Disposition orders must comply with the Youth Court Act provisions for such orders, MISS. CODE ANN. §§ 43-21-603, 909.
- Forms, summons, and time requirements are governed by the rules and by the Youth Court Act as referenced by the rules.

Guardian ad litem, attorney for the child. Rule 13 provides for appointment of a guardian ad litem to represent the child's best interest, to make recommendations, and to testify in court. The rule also provides that if the child disagrees with the guardian's recommendation, the court shall also appoint an attorney to represent the child's Preferences." Rule 13(f).

Confidentiality. Under Rule 5, records involving children, as defined under the Youth Court Act, MISS. CODE ANN. § 43-21-105 of the Youth Court Act, shall not be disclosed except as authorized by Mississippi's Youth Court Law or as otherwise provided by law. Media are excluded from proceedings except under extraordinary and compelling circumstances. Rule 5.

Subpoena duces tecum. Request for subpoenas for records involving children (as defined under the Youth Court Act) must be submitted to the chancery court. The chancery court then submits the request to the youth court, which transfers the records to the chancery court for an in camera review to determine whether the records should be released. The youth court may require a hearing to determine whether the court or parties have a legitimate interest to be allowed access to the confidential files. Rule 6.