

By: Representative Montgomery (15th)

To: Judiciary A

HOUSE BILL NO. 114

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 AUTHORIZE 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 termtime 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 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, a sworn statement of all
26 property, if any owned by the child, and a sworn statement that
27 the petitioners are not delinquent in any child support. Should
28 the doctor's or nurse practitioner's certificate indicate any



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

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

39 (3) Any person who wishes to adopt a child shall not be
40 delinquent in any child support. The court may order a background
41 check to determine if the petitioners are delinquent in any child
42 support. If it is determined that the petitioners are delinquent
43 in child support, an adoption order may not be granted.

44 **SECTION 2.** This act shall take effect and be in force from
45 and after July 1, 2003.

