

YOUTH COURT FORMS

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PENNSYLVANIA V. RITCHIE 480 U.S. 39 (1987)

WE THEREFORE AFFIRM THE DECISION OF THE PENNSYLVANIA SUPREME COURT TO THE EXTENT IT ORDERS A REMAND FOR FURTHER PROCEEDINGS. RITCHIE IS ENTITLED TO HAVE THE CYS FILE REVIEWED BY THE TRIAL COURT TO DETERMINE WHETHER IT CONTAINS INFORMATION THAT PROBABLY WOULD HAVE CHANGED THE OUTCOME OF HIS TRIAL. IF IT DOES, HE MUST BE GIVEN A NEW TRIAL. IF THE RECORDS MAINTAINED BY CYS CONTAIN NO SUCH INFORMATION, OR IF THE NONDISCLOSURE WAS HARMLESS BEYOND A REASONABLE DOUBT, THE LOWER COURT WILL BE FREE TO REINSTATE THE PRIOR CONVICTION.

MOTION FOR SUBPOENA DUCES TECUM

MOTION FOR SUBPOENA DUCES TECUM
TO _____ COUNTY YOUTH COURT

Comes now _____, by and through counsel, and requests the _____ County Circuit Clerk to issue the following *subpoena duces tecum* and a *protective order* and in support thereof would show:

1. Mr. ____ has been charged with _____. As such, youth court records are required to assist in his representation in ____ Circuit Court. Any such records under the purview of the Youth Court Division of the County (Chancery) Court of _____ County should be delivered to the Circuit Court under seal for an in camera inspection in accordance with the procedures set forth in *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987), to determine which, if any, records should be disclosed.

2. That the minor child/children to whom the subpoena duces tecum applies are as follows:

NAME	Date of Birth
_____	_____
_____	_____
_____	_____

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3. Miss. Code Ann. §43-21-105(u) defines “records involving children” to mean any of the following from which the child can be identified:

- (i) All youth court records as defined in Miss. Code Ann. §43-21-251;
- (ii) All forensic interviews conducted by a child advocacy center in abuse and neglect investigations;
- (iii) All law enforcement records as defined in §43-21-255;
- (iv) All agency records as defined in §43-21-257; and
- (v) All other documents maintained by any representative of the state, county, municipality or other public agency insofar as they relate to the apprehension, custody, adjudication or disposition of a child who is the subject of a youth court cause.

4. The Youth Court Division of the County (Chancery) Court of _____ County, Mississippi has authority under Section 43-21-261 of the Mississippi Code Annotated and Rules 5 and 6 of the Uniform Rules of Youth Court Practice to order disclosure of the child’s records to the judge of another court or the district attorney of the county.

5. The records sought for the following child/children named above are as follows:

- A. Youth Court Records as defined in §43-21-251 of Mississippi’s Youth Court Law and including by not limited to any and all pleadings, orders, summonses, exhibits, physical evidence, witness lists, court and depositions transcripts, dockets, notices, papers, social records (including but not limited to social summaries, medical examination reports, and mental health examination reports) and guardian ad litem reports;

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- B. Forensic interviews conducted by a child advocacy center during any abuse or neglect investigation;
- C. Law enforcement records as defined in §43-21-255 of Mississippi's Youth Court Law and including but not limited to any and all police reports, booking sheets, photographs, affidavits, grand jury indictments, audio and/or video records, physical evidence, medical records, oral and written statements, witness lists and forensic interviews.
- D. Agency records as defined by §43-21-257 of Mississippi's Youth Court Law and including but not limited to Department of Children Protection Services files; and
- E. All other documents maintained by any representative of the state, county, municipality, or other public agency insofar as they relate to the custody, adjudication, or disposition of a child who is the subject of a youth court cause or a Mississippi Department of Child Protection Services investigation and which may be maintained in the records of the entity to whom this command is issued.

6. _____ attorneys are also obligated to perform their due diligence in investigation and mitigation of the charges brought against Mr. _____. Further, said records would assist in the furtherance of justice.

7. The Defendant therefore seeks the Court order the issuance of a *subpoena duces tecum* to the following persons/entities:

- (a) _____ County Youth Court;
- (b) Mississippi Department of Child Protection Services; and/or

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(c) Mississippi Department of Human Services

to produce, if in its possession, to the office set forth hereafter all materials relating to {client, parents, children or any case the client is associated with }

TO BE SENT TO: Honorable _____, _____ County Circuit Judge

MATERIALS TO BE PRODUCED:

All records, recordings, transcripts, exhibits, narratives, summaries, investigations, or information which pertain to the investigation of {client} and investigations of child abuse or neglect of { _____ client's children, client's siblings, parents, depends on who would be the subjects of the investigation }.

WHEREFORE, premises considered, the defendant respectfully moves this Court to direct the issuance of a subpoena duces tecum directing the disclosure of the youth court records as set forth above, said records to be delivered to the Court under seal for an in camera inspection in accordance with the procedures set forth in *Pennsylvania v. Richie*, 480 U.S. 39 (1987), to determine which, if any, records should be disclosed. Further, defendant would request that this Court authorize the inclusion within said subpoena duces tecum of a commend to the Mississippi Department of Human Services, authorizing their Family Protection Specialist, Supervisor, employee, or agent to appear and offer testimony regarding the agency's records relevant to the minor children at issue.

This the _____ day of _____, 2025.

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI
SIXTEENTH JUDICIAL DISTRICT

STATE OF MISSISSIPPI

VERSUS

CAUSE NO.: _____

SUBPOENA DUCES TECUM

TO: Lowndes County Youth Court
1602 College Street,
Columbus, MS 39701

YOU ARE HEREBY COMMANDED to make available the documents and tangible things designated and described below:

1. All records pertaining to:

NAME

DATE OF BIRTH

2. The records sought for the following child/children named above are as follows:

- A. Youth Court Records as defined in §43-21-251 of Mississippi's Youth Court Law and including by not limited to any and all pleadings, orders, summonses, exhibits, physical evidence, witness lists, court and depositions transcripts, dockets, notices, papers, social records (including but not limited to social summaries, medical examination reports, and mental health examination reports) and guardian ad litem reports;

or neglect investigation;

- C. Law enforcement records as defined in §43-21-255 of Mississippi's Youth Court Law and including but not limited to any and all police reports, booking sheets, photographs, affidavits, grand jury indictments, audio and/or video records, physical evidence, medical records, oral and written statements, witness lists and forensic interviews.
- D. Agency records as defined by §43-21-257 of Mississippi's Youth Court Law and including but not limited to Department of Children Protection Services files; and
- E. All other documents maintained by any representative of the state, county, municipality, or other public agency insofar as they relate to the custody, adjudication, or disposition of a child who is the subject of a youth court cause or a Mississippi Department of Child Protection Services investigation and which may be maintained in the records of the entity to whom this command is issued.

3. Said records shall be delivered in person and made available to:

Lowndes County Circuit Court Clerk
Attn: Teresa Barksdale
c/o: Hon. Lee S. Coleman
505 2nd Avenue
Room 260
Columbus, MS 39703

These documents are to be delivered on or before **January 15, 2026, at 5:00 pm** to permit said Judge to perform an in camera inspection in accordance with the procedures set forth in *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987).

This Subpoena for Written Information is issued by **Office of the State Public Defender** for and on behalf of ____ Attendance is not required if records are timely forwarded to the indicated address above.

IN THE YOUTH COURT OF _____ COUNTY, MISSISSIPPI

IN RE: THE INTEREST OF:

CAUSE NO. _____

A MINOR, DOB _____

**ORDER PERMITTING DISCLOSURE
OF RECORDS INVOLVING A CHILD**

ON THIS DAY, this cause came on to be heard upon receipt of a subpoena duces tecum to disclose certain records pertaining to the child named above, and this Court having considered the same, does hereby find that this Court has authority under Miss. Code Ann. §43-21-261 to order a disclosure of the child's records to _____, Circuit Court Judge pursuant to the procedures as laid out in Rule 5 and 6 of the Uniform Rules of Youth Court Practice. Those records include per Miss. Code Ann. §43-21-105(u):

- (i) All youth court records as defined in Miss. Code Ann. §43-21-251;
- (ii) All forensic interviews conducted by a child advocacy center in abuse and neglect investigations;
- (iii) All law enforcement records as defined in §43-21-255;
- (iv) All agency records as defined in §43-21-257; and
- (v) All other documents maintained by any representative of the state, county, municipality or other public agency insofar as they relate to the apprehension, custody, adjudication or disposition of a child who is the subject of a youth court cause.

The purpose of this disclosure is:

IT IS FURTHER ORDERED that pursuant to Mississippi Code Ann. §43-21-261(2), any records which are disclosed under this order and the contents thereof shall be kept confidential by the person or entity to whom the records are disclosed except as provided in this order. Any further disclosure of any record involving the above listed child shall be made only under and by order of this Court or a Court receiving the records pursuant to the instant order.

IT IS FURTHER ORDERED that the Family Protection Specialist(s), Supervisor(s), Employee(s), or Agent(s) of the Mississippi Department of Child Protection Services and/or Mississippi Department of Human Services who have knowledge or prior involvement in the matters pertaining to the minor child identified above shall be authorized to appear and offer testimony regarding the agency's records relevant to the matter being called before the Circuit Court issuing a subpoena duces tecum for the records being disclosed.

SO ORDERED, this the ____ day of _____, 2025.

YOUTH COURT JUDGE/REFEREE

COUNTY

MOTION FOR ORDER PERMITTING LIMITED DISCLOSURE OF RECORDS

The _____ moves this Court for an order of limited disclosure of Agency records pertaining to a minor child, ("minor child"), and in support of this Motion, states:

1. MDCPS is a public agency which possess records involving the minor child.
4. All MDCPS agency records should be disclosed to the Office of _____. Disclosure of records is requested in accordance with Mississippi Code Section 43-21-261 for the purpose of _____.
5. The requested disclosure of Agency records to _____ for _____ is required for the best interests of the minor child.
6. The records to be disclosed should include all records in the possession of MDCPS.
7. Any records which are disclosed, and the contents thereof, shall be kept confidential and shall be governed by the Order of this Court.

WHEREFORE PREMISES CONSIDERED, Mississippi Department of _____ requests that the _____ County Youth Court issue an Order permitting the disclosure of records and documents possessed by MDCPS _____.

RESPECTFULLY SUBMITTED, this the ____ day of _____, 2025.

BY:

CPS Sample Forms

IN THE YOUTH COURT OF _____ COUNTY, MISSISSIPPI

IN THE INTEREST OF:

ORDER PERMITTING LIMITED DISCLOSURE OF RECORDS INVOLVING A CHILD

The Court having considered the motion for disclosure filed in this matter, finds that it has authority under Mississippi Code Section 43-21-261 to order the limited disclosure of the MDCPS records of _____ ("minor children") to _____.

THEREFORE, IT IS HEREBY ORDERED that records involving the minor children in the above styled cause be disclosed only as specified below:

1. The records will be exclusively disclosed to the _____.
2. The records that will be disclosed will include all records in the possession of MDCPS.
3. The purpose of this disclosure is for _____.

IT IS FURTHER ORDERED that any records which are disclosed under this Order and the contents thereof be kept confidential by the person to whom the record is disclosed except as provided in this Order. Any further disclosure of any record involving the minor children will be made only under an Order of this Court.

SO ORDERED this the ____ day of _____, 2025.

County Youth Court Judge



DO NOT SEND TO THE
COUNTY CPS OFFICE!!!!

EMAIL TO:

Legaldocuments@mdcps.ms.
gov

What forms would you like
to see in a form bank?





JENNIFER MORGAN

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