

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**J.H. AND
DISABILITY RIGHTS MISSISSIPPI**

PLAINTIFFS

V.

CAUSE NO. 3:11-CV-327-DPJ-FKB

HINDS COUNTY, MISSISSIPPI

DEFENDANT

HIND'S COUNTY YOUTH COURT'S MOTION TO INTERVENE

The Hinds County Youth Court respectfully moves to intervene in this action pursuant to Federal Rules of Civil Procedure 24(a)(2) and 24(b). In support of this motion the Hinds County Youth Court avers as follows:

1. The Hinds County Youth Court has a significant, protectable interest in the subject matter of the action, as the Consent Decree entered into herein by the Hinds County Board of Supervisors, which allows the Henley Young Juvenile Justice Center to release juveniles without the Hinds County Youth Court's authority, is in violation of Mississippi law. The action sought by the Hinds County Board of Supervisors, whether by the Executive Director of the Hinds County Youth Detention Facility, the County Administrator or Board Attorney, is strictly prohibited by the laws of Mississippi. Said laws prohibit the Hinds County Board of Supervisors from executing any Order authorizing the release of any child from Hinds County Youth Detention Facility.

2. As authorized by Mississippi law, the Hinds County Youth Court has previously issued an order stating that the Hinds County Board of Supervisors, its Executive Director of the Hinds County Youth Detention Facility, the County Administrator and the Board Attorney are expressly prohibited from executing an Order authorizing the release of any child from the Hinds

County Youth Detention Facility who has been adjudicated as a “delinquent child” as that term is defined by statute.

3. The Hinds County Board of Supervisors entered into a Consent Decree, which states that the Henley-Young Detention Center is a short-term facility not designed to hold residents for longer than twenty-one (21) days. Movant would show that there is no classification for a twenty-one (21) day facility, but rather temporary holding facilities in which juveniles may be held for up to seventy-two hours or fully equipped detention centers, which were designed and intended for long-term holding of juveniles. Henley-Young is not a temporary holding facility and there is no indication that Henley Young Juvenile Justice Center has sought from the Office of Justice Programs, a division of the Mississippi Department of Public Safety Planning, a classification change from a Detention Center to a Temporary Holding Facility.

4. Disposition of the action without the Hinds County Youth Court’s participation will impede its enforcement of the Youth Court Law. The outcome of this case implicates *stare decisis* concerns that warrant the Hinds County Youth Court’s intervention.

5. This motion is timely and Intervention will not result in any prejudice to any other party.

6. The existing parties to the litigation do not adequately protect the Hinds County Youth Court’s interests. Furthermore, the Hinds County Youth Court has a distinct interest in adhering to and acting in the best interests of the juveniles whom it seeks to serve and rehabilitate, as well as protecting the rights of those individuals.

7. The Hinds County Youth Court also satisfies the requirements for permissive intervention as the Hinds County Youth Court is a State governmental agency entrusted with the interpretation of statutes directly at issue in this action.

Respectfully Submitted,
April 15, 2016

/s/ Kelly G. Williams
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ATTORNEY FOR HINDS COUNTY YOUTH
COURT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed with the Clerk of Court using the Court's ECF system and thereby served on all counsel of record who have entered their appearance in this action to date.

THIS the 15th day of April, 2016.

/s/ Kelly G. Williams
Kelly G. Williams