

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2987

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

8 SECTION 1. Section 93-17-5, Mississippi Code of 1972, is
9 amended as follows:
10 93-17-5. (1) There shall be made parties to the proceeding
11 by process or by the filing therein of a consent to the adoption
12 proposed in the petition, which consent shall be duly sworn to or
13 acknowledged and executed only by the following persons, but not
14 before seventy-two (72) hours after the birth of said child: (a)
15 the parents, or parent, if only one (1) parent, though either be
16 under the age of twenty-one (21) years; or, (b) in the event both
17 parents are dead, then any two (2) adult kin of the child within
18 the third degree computed according to the civil law, provided
19 that, if one of such kin is in possession of the child, he or she
20 shall join in the petition or be made a party to the suit; or, (c)
21 the guardian ad litem of an abandoned child, upon petition showing
22 that the names of the parents of such child are unknown after
23 diligent search and inquiry by the petitioners. In addition to
24 the above, there shall be made parties to any proceeding to adopt

25 a child, either by process or by the filing of a consent to the
26 adoption proposed in the petition, the following:

27 (i) Those persons having physical custody of such
28 child, except persons having such child as foster parents as a
29 result of placement with them by the Department of Human Services
30 of the State of Mississippi.

31 (ii) Any person to whom custody of such child may
32 have been awarded by a court of competent jurisdiction of the
33 State of Mississippi.

34 (iii) The agent of the county Department of Human
35 Services of the State of Mississippi that has placed a child in
36 foster care, either by agreement or by court order.

37 (2) Such consent may also be executed and filed by the duly
38 authorized officer or representative of a home to whose care the
39 child has been delivered. The child shall join the petition by
40 its next friend.

41 * * *

42 (3) If such consent be not filed, then process shall be had
43 upon the parties as provided by law for process in person or by
44 publication, if they be nonresidents of the state or are not found
45 therein, after diligent search and inquiry, or are unknown after
46 diligent search and inquiry; provided that the court or chancellor
47 in vacation may fix a date in termtime or in vacation to which
48 process may be returnable and shall have power to proceed in
49 termtime or vacation. In any event, if the child is more than
50 fourteen (14) years of age, a consent to the adoption, sworn to or
51 acknowledged by the child, shall also be required or personal
52 service of process shall be had upon the child in the same manner
53 and in the same effect as if it were an adult.

54 (4) In the case of a child born out of wedlock, the father

55 shall be given notice of any adoption proceedings.

56 SECTION 2. Section 93-17-7, Mississippi Code of 1972, is
57 amended as follows:

58 93-17-7. * * * No infant shall be adopted to any person if
59 either parent, after having been summoned, shall appear and object
60 thereto before the making of a decree for adoption, unless it
61 shall be made to appear to the court from evidence touching such
62 matters that the parent so objecting had abandoned, abused or
63 deserted such infant or is mentally, or morally, or otherwise
64 unfit to rear and train such child. Provided, however, the
65 parents shall not be summoned in the adoption proceedings nor have
66 the right to object thereto if the parental rights of the parent
67 or parents have been terminated by the procedure set forth in
68 Sections 93-15-101 through 93-15-111, and such termination shall
69 be res judicata on the question of parental abandonment or
70 unfitness in the adoption proceedings. Appointment of a guardian
71 ad litem by the court shall not be mandatory when the adoption is
72 uncontested or where all necessary parties have been properly
73 summoned and no party has filed an objection to the proceeding.

74 * * *

75 SECTION 3. This act shall take effect and be in force from
76 and after June 30, 2001.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 93-17-5 AND 93-17-7, MISSISSIPPI
2 CODE OF 1972, TO REMOVE THE REVERTERS AND REPEALERS ON THOSE
3 STATUTES PROVIDING PROCEDURES FOR THE DETERMINATION OF RIGHTS OF
4 AN ALLEGED FATHER IN ADOPTION PROCEEDINGS; TO REQUIRE NOTICE OF
5 ADOPTION PROCEEDINGS TO FATHERS OF CHILDREN BORN OUT OF WEDLOCK;
6 AND FOR RELATED PURPOSES.