



Lynn Fitch
ATTORNEY GENERAL

OPINIONS DIVISION

January 31, 2020

The Honorable Mary B. Cotton
Yazoo County Youth Court Judge
Post Office Box 1437
Yazoo City, Mississippi 39194

Re: Preparation of Youth Court Orders

Dear Judge Cotton:

Attorney General Lynn Fitch is in receipt of your opinion request and has assigned it to me for research and reply.

OFFICIAL OPINION

Background and Issues Presented

Your request asks us to determine if the Youth Court Prosecutor is responsible for preparing the orders issued by the youth court in the prosecution of a juvenile delinquent. You cite a previous opinion issued by this office dealing with a school attendance officer by which this office opined:

[P]aperwork necessary for the filing of a petition should be done by the prosecuting attorney of the youth court. Paperwork for an informal adjustment, an adjudicatory hearing, as well as paperwork necessary for taking a juvenile into custody and disposition of a case should be done by youth court staff, hired by the judge and paid by the county, out of the court budget. . .

MS AG Op., Harkey (December 16, 1996). You then ask if the term "paperwork" includes orders issued by the court. You state you believe the term "paperwork", as used in the previous opinion, includes orders of the court. You ask "whether the Youth Court Prosecutor should be responsible for generating the orders resulting from all adjudication and disposition hearings conducted in the Youth Court."

Response and Legal Analysis

Section 7-5-25 of the Mississippi Code Annotated provides the Attorney General is authorized to issue official opinions to designated State and local public officers upon any question of law relating to their respective offices. Official opinions are not issued to advise one public officer about another public officer's duties and responsibilities. To the extent your request asks about another official's responsibilities, we decline to answer. However, to the extent your question may be limited to who is responsible for the preparation of the orders of the Youth Court, we provide the following response.

In a previous opinion to the Honorable Dale Harkey, this office opined:

It is our opinion that paperwork necessary for the filing of a petition should be done by the prosecuting attorney of the youth court. Paperwork for an informal adjustment, an adjudicatory hearing, as well as paperwork necessary for taking a juvenile into custody and disposition of a case should be done by youth court staff, hired by the judge and paid by the county, out of the court budget, as provided for in Sec. 43-21-119.

MS AG Op., Harkey (December 16, 1996) (emphasis added).

While the Harkey opinion pertained to the duties of a school attendance officer, we find the opinion nonetheless applicable here, as the relevant portion of the opinion clearly deals with the youth court prosecutor's duties as well as the court's duties pursuant to Section 43-21-119 of the Mississippi Code Annotated. Section 43-21-119 states:

The judge or his designee shall appoint as provided in Section 43-21-123 sufficient personnel, responsible to and under the control of the youth court, to carry on the professional, clerical and other work of the youth court. The cost of these persons appointed by the youth court shall be paid as provided in Section 43-21-123 out of any available funds budgeted for the youth court by the board of supervisors.

(Emphasis added). Any paperwork necessary to commence a filing in the youth court would be the responsibility of the youth court prosecutor. However, any paperwork for "taking a juvenile into custody and disposition of a case" is the responsibility of the youth court staff which is hired by the judge and paid by the county out of the court's budget. Therefore, drafting the orders of the court would be the responsibility of the court staff hired by the judge¹.

¹ Though finding the Judge to be ultimately responsible for the issuance of his orders, this office further opined that, "the Circuit Judge may, in his discretion, require a clerk, administrator, attorney, or other individual involved in the criminal court process to draft and present a court order for the judge's signature, in order for the action to be properly recorded among the court's minutes. See MS AG Op., Johnson (April 27, 2001).

The Honorable Mary B. Cotton
January 31, 2020
Page 3

If we can be of further assistance, do not hesitate to call us.

Very truly yours,

LYNN FITCH, ATTORNEY GENERAL

By: 

Emiko Hemleben
Special Assistant Attorney General

OFFICIAL OPINION