

By: Representative Holland

To: Judiciary A

HOUSE BILL NO. 1537

1 AN ACT TO AMEND SECTION 93-17-11, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THAT IN ALL ADOPTIONS OTHER THAN FAMILY ADOPTIONS, THE  
3 COURT SHALL REQUIRE THAT A HOME STUDY BE PERFORMED BEFORE A FINAL  
4 DECREE IS ENTERED IN THE PROCEEDING, AT THE PETITIONERS' SOLE  
5 EXPENSE, TO DETERMINE WHETHER THE PETITIONERS ARE SUITABLE PARENTS  
6 FOR THE CHILD; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 93-17-11, Mississippi Code of 1972, is  
9 amended as follows:

10 93-17-11. At any time after the filing of the petition for  
11 adoption and completion of process thereon, and before the  
12 entering of a final decree, the court may, in its discretion, of  
13 its own motion or on motion of any party to the proceeding,  
14 require an investigation \* \* \* and report to the court to be made  
15 by any person, officer or home as the court may designate and  
16 direct concerning the child, and shall require in all adoptions  
17 other than family adoptions that a home study be performed by a  
18 duly licensed and qualified social worker at the petitioner's or  
19 petitioners' sole expense and at no cost to the state or county.  
20 The investigation and report shall give the material facts upon  
21 which the court may determine whether the child is a proper  
22 subject for adoption, whether the petitioner or petitioners are  
23 suitable parents for the child, whether the adoption is to its  
24 best interest, and any other facts or circumstances that may be  
25 material to the proposed adoption. The home study shall determine  
26 whether the petitioner or petitioners are suitable parents for the  
27 child. The court, when an investigation and report are required  
28 by the court or by this section, shall stay the proceedings in the  
29 cause for such reasonable time as may be necessary or required in

30 the opinion of the court for the completion of the investigation  
31 and report by the person, officer or home designated and  
32 authorized to make the same.

33       Upon the filing of that consent or the completion of the  
34 process and the filing of the investigation and report, if  
35 required by the court or by this section, and the presentation of  
36 such other evidence as may be desired by the court, if the court  
37 determines that it is to the best interests of the child that an  
38 interlocutory decree of adoption be entered, the court may  
39 thereupon enter an interlocutory decree upon such terms and  
40 conditions as may be determined by the court, in its discretion,  
41 but including therein that the complete care, custody and control  
42 of the child shall be vested in the petitioner or petitioners  
43 until further orders of the court and that during such time the  
44 child shall be and remain a ward of the court. If the court  
45 determines by decree at any time during the pendency of the  
46 proceeding that it is not to the best interests of the child that  
47 the adoption proceed, the petitioners shall be entitled to at  
48 least five (5) days' notice upon their attorneys of record and a  
49 hearing with the right of appeal as provided by law from a  
50 dismissal of the petition; however, the bond perfecting the appeal  
51 shall be filed within ten (10) days from the entry of the decree  
52 of dismissal and the bond shall be in such amount as the  
53 chancellor may determine and supersedeas may be granted by the  
54 chancellor or as otherwise provided by law for appeal from final  
55 decrees.

56       After the entry of the interlocutory decree and before entry  
57 of the final decree, the court may require such further and  
58 additional investigation and reports as it may deem proper. The  
59 rights of the parties filing the consent or served with process  
60 shall be subject to the decree but shall not be divested until  
61 entry of the final decree.

62           **SECTION 2.** This act shall take effect and be in force from  
63 and after July 1, 2005.