

By: Senator(s) Chaney

To: Public Health and
Welfare; Judiciary, Division
A

SENATE BILL NO. 2757

1 AN ACT TO AMEND SECTIONS 93-21-303, 93-21-305, 93-21-311 AND
2 25-7-9, MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL PURPOSES
3 FOR THE MISSISSIPPI CHILDREN'S TRUST FUND TO INVESTIGATE AND
4 PROSECUTE CHILD ABUSE AND NEGLECT, TO AUTHORIZE TRUST FUND GRANTS
5 TO AN ESTABLISHED CHILDREN'S ADVOCACY CENTER AND A
6 MULTIDISCIPLINARY FACILITY AT THE UNIVERSITY OF MISSISSIPPI
7 MEDICAL CENTER, AND TO INCREASE FEES CHARGED BY THE CHANCERY
8 CLERKS WITH A CERTAIN INCREASE TO BE DEPOSITED INTO THE CHILDREN'S
9 TRUST FUND; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 93-21-303, Mississippi Code of 1972, is
12 amended as follows:

13 93-21-303. The Legislature of the State of Mississippi finds
14 and declares the policy of this state as follows:

15 (a) The children of Mississippi are its single greatest
16 resource and our children require the utmost protection to guard
17 their future and the future of this state;

18 (b) Child abuse and neglect are a threat to the family
19 unit and impose major expenses on society in addition to the
20 individual and collective damage on the children of this state;

21 (c) There is a need to assist private and public
22 agencies in identifying and establishing community-based
23 educational and service programs for the investigation,
24 prosecution and prevention of child abuse and neglect;

25 (d) An increase in investigative, educational, service
26 and prevention programs will assist in breaking the cycle of child
27 abuse and neglect and will assist in reducing the breakdown of
28 families and thus reduce the need for state assistance and
29 intervention and state expenses; and

30 (e) Programs to investigate, prosecute and prevent
31 child abuse and neglect should be partnerships between citizens,
32 local communities and the State of Mississippi.

33 **SECTION 2.** Section 93-21-305, Mississippi Code of 1972, is
34 amended as follows:

35 93-21-305. (1) There is hereby established in the State
36 Treasury a special fund to be known as the "Mississippi Children's
37 Trust Fund."

38 (2) The fund shall consist of any monies appropriated to the
39 fund by the Legislature, any donations, gifts and grants from any
40 source, receipts from the birth certificate fees as provided by
41 subsection (2) of Section 41-57-11, and any other monies which may
42 be received from any other source or which may be hereafter
43 provided by law.

44 (3) Monies in the fund shall be used only for the purposes
45 set forth in Sections 93-21-301 through 93-21-311. Interest
46 earned on the investment of monies in the fund shall be returned
47 and deposited to the credit of the fund.

48 (4) Disbursements of money from the fund shall be on the
49 authorization of the Division of Family and Children's Services of
50 the State Department of Public Welfare.

51 (5) The primary purpose of the fund is to encourage and
52 provide financial assistance in the provision of direct services
53 to investigate, prosecute and prevent child abuse and neglect.

54 **SECTION 3.** Section 93-21-311, Mississippi Code of 1972, is
55 amended as follows:

56 93-21-311. In making grants or loans from the trust fund,
57 the division shall consider the degree to which the applicant's
58 proposal meets the following criteria:

59 (a) Has as its primary purpose the development and
60 facilitation of a community-based prevention program in a specific
61 geographical area, which program shall utilize trained volunteers
62 and existing community resources where practicable;

63 (b) Is administered by an organization or group which
64 is composed of or has participation by the county department of
65 public welfare, the county health department, the youth court or
66 chancery court, the office of the district attorney, county or
67 municipal law enforcement personnel, county or municipal school
68 officials, local public or private organizations or agencies which
69 provide programs or services for the prevention of child abuse and
70 neglect and educational programs for the prevention of problems of
71 families and children; * * *

72 (c) Demonstrates a willingness and ability and has a
73 plan to provide prevention program models and consultations to
74 appropriate organizations within the community regarding
75 prevention program development and maintenance;

76 (d) Is an established Children's Advocacy Center with
77 full membership in the National Children's Alliance; and

78 (e) Is an academically based multidisciplinary facility
79 housed at the University of Mississippi Medical Center dedicated
80 to the investigation, assessment and prosecution of child abuse.

81 **SECTION 4.** Section 25-7-9, Mississippi Code of 1972, is
82 amended as follows:

83 25-7-9. (1) The clerks of the chancery courts shall charge
84 the following fees:

85 (a) For the act of certifying copies of filed
86 documents, for each complete document..... \$ 1.00

87 (b) Recording deeds, wills, leases, amendments,
88 subordinations, liens, releases, cancellations, orders, decrees,
89 oaths, etc., including indexing; for the first fifteen (15)
90 pages..... \$ 10.00

91 Each additional page..... 1.00

92 Sectional index entries per section or subdivision
93 lot..... 1.00

94 (c) Recording deeds of trust, for the first fifteen
95 (15) pages..... \$ 15.00

96 Each additional page..... 1.00

97 Sectional index entries per section or subdivision

98 lot..... 1.00

99 (d) Recording oil and gas leases, cancellations,

100 assignments, etc., including indexing in general indices; for the

101 first fifteen (15) pages \$ 18.00

102 Each additional page..... 1.00

103 Sectional index entries per section or subdivision

104 lot..... 1.00

105 (e) Furnishing copies of any papers of record or on

106 file and entering marginal notations on documents of record:

107 If performed by the clerk or his employee,

108 per page..... \$.50

109 If performed by any other person, per page..... .25

110 (f) For each day's attendance on the board of

111 supervisors, for himself and one (1) deputy, each..... \$ 20.00

112 (g) For other services as clerk of the board of

113 supervisors an allowance shall be made to him (payable

114 semiannually at the July and January meetings) out of the county

115 treasury, an annual sum not exceeding..... \$3,000.00

116 (h) For each day's attendance on the chancery court, to

117 be approved by the chancellor:

118 For the first chancellor sitting only, clerk and two (2)

119 deputies, each..... \$ 30.00

120 For the second chancellor sitting, clerk only..... 30.00

121 Provided that the fees herein prescribed shall be the total

122 remuneration for the clerk and his deputies for attending chancery

123 court.

124 (i) On order of the court, clerks and not more than two

125 (2) deputies may be allowed five (5) extra days for each term of

126 court for attendance upon the court to get up records.

127 (j) For public service not otherwise specifically

128 provided for, the chancery court may by order allow the clerk to

129 be paid by the county on the order of the board of supervisors, an
130 annual sum not exceeding..... \$5,000.00

131 The chancery clerk shall itemize on the original document a
132 detailed fee bill of all charges due or paid for filing, recording
133 and abstracting same. No person shall be required to pay such
134 fees until same have been so itemized, but said fees may be
135 demanded before the document is recorded.

136 (2) In accordance with Uniform Chancery Court Rule 9.01 as
137 approved by Order of the Mississippi Supreme Court, the following
138 fees shall be a total fee for all services performed by the clerk
139 with respect to a complaint which shall be payable upon filing and
140 shall accrue to the chancery clerk at the time of filing. The
141 clerk or his successor in office shall perform all duties set
142 forth without additional compensation or fee to wit:

- 143 (a) Divorce to be contested..... \$80.00
- 144 (b) Divorce uncontested..... 35.00
- 145 (c) Alteration of birth or marriage certificate. 30.00
- 146 (d) Removal of minority..... 30.00
- 147 (e) Guardianship or conservatorship..... 80.00
- 148 (f) Estate of deceased, intestate..... 80.00
- 149 (g) Estate of deceased, testate..... 80.00
- 150 (h) Adoption..... 80.00
- 151 (i) Land dispute..... 80.00
- 152 (j) Injunction..... 80.00
- 153 (k) Settlement of small claim..... 35.00
- 154 (l) Contempt in child support..... 80.00
- 155 (m) Partition suit..... 80.00
- 156 (n) Any cross-complaint..... 30.00

157 Cost of process shall be borne by the issuing party.
158 Additionally, should the attorney or person filing the pleadings
159 desire the clerk to pay the cost to the sheriff for serving
160 process on one person or more, or to pay the cost of publication,

161 the clerk shall demand the actual charges therefor, at the time of
162 filing.

163 The clerk shall deposit Five Dollars (\$5.00) of each of the
164 above listed fees collected to the "Mississippi Children's Trust
165 Fund."

166 **SECTION 5.** This act shall take effect and be in force from
167 and after July 1, 2005.