

Barrister's Battle: Redemption or Repeat

**September 19, 2025
Questions and Answers**

Jurisdiction & Venue

- Q: The court which has original jurisdiction of any act attempted or committed by a child, which if committed by an adult would be punishable by life imprisonment or death.
- A: What is "Circuit Court"? MS Code §43-21-151(1)(a)
- Q: Jurisdiction of the child in a delinquency or CHINS cause attaches at this point.
- A: What is "the time of the offense"? §43-21-151(2)
- Q: The age at which youth court jurisdiction, once obtained, ends, unless terminated sooner by the court.
- A: What is "20"? §43-21-157(2)
- Q: The proper venue to commence a proceeding alleging that a child is a delinquent child or a child in need of supervision, shall be in. The proper venue to commence a proceeding alleging that a child is a delinquent child or a child in need of supervision, shall be in.
- A: What is "Any county where any of the alleged acts are said to have occurred"? §43-21-155(1)
- Q: Fill in the Blank: After adjudication, the youth court may, in the best interest of the child, transfer the case at any stage of the proceeding for _____ to the county where the child resides or to a county where a youth court has previously acquired jurisdiction.
- A: What is "disposition"? §43-21-155(1)

Petitions & Informal Adjustments

- Q: Fill in the Blank: A petition shall be filed within _____ from the date of a detention hearing continuing custody or in noncustody cases within _____ of the court order authorizing the filing of a petition.

- A: What is “5 days“ and “10 days“? §43-21-451
- Q: The remedy for failure to comply with the time schedule for the filing of a petition.
- A: What is “The court may, in its discretion, dismiss the petition“? §43-21-451
- Q: True or False: A child has the right to counsel at an informal adjustment conference.
- A: What is “True“? §43-21-405(2)
- Q: The maximum length of the original time period for an informal adjustment.
- A: What is “Six Months“? §43-21-405(6)
- Q: A petition alleging the child to be a delinquent child must recite factual allegations with the same particularity required in a _____ but need not have the same technical form.
- A: What is “Criminal Indictment“? §43-21-455(4)

Disposition

- Q: A monetary fine is not a statutory dispositional alternative for this category of offense.
- A: What is “Child in Need of Supervision“? §43-21-607
- Q: The burden of proof required in a hearing for modification of a disposition order, or a probation or parole violation.
- A: What is “Beyond a Reasonable Doubt“? §43-21-613(1)
- Q: Fill in the Blank: All disposition orders for supervision, probation or placement of a child with an individual or an agency shall be reviewed by the youth court judge or referee at least _____ to determine if continued placement, probation or supervision is in the best interest of the child or the public.
- A: What is “Annually“? §43-21-613(3)(a)
- Q: True or False: “Financially able” means a parent or child who is ineligible for a court-appointed attorney.
- A: What is “True“? §43-21-105(aa)
- Q: Fill in the Blank: The court may consider any evidence that is material and relevant to the disposition of the cause, including _____ and _____ evidence.
- A: What is “Hearsay“ and “Opinion“? §43-21-603(2)

APPEALS

- Q: A hearing held by a Chancellor on motion of a party filed within three days of receiving notice of the subject order. This hearing is held on the previous hearing's record. However, the judge may allow additional evidence to be admitted at their discretion.
- A: What is "Motion for Rehearing of Referee's Order"? §43-21-111(5)
- Q: Time period within which notice of appeal must be filed with the clerk of the trial court from the date of the entry of the judgement or order appealed from.
- A: What is "30 Days"? M.R.A.P. 4(a)
- Q: True or False: An appeal automatically stays the enforcement of the youth court's disposition of the case unless the court specifically orders otherwise.
- A: What is "False"? §43-21-651(3)
- Q: True, False or Maybe: An order transferring a youth from the jurisdiction of the youth court to circuit court (adult court) is a final order for the purposes of appeal to the Supreme Court.
- A: What is "True/Maybe"? Final Orders in youth court include orders that grant durable legal custody or durable legal relative guardianship, *transfer jurisdiction over the minor child to another court, such as for an adoption, or otherwise terminate the jurisdiction of the youth court over the minor child.*

§ 43-21-651. Review by supreme court (1)(a) The court to which appeals may be taken from final orders or decrees of the youth court shall be the Supreme Court of Mississippi pursuant to the Rules of Appellate Procedure. Final Orders in youth court include orders that grant durable legal custody or durable legal relative guardianship, transfer jurisdiction over the minor child to another court, such as for an adoption, or otherwise terminate the jurisdiction of the youth court over the minor child.

In the Interest WATKINS, 324 So.2d 232 (1975). We hold that no appeal to this Court lies from a youth court order that does no more than decline jurisdiction and certify the case to the circuit court. Otherwise in youth court cases two appeals to this Court would be possible: one from the order of transfer and the other from the conviction in the circuit court. Such a result would be intolerably burdensome and would defeat the purpose of the act through unacceptable delay in final disposition of the case.

Considerable discretion must be allowed the Youth Court Judge in determining whether, in a transfer hearing, the transfer should or should not be made. And while the investigation required by [Mississippi Code Annotated section 43-21-31 \(1972\)](#), is essential to the validity of the transfer order, a direct appeal to this Court will not lie from such an order. Adequacy of the youth court investigation may be challenged by motion to quash an indictment returned pursuant of the transfer, and an adverse ruling of the circuit court on such a motion may be assigned as error on appeal to this Court if a conviction follows. However, a decision of the youth court to transfer, made after investigation, will not be disturbed by this Court in the absence of a clear showing of an abuse of discretion. In order to preserve the question on appeal, the motion to quash an indictment, on the ground that the youth court investigation was inadequate, must be filed and presented prior to trial of the case on the merits in the circuit court, and not afterwards.

Q: State agency which has been given statutory authority to represent, at their discretion, indigent youth who have been adjudicated delinquent by a county or chancery court on appeal to the Mississippi Supreme Court.

A: Who is “The Office of State Public Defender”? §99-40-1(2)

Adjudication

Q: Fill in the Blanks: An adjudicatory hearing shall be held within _____ after the filing of the petition.

If the child is in detention, the adjudicatory hearing shall be held as soon as possible but not later than _____ after the child is first detained by the court.

A: What is “Ninety (90) Days” and “Twenty-one (21) Days”? §43-21-551(1), (2)
MS R YCP Rule 24

Q: This type of admission by the child, even if otherwise admissible, shall be insufficient to support an adjudication that the child is a delinquent child unless the admission is corroborated, in whole or in part, by other competent evidence.

A: What is “An Out of Court Admission”? §43-21-559(2)

Q: Fill in the Blank: In arriving at its adjudicatory decision, the youth court shall consider only evidence which has been _____ at the adjudicatory hearing. All testimony shall be under oath and may be in narrative form.

A: What is “Formally Admitted”? §43-21-559(1)

Q: Fill in the Blank: In proceedings to determine whether a child is a delinquent child or a child in need of supervision, the youth court shall admit any evidence that would be admissible in a _____ proceeding.

A: What is “Criminal”? §43-21-559(1)

Q: Remedy if the adjudicatory hearing is not held within the ninety (90) days after the filing of the petition to determine whether there is legally sufficient evidence to find that the child is a delinquent child or a child in need of supervision.

A: What is “The petition shall be dismissed with prejudice”? §43-21-551(1)

Lagniappe

Q: Fill in the Blank: The child’s attorney shall owe the duties of undivided loyalty, confidentiality and _____ to the party client pursuant to the Mississippi Rules of Professional Conduct.

A: What is “Competent Representation”? §43-21-201(4)

Q: Fill in the Blank: Only a child who has been adjudicated delinquent for a _____ may be committed to the training school.

A: What is “Felony”? §43-21-605(1)(g)(iii)

Q: The youngest age that a child may be charged as a child in need of supervision.

A: What is “Seven”? §43-21-105(k)

Q: In the absence of a court order allowing counsel to withdraw, the representation continues until this time.

A: What is “When a timely appeal, if any, has been decided”? §43-21-559(2)

Q: Youngest age a child can be confined in a detention center pre-adjudication.

A: What is “Ten years old”? §43-21-105(i)