

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2340

1 AN ACT TO ENACT THE MISSISSIPPI UNIFORM PARENTAGE ACT (2000)
2 TO GOVERN THE DETERMINATION OF PATERNITY AND MATERNITY; TO CREATE
3 NEW SECTION 93-9-101, MISSISSIPPI CODE OF 1972, TO ENACT A SHORT
4 TITLE; TO CREATE NEW SECTION 93-9-102, MISSISSIPPI CODE OF 1972,
5 TO ENACT DEFINITIONS; TO CREATE NEW SECTION 93-9-103, MISSISSIPPI
6 CODE OF 1972, TO PROVIDE THE MATTERS COVERED UNDER THE ACT AND
7 PROVIDE FOR CHOICE OF LAW; TO CREATE NEW SECTION 93-9-104,
8 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR JURISDICTION; TO CREATE
9 NEW SECTION 93-9-105, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
10 PROTECTION OF THE PARTIES; TO CREATE NEW SECTION 93-9-106,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DETERMINATION OF
12 MATERNITY IS MADE AS IS DETERMINATION OF PATERNITY; TO CREATE NEW
13 SECTION 93-9-107, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
14 OBLIGATIONS OF A FATHER; TO CREATE NEW SECTION 93-9-201,
15 MISSISSIPPI CODE OF 1972, TO ENACT STANDARDS FOR THE CREATION OF A
16 PARENTAL RELATIONSHIP; TO CREATE NEW SECTION 93-9-202, MISSISSIPPI
17 CODE OF 1972, TO PROHIBIT DISCRIMINATION AGAINST CHILDREN WHOSE
18 PARENTS ARE NOT MARRIED TO EACH OTHER; TO CREATE NEW SECTION
19 93-9-203, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONTINUITY OF
20 AN ESTABLISHED PARENTAL RELATIONSHIP; TO CREATE NEW SECTION
21 93-9-204, MISSISSIPPI CODE OF 1972, TO SPECIFY CIRCUMSTANCES UNDER
22 WHICH PATERNITY IS PRESUMED; TO CREATE NEW SECTIONS 93-9-301,
23 93-9-302, 93-9-303, 93-9-304, 93-9-305, 93-9-306, 93-9-307,
24 93-9-308, 93-9-309, 93-9-310, 93-9-311, 93-9-312, 93-9-313 AND
25 93-9-314, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR VOLUNTARY
26 ACKNOWLEDGMENT OR DENIAL OF PATERNITY AND RESCISSION OF ANY
27 ACKNOWLEDGMENT OR DENIAL, THAT NO FEE SHALL BE CHARGED FOR FILING
28 ACKNOWLEDGMENT OR DENIAL, FOR PROMULGATION OF RULES, AND TO
29 REQUIRE THAT FULL FAITH AND CREDIT BE GIVEN TO OUT-OF-STATE
30 ACKNOWLEDGMENTS OR DENIALS; TO CREATE NEW SECTION 93-9-401,
31 MISSISSIPPI CODE OF 1972, TO ESTABLISH A REGISTRY OF PATERNITY; TO
32 CREATE NEW SECTION 93-9-402, MISSISSIPPI CODE OF 1972, TO ALLOW A
33 FATHER TO REGISTER TO REQUEST NOTIFICATION OF PROCEEDINGS; TO
34 CREATE NEW SECTION 93-9-403, MISSISSIPPI CODE OF 1972, TO REQUIRE
35 NOTICE OF PROCEEDINGS TO BE GIVEN TO ONE WHO HAS REGISTERED; TO
36 CREATE NEW SECTIONS 93-9-404 AND 93-9-405, MISSISSIPPI CODE OF
37 1972, TO PROVIDE FOR TERMINATION OF PARENTAL RIGHTS; TO CREATE NEW
38 SECTION 93-9-411, MISSISSIPPI CODE OF 1972, TO REQUIRE
39 PROMULGATION OF A FORM FOR REGISTRATION WITH THE REGISTRY; TO
40 CREATE NEW SECTION 93-9-412, MISSISSIPPI CODE OF 1972, TO PROVIDE
41 FOR CONFIDENTIALITY; TO CREATE NEW SECTION 93-9-413, MISSISSIPPI
42 CODE OF 1972, TO CREATE A PENALTY FOR UNAUTHORIZED RELEASE OF
43 INFORMATION; TO CREATE NEW SECTION 93-9-414, MISSISSIPPI CODE OF
44 1972, TO ALLOW RESCISSION OF REGISTRATION; TO CREATE NEW SECTION
45 93-9-415, MISSISSIPPI CODE OF 1972, TO INVALIDATE AN UNTIMELY
46 REGISTRATION; TO CREATE NEW SECTION 93-9-416, MISSISSIPPI CODE OF
47 1972, TO ALLOW REASONABLE FEES; TO CREATE NEW SECTION 93-9-421,
48 MISSISSIPPI CODE OF 1972, TO REQUIRE SEARCH OF THE REGISTRY IN
49 ADOPTIONS AND TERMINATIONS; TO CREATE NEW SECTION 93-9-422,
50 MISSISSIPPI CODE OF 1972, TO CREATE A CERTIFICATE OF SEARCH; TO
51 CREATE NEW SECTION 93-9-423, MISSISSIPPI CODE OF 1972, TO PROVIDE
52 FOR ADMISSIBILITY OF REGISTERED INFORMATION; TO CREATE NEW

53 SECTIONS 93-9-501, 93-9-502 AND 93-9-503, MISSISSIPPI CODE OF
54 1972, TO PROVIDE FOR GENETIC TESTING AND TO ENACT STANDARDS; TO
55 CREATE NEW SECTION 93-9-504, MISSISSIPPI CODE OF 1972, TO ENACT
56 STANDARDS FOR GENETIC TESTING REPORTS; TO CREATE NEW SECTION
57 93-9-505, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR REBUTTAL OF
58 GENETIC TEST REPORTS; TO CREATE NEW SECTION 93-9-506, MISSISSIPPI
59 CODE OF 1972, TO REQUIRE ASSESSMENT OF COST OF TESTING; TO CREATE
60 NEW SECTION 93-9-507, MISSISSIPPI CODE OF 1972, TO ALLOW
61 ADDITIONAL TESTING; TO CREATE NEW SECTION 93-9-508, MISSISSIPPI
62 CODE OF 1972, TO PROVIDE FOR TESTING WHEN ALLEGED PARENT IS NOT
63 AVAILABLE; TO CREATE NEW SECTION 93-9-509, MISSISSIPPI CODE OF
64 1972, TO ALLOW TESTING OF A DECEASED PERSON; TO CREATE NEW SECTION
65 93-9-510, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR TESTING OF A
66 PERSON WHO HAS AN IDENTICAL SIBLING; TO CREATE NEW SECTION
67 93-9-511, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONFIDENTIALITY
68 OF GENETIC TEST RESULTS; TO CREATE NEW SECTION 93-9-601,
69 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CIVIL PROCEEDINGS TO
70 ADJUDICATE PARENTAGE; TO CREATE NEW SECTION 93-9-602, MISSISSIPPI
71 CODE OF 1972, TO SPECIFY WHAT PERSONS HAVE STANDING TO MAINTAIN
72 THE ACTION; TO CREATE NEW SECTION 93-9-603, MISSISSIPPI CODE OF
73 1972, TO SPECIFY WHO MUST BE JOINED; TO CREATE NEW SECTION
74 93-9-604, MISSISSIPPI CODE OF 1972, TO SPECIFY THE COURT'S
75 JURISDICTION; TO CREATE NEW SECTION 93-9-605, MISSISSIPPI CODE OF
76 1972, TO PROVIDE FOR VENUE OF ACTIONS; TO CREATE NEW SECTIONS
77 93-9-606 AND 93-9-607, MISSISSIPPI CODE OF 1972, TO PROVIDE A
78 STATUTE OF LIMITATIONS UNDER CERTAIN CIRCUMSTANCES; TO CREATE NEW
79 SECTION 93-9-608, MISSISSIPPI CODE OF 1972, TO ALLOW AUTHORITY TO
80 DENY A MOTION FOR GENETIC TESTING; TO CREATE NEW SECTION 93-9-609,
81 MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL LIMITATIONS ON
82 TIME FOR A CHILD HAVING AN ACKNOWLEDGED OR ADJUDICATED FATHER; TO
83 CREATE NEW SECTION 93-9-610, MISSISSIPPI CODE OF 1972, TO PROVIDE
84 FOR JOINDER; TO CREATE NEW SECTION 93-9-611, MISSISSIPPI CODE OF
85 1972, TO PROVIDE FOR PROCEEDINGS BEFORE BIRTH; TO CREATE NEW
86 SECTION 93-9-612, MISSISSIPPI CODE OF 1972, TO SPECIFY PERMISSIBLE
87 PARTIES; TO CREATE NEW SECTION 93-9-621, MISSISSIPPI CODE OF 1972,
88 TO PROVIDE FOR ADMISSIBILITY OF GENETIC TEST RESULTS AND PAYMENT
89 OF EXPENSES; TO CREATE NEW SECTION 93-9-622, MISSISSIPPI CODE OF
90 1972, TO PROVIDE CONSEQUENCES FOR FAILURE TO SUBMIT TO GENETIC
91 TESTING; TO CREATE NEW SECTION 93-9-623, MISSISSIPPI CODE OF 1972,
92 TO PROVIDE FOR ADMISSION OF PATERNITY; TO CREATE NEW SECTION
93 93-9-624, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A TEMPORARY
94 ORDER; TO CREATE NEW SECTION 93-9-631, MISSISSIPPI CODE OF 1972,
95 TO ENACT RULES FOR ADJUDICATION OF PATERNITY; TO CREATE NEW
96 SECTION 93-9-632, MISSISSIPPI CODE OF 1972, TO REQUIRE TRIAL BY
97 THE COURT SITTING WITHOUT A JURY; TO CREATE NEW SECTION 93-9-633,
98 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CLOSED HEARINGS AND OPEN
99 RECORDS; TO CREATE NEW SECTION 93-9-634, MISSISSIPPI CODE OF 1972,
100 TO PROVIDE FOR ORDER IN EVENT OF DEFAULT; TO CREATE NEW SECTION
101 93-9-635, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR DISMISSAL UNDER
102 CERTAIN CIRCUMSTANCES; TO CREATE NEW SECTION 93-9-636, MISSISSIPPI
103 CODE OF 1972, TO PROVIDE FOR THE ORDER OF PARENTAGE; TO CREATE NEW
104 SECTION 93-9-637, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
105 EFFECT OF THE ORDER; TO CREATE NEW SECTION 93-9-638, MISSISSIPPI
106 CODE OF 1972, TO PROVIDE FOR ENFORCEMENT OF THE ORDER AND THE
107 SURNAME OF THE CHILD IN ABSENCE OF ORDER; TO CREATE NEW SECTION
108 93-9-639, MISSISSIPPI CODE OF 1972, TO ENACT A LIMITATION ON
109 RECOVERY FROM THE FATHER; TO CREATE NEW SECTION 93-9-640,
110 MISSISSIPPI CODE OF 1972, TO ENACT LIMITATION ON RECOVERY FROM THE
111 FATHER'S ESTATE; TO CREATE NEW SECTION 93-9-641, MISSISSIPPI CODE
112 OF 1972, TO ALLOW GIVING OF SECURITY; TO CREATE NEW SECTION
113 93-9-642, MISSISSIPPI CODE OF 1972, TO ALLOW COMMITMENT FOR
114 CONTEMPT UPON DEFAULT; TO CREATE NEW SECTION 93-9-643, MISSISSIPPI
115 CODE OF 1972, TO PROVIDE FOR REQUIREMENT OF SUPPORT BY MOTHER; TO
116 CREATE NEW SECTION 93-9-644, MISSISSIPPI CODE OF 1972, TO PROVIDE
117 PUNISHMENT FOR FALSE DECLARATION; TO CREATE NEW SECTION 93-9-645,
118 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR PROBATION UPON DEFAULT;

119 TO CREATE NEW SECTION 93-9-646, MISSISSIPPI CODE OF 1972, TO
120 PROVIDE A PROCEDURE FOR APPEALS; TO CREATE NEW SECTION 93-9-647,
121 MISSISSIPPI CODE OF 1972, TO SPECIFY THE PROSECUTING OFFICIAL; TO
122 CREATE NEW SECTIONS 93-9-701, 93-9-702, 93-9-703, 93-9-704,
123 93-9-705, 93-9-706 AND 93-9-707, MISSISSIPPI CODE OF 1972, TO
124 PROVIDE FOR THE DETERMINATION OF PARENTAGE OF A CHILD OF ASSISTED
125 REPRODUCTION; TO CREATE NEW SECTION 93-9-801, MISSISSIPPI CODE OF
126 1972, TO AUTHORIZE GESTATIONAL AGREEMENTS; TO CREATE NEW SECTION
127 93-9-802, MISSISSIPPI CODE OF 1972, TO ALLOW COURT VALIDATION OF
128 GESTATIONAL AGREEMENTS; TO CREATE NEW SECTION 93-9-803,
129 MISSISSIPPI CODE OF 1972, TO ALLOW A HEARING; TO CREATE NEW
130 SECTION 93-9-804, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
131 CONFIDENTIALITY OF AGREEMENTS; TO CREATE NEW SECTION 93-9-805,
132 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONTINUING JURISDICTION;
133 TO CREATE NEW SECTION 93-9-806, MISSISSIPPI CODE OF 1972, TO
134 PROVIDE FOR TERMINATION OF GESTATIONAL AGREEMENTS; TO CREATE NEW
135 SECTIONS 93-9-807, 93-9-808 AND 93-9-809, MISSISSIPPI CODE OF
136 1972, TO PROVIDE FOR THE EFFECT OF VALIDATED AND NONVALIDATED
137 GESTATIONAL AGREEMENTS AND THE EFFECT OF MARRIAGE; TO CREATE NEW
138 SECTION 93-9-901, MISSISSIPPI CODE OF 1972, TO REQUIRE UNIFORMITY
139 IN CONSTRUCTION AND APPLICATION OF THE ACT; TO CREATE NEW SECTION
140 93-9-902, MISSISSIPPI CODE OF 1972, TO PROVIDE SEVERABILITY OF THE
141 ACT; TO AMEND SECTIONS 41-57-14, 41-57-23 AND 93-17-8, MISSISSIPPI
142 CODE OF 1972, TO CONFORM TO THE PURPOSES OF THIS ACT; TO REPEAL
143 SECTIONS 93-9-1, 93-9-3, 93-9-5, 93-9-7, 93-9-9, 93-9-11, 93-9-13,
144 93-9-15, 93-9-17, 93-9-19, 93-9-21, 93-9-23, 93-9-25, 93-9-27,
145 93-9-28, 93-9-29, 93-9-30, 93-9-31, 93-9-33, 93-9-35, 93-9-37,
146 93-9-39, 93-9-41, 93-9-43, 93-9-45, 93-9-47 AND 93-9-49,
147 MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE MISSISSIPPI UNIFORM
148 LAW ON PATERNITY, AND SECTIONS 93-9-71, 93-9-73 AND 93-9-75,
149 MISSISSIPPI CODE OF 1972, DEALING WITH THE EFFECT ON A PATERNITY
150 PROCEEDING OF THE DEATH OF A MOTHER OR CHILD AND THE ADMISSIBILITY
151 OF A MOTHER'S DYING DECLARATION; AND FOR RELATED PURPOSES.

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

153

Article 1

154

General Provisions

155

SECTION 1. The following shall be codified as Section

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93-9-101, Mississippi Code of 1972:

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93-9-101. **Short title.** This chapter may be cited as the

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Mississippi Uniform Parentage Act (2000).

159

SECTION 2. The following shall be codified as Section

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93-9-102, Mississippi Code of 1972:

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93-9-102. **Definitions.** In this chapter:

162

(1) "Acknowledged father" means a man who has

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established a father-child relationship under Article 3.

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(2) "Adjudicated father" means a man who has been

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adjudicated by a court of competent jurisdiction to be the father

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of a child.

167 (3) "Alleged father" means a man who alleges himself to
168 be, or is alleged to be, the genetic father or a possible genetic
169 father of a child, but whose paternity has not been determined.
170 The term does not include:

171 (A) A presumed father;

172 (B) A man whose parental rights have been
173 terminated or declared not to exist; or

174 (C) A male donor.

175 (4) "Assisted reproduction" means a method of causing
176 pregnancy other than sexual intercourse. The term includes:

177 (A) Intrauterine insemination;

178 (B) Donation of eggs;

179 (C) Donation of embryos;

180 (D) In-vitro fertilization and transfer of
181 embryos; and

182 (E) Intracytoplasmic sperm injection.

183 (5) "Child" means an individual of any age whose
184 parentage may be determined under Article 3 or adjudication by the
185 court.

186 (6) "Commence" means to file the initial pleading
187 seeking an adjudication of parentage in the appropriate court of
188 this state.

189 (7) "Determination of parentage" means the
190 establishment of the parent-child relationship by the signing of a
191 valid acknowledgment of paternity under Sections 93-9-301 through
192 93-9-314 or adjudication by the court.

193 (8) "Donor" means an individual who produces eggs or
194 sperm used for assisted reproduction, whether or not for
195 consideration. The term does not include:

196 (A) A husband who provides sperm, or a wife who
197 provides eggs, to be used for assisted reproduction by the wife;

198 (B) A woman who gives birth to a child by means of
199 assisted reproduction, except as otherwise provided in Article 8;
200 or

201 (C) A parent under Article 7 or an intended parent
202 under Article 8.

203 (9) "Ethnic or racial group" means, for purposes of
204 genetic testing, a recognized group that an individual identifies
205 as all or part of the individual's ancestry or that is so
206 identified by other information.

207 (10) "Genetic testing" means an analysis of genetic
208 markers to exclude or identify a man as the father or a woman as
209 the mother of a child. The term includes an analysis of one or a
210 combination of the following:

211 (A) Deoxyribonucleic acid; and

212 (B) Blood-group antigens, red-cell antigens,
213 human-leukocyte antigens, serum enzymes, serum proteins, or
214 red-cell enzymes.

215 (11) "Gestational mother" means an adult woman who
216 gives birth to a child under a gestational agreement.

217 (12) "Man" means a male individual of any age.

218 (13) "Parent" means an individual who has established a
219 parent-child relationship under Section 93-7-201.

220 (14) "Parent-child relationship" means the legal
221 relationship between a child and a parent of the child. The term
222 includes the mother-child relationship and the father-child
223 relationship.

224 (15) "Paternity index" means the likelihood of
225 paternity calculated by computing the ratio between:

226 (A) The likelihood that the tested man is the
227 father, based on the genetic markers of the tested man, mother,
228 and child, conditioned on the hypothesis that the tested man is
229 the father of the child; and

230 (B) The likelihood that the tested man is not the
231 father, based on the genetic markers of the tested man, mother,
232 and child, conditioned on the hypothesis that the tested man is
233 not the father of the child and that the father is of the same
234 ethnic or racial group as the tested man.

235 (16) "Presumed father" means a man who, by operation of
236 law under Section 93-9-204, is recognized as the father of a child
237 until that status is rebutted or confirmed in a judicial
238 proceeding.

239 (17) "Probability of paternity" means the measure, for
240 the ethnic or racial group to which the alleged father belongs, of
241 the probability that the man in question is the father of the
242 child, compared with a random, unrelated man of the same ethnic or
243 racial group, expressed as a percentage incorporating the
244 paternity index and a prior probability.

245 (18) "Record" means information that is inscribed on a
246 tangible medium or that is stored in an electronic or other medium
247 and is retrievable in perceivable form.

248 (19) "Signatory" means an individual who authenticates
249 a record and is bound by its terms.

250 (20) "State" means a state of the United States, the
251 District of Columbia, Puerto Rico, the United States Virgin
252 Islands, or any territory or insular possession subject to the
253 jurisdiction of the United States.

254 (21) "Support-enforcement agency" means a public
255 official or agency authorized to seek:

256 (A) Enforcement of support orders or laws relating
257 to the duty of support;

258 (B) Establishment or modification of child
259 support;

260 (C) Determination of parentage; or

261 (D) Location of child-support obligors and their
262 income and assets.

263 **SECTION 3.** The following shall be codified as Section
264 93-9-103, Mississippi Code of 1972:

265 93-9-103. **Scope of chapter; choice of law.** (a) This
266 chapter applies to determination of parentage in this state.

267 (b) The court shall apply the law of this state to
268 adjudicate the parent-child relationship. The applicable law does
269 not depend on:

270 (1) The place of birth of the child; or

271 (2) The past or present residence of the child.

272 (c) This chapter does not create, enlarge, or diminish
273 parental rights or duties under other law of this state.

274 (d) This chapter does not authorize or prohibit an agreement
275 between a woman and a man and another woman in which the woman
276 relinquishes all rights as a parent of a child conceived by means
277 of assisted reproduction, and which provides that the man and
278 other woman become the parents of the child. If a birth results
279 under such an agreement and the agreement is unenforceable under
280 the law of Mississippi, the parent-child relationship is
281 determined as provided in this chapter.

282 **SECTION 4.** The following shall be codified as Section
283 93-9-104, Mississippi Code of 1972:

284 93-9-104. **Court exercising jurisdiction.** The chancery,
285 youth, circuit, and county courts are authorized to adjudicate
286 parentage under this chapter. Nothing herein contained shall be
287 construed as abridging the power and jurisdiction of the chancery
288 courts of the State of Mississippi exercised over the estates of
289 minors, nor as an abridgment of the power and authority of said
290 chancery courts or the chancellor in vacation or chancery clerk in
291 vacation to appoint guardians for minors. These courts also have
292 jurisdiction of support actions, and all remedies for the
293 enforcement of orders for expenses of pregnancy and confinement
294 for a wife, or for education, necessary support and maintenance,
295 or funeral expenses for legitimate children shall apply. The

296 court has continuing jurisdiction to modify or revoke an order and
297 to increase or decrease amounts fixed by order for future
298 education and necessary support and maintenance. All remedies
299 under the Uniform Interstate Family Support Act, and amendments
300 thereto, are available for enforcement of duties of support and
301 maintenance under this chapter. In all youth court cases, the
302 section of any orders or an abstract of the section containing
303 paternity or support shall be sent to either the chancery or
304 county court for registration, modification, and enforcement.

305 **SECTION 5.** The following shall be codified as Section
306 93-9-105, Mississippi Code of 1972:

307 93-9-105. **Protection of participants.** Proceedings under
308 this chapter are subject to other laws of this state governing the
309 health, safety, privacy, and liberty of a child or other
310 individual who could be jeopardized by disclosure of identifying
311 information, including address, telephone number, place of
312 employment, social security number, and the child's day care
313 facility and school, except as provided by Section 41-57-14.

314 **SECTION 6.** The following shall be codified as Section
315 93-9-106, Mississippi Code of 1972:

316 93-9-106. **Determination of maternity.** Provisions of this
317 chapter relating to determination of paternity apply to
318 determinations of maternity.

319 **SECTION 7.** The following shall be codified as Section
320 93-9-107, Mississippi Code of 1972:

321 93-9-107. **Obligations of father.** The father of a child born
322 outside lawful matrimony is liable to the same extent as the
323 father of a child born of lawful matrimony, whether or not the
324 child is born alive, for the reasonable expense of the mother's
325 pregnancy and confinement, and for the education, necessary
326 support and maintenance, and medical and funeral expenses of the
327 child. A child born outside lawful matrimony also includes a

328 child born to a married woman by a man other than her lawful
329 husband.

330 **Article 2**

331 **Parent-Child Relationship**

332 **SECTION 8.** The following shall be codified as Section
333 93-9-201, Mississippi Code of 1972:

334 93-9-201. **Establishment of parent-child relationship.** (a)

335 The mother-child relationship is established between a woman and a
336 child by:

337 (1) The woman's having given birth to the child, except
338 as otherwise provided in Article 8;

339 (2) An adjudication of the woman's maternity;

340 (3) Adoption of the child by the woman; or

341 (4) An adjudication confirming the woman as a parent of
342 a child born to a gestational mother if the agreement was
343 validated under Article 8 or is enforceable under other law.

344 (b) The father-child relationship is established between a
345 man and a child by:

346 (1) An un rebutted presumption of the man's paternity of
347 the child under Section 93-9-204;

348 (2) An effective acknowledgment of paternity by the man
349 under Article 3, unless the acknowledgment has been rescinded or
350 successfully challenged;

351 (3) An adjudication of the man's paternity;

352 (4) Adoption of the child by the man;

353 (5) The man's having consented to assisted reproduction
354 by a woman under Article 7 which resulted in the birth of the
355 child; or

356 (6) An adjudication confirming the man as a parent of a
357 child born to a gestational mother if the agreement was validated
358 under Article 8 or is enforceable under other law.

359 **SECTION 9.** The following shall be codified as Section
360 93-9-202, Mississippi Code of 1972:

361 93-9-202. **No discrimination based on marital status.** A
362 child born to parents who are not married to each other has the
363 same rights under the law as a child born to parents who are
364 married to each other.

365 **SECTION 10.** The following shall be codified as Section
366 93-9-203, Mississippi Code of 1972:

367 93-9-203. **Consequences of establishment of parentage.**
368 Unless parental rights are terminated, a parent-child relationship
369 established under this chapter applies for all purposes, except as
370 otherwise specifically provided by other law of this state.

371 **SECTION 11.** The following shall be codified as Section
372 93-9-204, Mississippi Code of 1972:

373 93-9-204. **Presumption of paternity.** (a) A man is presumed
374 to be the father of a child if:

375 (1) He and the mother of the child are married to each
376 other and the child is born during the marriage;

377 (2) He and the mother of the child were married to each
378 other and the child is born within three hundred (300) days after
379 the marriage is terminated by death, annulment, declaration of
380 invalidity, divorce, or entry of a decree of separate maintenance;

381 (3) Before the birth of the child, he and the mother of
382 the child married each other in apparent compliance with law, even
383 if the attempted marriage is or could be declared invalid, and the
384 child is born during the invalid marriage or within three hundred
385 (300) days after its termination by death, annulment, declaration
386 of invalidity, divorce, or entry of a decree of separate
387 maintenance;

388 (4) After the birth of the child, he and the mother of
389 the child married each other in apparent compliance with law,
390 whether or not the marriage is or could be declared invalid, and
391 he voluntarily asserted his paternity of the child, and:

392 (A) The assertion is in a record filed with the
393 Office of Vital Records Registration of the State Department of
394 Health;

395 (B) He agreed to be and is named as the child's
396 father on the child's birth certificate; or

397 (C) He promised in a record to support the child
398 as his own; or

399 (5) For the first two (2) years of the child's life, he
400 resided in the same household with the child and openly held out
401 the child as his own.

402 (b) A presumption of paternity established under this
403 section may be rebutted only by an adjudication under Article 6.

404 **Article 3**

405 **Voluntary Acknowledgement of Paternity**

406 **SECTION 12.** The following shall be codified as Section
407 93-9-301, Mississippi Code of 1972:

408 93-9-301. **Acknowledgment of paternity.** The mother of a
409 child and a man claiming to be the genetic father of the child may
410 sign an acknowledgment of paternity with intent to establish the
411 man's paternity.

412 **SECTION 13.** The following shall be codified as Section
413 93-9-302, Mississippi Code of 1972:

414 93-9-302. **Execution of acknowledgment of paternity.** (a) An
415 acknowledgment of paternity must:

416 (1) Be in a record;

417 (2) Be signed, or otherwise authenticated, under
418 penalty of perjury by the mother and by the man seeking to
419 establish his paternity;

420 (3) State that the child whose paternity is being
421 acknowledged:

422 (A) Does not have a presumed father, or has a
423 presumed father whose full name is stated; and

424 (B) Does not have another acknowledged or
425 adjudicated father;

426 (4) State whether there has been genetic testing and,
427 if so, that the acknowledging man's claim of paternity is
428 consistent with the results of the testing; and

429 (5) State that the signatories understand that the
430 acknowledgment is the equivalent of a judicial adjudication of
431 paternity of the child and that a challenge to the acknowledgment
432 is permitted only under limited circumstances and is barred after
433 two (2) years.

434 (b) An acknowledgment of paternity is void if it:

435 (1) States that another man is a presumed father,
436 unless a denial of paternity signed or otherwise authenticated by
437 the presumed father is filed with the State Board of Health State
438 Registrar of Vital Records;

439 (2) States that another man is an acknowledged or
440 adjudicated father; or

441 (3) Falsely denies the existence of a presumed,
442 acknowledged, or adjudicated father of the child.

443 (c) A presumed father may sign or otherwise authenticate an
444 acknowledgment of paternity.

445 **SECTION 14.** The following shall be codified as Section
446 93-9-303, Mississippi Code of 1972:

447 93-9-303. **Denial of paternity.** A presumed father may sign a
448 denial of his paternity. The denial is valid only if:

449 (1) An acknowledgment of paternity signed, or otherwise
450 authenticated, by another man is filed pursuant to Section
451 93-9-305;

452 (2) The denial is in a record, and is signed, or
453 otherwise authenticated, under penalty of perjury; and

454 (3) The presumed father has not previously:

455 (A) Acknowledged his paternity, unless the
456 previous acknowledgment has been rescinded pursuant to Section

457 93-9-307 or successfully challenged pursuant to Section 93-9-308;
458 or

459 (B) Been adjudicated to be the father of the
460 child.

461 **SECTION 15.** The following shall be codified as Section
462 93-9-304, Mississippi Code of 1972:

463 93-9-304. **Rules for acknowledgment and denial of paternity.**

464 (a) An acknowledgment of paternity and a denial of paternity may
465 be contained in a single document or may be signed in
466 counterparts, and may be filed separately or simultaneously. If
467 the acknowledgement and denial are both necessary, neither is
468 valid until both are filed.

469 (b) An acknowledgment of paternity or a denial of paternity
470 may be signed before the birth of the child.

471 (c) Subject to subsection (a), an acknowledgment of
472 paternity or denial of paternity takes effect on the birth of the
473 child or the filing of the document with the Bureau of Vital
474 Statistics, whichever occurs later.

475 (d) An acknowledgment of paternity or denial of paternity
476 signed by a minor is valid if it is otherwise in compliance with
477 this chapter.

478 **SECTION 16.** The following shall be codified as Section
479 93-9-305, Mississippi Code of 1972:

480 93-9-305. **Effect of acknowledgment or denial of paternity.**

481 (a) Except as otherwise provided in Sections 93-9-307 and
482 93-9-308, a valid acknowledgment of paternity filed with the
483 Bureau of Vital Statistics is equivalent to an adjudication of
484 paternity of a child and confers upon the acknowledged father all
485 of the rights and duties of a parent.

486 (b) Except as otherwise provided in Sections 93-9-307 and
487 93-9-308, a valid denial of paternity by a presumed father filed
488 with the Bureau of Vital Statistics in conjunction with a valid
489 acknowledgment of paternity is equivalent to an adjudication of

490 the nonpaternity of the presumed father and discharges the
491 presumed father from all rights and duties of a parent.

492 **SECTION 17.** The following shall be codified as Section
493 93-9-306, Mississippi Code of 1972:

494 93-9-306. **No filing fee.** The Bureau of Vital Statistics may
495 not charge for filing an acknowledgment of paternity that is filed
496 at the same time as the mother files the birth certificate
497 information.

498 **SECTION 18.** The following shall be codified as Section
499 93-9-307, Mississippi Code of 1972:

500 93-9-307. **Proceeding for rescission.** A signatory may
501 rescind an acknowledgment of paternity or denial of paternity by
502 commencing a proceeding to rescind before the earlier of:

503 (1) Sixty (60) days after the effective date of the
504 acknowledgment or denial, as provided in Section 93-9-304; or

505 (2) The date of the first hearing, in a proceeding to
506 which the signatory is a party, before a court to adjudicate an
507 issue relating to the child, including a proceeding that
508 establishes support.

509 **SECTION 19.** The following shall be codified as Section
510 93-9-308, Mississippi Code of 1972:

511 93-9-308. **Challenge after expiration of period for**
512 **rescission.** (a) After the period for rescission under Section
513 93-9-307 has expired, a signatory of an acknowledgment of
514 paternity or denial of paternity may commence a proceeding to
515 challenge the acknowledgment or denial only:

516 (1) On the basis of fraud, duress, or material mistake
517 of fact; and

518 (2) Within two (2) years after the acknowledgment or
519 denial is filed with the Bureau of Vital Statistics.

520 (b) A party challenging an acknowledgment of paternity or
521 denial of paternity has the burden of proof.

522 **SECTION 20.** The following shall be codified as Section
523 93-9-309, Mississippi Code of 1972:

524 93-9-309. **Procedure for rescission or challenge.** (a) Every
525 signatory to an acknowledgment of paternity and any related denial
526 of paternity must be made a party to a proceeding to rescind or
527 challenge the acknowledgment or denial.

528 (b) For the purpose of rescission of, or challenge to, an
529 acknowledgment of paternity or denial of paternity, a signatory
530 submits to personal jurisdiction of this state by signing the
531 acknowledgment or denial, effective upon the filing of the
532 document with the Bureau of Vital Statistics.

533 (c) Except for good cause shown, during the pendency of a
534 proceeding to rescind or challenge an acknowledgment of paternity
535 or denial of paternity, the court may not suspend the legal
536 responsibilities of a signatory arising from the acknowledgment,
537 including the duty to pay child support.

538 (d) A proceeding to rescind or to challenge an
539 acknowledgment of paternity or denial of paternity must be
540 conducted in the same manner as a proceeding to adjudicate
541 parentage under Article 6.

542 (e) At the conclusion of a proceeding to rescind or
543 challenge an acknowledgment of paternity or denial of paternity,
544 the court shall order the Bureau of Vital Statistics to amend the
545 birth record of the child, if appropriate.

546 **SECTION 21.** The following shall be codified as Section
547 93-9-310, Mississippi Code of 1972:

548 93-9-310. **Ratification barred.** A court or administrative
549 agency conducting a judicial or administrative proceeding is not
550 required or permitted to ratify an unchallenged acknowledgment of
551 paternity.

552 **SECTION 22.** The following shall be codified as Section
553 93-9-311, Mississippi Code of 1972:

554 93-9-311. **Full faith and credit.** A court of this state
555 shall give full faith and credit to an acknowledgment of paternity
556 or denial of paternity effective in another state if the
557 acknowledgment or denial has been signed and is otherwise in
558 compliance with the law of the other state.

559 **SECTION 23.** The following shall be codified as Section
560 93-9-312, Mississippi Code of 1972:

561 93-9-312. **Forms for acknowledgment and denial of paternity.**

562 (a) To facilitate compliance with this article, the Bureau of
563 Vital Statistics shall prescribe forms for the acknowledgment of
564 paternity and the denial of paternity.

565 (b) A valid acknowledgment of paternity or denial of
566 paternity is not affected by a later modification of the
567 prescribed form.

568 (c) The Mississippi Department of Health and the Mississippi
569 Department of Human Services shall cooperate to establish
570 procedures to facilitate the voluntary acknowledgement of
571 paternity by both father and mother at the time of the birth of
572 any child born out-of-wedlock. Such procedures shall establish
573 responsibilities for each of the departments and for hospitals,
574 birthing centers, midwives, or other birth attendants to seek and
575 report voluntary acknowledgements of paternity. In establishing
576 such procedures, the departments shall provide for obtaining the
577 social security account numbers of both the father and mother on
578 voluntary acknowledgements.

579 (d) Upon the birth of a child out of wedlock, the hospital,
580 birthing center, midwife or other birth attendant shall provide an
581 opportunity for the child's mother and natural father to complete
582 an acknowledgement of paternity by giving the mother and natural
583 father the appropriate forms and information developed through the
584 procedures established in subsection (c) of this section. The
585 hospital, birthing center, midwife or other birth attendant shall
586 be responsible for providing printed information, and audio visual

587 material if available, related to the acknowledgement of
588 paternity, and shall be required to provide notary services needed
589 for the completion of acknowledgements of paternity. The
590 information described above shall be provided to the mother and
591 natural father, if present and identifiable, within twenty-four
592 (24) hours of birth or before the mother is released. Such
593 information, including forms, brochures, pamphlets, video tapes
594 and other media, shall be provided at no cost to the hospital,
595 birthing center or midwife by the Mississippi State Department of
596 Health, the Department of Human Services or other appropriate
597 agency.

598 **SECTION 24.** The following shall be codified as Section
599 93-9-313, Mississippi Code of 1972:

600 93-9-313. **Release of information.** The Bureau of Vital
601 Statistics may release information relating to the acknowledgment
602 of paternity or denial of paternity to a signatory of the
603 acknowledgment or denial and to courts, appropriate state agencies
604 of this or another state, or appropriate federal agencies.

605 **SECTION 25.** The following shall be codified as Section
606 93-9-314, Mississippi Code of 1972:

607 93-9-314. **Adoption of rules.** The Office of Vital Records
608 Registration of the State Department of Health may adopt rules to
609 implement this article.

610 **Article 4**
611 **Registry of Paternity**
612 **Part 1**
613 **General Provisions**

614 **SECTION 26.** The following shall be codified as Section
615 93-9-401, Mississippi Code of 1972:

616 93-9-401. **Establishment of registry.** A registry of
617 paternity is established in the Bureau of Vital Statistics.

618 **SECTION 27.** The following shall be codified as Section
619 93-9-402, Mississippi Code of 1972:

620 93-9-402. **Registration for notification.** (a) Except as
621 otherwise provided in subsection (b) or Section 93-9-405, a man
622 who desires to be notified of a proceeding for adoption of, or
623 termination of parental rights regarding, a child that he may have
624 fathered must register in the registry of paternity before the
625 birth of the child or within thirty (30) days after the birth.

626 (b) A man is not required to register if:

627 (1) A father-child relationship between the man and the
628 child has been established under this article or other law; or

629 (2) The man commences a proceeding to adjudicate his
630 paternity before the court has terminated his parental rights.

631 (c) A registrant shall promptly notify the registry in a
632 record of any change in the information registered. The Bureau of
633 Vital Statistics shall incorporate all new information received
634 into its records but need not affirmatively seek to obtain current
635 information for incorporation in the registry.

636 **SECTION 28.** The following shall be codified as Section
637 93-9-403, Mississippi Code of 1972:

638 93-9-403. **Notice of proceeding.** Notice of a proceeding for
639 the adoption of, or termination of parental rights regarding, a
640 child must be given to a registrant who has timely registered.
641 Notice must be given in a manner prescribed for service of process
642 in a civil action.

643 **SECTION 29.** The following shall be codified as Section
644 93-9-404, Mississippi Code of 1972:

645 93-9-404. **Termination of parental rights: child under one**
646 **year of age.** The parental rights of a man who may be the father
647 of a child may be terminated without notice if:

648 (1) The child has not attained one (1) year of age at
649 the time of the termination of parental rights;

650 (2) The man did not register timely with the Bureau of
651 Vital Statistics; and

652 (3) The man is not exempt from registration under
653 Section 93-9-402.

654 **SECTION 30.** The following shall be codified as Section
655 93-9-405, Mississippi Code of 1972:

656 93-9-405. **Termination of parental rights: child at least**
657 **one year of age.** (a) If a child has attained one (1) year of
658 age, notice of a proceeding for adoption of, or termination of
659 parental rights regarding, the child must be given to every
660 alleged father of the child, whether or not he has registered with
661 the Bureau of Vital Statistics.

662 (b) Notice must be given in a manner prescribed for service
663 of process in a civil action.

664 **Part 2**

665 **Operation of Registry**

666 **SECTION 31.** The following shall be codified as Section
667 93-9-411, Mississippi Code of 1972:

668 93-9-411. **Required form.** The Bureau of Vital Statistics
669 shall prepare a form for registering with the agency. The form
670 must require the signature of the registrant. The form must state
671 that the form is signed under penalty of perjury. The form must
672 also state that:

673 (1) A timely registration entitles the registrant to
674 notice of a proceeding for adoption of the child or termination of
675 the registrant's parental rights;

676 (2) A timely registration does not commence a
677 proceeding to establish paternity;

678 (3) The information disclosed on the form may be used
679 against the registrant to establish paternity;

680 (4) Services to assist in establishing paternity are
681 available to the registrant through the support-enforcement
682 agency;

683 (5) The registrant should also register in another
684 state if conception or birth of the child occurred in the other
685 state;

686 (6) Information on registries of other states is
687 available from the Bureau of Vital Statistics; and

688 (7) Procedures exist to rescind the registration of a
689 claim of paternity.

690 **SECTION 32.** The following shall be codified as Section
691 93-9-412, Mississippi Code of 1972:

692 93-9-412. **Furnishing of information; confidentiality.** (a)
693 The Bureau of Vital Statistics need not seek to locate the mother
694 of a child who is the subject of a registration, but the Bureau of
695 Vital Statistics shall send a copy of the notice of registration
696 to a mother if she has provided an address.

697 (b) Information contained in the registry is confidential
698 and may be released on request only to:

699 (1) A court or a person designated by the court;

700 (2) The mother of the child who is the subject of the
701 registration;

702 (3) An agency authorized by other law to receive the
703 information;

704 (4) A licensed child-placing agency;

705 (5) A support-enforcement agency;

706 (6) A party or the party's attorney of record in a
707 proceeding under this chapter or in a proceeding for adoption of,
708 or for termination of parental rights regarding, a child who is
709 the subject of the registration; and

710 (7) The registry of paternity in another state.

711 **SECTION 33.** The following shall be codified as Section
712 93-9-413, Mississippi Code of 1972:

713 93-9-413. **Penalty for releasing information.** An individual
714 commits a misdemeanor if the individual intentionally releases

715 information from the registry to another individual or agency not
716 authorized to receive the information under Section 93-9-412.

717 **SECTION 34.** The following shall be codified as Section
718 93-9-414, Mississippi Code of 1972:

719 93-9-414. **Rescission of registration.** A registrant may
720 rescind his registration at any time by sending to the registry a
721 rescission in a record signed or otherwise authenticated by him,
722 and witnessed or notarized.

723 **SECTION 35.** The following shall be codified as Section
724 93-9-415, Mississippi Code of 1972:

725 93-9-415. **Untimely registration.** If a man registers more
726 than thirty (30) days after the birth of the child, the Bureau of
727 Vital Statistics shall notify the registrant that on its face his
728 registration was not filed timely.

729 **SECTION 36.** The following shall be codified as Section
730 93-9-416, Mississippi Code of 1972:

731 93-9-416. **Fees for registry.** (a) A fee may not be charged
732 for filing a registration or a rescission of registration.

733 (b) Except as otherwise provided in subsection (c), the
734 Bureau of Vital Statistics may charge a reasonable fee for making
735 a search of the registry and for furnishing a certificate.

736 (c) A support-enforcement agency is not required to pay a
737 fee authorized by subsection (b).

738 **Part 3**

739 **Search of Registries**

740 **SECTION 37.** The following shall be codified as Section
741 93-9-421, Mississippi Code of 1972:

742 93-9-421. **Search of appropriate registry.** (a) If a
743 father-child relationship has not been established under this
744 chapter for a child under one (1) year of age, a petitioner for
745 adoption of, or termination of parental rights regarding, the
746 child, must obtain a certificate of search of the registry of
747 paternity.

748 (b) If a petitioner for adoption of, or termination of
749 parental rights regarding, a child has reason to believe that the
750 conception or birth of the child may have occurred in another
751 state, the petitioner must also obtain a certificate of search
752 from the registry of paternity, if any, in that state.

753 **SECTION 38.** The following shall be codified as Section
754 93-9-422, Mississippi Code of 1972:

755 93-9-422. **Certificate of search of registry.** (a) The
756 Bureau of Vital Statistics shall furnish to the requester a
757 certificate of search of the registry on request of an individual,
758 court, or agency identified in Section 93-9-412.

759 (b) A certificate provided by the Bureau of Vital Statistics
760 must be signed on behalf of the bureau and state that:

761 (1) A search has been made of the registry; and

762 (2) A registration containing the information required
763 to identify the registrant:

764 (A) Has been found and is attached to the
765 certificate of search; or

766 (B) Has not been found.

767 (c) A petitioner must file the certificate of search with
768 the court before a proceeding for adoption of, or termination of
769 parental rights regarding, a child may be concluded.

770 **SECTION 39.** The following shall be codified as Section
771 93-9-423, Mississippi Code of 1972:

772 93-9-423. **Admissibility of registered information.** A
773 certificate of search of the registry of paternity in this or
774 another state is admissible in a proceeding for adoption of, or
775 termination of parental rights regarding, a child and, if
776 relevant, in other legal proceedings.

777 **Article 5**

778 **Genetic Testing**

779 **SECTION 40.** The following shall be codified as Section
780 93-9-501, Mississippi Code of 1972:

781 93-9-501. **Scope of article.** This article governs genetic
782 testing of an individual to determine parentage, whether the
783 individual:

- 784 (1) Voluntarily submits to testing; or
785 (2) Is tested pursuant to an order of the court or a
786 support-enforcement agency.

787 **SECTION 41.** The following shall be codified as Section
788 93-9-502, Mississippi Code of 1972:

789 93-9-502. **Order for testing.** (a) Except as otherwise
790 provided in this article and Article 6, the court shall order the
791 child and other designated individuals to submit to genetic
792 testing if the request for testing is supported by the sworn
793 statement of a party to the proceeding:

- 794 (1) Alleging paternity and stating facts establishing a
795 reasonable probability of the requisite sexual contact between the
796 individuals; or
797 (2) Denying paternity and stating facts establishing a
798 possibility that sexual contact between the individuals, if any,
799 did not result in the conception of the child.

800 (b) A support-enforcement agency may order genetic testing
801 only if there is no presumed, acknowledged, or adjudicated father.
802 Except as provided in Section 93-9-502, in all cases brought
803 pursuant to Title IV-D of the Social Security Act, upon sworn
804 documentation by the mother, alleged father, or the Department of
805 Human Services alleging paternity, the department may issue an
806 administrative order for paternity testing which requires the
807 mother, alleged father and minor child to submit themselves for
808 paternity testing. The department shall send the alleged father a
809 copy of the Administrative Order and a Notice for Genetic Testing
810 which shall include the date, time and place for collection of the
811 alleged father's genetic sample. The department shall also send
812 the alleged father a Notice and Complaint to Establish Paternity
813 which shall specify the date and time certain of the court hearing

814 by certified mail, restricted delivery, return receipt requested.
815 Notice shall be deemed complete as of the date of delivery as
816 evidenced by the return receipt. The required notice may also be
817 delivered by personal service upon the alleged father in
818 accordance with Rule 4 of the Mississippi Rules of Civil Procedure
819 insofar as service of an administrative order or notice is
820 concerned.

821 (c) If a request for genetic testing of a child is made
822 before birth, the court or support-enforcement agency may not
823 order in-utero testing.

824 (d) If two (2) or more men are subject to court-ordered
825 genetic testing, the testing may be ordered concurrently or
826 sequentially.

827 (e) The court shall ensure that all parties are aware of the
828 right to request genetic tests under this section.

829 **SECTION 42.** The following shall be codified as Section
830 93-9-503, Mississippi Code of 1972:

831 93-9-503. **Requirements for genetic testing.** (a) Genetic
832 testing shall be made by experts qualified as examiners of genetic
833 tests and must be of a type reasonably relied upon by experts in
834 the field of genetic testing and performed in a testing laboratory
835 accredited by:

836 (1) The American Association of Blood Banks, or a
837 successor to its functions;

838 (2) The American Society for Histocompatibility and
839 Immunogenetics, or a successor to its functions; or

840 (3) An accrediting body designated by the federal
841 Secretary of Health and Human Services.

842 (b) A specimen used in genetic testing may consist of one or
843 more samples, or a combination of samples, of blood, buccal cells,
844 bone, hair, or other body tissue or fluid. The specimen used in
845 the testing need not be of the same kind for each individual
846 undergoing genetic testing.

847 (c) Based on the ethnic or racial group of an individual,
848 the testing laboratory shall determine the databases from which to
849 select frequencies for use in calculation of the probability of
850 paternity. If there is disagreement as to the testing
851 laboratory's choice, the following rules apply:

852 (1) The individual objecting may require the testing
853 laboratory, within thirty (30) days after receipt of the report of
854 the test, to recalculate the probability of paternity using an
855 ethnic or racial group different from that used by the laboratory.

856 (2) The individual objecting to the testing
857 laboratory's initial choice shall:

858 (A) If the frequencies are not available to the
859 testing laboratory for the ethnic or racial group requested,
860 provide the requested frequencies compiled in a manner recognized
861 by accrediting bodies; or

862 (B) Engage another testing laboratory to perform
863 the calculations.

864 (3) The testing laboratory may use its own statistical
865 estimate if there is a question regarding which ethnic or racial
866 group is appropriate. If available, the testing laboratory shall
867 calculate the frequencies using statistics for any other ethnic or
868 racial group requested.

869 (d) If, after recalculation using a different ethnic or
870 racial group, genetic testing does not rebuttably identify a man
871 as the father of a child under Section 93-9-505, an individual who
872 has been tested may be required to submit to additional genetic
873 testing.

874 (e) Genetic tests shall be performed by a laboratory
875 selected from the approved list as prepared and maintained by the
876 Department of Human Services.

877 (f) The Department of Human Services shall publicly issue a
878 request for proposals, and such requests for proposals when issued
879 shall contain terms and conditions relating to price, technology

880 and such other matters as are determined by the department to be
881 appropriate for inclusion or required by law. After responses to
882 the request for proposals have been duly received, the department
883 shall select the lowest and best bid or bids on the basis of
884 price, technology and other relevant factors and from such
885 proposals, but not limited to the terms thereof, negotiate and
886 enter into contracts with one or more of the laboratories
887 submitting proposals. The department shall prepare a list of all
888 laboratories with which it has contracted on these terms. The
889 list and any updates thereto shall be distributed to all chancery
890 clerks. To be eligible to appear on the list, a laboratory must
891 meet the following requirements:

892 (1) The laboratory is qualified to do business within
893 the State of Mississippi;

894 (2) The laboratory can provide test results in less
895 than fourteen (14) days; and

896 (3) The laboratory has participated in the competitive
897 procurement process.

898 **SECTION 43.** The following shall be codified as Section
899 93-9-504, Mississippi Code of 1972:

900 93-9-504. **Report of genetic testing.** (a) A report of
901 genetic testing must be in a record and signed under penalty of
902 perjury by a designee of the testing laboratory. The report must
903 state the amount of the fee for performing the test and the
904 procedures performed to obtain the test results. A report made
905 under the requirements of this article is self-authenticating.

906 (b) Documentation from the testing laboratory of the
907 following information is sufficient to establish a reliable chain
908 of custody that allows the results of genetic testing to be
909 admissible without testimony:

910 (1) The names and photographs of the individuals whose
911 specimens have been taken;

- 912 (2) The names of the individuals who collected the
913 specimens;
- 914 (3) The places and dates the specimens were collected;
- 915 (4) The names of the individuals who received the
916 specimens in the testing laboratory; and
- 917 (5) The dates the specimens were received.

918 **SECTION 44.** The following shall be codified as Section
919 93-9-505, Mississippi Code of 1972:

920 93-9-505. **Genetic testing results; rebuttal.** (a) Under
921 this chapter, a man is rebuttably identified as the father of a
922 child if the genetic testing complies with this article and the
923 results disclose that:

924 (1) The man has at least a ninety-nine percent (99%)
925 probability of paternity, using a prior probability of one-half
926 (0.50), as calculated by using the combined paternity index
927 obtained in the testing; and

928 (2) A combined paternity index of at least one hundred
929 to one (100 to 1).

930 (b) A man identified under subsection (a) as the father of
931 the child may rebut the genetic testing results only by other
932 genetic testing satisfying the requirements of this article which:

933 (1) Excludes the man as a genetic father of the child;
934 or

935 (2) Identifies another man as the possible father of
936 the child.

937 (c) Except as otherwise provided in Section 93-9-510, if
938 more than one man is identified by genetic testing as the possible
939 father of the child, the court shall order them to submit to
940 further genetic testing to identify the genetic father.

941 **SECTION 45.** The following shall be codified as Section
942 93-9-506, Mississippi Code of 1972:

943 93-9-506. **Costs of genetic testing.** (a) Subject to
944 assessment of costs under Article 6, the cost of initial genetic
945 testing must be advanced:

946 (1) By a support-enforcement agency in a proceeding in
947 which the support-enforcement agency is providing services;

948 (2) By the individual who made the request;

949 (3) As agreed by the parties; or

950 (4) As ordered by the court.

951 (b) In cases in which the cost is advanced by the
952 support-enforcement agency, the agency may seek reimbursement from
953 a man who is rebuttably identified as the father.

954 **SECTION 46.** The following shall be codified as Section
955 93-9-507, Mississippi Code of 1972:

956 93-9-507. **Additional genetic testing.** The court or the
957 support-enforcement agency shall order additional genetic testing
958 upon the request of a party who contests the result of the
959 original testing. If the previous genetic testing identified a
960 man as the father of the child under Section 93-9-505, the court
961 or agency may not order additional testing unless the party
962 provides advance payment for the testing.

963 **SECTION 47.** The following shall be codified as Section
964 93-9-508, Mississippi Code of 1972:

965 93-9-508. **Genetic testing when specimens not available.** (a)
966 Subject to subsection (b), if a genetic-testing specimen is not
967 available from a man who may be the father of a child, for good
968 cause and under circumstances the court considers to be just, the
969 court may order the following individuals to submit specimens for
970 genetic testing:

971 (1) The parents of the man;

972 (2) Brothers and sisters of the man;

973 (3) Other children of the man and their mothers; and

974 (4) Other relatives of the man necessary to complete

975 genetic testing.

976 (b) Issuance of an order under this section requires a
977 finding that a need for genetic testing outweighs the legitimate
978 interests of the individual sought to be tested.

979 **SECTION 48.** The following shall be codified as Section
980 93-9-509, Mississippi Code of 1972:

981 93-9-509. **Deceased individual.** For good cause shown, the
982 court may order genetic testing of a deceased individual.

983 **SECTION 49.** The following shall be codified as Section
984 93-9-510, Mississippi Code of 1972:

985 93-9-510. **Identical brothers.** (a) The court may order
986 genetic testing of a brother of a man identified as the father of
987 a child if the man is commonly believed to have an identical
988 brother and evidence suggests that the brother may be the genetic
989 father of the child.

990 (b) If each brother satisfies the requirements as the
991 identified father of the child under Section 93-9-505 without
992 consideration of another identical brother being identified as the
993 father of the child, the court may rely on nongenetic evidence to
994 adjudicate which brother is the father of the child.

995 **SECTION 50.** The following shall be codified as Section
996 93-9-511, Mississippi Code of 1972:

997 93-9-511. **Confidentiality of genetic testing.** (a) Copies
998 of the report of genetic testing for parentage shall be given to
999 all parties or to the attorney of record if a party is represented
1000 by counsel; the original report shall be filed with the clerk of
1001 the court.

1002 (b) An individual who intentionally releases a report of
1003 genetic testing or an identifiable specimen of another individual
1004 for any purpose other than that relevant to the proceeding
1005 regarding parentage without a court order or the written
1006 permission of the individual who furnished the specimen commits a
1007 misdemeanor.

1008 **Article 6**

1009 **PROCEEDING TO ADJUDICATE PARENTAGE**

1010 **Part 1**

1011 **Nature of Proceeding**

1012 **SECTION 51.** The following shall be codified as Section
1013 93-9-601, Mississippi Code of 1972:

1014 93-9-601. **Proceeding authorized.** (a) A civil proceeding
1015 may be maintained to adjudicate the parentage of a child. The
1016 proceeding is governed by the Mississippi Rules of Civil
1017 Procedure.

1018 (b) In all records, certificates or other papers hereafter
1019 made or executed, other than birth records and certificates or
1020 records of judicial proceedings in which the question of birth
1021 out-of-wedlock is at issue, requiring a declaration by or notice
1022 to the mother of a child born out-of-wedlock or otherwise
1023 requiring a reference to the relation of a mother to such a child,
1024 it shall be sufficient for all purposes to refer to the mother as
1025 the parent having the sole custody of the child, and no explicit
1026 reference shall be made to illegitimacy.

1027 **SECTION 52.** The following shall be codified as Section
1028 93-9-602, Mississippi Code of 1972:

1029 93-9-602. **Standing to maintain proceeding.** Subject to
1030 Article 3 and Sections 93-9-607 and 93-9-609, a proceeding to
1031 adjudicate parentage may be maintained by:

- 1032 (1) The child;
- 1033 (2) The mother of the child;
- 1034 (3) A man whose paternity of the child is to be
1035 adjudicated;
- 1036 (4) The support-enforcement agency or other
1037 governmental agency authorized by other law;
- 1038 (5) An authorized adoption agency or licensed
1039 child-placing agency;

1040 (6) A representative authorized by law to act for an
1041 individual who would otherwise be entitled to maintain a
1042 proceeding but who is deceased, incapacitated, or a minor; or

1043 (7) An intended parent under Article 8.

1044 **SECTION 53.** The following shall be codified as Section
1045 93-9-603, Mississippi Code of 1972:

1046 93-9-603. **Parties to proceeding.** (a) The following
1047 individuals must be joined as parties in a proceeding to
1048 adjudicate parentage:

1049 (1) The mother of the child; and

1050 (2) A man whose paternity of the child is to be
1051 adjudicated.

1052 (b) The death of the mother shall not abate the paternity
1053 prosecution, if the child be living; but a suggestion of the fact
1054 shall be made, and the name of the child substituted in the
1055 proceedings for that of the mother, and a guardian ad litem shall
1056 be appointed by the court to prosecute the cause, who shall not be
1057 liable for costs; and in such case the testimony of the mother,
1058 taken in writing before the justice, may be read in evidence, and
1059 shall have the same force and effect as if she were living and had
1060 testified to the same in court.

1061 **SECTION 54.** The following shall be codified as Section
1062 93-9-604, Mississippi Code of 1972:

1063 93-9-604. **Personal jurisdiction.** (a) An individual may not
1064 be adjudicated to be a parent unless the court has personal
1065 jurisdiction over the individual.

1066 (b) A court of this state having jurisdiction to adjudicate
1067 parentage may exercise personal jurisdiction over a nonresident
1068 individual, or the guardian or conservator of the individual, if
1069 the conditions prescribed in Section 93-25-9 of the Uniform
1070 Interstate Family Support Act are fulfilled.

1071 (c) Lack of jurisdiction over one (1) individual does not
1072 preclude the court from making an adjudication of parentage

1073 binding on another individual over whom the court has personal
1074 jurisdiction.

1075 **SECTION 55.** The following shall be codified as Section
1076 93-9-605, Mississippi Code of 1972:

1077 93-9-605. **Venue.** (a) Venue for a proceeding to adjudicate
1078 parentage is in the county of this state in which:

1079 (1) The child resides or is found;

1080 (2) The respondent resides or is found if the child
1081 does not reside in this state; or

1082 (3) A proceeding for probate or administration of the
1083 presumed or alleged father's estate has been commenced.

1084 (b) Subsequent to an initial filing in an appropriate court,
1085 any action regarding paternity, support, enforcement or
1086 modification and to which the Department of Human Services is a
1087 party may be heard in any county by a court which would otherwise
1088 have jurisdiction and is a proper venue. Upon written request by
1089 the Department of Human Services, the clerk of the court of the
1090 original county shall transfer a certified copy of the court file
1091 to the clerk of the appropriate transfer county without need for
1092 application to the court. Such written request shall certify that
1093 the Department of Human Services has issued timely notification of
1094 the transfer in writing to all interested parties. Such written
1095 request and notice shall be entered into the court file by the
1096 transferring clerk of the transferring court. The transferred
1097 action shall remain on the docket of the transferred court in
1098 which the action is heard, subject to another such transfer.

1099 **SECTION 56.** The following shall be codified as Section
1100 93-9-606, Mississippi Code of 1972:

1101 93-9-606. **No limitation: child having no presumed,**
1102 **acknowledged, or adjudicated father.** A proceeding to adjudicate
1103 the parentage of a child having no presumed, acknowledged, or
1104 adjudicated father may be commenced at any time, even after:

1105 (1) The child becomes an adult, but only if the child
1106 initiates the proceeding; or

1107 (2) An earlier proceeding to adjudicate paternity has
1108 been dismissed based on the application of a statute of limitation
1109 then in effect.

1110 **SECTION 57.** The following shall be codified as Section
1111 93-9-607, Mississippi Code of 1972:

1112 93-9-607. **Limitation: child having presumed father.** (a)
1113 Except as otherwise provided in subsection (b), a proceeding
1114 brought by a presumed father, the mother, or another individual to
1115 adjudicate the parentage of a child having a presumed father must
1116 be commenced not later than two (2) years after the birth of the
1117 child.

1118 (b) A proceeding seeking to disprove the father-child
1119 relationship between a child and the child's presumed father may
1120 be maintained at any time if the court determines that:

1121 (1) The presumed father and the mother of the child
1122 neither cohabited nor engaged in sexual intercourse with each
1123 other during the probable time of conception; and

1124 (2) The presumed father never openly held out the child
1125 as his own.

1126 **SECTION 58.** The following shall be codified as Section
1127 93-9-608, Mississippi Code of 1972:

1128 93-9-608. **Authority to deny motion for genetic testing.** (a)
1129 In a proceeding to adjudicate the parentage of a child having a
1130 presumed father or to challenge the paternity of a child having an
1131 acknowledged father, the court may deny a motion seeking an order
1132 for genetic testing of the mother, the child, and the presumed or
1133 acknowledged father if the court determines that:

1134 (1) The conduct of the mother or the presumed or
1135 acknowledged father estops that party from denying parentage; and

1136 (2) It would be inequitable to disprove the
1137 father-child relationship between the child and the presumed or
1138 acknowledged father.

1139 (b) In determining whether to deny a motion seeking an order
1140 for genetic testing under this section, the court shall consider
1141 the best interest of the child, including the following factors:

1142 (1) The length of time between the proceeding to
1143 adjudicate parentage and the time that the presumed or
1144 acknowledged father was placed on notice that he might not be the
1145 genetic father;

1146 (2) The length of time during which the presumed or
1147 acknowledged father has assumed the role of father of the child;

1148 (3) The facts surrounding the presumed or acknowledged
1149 father's discovery of his possible nonpaternity;

1150 (4) The nature of the relationship between the child
1151 and the presumed or acknowledged father;

1152 (5) The age of the child;

1153 (6) The harm that may result to the child if presumed
1154 or acknowledged paternity is successfully disproved;

1155 (7) The nature of the relationship between the child
1156 and any alleged father;

1157 (8) The extent to which the passage of time reduces the
1158 chances of establishing the paternity of another man and a
1159 child-support obligation in favor of the child; and

1160 (9) Other factors that may affect the equities arising
1161 from the disruption of the father-child relationship between the
1162 child and the presumed or acknowledged father or the chance of
1163 other harm to the child.

1164 (c) In a proceeding involving the application of this
1165 section, a minor or incapacitated child must be represented by a
1166 guardian ad litem.

1167 (d) Denial of a motion seeking an order for genetic testing
1168 must be based on clear and convincing evidence.

1169 (e) If the court denies a motion seeking an order for
1170 genetic testing, it shall issue an order adjudicating the presumed
1171 or acknowledged father to be the father of the child.

1172 **SECTION 59.** The following shall be codified as Section
1173 93-9-609, Mississippi Code of 1972:

1174 93-9-609. **Limitation: child having acknowledged or**
1175 **adjudicated father.** (a) If a child has an acknowledged father, a
1176 signatory to the acknowledgment of paternity or denial of
1177 paternity may commence a proceeding seeking to rescind the
1178 acknowledgement or denial or challenge the paternity of the child
1179 only within the time allowed under Section 93-9-307 or 93-9-308.

1180 (b) If a child has an acknowledged father or an adjudicated
1181 father, an individual, other than the child, who is neither a
1182 signatory to the acknowledgment of paternity nor a party to the
1183 adjudication and who seeks an adjudication of paternity of the
1184 child must commence a proceeding not later than two years after
1185 the effective date of the acknowledgment or adjudication.

1186 (c) A proceeding under this section is subject to the
1187 application of the principles of estoppel established in Section
1188 93-9-608.

1189 **SECTION 60.** The following shall be codified as Section
1190 93-9-610, Mississippi Code of 1972:

1191 93-9-610. **Joinder of proceedings.** (a) Except as otherwise
1192 provided in subsection (b), a proceeding to adjudicate parentage
1193 may be joined with a proceeding for adoption, termination of
1194 parental rights, child custody or visitation, child support,
1195 divorce, annulment, separate maintenance, probate or
1196 administration of an estate, or other appropriate proceeding.

1197 (b) A respondent may not join a proceeding described in
1198 subsection (a) with a proceeding to adjudicate parentage brought
1199 under the Uniform Interstate Family Support Act.

1200 **SECTION 61.** The following shall be codified as Section
1201 93-9-611, Mississippi Code of 1972:

1202 93-9-611. **Proceeding before birth.** A proceeding to
1203 determine parentage may be commenced before the birth of the
1204 child, but may not be concluded until after the birth of the
1205 child. The following actions may be taken before the birth of the
1206 child:

- 1207 (1) Service of process;
1208 (2) Discovery; and
1209 (3) Except as prohibited by Section 93-9-502,
1210 collection of specimens for genetic testing.

1211 **SECTION 62.** The following shall be codified as Section
1212 93-9-612, Mississippi Code of 1972:

1213 93-9-612. **Child as party; representation.** (a) A minor
1214 child is a permissible party, but is not a necessary party to a
1215 proceeding under this article.

1216 (b) The court shall appoint a guardian ad litem to represent
1217 a minor or incapacitated child if the child is a party or the
1218 court finds that the interests of the child are not adequately
1219 represented.

1220 **Part 2**

1221 **Special Rules for Proceeding to Adjudicate Parentage**

1222 **SECTION 63.** The following shall be codified as Section
1223 93-9-621, Mississippi Code of 1972:

1224 93-9-621. **Admissibility of results of genetic testing;
1225 expenses.** (a) Except as otherwise provided in subsection (c), a
1226 record of a genetic-testing expert is admissible as evidence of
1227 the truth of the facts asserted in the report unless a party
1228 objects to its admission within fourteen (14) days after its
1229 receipt by the objecting party and cites specific grounds for
1230 exclusion. The admissibility of the report is not affected by
1231 whether the testing was performed:

- 1232 (1) Voluntarily or pursuant to an order of the court or
1233 a support-enforcement agency; or
1234 (2) Before or after the commencement of the proceeding.

1235 (b) A party objecting to the results of genetic testing may
1236 call one or more genetic-testing experts to testify in person or
1237 by telephone, videoconference, deposition, or another method
1238 approved by the court. Unless otherwise ordered by the court, the
1239 party offering the testimony bears the expense for the expert
1240 testifying.

1241 (c) If a child has a presumed, acknowledged, or adjudicated
1242 father, the results of genetic testing are inadmissible to
1243 adjudicate parentage unless performed:

1244 (1) With the consent of both the mother and the
1245 presumed, acknowledged, or adjudicated father; or

1246 (2) Pursuant to an order of the court under Section
1247 93-9-502.

1248 (d) Copies of bills for genetic testing and for prenatal and
1249 postnatal health care for the mother and child which are furnished
1250 to the adverse party not less than ten (10) days before the date
1251 of a hearing are admissible to establish:

1252 (1) The amount of the charges billed; and

1253 (2) That the charges were reasonable, necessary, and
1254 customary.

1255 **SECTION 64.** The following shall be codified as Section
1256 93-9-622, Mississippi Code of 1972:

1257 93-9-622. **Consequences of declining genetic testing.** (a)
1258 An order for genetic testing is enforceable by proceedings for
1259 contempt.

1260 (b) If an individual whose paternity is being determined
1261 declines to submit to genetic testing ordered by the court, the
1262 court for that reason may adjudicate parentage contrary to the
1263 position of that individual.

1264 (c) Genetic testing of the mother of a child is not a
1265 condition precedent to testing the child and a man whose paternity
1266 is being determined. If the mother is unavailable or declines to

1267 submit to genetic testing, the court may order the testing of the
1268 child and every man whose paternity is being adjudicated.

1269 **SECTION 65.** The following shall be codified as Section
1270 93-9-623, Mississippi Code of 1972:

1271 93-9-623. **Admission of paternity authorized.** (a) A
1272 respondent in a proceeding to adjudicate parentage may admit to
1273 the paternity of a child by filing a pleading to that effect or by
1274 admitting paternity under penalty of perjury when making an
1275 appearance or during a hearing.

1276 (b) If the court finds that the admission of paternity
1277 satisfies the requirements of this section and finds that there is
1278 no reason to question the admission, the court shall issue an
1279 order adjudicating the child to be the child of the man admitting
1280 paternity.

1281 **SECTION 66.** The following shall be codified as Section
1282 93-9-624, Mississippi Code of 1972:

1283 93-9-624. **Temporary order.** (a) In a proceeding under this
1284 article, the court shall issue a temporary order for support of a
1285 child if the order is appropriate and the individual ordered to
1286 pay support is:

- 1287 (1) A presumed father of the child;
- 1288 (2) Petitioning to have his paternity adjudicated;
- 1289 (3) Identified as the father through genetic testing
1290 under Section 93-9-505;
- 1291 (4) An alleged father who has declined to submit to
1292 genetic testing;
- 1293 (5) Shown by clear and convincing evidence to be the
1294 father of the child; or
- 1295 (6) The mother of the child.

1296 (b) A temporary order may include provisions for custody and
1297 visitation as provided by other law of this state.

1298 **Part 3**

1299 **Hearings and Adjudication**

1300 **SECTION 67.** The following shall be codified as Section
1301 93-9-631, Mississippi Code of 1972:

1302 93-9-631. **Rules for adjudication of paternity.** The court
1303 shall apply the following rules to adjudicate the paternity of a
1304 child:

1305 (1) The paternity of a child having a presumed,
1306 acknowledged, or adjudicated father may be disproved only by
1307 admissible results of genetic testing excluding that man as the
1308 father of the child or identifying another man as the father of
1309 the child.

1310 (2) Unless the results of genetic testing are admitted
1311 to rebut other results of genetic testing, a man identified as the
1312 father of a child under Section 93-9-505 must be adjudicated the
1313 father of the child.

1314 (3) If the court finds that genetic testing under
1315 Section 93-9-505 neither identifies nor excludes a man as the
1316 father of a child, the court may not dismiss the proceeding. In
1317 that event, the results of genetic testing, and other evidence,
1318 are admissible to adjudicate the issue of paternity.

1319 (4) Unless the results of genetic testing are admitted
1320 to rebut other results of genetic testing, a man excluded as the
1321 father of a child by genetic testing must be adjudicated not to be
1322 the father of the child.

1323 **SECTION 68.** The following shall be codified as Section
1324 93-9-632, Mississippi Code of 1972:

1325 93-9-632. **Jury prohibited.** The court, sitting without a
1326 jury, shall adjudicate paternity of a child.

1327 **SECTION 69.** The following shall be codified as Section
1328 93-9-633, Mississippi Code of 1972:

1329 93-9-633. **Hearings; inspection of records.** (a) On request
1330 of a party and for good cause shown, the court may close a
1331 proceeding under this article.

1332 (b) A final order in a proceeding under this article is
1333 available for public inspection. Other papers and records are
1334 available only with the consent of the parties or on order of the
1335 court for good cause.

1336 (c) Any party calling a witness for the purpose of
1337 testifying to sexual intercourse with the mother at any possible
1338 time of conception of the child whose paternity is in question
1339 shall provide all other parties with the name and address of the
1340 witness at least twenty (20) days before the trial. If a witness
1341 is produced at the hearing for the purpose provided in this
1342 subsection but the party calling the witness failed to provide the
1343 twenty-day notice, the court may adjourn the proceeding for the
1344 purpose of taking a genetic test of the witness before hearing the
1345 testimony of the witness if the court finds that the party calling
1346 the witness acted in good faith.

1347 **SECTION 70.** The following shall be codified as Section
1348 93-9-634, Mississippi Code of 1972:

1349 93-9-634. **Order on default.** The court shall issue an order
1350 adjudicating the paternity of a man who:

- 1351 (1) After service of process, is in default; and
1352 (2) Is found by the court to be the father of a child.

1353 **SECTION 71.** The following shall be codified as Section
1354 93-9-635, Mississippi Code of 1972:

1355 93-9-635. **Dismissal for want of prosecution.** The court may
1356 issue an order dismissing a proceeding commenced under this
1357 chapter for want of prosecution only without prejudice. An order
1358 of dismissal for want of prosecution purportedly with prejudice is
1359 void and has only the effect of a dismissal without prejudice.

1360 **SECTION 72.** The following shall be codified as Section
1361 93-9-636, Mississippi Code of 1972:

1362 93-9-636. **Order adjudicating parentage.** (a) The court
1363 shall issue an order adjudicating whether a man alleged or
1364 claiming to be the father is the parent of the child.

1365 (b) An order adjudicating parentage must identify the child
1366 by name and date of birth and provide for the support and
1367 education of the child.

1368 (1) The order shall specify child support to be paid
1369 weekly or otherwise. In addition to providing for the support and
1370 education, the order shall also provide for the funeral expenses
1371 if the child has died; for the support of the child prior to the
1372 date of the order; and such other expenses as the court may deem
1373 proper. In the event the adjudicated parent has health insurance
1374 available through an employer or organization that may extend
1375 benefits to the dependents of the parent, the order may require
1376 the parent to exercise the option of additional coverage in favor
1377 of the child.

1378 (2) The court may require the payment to be made to the
1379 mother, or to some person or corporation to be designated by the
1380 court as trustee, but if the child is or is likely to become a
1381 public charge on a county or the state, the human services agent
1382 of that county shall be made the trustee. The payment shall be
1383 directed to be made to a trustee if the mother does not reside
1384 within the jurisdiction of the court. The trustee shall report to
1385 the court annually, or oftener as directed by the court, the
1386 amounts received and paid over.

1387 (c) Except as otherwise provided in subsection (d), the
1388 court may assess filing fees, reasonable attorney's fees, fees for
1389 genetic testing, other costs, and necessary travel and other
1390 reasonable expenses incurred in a proceeding under this article.
1391 The court may award attorney's fees, which may be paid directly to
1392 the attorney, who may enforce the order in the attorney's own
1393 name.

1394 (d) The court may not assess fees, costs, or expenses
1395 against the support-enforcement agency of this state or another
1396 state, except as provided by other law.

1397 (e) On request of a party and for good cause shown, the
1398 court may order that the name of the child be changed.

1399 (f) If the order of the court is at variance with the
1400 child's birth certificate, the court shall order the Bureau of
1401 Vital Statistics to issue an amended birth registration even if
1402 the requirements of Section 41-57-23 have not been met.

1403 **SECTION 73.** The following shall be codified as Section
1404 93-9-637, Mississippi Code of 1972:

1405 93-9-637. **Binding effect of determination of parentage.** (a)
1406 Except as otherwise provided in subsection (b), a determination of
1407 parentage is binding on:

1408 (1) All signatories to an acknowledgement or denial of
1409 paternity as provided in Article 3; and

1410 (2) All parties to an adjudication by a court acting
1411 under circumstances that satisfy the jurisdictional requirements
1412 of Section 93-25-11 of the Uniform Interstate Family Support Act.

1413 (b) A child is not bound by a determination of parentage
1414 under this chapter unless:

1415 (1) The determination was based on an unrescinded
1416 acknowledgment of paternity and the acknowledgement is consistent
1417 with the results of genetic testing;

1418 (2) The adjudication of parentage was based on a
1419 finding consistent with the results of genetic testing and the
1420 consistency is declared in the determination or is otherwise
1421 shown; or

1422 (3) The child was a party or was represented in the
1423 proceeding determining parentage by a guardian ad litem.

1424 (c) In a proceeding to dissolve a marriage, the court is
1425 deemed to have made an adjudication of the parentage of a child if
1426 the court acts under circumstances that satisfy the jurisdictional
1427 requirements of Section 93-25-9 of the Uniform Interstate Family
1428 Support Act, and the final order:

1429 (1) Expressly identifies a child as a "child of the
1430 marriage," "issue of the marriage," or similar words indicating
1431 that the husband is the father of the child; or

1432 (2) Provides for support of the child by the husband
1433 unless paternity is specifically disclaimed in the order.

1434 (d) Except as otherwise provided in subsection (b), a
1435 determination of parentage may be a defense in a subsequent
1436 proceeding seeking to adjudicate parentage by an individual who
1437 was not a party to the earlier proceeding.

1438 (e) A party to an adjudication of paternity may challenge
1439 the adjudication only under law of this state relating to appeal,
1440 vacation of judgments, or other judicial review.

1441 **Part 4**

1442 **Additional Special Rules**

1443 **SECTION 74.** The following shall be codified as Section
1444 93-9-638, Mississippi Code of 1972:

1445 93-9-638. **Enforcement; surname of child.** If paternity has
1446 been lawfully determined, or has been acknowledged in writing
1447 according to the laws of this state, the liabilities of the
1448 noncustodial parent may be enforced in the same or other
1449 proceedings by the custodial parent, the child, or any public
1450 authority which has furnished or may furnish the reasonable
1451 expenses of pregnancy, confinement, education, necessary support
1452 and maintenance, and medical or funeral expenses for the custodial
1453 parent or the child. The court shall receive without the need for
1454 third-party foundation testimony certified, attested or sworn
1455 documentation as evidence of (1) childbirth records; (2) cost of
1456 filing fees; (3) court costs; (4) services of process fees; (5)
1457 mailing cost; (6) genetic tests and testing fees; (7) the
1458 Department of Human Services' attorney's fees; (8) in cases where
1459 the state or any of its entities or divisions have provided
1460 medical services to the child or the child's mother, all costs of
1461 prenatal care, birthing, postnatal care and any other medical

1462 expenses incurred by the child or by the mother as a consequence
1463 of the mother's pregnancy or delivery; and (9) funeral expenses.
1464 All costs and fees shall be ordered paid to the Department of
1465 Human Services in all cases successfully prosecuted with a minimum
1466 of Two Hundred Fifty Dollars (\$250.00) in attorney's fees or an
1467 amount determined by the court without submitting an affidavit.
1468 In court-determined paternity, the surname of the child shall be
1469 that of the father, unless the judgment specifies otherwise.

1470 **SECTION 75.** The following shall be codified as Section
1471 93-9-639, Mississippi Code of 1972:

1472 93-9-639. **Limitation on recovery from father.** The father's
1473 liabilities for past education and necessary support and
1474 maintenance and other expenses are limited to a period of one (1)
1475 year next preceding the commencement of an action.

1476 **SECTION 76.** The following shall be codified as Section
1477 93-9-640, Mississippi Code of 1972:

1478 93-9-640. **Limitation on recovery from father's estate.** The
1479 obligation of the estate of the father for liabilities under
1480 Section 93-9-638 is limited to amounts accrued prior to his death.
1481 However, in order to hold the estate of the father liable under
1482 Section 93-9-638, the action must be filed within one (1) year
1483 after the death of the father or within ninety (90) days after the
1484 first publication of notice to creditors to present their claims,
1485 whichever is less.

1486 **SECTION 77.** The following shall be codified as Section
1487 93-9-641, Mississippi Code of 1972:

1488 93-9-641. **Security; commitment; probation.** (a) The court
1489 may require the father to give security by bond or other security,
1490 with sufficient sureties approved by the court, for the payment of
1491 the order of paternity. Such security, when required, shall not
1492 exceed three (3) times the total periodic sum the father shall be
1493 required to pay under the terms of the order of paternity in any
1494 one (1) calendar year. When bond or security is required in cases

1495 where the action has been instituted by a human services official,
1496 the defendant shall also be required to give security that he will
1497 indemnify the state and the county where the child was or may be
1498 born and every other county against any expense for the support
1499 and education of the child; this undertaking shall also require
1500 that all arrears shall be paid by the principal and sureties. In
1501 default of security, when required, the court may commit him to
1502 jail, or put him on probation. At any time within one (1) year he
1503 may be discharged from jail, but his liability to pay the judgment
1504 shall not be thereby affected.

1505 (b) Whenever any order of paternity has been made, but no
1506 bond or other security has been required for payment of support of
1507 the child, and whenever such payments as have become due remain
1508 unpaid for a period of at least thirty (30) days, the court may,
1509 upon petition of the person to whom such payments are due, or that
1510 person's legal representative, enter an order requiring that bond
1511 or other security be given by the father in accordance with and
1512 under such terms and conditions as provided in subsection (a) of
1513 this section. The father, as in other civil actions, shall be
1514 served with process and shall be entitled to a hearing in the
1515 case.

1516 (c) Where security is given and default is made in any
1517 payment, the court shall cite the parties bound by the security
1518 requiring them to show cause why judgment should not be given
1519 against them and execution issued thereon. If the amount due and
1520 unpaid is not paid before the return day of the citation, and no
1521 cause be shown to the contrary, judgment shall be rendered against
1522 those served with the citation for the amount due and unpaid
1523 together with costs, and execution shall issue therefor, saving
1524 all remedies upon the bond for future default. The judgment is a
1525 lien on real estate and in other respects enforceable as other
1526 judgments. The amount collected on the judgment or such sums as
1527 may have been deposited as collateral in lieu of bond, when

1528 forfeited, may be used for the benefit of the child, as provided
1529 in the order of paternity.

1530 (d) If at any time after an order of paternity is made and
1531 an undertaking given thereon in accordance with the provisions of
1532 this chapter, if the undertaking is not complied with, a recovery
1533 thereon cannot be had, the original undertaking has been complied
1534 with and the sureties discharged therefrom, or if money were
1535 deposited in lieu of bail but exhausted, and the natural child
1536 still needs support, the human services official of any county
1537 where the natural child for whose support the order of paternity
1538 was made shall be at the time, or the Executive Director of the
1539 Department of Human Services upon giving proof of the making of
1540 the order of paternity, the giving of the undertaking and the
1541 noncompliance therewith, that the sureties have been discharged
1542 from their liability, or that for any reason a recovery cannot be
1543 had on the undertaking, may apply to the court in the county
1544 having jurisdiction for a warrant for the arrest of the defendant
1545 against whom the order of paternity was made, and the warrant
1546 shall be executed in the manner provided in criminal procedure for
1547 the execution of the warrant; upon the arrest and arraignment of
1548 the defendant, and upon proof of the making of the order of
1549 paternity, the giving of the above-mentioned undertaking, and the
1550 noncompliance therewith, or that for any reason a recovery cannot
1551 be had on such undertaking, the court shall make an order
1552 requiring him to give a new undertaking, which shall also require
1553 that all arrears shall be paid by the principal and sureties, or
1554 upon his failure to give such new undertaking, shall commit him to
1555 jail, or put him on probation.

1556 (e) If the child and mother die, or the father and mother be
1557 legally married to each other, the court in which such security is
1558 filed, on proof of such fact, may cause the security to be marked
1559 "cancelled" and be surrendered to the obligors.

1560 **SECTION 78.** The following shall be codified as Section
1561 93-9-642, Mississippi Code of 1972:

1562 93-9-642. **Commitment for contempt.** The court also has power
1563 on default to adjudge the father in contempt and to order him
1564 committed to jail in the same manner and with the same powers as
1565 in case of commitment for default in giving security. The
1566 commitment of the father shall not operate to stay execution upon
1567 the judgment of the bond.

1568 **SECTION 79.** The following shall be codified as Section
1569 93-9-643, Mississippi Code of 1972:

1570 93-9-643. **Support by mother.** (a) If a mother of a natural
1571 child is possessed of property and fails to support and educate
1572 her child, upon application of the guardian or next friend of the
1573 child or, if the child shall receive Temporary Assistance for
1574 Needy Families (TANF) benefits or other financial assistance, of
1575 the county human services agent or youth counselor, the court
1576 having jurisdiction may examine the matter, and after hearing may
1577 make an order charging the mother with the payment of money,
1578 weekly or otherwise, for the support and education of the child.

1579 (b) The court may require the mother to give security, by
1580 bond or other security, with sufficient sureties approved by the
1581 court, for the payment of the order. In default of security, when
1582 required, the court may commit her to jail, or put her on
1583 probation. At any time within one (1) year she may be discharged
1584 from jail, but her liability to pay the judgment shall not be
1585 thereby affected.

1586 (c) Nothing in this section shall be deemed to relieve the
1587 father from liability for support and education of the child in
1588 accordance with the provisions of this chapter.

1589 **SECTION 80.** The following shall be codified as Section
1590 93-9-644, Mississippi Code of 1972:

1591 93-9-644. **False declaration of identity.** The making of a
1592 false complaint as to the identity of the father, or the aiding or
1593 abetting therein, shall be punishable as for perjury.

1594 **SECTION 81.** The following shall be codified as Section
1595 93-9-645, Mississippi Code of 1972:

1596 93-9-645. **Probation.** Upon a failure to give security as
1597 provided herein, the court, instead of imposing sentence or of
1598 committing the parent to jail, or as a condition of release from
1599 jail, may place the parent on probation, upon such terms as to
1600 payment of support to or on behalf of the child, and as to
1601 personal reports, as the court may direct. Upon violation of the
1602 terms imposed, the court may proceed to impose the sentence and
1603 commit or recommit to jail in accordance with the sentence.

1604 **SECTION 82.** The following shall be codified as Section
1605 93-9-646, Mississippi Code of 1972:

1606 93-9-646. **Appeals.** Appeal from any final order or judgment
1607 of parentage may be taken directly to the Supreme Court within
1608 thirty (30) days after the entry of the order, by the defendant,
1609 by a guardian ad litem appointed by the court for the child, by
1610 the mother or her personal representative, or by the human
1611 services official.

1612 The appeal shall operate as a stay of execution unless the
1613 defendant gives the security provided in this part, and further
1614 security to pay the costs of such appeal. If the appeal is taken
1615 by a guardian ad litem appointed for the child by the court, the
1616 court in its discretion may allow payment for the actual
1617 disbursements made by the guardian ad litem for taking appeal.
1618 When allowed by the judge and duly audited, the disbursement shall
1619 become a county charge and shall be paid by the county.

1620 **SECTION 83.** The following shall be codified as Section
1621 93-9-647, Mississippi Code of 1972:

1622 93-9-647. **Prosecuting official.** It shall be the duty of the
1623 county attorney in the county in which the petition is filed, in

1624 counties having a county attorney, to prosecute all cases relating
1625 to natural children where the complainant is a state or county
1626 human services official. He shall receive as compensation for his
1627 services, when and if performed, not to exceed the sum of One
1628 Hundred Dollars (\$100.00) for any one (1) month, in addition to
1629 compensation provided otherwise, out of the county treasury upon
1630 an order of the county, circuit, or chancery judge. In counties
1631 not having a county attorney, the complaint shall be prosecuted by
1632 the district attorney, or by an attorney representing the state or
1633 county human services official as the petitioner, who shall
1634 receive the same compensation as provided for the county attorney.

1635 **Article 7**

1636 **Child of Assisted Reproduction**

1637 **SECTION 84.** The following shall be codified as Section
1638 93-9-701, Mississippi Code of 1972:

1639 93-9-701. **Scope of article.** This article does not apply to
1640 the birth of a child conceived by means of sexual intercourse or
1641 as the result of a gestational agreement as provided in Article 8.

1642 **SECTION 85.** The following shall be codified as Section
1643 93-9-702, Mississippi Code of 1972:

1644 93-9-702. **Parental status of donor.** A donor is not a parent
1645 of a child conceived by means of assisted reproduction.

1646 **SECTION 86.** The following shall be codified as Section
1647 93-9-703, Mississippi Code of 1972:

1648 93-9-703. **Paternity of child of assisted reproduction.** A
1649 man who provides sperm for, or consents to, assisted reproduction
1650 by a woman as provided in Section 93-9-704 with the intent to be
1651 the parent of her child, is a parent of the resulting child.

1652 **SECTION 87.** The following shall be codified as Section
1653 93-9-704, Mississippi Code of 1972:

1654 93-9-704. **Consent to assisted reproduction.** (a) Consent by
1655 a woman, and a man who intends to be a parent of a child born to
1656 the woman by assisted reproduction, must be in a record signed by

1657 the woman and the man. This requirement does not apply to a
1658 donor.

1659 (b) Failure of a man to sign a consent required by
1660 subsection (a), before or after birth of the child, does not
1661 preclude a finding of paternity if the woman and the man, during
1662 the first two (2) years of the child's life resided together in
1663 the same household with the child and openly held out the child as
1664 their own.

1665 **SECTION 88.** The following shall be codified as Section
1666 93-9-705, Mississippi Code of 1972:

1667 93-9-705. **Limitation on husband's dispute of paternity.** (a)
1668 Except as otherwise provided in subsection (b), the husband of a
1669 wife who gives birth to a child by means of assisted reproduction
1670 may not challenge his paternity of the child unless:

1671 (1) Within two (2) years after learning of the birth of
1672 the child he commences a proceeding to adjudicate his paternity;
1673 and

1674 (2) The court finds that he did not consent to the
1675 assisted reproduction, before or after birth of the child.

1676 (b) A proceeding to adjudicate paternity may be maintained
1677 at any time if the court determines that:

1678 (1) The husband did not provide sperm for, or before or
1679 after the birth of the child consent to, assisted reproduction by
1680 his wife;

1681 (2) The husband and the mother of the child have not
1682 cohabited since the probable time of assisted reproduction; and

1683 (3) The husband never openly held out the child as his
1684 own.

1685 (c) The limitation provided in this section applies to a
1686 marriage declared invalid after assisted reproduction.

1687 **SECTION 89.** The following shall be codified as Section
1688 93-9-706, Mississippi Code of 1972:

1689 93-9-706. **Effect of dissolution of marriage or withdrawal of**
1690 **consent.** (a) If a marriage is dissolved before placement of
1691 eggs, sperm, or embryos, the former spouse is not a parent of the
1692 resulting child unless the former spouse consented in a record
1693 that if assisted reproduction were to occur after a divorce, the
1694 former spouse would be a parent of the child.

1695 (b) The consent of a woman or a man to assisted reproduction
1696 may be withdrawn by that individual in a record at any time before
1697 placement of eggs, sperm, or embryos. An individual who withdraws
1698 consent under this section is not a parent of the resulting child.

1699 **SECTION 90.** The following shall be codified as Section
1700 93-9-707, Mississippi Code of 1972:

1701 93-9-707. **Parental status of deceased individual.** If an
1702 individual who consented in a record to be a parent by assisted
1703 reproduction dies before placement of eggs, sperm, or embryos, the
1704 deceased individual is not a parent of the resulting child unless
1705 the deceased spouse consented in a record that if assisted
1706 reproduction were to occur after death, the deceased individual
1707 would be a parent of the child.

1708 **Article 8**

1709 **Gestational Agreement**

1710 **SECTION 91.** The following shall be codified as Section
1711 93-9-801, Mississippi Code of 1972:

1712 93-9-801. **Gestational agreement authorized.** (a) A
1713 prospective gestational mother, her husband if she is married, a
1714 donor or the donors, and the intended parents may enter into a
1715 written agreement providing that:

1716 (1) The prospective gestational mother agrees to
1717 pregnancy by means of assisted reproduction;

1718 (2) The prospective gestational mother, her husband if
1719 she is married, and the donors relinquish all rights and duties as
1720 the parents of a child conceived through assisted reproduction;

1721 and

1722 (3) The intended parents become the parents of the
1723 child.

1724 (b) The man and the woman who are the intended parents must
1725 both be parties to the gestational agreement.

1726 (c) A gestational agreement is enforceable only if validated
1727 as provided in Section 93-9-803.

1728 (d) A gestational agreement does not apply to the birth of a
1729 child conceived by means of sexual intercourse.

1730 (e) A gestational agreement may provide for payment of
1731 consideration.

1732 (f) A gestational agreement may not limit the right of the
1733 gestational mother to make decisions to safeguard her health or
1734 that of the embryos or fetus.

1735 **SECTION 92.** The following shall be codified as Section
1736 93-9-802, Mississippi Code of 1972:

1737 93-9-802. **Requirements of petition.** (a) The intended
1738 parents and the prospective gestational mother may commence a
1739 proceeding in the chancery or county court to validate a
1740 gestational agreement.

1741 (b) A proceeding to validate a gestational agreement may not
1742 be maintained unless:

1743 (1) The mother or the intended parents have been
1744 residents of this state for at least ninety (90) days;

1745 (2) The prospective gestational mother's husband, if
1746 she is married, is joined in the proceeding; and

1747 (3) A copy of the gestational agreement is attached to
1748 the petition.

1749 **SECTION 93.** The following shall be codified as Section
1750 93-9-803, Mississippi Code of 1972:

1751 93-9-803. **Hearing to validate gestational agreement.** (a)

1752 If the requirements of subsection (b) are satisfied, a court may
1753 issue an order validating the gestational agreement and declaring

1754 that the intended parents will be the parents of a child born
1755 during the term of the agreement.

1756 (b) The court may issue an order under subsection (a) only
1757 on finding that:

1758 (1) The residence requirements of Section 93-9-802 have
1759 been satisfied and the parties have submitted to the jurisdiction
1760 of the court under the jurisdictional standards of this chapter;

1761 (2) Unless waived by the court, the Mississippi
1762 Department of Human Services has made a home study of the intended
1763 parents and the intended parents meet the standards of suitability
1764 applicable to adoptive parents;

1765 (3) All parties have voluntarily entered into the
1766 agreement and understand its terms;

1767 (4) Adequate provision has been made for all reasonable
1768 health care expense associated with the gestational agreement
1769 until the birth of the child, including responsibility for those
1770 expenses if the agreement is terminated; and

1771 (5) The consideration, if any, paid to the prospective
1772 gestational mother is reasonable.

1773 **SECTION 94.** The following shall be codified as Section
1774 93-9-804, Mississippi Code of 1972:

1775 93-9-804. **Inspection of records.** The proceedings, records,
1776 and identities of the individual parties to a gestational
1777 agreement under this article are subject to inspection under the
1778 standards of confidentiality applicable to adoptions as provided
1779 under other law of this state.

1780 **SECTION 95.** The following shall be codified as Section
1781 93-9-805, Mississippi Code of 1972:

1782 93-9-805. **Exclusive, continuing jurisdiction.** Subject to
1783 the jurisdictional standards of the Uniform Child Custody
1784 Jurisdiction and Enforcement Act, the court conducting a
1785 proceeding under this section has exclusive, continuing
1786 jurisdiction of all matters arising out of the gestational

1787 agreement until a child born to the gestational mother during the
1788 period governed by the agreement attains the age of one hundred
1789 eighty (180) days.

1790 **SECTION 96.** The following shall be codified as Section
1791 93-9-806, Mississippi Code of 1972:

1792 93-9-806. **Termination of gestational agreement.** (a) After
1793 issuance of an order under this chapter, but before the
1794 prospective gestational mother becomes pregnant by means of
1795 assisted reproduction, the prospective gestational mother, her
1796 husband, or either of the intended parents may terminate the
1797 gestational agreement by giving written notice of termination to
1798 all other parties.

1799 (b) The court for good cause shown may terminate the
1800 gestational agreement.

1801 (c) An individual who terminates a gestational agreement
1802 shall file notice of the termination with the court. On receipt
1803 of the notice, the court shall vacate the order issued under this
1804 section. An individual who does not notify the court of the
1805 termination of the agreement is subject to appropriate sanctions.

1806 (d) Neither a prospective gestational mother nor her
1807 husband, if any, is liable to the intended parents for terminating
1808 a gestational agreement pursuant to this section.

1809 **SECTION 97.** The following shall be codified as Section
1810 93-9-807, Mississippi Code of 1972:

1811 93-9-807. **Parentage under validated gestational agreement.**

1812 (a) Upon birth of a child to a gestational mother, the intended
1813 parents shall file notice with the court that a child has been
1814 born to the gestational mother within three hundred (300) days
1815 after assisted reproduction. Thereupon, the court shall issue an
1816 order:

1817 (1) Confirming that the intended parents are the
1818 parents of the child;

1819 (2) If necessary, ordering that the child be
1820 surrendered to the intended parents; and

1821 (3) Directing the Office of Vital Records Registration
1822 of the State Department of Health to issue a birth certificate
1823 naming the intended parents as parents of the child even if the
1824 requirements of Section 41-57-23 have not been met.

1825 (b) If the parentage of a child born to a gestational mother
1826 is alleged not to be the result of assisted reproduction, the
1827 court shall order genetic testing to determine the parentage of
1828 the child.

1829 (c) If the intended parents fail to file notice required
1830 under subsection (a), the gestational mother or the appropriate
1831 state agency may file notice with the court that a child has been
1832 born to the gestational mother within three hundred (300) days
1833 after assisted reproduction. Upon proof of a court order issued
1834 pursuant to Section 93-9-803 validating the gestational agreement,
1835 the court shall order the intended parents are the parents of the
1836 child and are financially responsible for the child.

1837 **SECTION 98.** The following shall be codified as Section
1838 93-9-808, Mississippi Code of 1972:

1839 93-9-808. **Gestational agreement: effect of subsequent**
1840 **marriage.** After the issuance of an order under this article,
1841 subsequent marriage of the gestational mother does not affect the
1842 validity of a gestational agreement, her husband's consent to the
1843 agreement is not required, and her husband is not a presumed
1844 father of the resulting child.

1845 **SECTION 99.** The following shall be codified as Section
1846 93-9-809, Mississippi Code of 1972:

1847 93-9-809. **Effect of nonvalidated gestational agreement.** (a)
1848 A gestational agreement, whether in a record or not, that is not
1849 judicially validated is not enforceable.

1850 (b) If a birth results under a gestational agreement that is
1851 not judicially validated as provided in this section, the

1852 parent-child relationship is determined as provided in Sections
1853 93-9-201 and 93-9-204.

1854 (c) Individuals who are parties to a nonvalidated
1855 gestational agreement as intended parents may be held liable for
1856 support of the resulting child, even if the agreement is otherwise
1857 unenforceable. The liability under this subsection includes
1858 assessing all expenses and fees as provided in Section 93-9-636.

1859 **Article 9**

1860 **Miscellaneous Provisions**

1861 **SECTION 100.** The following shall be codified as Section
1862 93-9-901, Mississippi Code of 1972:

1863 93-9-901. **Uniformity of application and construction.** In
1864 applying and construing this chapter, consideration must be given
1865 to the need to promote uniformity of the law with respect to its
1866 subject matter among states that enact it.

1867 **SECTION 101.** The following shall be codified as Section
1868 93-9-902, Mississippi Code of 1972:

1869 93-9-902. **Severability clause.** If any provision of this
1870 chapter or its application to an individual or circumstance is
1871 held invalid, the invalidity does not affect other provisions or
1872 applications of this chapter which can be given effect without the
1873 invalid provision or application, and to this end the provisions
1874 of this chapter are severable.

1875 **SECTION 102.** The following shall be codified as Section
1876 93-9-903, Mississippi Code of 1972:

1877 93-9-903. **Transitional provision.** A proceeding to
1878 adjudicate parentage which was commenced before the effective date
1879 of this chapter is governed by the law in effect at the time the
1880 proceeding was commenced.

1881 **SECTION 103.** Section 41-57-14, Mississippi Code of 1972, is
1882 amended as follows:

1883 41-57-14. (1) If the mother was married at the time of
1884 either conception or birth, or at any time between conception and

1885 birth, the name of the husband shall be entered on the certificate
1886 of birth as the father of the child. The social security number
1887 of each parent of a child born within this state shall be
1888 furnished to the local registrar of vital records at the time of
1889 filing the certificate of birth, but such information shall not
1890 appear on the portion of the certificate to be issued as a
1891 certified copy. Such information shall be sent to the Office of
1892 Vital Records Registration of the State Department of Health along
1893 with the certificate of birth and shall be retained by the office.
1894 The information shall not be disclosed to any person except as
1895 authorized by subsection (2) of this section or as allowed by
1896 Section 41-57-2.

1897 (2) The Office of Vital Records Registration shall make
1898 available to the Division of Child Support Enforcement of the
1899 Mississippi Department of Human Services information concerning
1900 the names and social security numbers of the parents obtained
1901 under the requirements of subsection (1) in an electronic format
1902 for the use in establishing paternity or enforcing child support
1903 obligations. Information obtained by the Division of Child
1904 Support Enforcement under this section may be used in any action
1905 or proceeding before any court, administrative tribunal, or other
1906 proceeding for the purpose of establishing paternity, establishing
1907 a child support obligation, collecting child support or locating
1908 persons owing such an obligation.

1909 **SECTION 104.** Section 41-57-23, Mississippi Code of 1972, is
1910 amended as follows:

1911 41-57-23. * * * Any petition, bill of complaint or other
1912 proceeding filed in the chancery court to: (a) change the date of
1913 birth by two (2) or more days, (b) change the surname of a child,
1914 (c) change the surname of either or both parents, (d) change the
1915 birthplace of the child because of an error or omission of such
1916 information as originally recorded or (e) make any changes or
1917 additions to a birth certificate resulting from a legitimation,

1918 paternity or any changes not specifically authorized elsewhere by
1919 statute, shall be filed in the county of residence of the
1920 petitioner or filed in any chancery court district of the state if
1921 the petitioner be a nonresident petitioner. In all such
1922 proceedings, the State Board of Health shall be made a respondent
1923 therein, and a certified copy of the petition, bill of complaint
1924 or other proceeding shall be forwarded to the State Board of
1925 Health. Process may be served upon the State Registrar of Vital
1926 Records. The State Board of Health shall file an answer to all
1927 such proceedings within the time as provided by general law. The
1928 provisions of this section shall not apply to adoption proceedings
1929 or to orders rendered under Section 93-9-636 or 93-9-807. Upon
1930 receipt of a certified copy of a decree, which authorizes and
1931 directs the State Board of Health to alter the certificate, it
1932 shall comply with all of the provisions of such decree.

1933 * * *

1934 **SECTION 105.** Section 93-17-8, Mississippi Code of 1972, is
1935 amended as follows:

1936 93-17-8. (1) Whenever an adoption becomes a contested
1937 matter, whether after a hearing on a petition for determination of
1938 rights under Section 93-17-6 or otherwise, the court:

1939 (a) * * * On motion of any party or on its own motion,
1940 shall issue an order for immediate blood or tissue sampling in
1941 accordance with the provisions of Title 93, Chapter 9, Article 5,
1942 if paternity is at issue. The court shall order an expedited
1943 report of such testing and shall hold the hearing resolving this
1944 matter at the earliest time possible.

1945 (b) Shall appoint a guardian ad litem to represent the
1946 child. Such guardian ad litem shall be an attorney; however, his
1947 duties are as guardian ad litem and not as attorney for the child.
1948 The reasonable costs of the guardian ad litem shall be taxed as
1949 costs of court. Neither the child nor anyone purporting to act on
1950 his behalf may waive the appointment of a guardian ad litem.

1951 (c) Shall determine first whether or not the objecting
1952 parent is entitled to so object under the criteria of Section
1953 93-17-7 and then shall determine the custody of the child in
1954 accord with the best interests of the child and the rights of the
1955 parties as established by the hearings and judgments.

1956 (d) Shall schedule all hearings concerning the
1957 contested adoption as expeditiously as possible for prompt
1958 conclusion of the matter.

1959 (2) In determining the custody of the child after a finding
1960 that the adoption will not be granted, the fact of the surrender
1961 of the child for adoption by a parent shall not be taken as any
1962 evidence of that parent's abandonment or desertion of the child or
1963 of that parent's unfitness as a parent.

1964 (3) In contested adoptions arising through petitions for
1965 determination of rights where the prospective adopting parents
1966 were not parties to that proceeding, they need not be made parties
1967 to the contested adoption until there has been a ruling that the
1968 objecting parent is not entitled to enter a valid objection to the
1969 adoption. At that point the prospective adopting parents shall be
1970 made parties by joinder which shall show their suitability to be
1971 adopting parents as would a petition for adoption. The identity
1972 and suitability of the prospective adopting parents shall be made
1973 known to the court and the guardian ad litem, but shall not be
1974 made known to other parties to the proceeding unless the court
1975 determines that the interests of justice or the best interests of
1976 the child require it.

1977 (4) No birth parent or alleged parent shall be permitted to
1978 contradict statements given in a proceeding for the adoption of
1979 his or her child in any other proceeding concerning that child or
1980 his ancestry.

1981 (5) Appointment of a guardian ad litem is not required in
1982 any proceeding under this chapter except as provided in subsection
1983 (1)(b) of this section and except for the guardian ad litem needed

1984 for an abandoned child. It shall not be necessary for a guardian
1985 ad litem to be appointed where the chancery judge presiding in the
1986 adoption proceeding deems it unnecessary and no adoption agency is
1987 involved in the proceeding. No final decree of adoption
1988 heretofore granted shall be set aside or modified because a
1989 guardian ad litem was not appointed unless as the result of a
1990 direct appeal not now barred.

1991 (6) The provisions of Chapter 15 of this Title 93 * * * are
1992 not applicable to proceedings under this chapter except as
1993 specifically provided by reference herein.

1994 (7) The court may order a child's birth father, identified
1995 as such in the proceedings, to reimburse the Department of Human
1996 Services, the foster parents, the adopting parents, the home, any
1997 other agency or person who has assumed liability for such child,
1998 all or part of the costs of the medical expenses incurred for the
1999 mother and the child in connection with the birth of the child, as
2000 well as reasonable support for the child after his birth.

2001 **SECTION 106.** Sections 93-9-1, 93-9-3, 93-9-5, 93-9-7,
2002 93-9-9, 93-9-11, 93-9-13, 93-9-15, 93-9-17, 93-9-19, 93-9-21,
2003 93-9-23, 93-9-25, 93-9-27, 93-9-28, 93-9-29, 93-9-30, 93-9-31,
2004 93-9-33, 93-9-35, 93-9-37, 93-9-39, 93-9-41, 93-9-43, 93-9-45,
2005 93-9-47 and 93-9-49, Mississippi Code of 1972, which constitute
2006 the Mississippi Uniform Law on Paternity, and Sections 93-9-71,
2007 93-9-73 and 93-9-75, Mississippi Code of 1972, dealing with the
2008 effect on a paternity proceeding of the death of a mother or child
2009 and the admissibility of the mother's dying declaration, are
2010 repealed.

2011 **SECTION 107.** This act shall take effect and be in force from
2012 and after July 1, 2005.