

By: Senator(s) Dearing

To: Judiciary

SENATE BILL NO. 2239

1 AN ACT TO AMEND SECTION 93-15-103, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT GROUNDS FOR TERMINATION OF PARENTAL RIGHTS OR
3 ADOPTIONS SHALL INCLUDE ABANDONMENT OF THE CHILD, REGARDLESS OF
4 AGE, BY THE NATURAL PARENT FOR A PERIOD OF SIX MONTHS; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 93-15-103, Mississippi Code of 1972, is
8 amended as follows:

9 93-15-103. (1) When a child has been removed from the home
10 of its natural parents and cannot be returned to the home of his
11 natural parents within a reasonable length of time because
12 returning to the home would be damaging to the child or the parent
13 is unable or unwilling to care for the child, relatives are not
14 appropriate or are unavailable, and when adoption is in the best
15 interest of the child, taking into account whether the adoption is
16 needed to secure a stable placement for the child and the strength
17 of the child's bonds to his natural parents and the effect of
18 future contacts between them, the grounds listed in subsections
19 (2) and (3) of this section shall be considered as grounds for the
20 termination of parental rights. The grounds may apply singly or
21 in combination in any given case.

22 (2) The rights of a parent with reference to a child,
23 including parental rights to control or withhold consent to an
24 adoption, and the right to receive notice of a hearing on a
25 petition for adoption, may be relinquished and the relationship of
26 the parent and child terminated by the execution of a written
27 voluntary release, signed by the parent, regardless of the age of

28 the parent.

29 (3) Grounds for termination of parental rights shall be
30 based on one or more of the following factors:

31 (a) A parent has deserted without means of
32 identification or abandoned a child as defined in Section 97-5-1,
33 or

34 (b) A parent has made no contact with a child * * * for
35 a period of six (6) months; or

36 (c) A parent has been responsible for a series of
37 abusive incidents concerning one or more children; or

38 (d) When the child has been in the care and custody of
39 a licensed child caring agency or the Department of Human Services
40 for at least one (1) year, that agency or the department has made
41 diligent efforts to develop and implement a plan for return of the
42 child to its parents, and:

43 (i) The parent has failed to exercise reasonable
44 available visitation with the child; or

45 (ii) The parent, having agreed to a plan to effect
46 placement of the child with the parent, fails to implement the
47 plan so that the child caring agency is unable to return the child
48 to said parent; or

49 (e) The parent exhibits ongoing behavior which would
50 make it impossible to return the child to the parent's care and
51 custody:

52 (i) Because the parent has a diagnosable condition
53 unlikely to change within a reasonable time such as alcohol or
54 drug addiction, severe mental deficiencies or mental illness, or
55 extreme physical incapacitation, which condition makes the parent
56 unable to assume minimally, acceptable care of the child; or

57 (ii) Because the parent fails to eliminate
58 behavior, identified by the child caring agency or the court,
59 which prevents placement of said child with the parent in spite of
60 diligent efforts of the child caring agency to assist the parent;
61 or

62 (f) When there is an extreme and deep-seated antipathy
63 by the child toward the parent or when there is some other
64 substantial erosion of the relationship between the parent and

65 child which was caused at least in part by the parent's serious
66 neglect, abuse, prolonged and unreasonable absence, unreasonable
67 failure to visit or communicate, or prolonged imprisonment; or

68 (g) When a parent has been convicted of any of the
69 following offenses against his natural or adopted child: (i) rape
70 of a child under the provisions of Section 97-3-65, (ii) sexual
71 battery of a child under the provisions of Section 97-3-95(c),
72 (iii) touching a child for lustful purposes under the provisions
73 of Section 97-5-23, (iv) exploitation of a child under the
74 provisions of Section 97-5-31, (v) felonious abuse or battery of a
75 child under the provisions of Section 97-5-39(2), (vi) carnal
76 knowledge of a step or adopted child or a child of a cohabiting
77 partner under the provisions of Section 97-5-41, or (vii) murder
78 of another child of such parent, voluntary manslaughter of another
79 child of such parent, aided or abetted, attempted, conspired or
80 solicited to commit such murder or voluntary manslaughter, or a
81 felony assault that results in the serious bodily injury to the
82 surviving child or another child of such parent; or

83 (h) The child has been adjudicated to have been abused
84 or neglected and custody has been transferred from the child's
85 parent(s) for placement pursuant to Section 43-15-13, and a court
86 of competent jurisdiction has determined that reunification shall
87 not be in the child's best interest.

88 (4) Legal custody and guardianship by persons other than the
89 parent as well as other permanent alternatives which end the
90 supervision by the Department of Human Services should be
91 considered as alternatives to the termination of parental rights,
92 and these alternatives should be selected when, in the best
93 interest of the child, parental contacts are desirable and it is
94 possible to secure such placement without termination of parental
95 rights.

96 (5) When a parent has been convicted of rape of a child
97 under the provisions of Section 97-3-65, sexual battery of a child

98 under the provisions of Section 97-3-95(c), touching a child for
99 lustful purposes under the provisions of Section 97-5-23,
100 exploitation of a child under the provisions of Section 97-5-31,
101 felonious abuse or battery of a child under the provisions of
102 Section 97-5-39(2), or carnal knowledge of a step or adopted child
103 or a child of a cohabiting partner under the provisions of Section
104 97-5-41, notice of the conviction shall be forwarded by the
105 circuit clerk of the county in which the conviction occurred to
106 the Mississippi Department of Human Services, Division of Social
107 Services.

108 (6) In any case where a child has been removed from the
109 parent's home due to sexual abuse or serious bodily injury to the
110 child, the court shall treat such case for termination of parental
111 rights as a preference case to be determined with all reasonable
112 expedition.

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