

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2738

1 AN ACT TO AMEND SECTION 43-15-117, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE ALL ADOPTION AGENCIES OR OTHER PERSONS WHO ADVERTISE  
3 FOR ADOPTION SERVICES TO SHOW THEIR OFFICE LOCATION ON ALL MEDIA  
4 ADVERTISEMENTS; AND FOR RELATED PURPOSES.

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

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

8 43-15-117. (1) Except as provided in this article, no  
9 person, agency, firm, corporation, association or group children's  
10 home may engage in child placing, or solicit money or other  
11 assistance for child placing, without a valid license issued by  
12 the division. No child-placing agency shall advertise in the  
13 media markets in Mississippi seeking birth mothers or their  
14 children for adoption purposes unless the agency holds a valid and  
15 current license issued either by the division or the authorized  
16 governmental licensing agency of another state that regulates  
17 child-placing agencies. Any child-placing agency, physician or  
18 attorney who advertises for child placing or adoption services in  
19 Mississippi shall be required by the division to show their  
20 principal office location on all media advertising for adoption  
21 services.

22 (2) An attorney, physician or other person may assist a  
23 parent in identifying or locating a person interested in adopting  
24 the parent's child, or in identifying or locating a child to be  
25 adopted. However, no payment, charge, fee, reimbursement of  
26 expense, or exchange of value of any kind, or promise or agreement  
27 to make the same, may be made for that assistance.

28           (3) Nothing in this section precludes payment of reasonable  
29 fees for medical, legal or other lawful services rendered in  
30 connection with the care of a mother, delivery and care of a child  
31 including, but not limited to, the mother's living expenses, or  
32 counseling for the parents and/or the child, and for the legal  
33 proceedings related to lawful adoption proceedings; and no  
34 provision of this section abrogates the right of procedures for  
35 independent adoption as provided by law.

36           (4) The division is specifically authorized to promulgate  
37 rules under the Administrative Procedures Law, Title 25, Chapter  
38 43, Mississippi Code of 1972, to regulate fees charged by licensed  
39 child-placing agencies, if it determines that the practices of  
40 those licensed child-placing agencies demonstrates that the fees  
41 charged are excessive or that any of the agency's practices are  
42 deceptive or misleading; however, those rules regarding fees shall  
43 take into account the use of any sliding fee by an agency that  
44 uses a sliding fee procedure to permit prospective adoptive  
45 parents of varying income levels to utilize the services of those  
46 agencies or persons.

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

56           (6) The division is specifically authorized to disclose to  
57 prospective adoptive parents or other interested persons any fees  
58 charged by any licensed child-placing agency, attorney or  
59 counseling service or counselor for all legal and counseling

60 services provided by that licensed child-placing agency, attorney  
61 or counseling service or counselor.

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