

Senate Amendments to House Bill No. 588

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

6 **SECTION 1.** Section 43-15-117, Mississippi Code of 1972, is
7 amended as follows:

8 43-15-117. (1) Except as provided in this article, no
9 person, agency, firm, corporation, association or group children's
10 home may engage in child placing, or solicit money or other
11 assistance for child placing, without a valid license issued by
12 the division.

13 (2) (a) An attorney, physician or other person may assist a
14 parent in identifying or locating a person interested in adopting
15 the parent's child, or in identifying or locating a child to be
16 adopted. However, no payment, charge, fee, reimbursement of
17 expense, or exchange of value of any kind, or promise or agreement
18 to make the same, may be made for that assistance.

19 (b) An attorney, physician or other person may not:

20 (i) Issue or cause to be issued to any person a
21 card, sign or device indicating that he or she is available to
22 provide that assistance;

23 (ii) Cause, permit or allow any sign or marking
24 indicating that he or she is available to provide that assistance,
25 on or in any building or structure;

26 (iii) Announce or cause, permit or allow an
27 announcement indicating that he or she is available to provide
28 that assistance, to appear in any newspaper, magazine, directory
29 or on radio or television; or

30 (iv) Advertise by any other means that he or she
31 is available to provide that assistance.

32 (3) Nothing in this section precludes payment of usual and
33 customary fees for medical, legal or other lawful services,
34 including, but not limited to, living expenses and other defrayed
35 living expenses, rendered in connection with the care of a mother,
36 delivery and care of a child, or counseling for the parents and/or
37 the child, and for the legal proceedings related to lawful
38 adoption proceedings; and no provision of this section abrogates
39 the right of procedures for independent adoption as provided by
40 law.

41 (4) The division is specifically authorized to promulgate
42 rules under the Administrative Procedures Law, Title 25, Chapter
43 43, Mississippi Code of 1972, to regulate fees charged by licensed
44 child-placing agencies, if it determines that the practices of
45 those licensed child-placing agencies demonstrates that the fees
46 charged are excessive or that any of the agency's practices are
47 deceptive or misleading; however, those rules regarding fees shall
48 take into account the use of any sliding fee by an agency that
49 uses a sliding fee procedure to permit prospective adoptive
50 parents of varying income levels to utilize the services of those
51 agencies or persons.

52 (5) The division shall promulgate rules under the
53 Administrative Procedures Law, Title 25, Chapter 43, Mississippi
54 Code of 1972, to require that all licensed child-placing agencies
55 provide written disclosures to all prospective adoptive parents of
56 any fees or other charges for each service performed by the agency
57 or person, and file an annual report with the division that states
58 the fees and charges for those services, and to require them to
59 inform the division in writing thirty (30) days in advance of any
60 proposed changes to the fees or charges for those services.

61 (6) The division is specifically authorized to disclose to
62 prospective adoptive parents or other interested persons any fees
63 charged by any licensed child-placing agency, attorney or
64 counseling service or counselor for all legal and counseling
65 services provided by that licensed child-placing agency, attorney

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2004.

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

1 AN ACT TO AMEND SECTION 43-15-117, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY WHAT OTHER LAWFUL SERVICES MAY BE PAID BY A
3 CHILD-PLACING AGENCY WHEN RENDERED IN CONNECTION WITH THE CARE OF
4 A MOTHER; AND FOR RELATED PURPOSES.

SS02\HB588A.J

John O. Gilbert
Secretary of the Senate