

# What's in a Name?

Brenda C. Locke  
Juvenile Resource Counsel



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## Child §43-21-105(d)

A person under the age of 18 years of age with some exceptions.



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## Delinquent child §43-21-105(i)

A child who has reached his 10th birthday and who has committed a delinquent act.



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## Delinquent Act §43-21-105(j)

Any act, which if committed by an adult, is a crime under state or federal law, or municipal or county ordinance other than offenses punishable by life imprisonment or death.



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## Child in need of supervision (CHINS) §43-21-105(k)

A child who has reached his seventh birthday and needs treatment or rehabilitation because the child:

- (i) Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or
- (ii) While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or
- (iii) Runs away from home without good cause; or
- (iv) Has committed a delinquent act or acts.

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## Comparing Criminal Court and Juvenile Court Terms

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## Comparing Criminal Court and Juvenile Court Terms

Crime	Delinquent Act
Guilty Plea	Admission
Trial	Full Evidentiary Hrg./Adjudication Hrg.
Sentencing	Disposition
Probation Officer	Division of Youth Services (DYS) Counselor

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## Comparison Chart

Criminal Justice System	Juvenile Court System
Arrest	Taking Child into Custody
Crime	Delinquency Act
Conviction	Proof of Delinquency/Adjudication
Defendant	Respondent/Offender
Detention Hearing	Probable Cause Hearing/Intake
Due Hearing	Final Disposition Hearing
Guilty plea	Admission
Right of trial of fact	Right to be heard/Right of self defense
Substantial information	Information
Warrant	Detention Order
Prison	After Care/Parole
Probationary Hearing	Intake Hearing/Probable Cause Hearing
Prosecutor	State, Youth Commissioner, County/Parole Board, Director of Youth Services (DYS) Counselor
Sentencing	Disposition/Placement
Type of incarceration	Full Evidentiary Hearing/Adjudication Hearing

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## Key Players

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## Judge

Presides over court proceedings. The judge is obligated to conduct proceedings impartially, hear all the witnesses and any other evidence presented by the parties of the case, assess the credibility and arguments of the parties, and then issue a ruling on the matter at hand based on his or her interpretation of the law and his or her own personal judgment. There are no juries in youth court.



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## Referee: §43-21-111

(1) In counties that do not have a county court or family court, the Chancery Court judge may appoint 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. A regular referee shall hold office until removed by the judge.

(2) Referees are 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.

(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.

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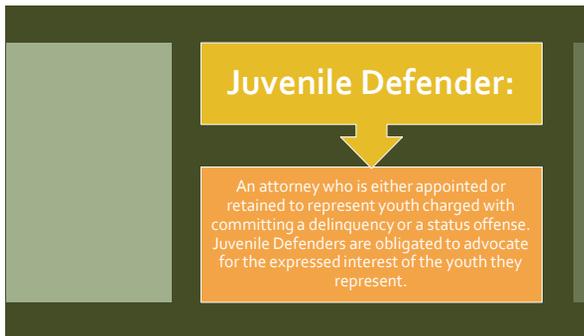
## Designee §43-21-105(c)

A designee is any person that the judge appoints to perform a duty which this chapter requires to be done by the judge or his designee.

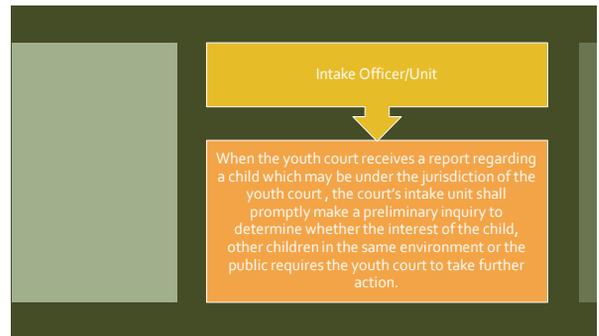
## Prosecutor

The prosecutor represents the government or the "people" of the state. The prosecutor's job is to prove that the charges brought against a youth are true by presenting evidence and witnesses against the youth.

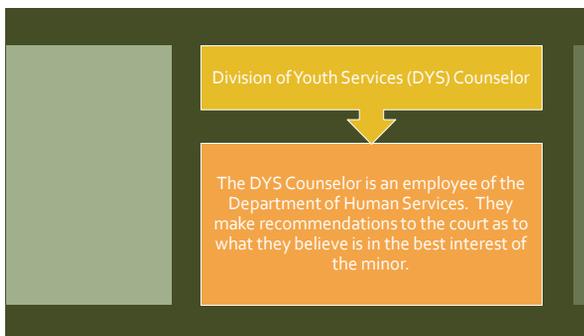
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