

By: Representative Ford

To: Judiciary A

HOUSE BILL NO. 476

1 AN ACT TO AMEND SECTION 93-17-6, MISSISSIPPI CODE OF 1972,
2 WHICH PERMITS ANY PERSON ALLEGING TO BE A NECESSARY PARTY TO AN
3 ADOPTION PROCEEDING TO FILE A PETITION FOR DETERMINATION OF
4 RIGHTS, TO EXTEND THE REPEAL DATE FROM JULY 1, 2001, TO JULY 1,
5 2002; AND FOR RELATED PURPOSES.

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

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

9 93-17-6. (1) Any person who would be a necessary party to
10 an adoption proceeding under this chapter and any person alleged
11 or claiming to be the father of a child born out of wedlock who is
12 proposed for adoption or who has been determined to be such by any
13 administrative or judicial procedure (the "alleged father") may
14 file a petition for determination of rights as a preliminary
15 pleading to a petition for adoption in any court which would have
16 jurisdiction and venue of an adoption proceeding. A petition for
17 determination of rights may be filed at any time after the period
18 ending thirty (30) days after the birth of the child. Should
19 competing petitions be filed in two (2) or more courts having
20 jurisdiction and venue, the court in which the first such petition
21 was properly filed shall have jurisdiction over the whole
22 proceeding until its disposition. The prospective adopting
23 parents need not be a party to such petition. Where the child's
24 biological mother has surrendered the child to a home for
25 adoption, the home may represent the biological mother and her
26 interests in this proceeding.

27 (2) The court shall set this petition for hearing as
28 expeditiously as possible allowing not less than ten (10) days'

29 notice from the service or completion of process on the parties to
30 be served.

31 (3) The sole matter for determination under a petition for
32 determination of rights is whether the alleged father has a right
33 to object to an adoption as set out in Section 93-17-5(3).

34 (4) Proof of an alleged father's full commitment to the
35 responsibilities of parenthood would be shown by proof that, in
36 accordance with his means and knowledge of the mother's pregnancy
37 or the child's birth, that he either:

38 (a) Provided financial support, including, but not
39 limited to, the payment of consistent support to the mother during
40 her pregnancy, contributions to the payment of the medical
41 expenses of pregnancy and birth, and contributions of consistent
42 support of the child after birth; that he frequently and
43 consistently visited the child after birth; and that he is now
44 willing and able to assume legal and physical care of the child;
45 or

46 (b) Was willing to provide such support and to visit
47 the child and that he made reasonable attempts to manifest such a
48 parental commitment, but was thwarted in his efforts by the mother
49 or her agents, and that he is now willing and able to assume legal
50 and physical care of the child.

51 (5) If the court determines that the alleged father has not
52 met his full responsibilities of parenthood, it shall enter an
53 order terminating his parental rights and he shall have no right
54 to object to an adoption under Section 93-17-7.

55 (6) If the court determines that the alleged father has met
56 his full responsibilities of parenthood and that he objects to the
57 child's adoption, the court shall set the matter as a contested
58 adoption in accord with Section 93-17-8.

59 (7) A petition for determination of rights may be used to
60 determine the rights of alleged fathers whose identity is unknown
61 or uncertain. In such cases the court shall determine what, if

62 any, notice can be and is to be given such persons.

63 Determinations of rights under the procedure of this section may
64 also be made under a petition for adoption.

65 (8) Petitions for determination of rights shall be
66 considered adoption cases and all subsequent proceedings such as a
67 contested adoption under Section 93-17-8 and the adoption
68 proceeding itself shall be portions of the same file.

69 (9) A petition for determination of rights may not be filed
70 after a final decree of adoption has become incontestable under
71 Section 93-17-15.

72 (10) This Section 93-17-6 shall stand repealed from and
73 after July 1, 2002.

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