

By: Senator(s) Ross

To: Judiciary

SENATE BILL NO. 2733

1 AN ACT TO AMEND SECTION 93-5-23, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE THE CHANCERY COURT TO CONDUCT AN EMERGENCY HEARING WITH  
 3 REDUCED NOTICE TO THE PARTIES IN THE EVENT THE CUSTODIAL PARENT IS  
 4 NOT IN COMPLIANCE WITH COURT-ORDERED VISITATION; TO AMEND SECTION  
 5 93-21-25, MISSISSIPPI CODE OF 1972, TO REQUIRE MEDICAL  
 6 PROFESSIONALS TO REPORT TO THE COURT CERTAIN SUSPECTED ABUSE; TO  
 7 AMEND SECTION 93-21-27, MISSISSIPPI CODE OF 1972, TO IMMUNIZE  
 8 MEDICAL PROFESSIONALS WHO SO REPORT SUSPECTED ABUSE; AND FOR  
 9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 93-5-23, Mississippi Code of 1972, is  
 12 amended as follows:

13 93-5-23. (1) When a divorce shall be decreed from the bonds  
 14 of matrimony, the court may, in its discretion, having regard to  
 15 the circumstances of the parties and the nature of the case, as  
 16 may seem equitable and just, make all orders touching the care,  
 17 custody and maintenance of the children of the marriage, and also  
 18 touching the maintenance and alimony of the wife or the husband,  
 19 or any allowance to be made to her or him, and shall, if need be,  
 20 require bond, sureties or other guarantee for the payment of the  
 21 sum so allowed. Orders touching on the custody of the children of  
 22 the marriage shall be made in accordance with the provisions of  
 23 Section 93-5-24. The court may afterwards, on petition, change  
 24 the decree, and make from time to time such new decrees as the  
 25 case may require. However, where proof shows that both parents  
 26 have separate incomes or estates, the court may require that each  
 27 parent contribute to the support and maintenance of the children  
 28 of the marriage in proportion to the relative financial ability of  
 29 each. In the event a legally responsible parent has health  
 30 insurance available to him or her through an employer or



31 organization that may extend benefits to the dependents of such  
32 parent, any order of support issued against such parent may  
33 require him or her to exercise the option of additional coverage  
34 in favor of such children as he or she is legally responsible to  
35 support.

36 (2) Whenever the court has ordered visitation and the  
37 custodial parent is not in compliance with the order of the court,  
38 the court may hold an emergency hearing on the matter upon  
39 immediate notice to the parties.

40 (3) Whenever the court has ordered a party to make periodic  
41 payments for the maintenance or support of a child, but no bond,  
42 sureties or other guarantee has been required to secure such  
43 payments, and whenever such payments as have become due remain  
44 unpaid for a period of at least thirty (30) days, the court may,  
45 upon petition of the person to whom such payments are owing, or  
46 such person's legal representative, enter an order requiring that  
47 bond, sureties or other security be given by the person obligated  
48 to make such payments, the amount and sufficiency of which shall  
49 be approved by the court. The obligor shall, as in other civil  
50 actions, be served with process and shall be entitled to a hearing  
51 in such case.

52 (4) (a) Whenever in any proceeding in the chancery court  
53 concerning the custody of a child a party alleges that the child  
54 whose custody is at issue has been the victim of sexual or  
55 physical abuse by the other party, the court may, on its own  
56 motion, grant a continuance in the custody proceeding only until  
57 such allegation has been investigated by the Department of Human  
58 Services. At the time of ordering such continuance the court may  
59 direct the party, and his attorney, making such allegation of  
60 child abuse to report in writing and provide all evidence touching  
61 on the allegation of abuse to the Department of Human Services.  
62 The Department of Human Services shall investigate such allegation  
63 and take such action as it deems appropriate and as provided in



64 such cases under the Youth Court Law (being Chapter 21 of Title  
65 43, Mississippi Code of 1972) or under the laws establishing  
66 family courts (being Chapter 23 of Title 43, Mississippi Code of  
67 1972).

68           **(b)** If after investigation by the Department of Human  
69 Services or final disposition by the youth court or family court  
70 allegations of child abuse are found to be without foundation, the  
71 chancery court shall order the alleging party to pay all court  
72 costs and reasonable attorney's fees incurred by the defending  
73 party in responding to such allegation.

74           **(c)** The court may investigate, hear and make a  
75 determination in a custody action when a charge of abuse and/or  
76 neglect arises in the course of a custody action as provided in  
77 Section 43-21-151, and in such cases the court shall appoint a  
78 guardian ad litem for the child as provided under Section  
79 43-21-121, who shall be an attorney. Unless the chancery court's  
80 jurisdiction has been terminated, all disposition orders in such  
81 cases for placement with the Department of Human Services shall be  
82 reviewed by the court or designated authority at least annually to  
83 determine if continued placement with the department is in the  
84 best interest of the child or public.

85           **(5)** The duty of support of a child terminates upon the  
86 emancipation of the child. The court may determine that  
87 emancipation has occurred and no other support obligation exists  
88 when the child:

89                   (a) Attains the age of twenty-one (21) years, or

90                   (b) Marries, or

91                   (c) Discontinues full-time enrollment in school and  
92 obtains full-time employment prior to attaining the age of  
93 twenty-one (21) years, or

94                   (d) Voluntarily moves from the home of the custodial  
95 parent or guardian and establishes independent living arrangements



96 and obtains full-time employment prior to attaining the age of  
97 twenty-one (21) years.

98 **SECTION 2.** Section 93-21-25, Mississippi Code of 1972, is  
99 amended as follows:

100 93-21-25. (1) A written report of any known or suspected  
101 abuse may be made to the Department of Human Services as soon as  
102 possible by any person having knowledge of such abuse. Reports of  
103 abuse made under the provisions of this chapter and the identity  
104 of those persons making the reports shall be confidential.

105 (2) A medical professional is required to report to the  
106 court having jurisdiction any suspected abuse of a child, whether  
107 physical or emotional, for whom an order of custody has been  
108 entered if the medical professional has knowledge of the order of  
109 custody.

110 **SECTION 3.** Section 93-21-27, Mississippi Code of 1972, is  
111 amended as follows:

112 93-21-27. (1) A law enforcement officer shall not be held  
113 liable in any civil action for an arrest based on probable cause,  
114 enforcement in good faith of a court order, or any other action or  
115 omission in good faith under this chapter arising from an alleged  
116 domestic violence incident brought by any authorized party, or an  
117 arrest made in good faith pursuant to Section 99-3-7(3), or  
118 failure, in good faith, to make an arrest pursuant to Section  
119 99-3-7(3).

120 (2) A medical professional shall not be held liable in any  
121 civil action for a report made in good faith as required by  
122 Section 92-21-25(2).

123 **SECTION 4.** This act shall take effect and be in force from  
124 and after its passage.

