

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2738
(As Sent to Governor)

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; TO PROVIDE THAT AN ATTORNEY WHO PROVIDES LEGAL
5 SERVICES TO A CLIENT IN CONNECTION WITH ADOPTION PROCEEDINGS FOR
6 THE CLIENT SHALL NOT BE REQUIRED TO HAVE A LICENSE FROM THE
7 DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

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

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

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

25 (2) An attorney who provides legal services to a client in
26 connection with proceedings for the adoption of a child by the
27 client, who does not receive, accept or provide custody or care
28 for the child for the purposes specified in Section 43-15-103(c),

29 shall not be required to have a license under this article to
30 provide those legal services.

31 (3) An attorney, physician or other person may assist a
32 parent in identifying or locating a person interested in adopting
33 the parent's child, or in identifying or locating a child to be
34 adopted. However, no payment, charge, fee, reimbursement of
35 expense, or exchange of value of any kind, or promise or agreement
36 to make the same, may be made for that assistance.

37 (4) Nothing in this section precludes payment of reasonable
38 fees for medical, legal or other lawful services rendered in
39 connection with the care of a mother, delivery and care of a child
40 including, but not limited to, the mother's living expenses, or
41 counseling for the parents and/or the child, and for the legal
42 proceedings related to lawful adoption proceedings; and no
43 provision of this section abrogates the right of procedures for
44 independent adoption as provided by law.

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

56 (6) The division shall promulgate rules under the
57 Administrative Procedures Law, Title 25, Chapter 43, Mississippi
58 Code of 1972, to require that all licensed child-placing agencies
59 provide written disclosures to all prospective adoptive parents of
60 any fees or other charges for each service performed by the agency
61 or person, and file an annual report with the division that states

62 the fees and charges for those services, and to require them to
63 inform the division in writing thirty (30) days in advance of any
64 proposed changes to the fees or charges for those services.

65 (7) The division is specifically authorized to disclose to
66 prospective adoptive parents or other interested persons any fees
67 charged by any licensed child-placing agency, attorney or
68 counseling service or counselor for all legal and counseling
69 services provided by that licensed child-placing agency, attorney
70 or counseling service or counselor.

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