

By: Senator(s) Tollison

To: Judiciary, Division A

SENATE BILL NO. 2837

1 AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO
2 EXPAND JURISDICTION FOR ADOPTION PROCEEDINGS; AND FOR RELATED
3 PURPOSES.

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

5 **SECTION 1.** Section 93-17-3, Mississippi Code of 1972, is
6 amended as follows:

7 93-17-3. (1) Except as otherwise provided in subsections
8 (2) and (3), a court of this state has jurisdiction over a
9 proceeding for the adoption of a minor commenced under this
10 chapter if:

11 (a) Immediately before commencement of the proceeding,
12 the minor lived in this state with a parent, a guardian, a
13 prospective adoptive parent or another person acting as parent,
14 for at least six (6) consecutive months, excluding periods of
15 temporary absence, or, in the case of a minor under six (6) months
16 of age, lived in this state from soon after birth with any of
17 those individuals and there is available in this state substantial
18 evidence concerning the minor's present or future care;

19 (b) Immediately before commencement of the proceeding,
20 the prospective adoptive parent lived in this state for at least
21 six (6) consecutive months, excluding periods of temporary
22 absence, and there is available in this state substantial evidence
23 concerning the minor's present or future care;

24 (c) The agency that placed the minor for adoption is
25 licensed in this state and it is in the best interest of the minor
26 that a court of this state assume jurisdiction because:

27 (i) The minor and the minor's parents, or the
28 minor and the prospective adoptive parent, have a significant
29 connection with this state; and

30 (ii) There is available in this state substantial
31 evidence concerning the minor's present or future care;

32 (d) The minor and the prospective adoptive parent are
33 physically present in this state and the minor has been abandoned
34 or it is necessary in an emergency to protect the minor because
35 the minor has been subjected to or threatened with mistreatment or
36 abuse or is otherwise neglected; or

37 (e) It appears that no other state would have
38 jurisdiction under prerequisites substantially in accordance with
39 paragraphs (a) through (d), or another state has declined to
40 exercise jurisdiction on the ground that this state is the more
41 appropriate forum to hear a petition for adoption of the minor,
42 and it is in the best interest of the minor that a court of this
43 state assume jurisdiction.

44 (2) A court of this state may not exercise jurisdiction over
45 a proceeding for adoption of a minor if, at the time the petition
46 for adoption is filed, a proceeding concerning the custody or
47 adoption of the minor is pending in a court of another state
48 exercising jurisdiction substantially in conformity with the
49 Uniform Child Custody Jurisdiction Act or this section unless the
50 proceeding is stayed by the court of the other state.

51 (3) If a court of another state has issued a decree or order
52 concerning the custody of a minor who may be the subject of a
53 proceeding for adoption in this state, a court of this state may
54 not exercise jurisdiction over a proceeding for adoption of the
55 minor unless:

56 (a) The court of this state finds that the court of the
57 state which issued the decree or order:

58 (i) Does not have continuing jurisdiction to
59 modify the decree or order under jurisdictional prerequisites

60 substantially in accordance with the Uniform Child Custody
61 Jurisdiction Act or has declined to assume jurisdiction to
62 modify the decree or order; or

63 (ii) Does not have jurisdiction over a proceeding
64 for adoption substantially in conformity with subsection (1)(a)
65 through (d) or has declined to assume jurisdiction over a
66 proceeding for adoption; and

67 (b) The court of this state has jurisdiction over the
68 proceeding.

69 (4) A decree or order of adoption issued by a court of any
70 other state which is entitled to full faith and credit in this
71 state, or a decree or order of adoption entered by a court or
72 administrative entity in another country acting pursuant to that
73 country's law or to any convention or treaty on intercountry
74 adoption which the United States has ratified, has the same effect
75 as a decree or order of adoption issued by a court of this state.
76 The rights and obligations of the parties as to matters within the
77 jurisdiction of this state must be determined as though the decree
78 or order were issued by a court of this state.

79 (5) Any person may be adopted in accordance with the
80 provisions of this chapter in term time or in vacation by an
81 unmarried adult or by a married person whose spouse joins in the
82 petition * * *. The adoption shall be by sworn petition filed in
83 the chancery court of the county in which the adopting petitioner
84 or petitioners reside or in which the child to be adopted resides
85 or was born, or was found when it was abandoned or deserted, or in
86 which the home is located to which the child has been surrendered
87 by a person authorized to so do. The petition shall be
88 accompanied by a doctor's or nurse practitioner's certificate
89 showing the physical and mental condition of the child to be
90 adopted and a sworn statement of all property, if any, owned by
91 the child. If the doctor's or nurse practitioner's certificate
92 indicates any abnormal mental or physical condition or defect, the

93 condition or defect shall not in the discretion of the chancellor
94 bar the adoption of the child if the adopting parent or parents
95 file an affidavit stating full and complete knowledge of the
96 condition or defect and stating a desire to adopt the child,
97 notwithstanding the condition or defect. The court shall have the
98 power to change the name of the child as a part of the adoption
99 proceedings. The word "child" herein shall be construed to refer
100 to the person to be adopted, though an adult.

101 (6) Adoption by couples of the same gender is prohibited.

102 **SECTION 2.** This act shall take effect and be in force from
103 and after July 1, 2006.