



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 31, 2020

Wayne O. Lee, Esq.
Youth Court Referee
Washington County Youth Court
Post Office Box 1037
Greenville, Mississippi 38702-1037

Re: Administrative Hearing in Youth Court

Dear Mr. Lee:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Questions Presented

What is the meaning of “administrative review” as used in Miss. Code Ann. Section 43-21-605(1)(l)(i)?

Are there factors to be considered during the administrative review process bearing upon the number of days specified in the detention order to be served by the juvenile?

Brief Response

Miss. Code Ann. Section 43-21-605(1)(l)(i) requires the youth court to administratively review the time period of a youth’s detention no later than 45-days after entry of the disposition order. In connection with this review, the youth court counselor is required to review the status of the youth in detention and to report any concerns to the court. Miss. Code Ann. Section 43-21-605(1)(l)(i) does not provide a specific definition of “administrative review”.

Section 43-21-605(1)(l)(i) does not specify factors to be considered by the youth court in its administrative review.

Therefore, in the absence of a statutory definition or list of factors, the youth court should exercise its discretion in conducting the administrative review process.

Applicable Law and Discussion

In delinquency cases, a youth may be committed to serve in a juvenile detention center for a time period not exceeding ninety (90) days pursuant to Section 43-21-605(1)(l)(i), which states as follows:

Order the child into a juvenile detention center operated by the county or into a juvenile detention center operated by any county with which the county in which the court is located has entered into a contract for the purpose of housing delinquents. The time period for detention cannot exceed ninety (90) days, and any detention exceeding forty-five (45) days shall be administratively reviewed by the youth court no later than forty-five (45) days after the entry of the order. At that time the youth court counselor shall review the status of the youth in detention and shall report any concerns to the court. The youth court judge may order that the number of days specified in the detention order be served either throughout the week or on weekends only. No first-time nonviolent youth offender shall be committed to a detention center for a period in excess of ninety (90) days until all other options provided for in this section have been considered and the court makes a specific finding of fact by a preponderance of the evidence by assessing what is in the best rehabilitative interest of the child and the public safety of communities and that there is no reasonable alternative to a nonsecure setting and therefore commitment to a detention center is appropriate.

Section 43-21-605(1)(l)(i) clearly states the youth court shall administratively review any detention exceeding forty-five (45) days and also shall review the status of the youth and report any concerns to the court. The statute does not define or list any factors for the administrative review, nor does it define concerns. It is, therefore, the opinion of this office that the youth court counselor has broad discretion to conduct the administrative review as required and report any reasonable concerns regarding the well-being of the youth observed and/or determined by him/her during the review to the youth court.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Kim P. Turner*

Kim P. Turner
Assistant Attorney General