

YOUTH COURT TIMELINE

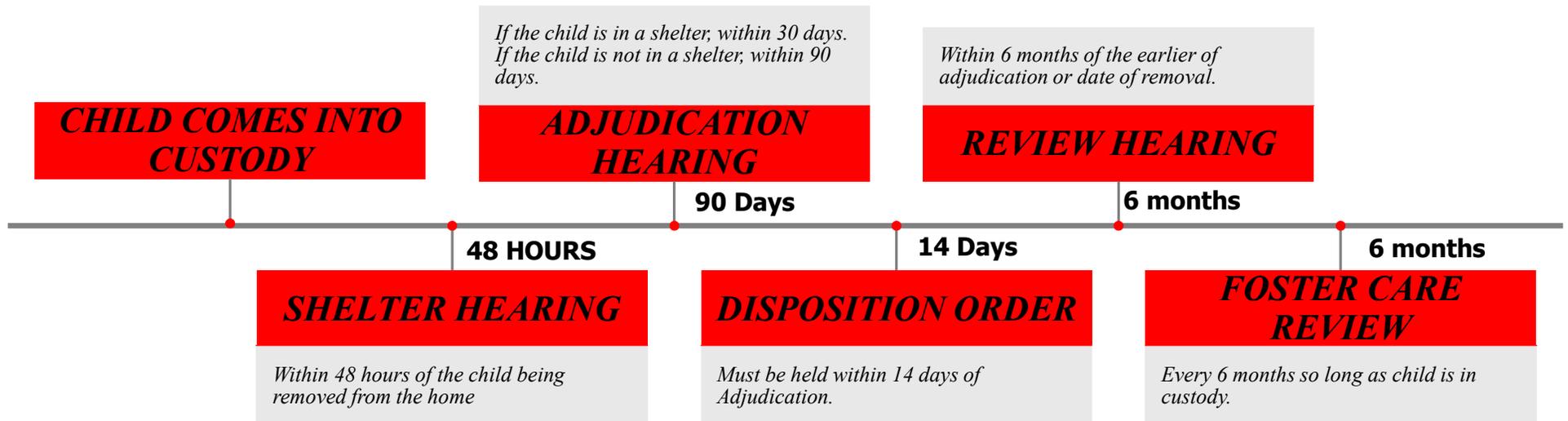


TABLE OF REQUIRED HEARINGS FOR CHILD DEPENDENCY CASES

Hearing	Timing	Purpose	Rules of Evidence
<p>Shelter Hearing Uniform Youth Court Rule 16(a) Miss. Code Ann. § 43-21-309 (2008).</p>	<p>Within 48 hours of the child being removed from the home</p>	<p>There is <u>probable cause</u> that custody is necessary. Custody shall be deemed necessary: (1) when a child is endangered or any person would be endangered by the child; or to insure the child's attendance in court at such time as required; or when a parent, guardian or custodian is not available to provide for the care and supervision of the child; and (2) there is no reasonable alternative to custody.</p>	<p>The youth court may, in its discretion, limit the extent but not the right or presentation of evidence and cross-examination of witnesses. The youth court may receive any testimony and other evidence relevant to the necessity for the continued custody of the child without regard to the formal rules of evidence, including hearsay and opinion evidence.</p>
<p>Emergency Removal Rule 11(B)(1) Miss. Code Ann. § 43-21-301, 307, 315 (2008).</p>	<p>Within 48 hours of the child being removed from the home</p>	<p>There is <u>probable cause</u> that custody is necessary. Custody shall be deemed necessary: (1) when a child is endangered or any person would be endangered by the child; or to insure the child's attendance in court at such time as required; or when a parent, guardian or custodian is not available to provide for the care and supervision of the child; and (2) there is no reasonable alternative to custody.</p>	

Hearing	Timing	Purpose	Rules of Evidence
<p>Adjudication Hearing Rule 24(b) Miss. Code Ann. § 43-21-551 (2020) Miss. Code Ann. § 43-21-553 (2020). Miss. Code Ann. § 43-21-561 (2020). Miss. Code Ann. §§ 43-21-203(9)(b), -559 (2020).</p>	<p>If child is not in a shelter: Hearing has to be within 90 days of filing a petition. If child is in a shelter: Hearing needs to be as soon as possible but no later than 30 days after being taken into custody unless postponed.</p>	<p>If the court finds from a <u>preponderance of the evidence</u> that the child is a neglected child or an abused child, the youth court shall enter an order adjudicating the child to be a neglected child or an abused child.</p>	<p>Only evidence which has been formally admitted at the adjudicatory hearing will be considered. The following evidentiary procedures apply to these hearings: (i) All testimony shall be under oath and may be in narrative form. (ii) The court shall admit any evidence that would be admissible in a civil proceeding. (iii) Members of the youth court staff may appear as witnesses except that no admission or confession made to a member of the youth court staff may be testified to at a youth court hearing. (iv) All parties to a youth court cause shall have the right at any hearing in which an investigation, record or report is admitted in evidence to subpoena, confront and examine the person who prepared or furnished data for the report and to introduce evidence controverting the contents of the report.</p>
Hearing	Timing	Purpose	Rules of Evidence
<p>Disposition Hearing Rule 26(c) Miss. Code Ann. § 43-21-601 (2020). M.R.E. 1101(b)(3); Miss. Code Ann. §§ 43-21-603; 43-</p>	<p>If the child has been adjudicated a neglected or abused child, the court shall immediately set a time and place for a disposition hearing which shall be separate, distinct and subsequent to the</p>	<p>If the child has been adjudicated a neglected child or an abused child, before entering a disposition order, the youth court shall consider, among others, the following relevant factors: (i) the child's physical and mental conditions; (ii) the child's need of assistance; (iii) the manner in which the parent, guardian or custodian participated in, tolerated or condoned the abuse, neglect or abandonment of the</p>	<p>The court shall consider only evidence presented at the disposition hearing. The following evidentiary procedures apply to these disposition hearings: (i) All testimony shall be under oath unless waived by all parties and may be in narrative form. (ii) The court may consider any evidence that is material and relevant to the disposition of the cause, including hearsay and opinion evidence. (iii) All</p>

27-25 (2020).	adjudicatory hearing/ If the child has been taken into custody the hearing shall be within 14 days after the adjudicatory hearing unless postponed.	child; (iv) the ability of a child's parent, guardian or custodian to provide proper supervision and care of a child; and (v) relevant testimony and recommendations, where available, from the foster parent of the child, the grandparents of the child, the guardian ad litem of the child, representatives of any private care agency that has cared for the child, the family protection worker or family protection specialist assigned to the case, and any other relevant testimony pertaining to the case.	parties to a youth court cause shall have the right at any hearing in which an investigation, record or report is admitted in evidence to subpoena, confront and examine the person who prepared or furnished data for the report and to introduce evidence controverting the contents of the report. (iv) The court may exclude the attendance of a child from any portion of a disposition hearing that would be injurious to the best interest of the child in abuse and neglect cases with consent of the child's counsel.
Hearing	Timing	Purpose	Rules of Evidence
Permanency Hearing Rule 29 Miss. Code Ann. 43-15-13(11) Miss. Code Ann. § 43-21-613(3)(a) Miss. Code Ann. § 43-15-13(4)	Reasonable efforts to maintain the child within the child's own home are not required, the court shall conduct a permanency hearing within thirty (30) days of such finding/ When it is required, within six (6) months after the earlier of: (i) an adjudication that the child has been adjudicated abused or neglected; or (ii) the date of the child's removal from the allegedly abusive or neglectful	At the permanency hearing the judge or referee shall determine, and the court order shall recite that <u>reasonable efforts</u> were made by the Department of Human Services, Division of Family and Children's Services to finalize the child's permanency plan and concurrent plan that was in effect on the date of the disposition hearing	The court shall require a written report and may require information or statements from the child's Department of Human Services, Division of Family and Children's Services worker, youth court counselor, if any, parent, guardian or custodian, which includes, but is not limited to, an evaluation of the family's progress and recommendations for modifying the permanency plan and concurrent plan in the best interest of the child.

	<p>custodian/parent. The court may extend the period of time to conduct the hearing for an additional six (6) months upon finding extraordinary and compelling reasons for extending the time period in the best interest of the child.</p>		
Hearing	Timing	Purpose	Rules of Evidence
<p>Foster Care Review Hearing Rule 30 Miss Code Ann. 43-15-13</p>	<p>Foster care review once every six (6) months after the child's initial forty-eight-hour shelter hearing.</p>	<p>That system shall be for the purpose of enhancing potential family life for the child by the development of individual plans to return the child to its natural parent or parents, or to refer the child to the appropriate court for termination of parental rights and placement in a permanent relative's home, adoptive home or foster/adoptive home.</p>	<p>The review shall include at a minimum an evaluation of the child based on the following:</p> <ul style="list-style-type: none"> (a) The extent of the care and support provided by the parents or parent, while the child is in temporary custody; (b) The extent of communication with the child by parents, parent or guardian; (c) The degree of compliance by the agency and the parents with the social service plan established; (d) The methods of achieving the goal and the plan establishing a permanent home for the child; (e) Social services offered and/or utilized

			<p>to facilitate plans for establishing a permanent home for the child; and</p> <p>(f) Relevant testimony and recommendations from the foster parent of the child, the grandparents of the child, the guardian ad litem of the child, representatives of any private care agency that has cared for the child, the family protection worker or family protection specialist assigned to the case, and any other relevant testimony pertaining to the case.</p>
--	--	--	--