

By: Senator(s) White

To: Judiciary, Division A

SENATE BILL NO. 2971

1 AN ACT TO AMEND SECTION 93-17-11, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE CHANCERY COURT TO ORDER A HOME STUDY OF THE  
3 PETITIONER IN ANY ADOPTION PROCEEDING TO BE MADE BY A LICENSED  
4 CHILD-PLACING AGENCY; AND FOR RELATED PURPOSES.

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

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

8 93-17-11. At any time after the filing of the petition for  
9 adoption and completion of process thereon, and before the  
10 entering of a final decree, the court shall, on its own motion,  
11 require an investigation including, but not limited to, a home  
12 study by a duly qualified licensed social worker employed by the  
13 Department of Human Services or a licensed child-placing agency at  
14 the petitioner's or petitioners' sole expense and at no cost to  
15 the state or county, and report to the court to be made by any  
16 person, officer, or home as the court may designate and direct  
17 concerning the child, giving the material facts upon which the  
18 court may determine whether the child is a proper subject for  
19 adoption, whether the petitioners or petitioner are suitable  
20 parents for the child, whether the adoption is to its best  
21 interest, and any other facts or circumstances that may be  
22 material to the proposed adoption. The requirement for a home  
23 study by a licensed social worker shall be applicable in all  
24 adoptions, regardless of whether the applicable child-placing  
25 agency is a for-profit agency or nonprofit agency, or is domiciled  
26 in Mississippi or in another jurisdiction. The court in all cases  
27 shall stay the proceedings in the cause for such reasonable time  
28 as may be necessary or required in the opinion of the court for

29 the completion of the investigation and home study report by the  
30 person, officer, or home designated and authorized to make the  
31 same.

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

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

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