

By: Representative Howell

To: Judiciary A

## HOUSE BILL NO. 843

1 AN ACT TO AMEND SECTION 93-9-28, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE TWO-YEAR LIMITATION FOR FILING A VOLUNTARY  
3 ACKNOWLEDGEMENT OF PATERNITY; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 93-9-28, Mississippi Code of 1972, is  
6 amended as follows:

7 93-9-28. (1) The Mississippi Department of Health in  
8 cooperation with the Mississippi Department of Human Services  
9 shall develop a form and procedure which may be used to secure a  
10 voluntary acknowledgement of paternity from the mother and father  
11 of any child born out of wedlock in Mississippi. The form shall  
12 clearly state on its face that the execution of the  
13 acknowledgement of paternity shall result in the same legal effect  
14 as if the father and mother had been married at the time of the  
15 birth of the child. When such form has been completed according  
16 to the established procedure and the signatures of both the mother  
17 and father have been notarized, then such voluntary  
18 acknowledgement shall constitute a full determination of the legal  
19 parentage of the child. The completed voluntary acknowledgement  
20 of paternity shall be filed with the Bureau of Vital Statistics of  
21 the Mississippi Department of Health. The name of the father  
22 shall be entered on the certificate of birth upon receipt of the  
23 completed voluntary acknowledgement.

24 (2) The Mississippi Department of Health and the Mississippi  
25 Department of Human Services shall cooperate to establish  
26 procedures to facilitate the voluntary acknowledgement of

27 paternity by both father and mother at the time of the birth of  
28 any child born out of wedlock. Such procedures shall establish  
29 responsibilities for each of the departments and for hospitals,  
30 birthing centers, midwives, and/or other birth attendants to seek  
31 and report voluntary acknowledgements of paternity. In  
32 establishing such procedures, the departments shall provide for  
33 obtaining the social security account numbers of both the father  
34 and mother on voluntary acknowledgements.

35 (3) Upon the birth of a child out of wedlock, the hospital,  
36 birthing center, midwife or other birth attendant shall provide an  
37 opportunity for the child's mother and natural father to complete  
38 an acknowledgement of paternity by giving the mother and natural  
39 father the appropriate forms and information developed through the  
40 procedures established in paragraph (2). The hospital, birthing  
41 center, midwife or other birth attendant shall be responsible for  
42 providing printed information, and audio visual material if  
43 available, related to the acknowledgement of paternity, and shall  
44 be required to provide notary services needed for the completion  
45 of acknowledgements of paternity. The information described above  
46 shall be provided to the mother and natural father, if present and  
47 identifiable, within twenty-four (24) hours of birth or before the  
48 mother is released. Such information, including forms, brochures,  
49 pamphlets, video tapes and other media, shall be provided at no  
50 cost to the hospital, birthing center or midwife by the  
51 Mississippi State Department of Health, the Department of Human  
52 Services or other appropriate agency.

53 SECTION 2. This act shall take effect and be in force from  
54 and after July 1, 1999.