

By: Representatives Montgomery (15th),
Miles, Zuber

To: Judiciary A

HOUSE BILL NO. 352

1 AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PERSONS DELINQUENT IN CHILD SUPPORT OBLIGATIONS MAY
3 NOT ADOPT A CHILD; TO REQUIRE BACKGROUND CHECKS TO VERIFY ANY
4 DELINQUENCY; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 93-17-3, Mississippi Code of 1972, is
7 amended as follows:

8 93-17-3. (1) Any person may be adopted in accordance with
9 the provisions of this chapter in term time or in vacation by an
10 unmarried adult or by a married person whose spouse joins in the
11 petition, provided that the petitioner or petitioners shall have
12 resided in this state for ninety (90) days preceding the filing of
13 the petition. However, if (a) the petitioner or petitioners, or
14 one (1) of them, be related to the child within the third degree
15 according to civil law, or if (b) the adoption is presented to the
16 court by an adoption agency licensed by the State of Mississippi,
17 said residence restriction shall not apply. Such adoption shall
18 be by sworn petition filed in the chancery court of the county in
19 which the adopting petitioner or petitioners reside or in which
20 the child to be adopted resides or was born, or was found when it
21 was abandoned or deserted, or in which the home is located to
22 which the child shall have been surrendered by a person authorized
23 to so do. The petition shall be accompanied by a doctor's or
24 nurse practitioner's certificate showing the physical and mental
25 condition of the child to be adopted and a sworn statement of all
26 property, if any owned by the child. Should the doctor's or nurse
27 practitioner's certificate indicate any abnormal mental or

28 physical condition or defect, such condition or defect shall not
29 in the discretion of the chancellor bar the adoption of the child
30 if the adopting parent or parents shall file an affidavit stating
31 full and complete knowledge of such condition or defect and
32 stating a desire to adopt the child, notwithstanding such
33 condition or defect. The court shall have the power to change the
34 name of the child as a part of the adoption proceedings. The word
35 "child" herein shall be construed to refer to the person to be
36 adopted, though an adult.

37 (2) Adoption by couples of the same gender is prohibited.

38 (3) Any person who wishes to adopt a child shall not be
39 delinquent in any child support. The court shall order a
40 background check to determine if the petitioners are delinquent in
41 any child support. If it is determined that the petitioners are
42 delinquent in child support, no adoption order shall be granted.

43 SECTION 2. This act shall take effect and be in force from
44 and after July 1, 2001.