

By: Representative Brown

To: Judiciary A

HOUSE BILL NO. 1287

1 AN ACT TO AMEND SECTION 93-15-121, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT LEAVING A CHILD IN THE CARE OR CUSTODY OF A PERSON  
 3 WHO HAS COMMITTED AN EXISTING GROUND FOR INVOLUNTARY TERMINATION  
 4 OF PARENTAL RIGHTS SHALL BE A GROUND FOR INVOLUNTARY TERMINATION  
 5 OF PARENTAL RIGHTS; TO BRING FORWARD SECTION 93-15-119,  
 6 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR INVOLUNTARY  
 7 TERMINATION OF PARENTAL RIGHTS, FOR PURPOSES OF AMENDMENT; AND FOR  
 8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 93-15-121, Mississippi Code of 1972, is  
 11 amended as follows:

12 93-15-121. Any of the following, if established by clear and  
 13 convincing evidence, may be grounds for termination of the  
 14 parent's parental rights if reunification between the parent and  
 15 child is not desirable toward obtaining a satisfactory permanency  
 16 outcome:

17 (a) The parent has been medically diagnosed by a  
 18 qualified mental health professional with a severe mental illness  
 19 or deficiency that is unlikely to change in a reasonable period of  
 20 time and which, based upon expert testimony or an established



21 pattern of behavior, makes the parent unable or unwilling to  
22 provide an adequate permanent home for the child;

23 (b) The parent has been medically diagnosed by a  
24 qualified health professional with an extreme physical  
25 incapacitation that is unlikely to change in a reasonable period  
26 of time and which, based upon expert testimony or an established  
27 pattern of behavior, prevents the parent, despite reasonable  
28 accommodations, from providing minimally acceptable care for the  
29 child;

30 (c) The parent is suffering from habitual alcoholism or  
31 other drug addiction and has failed to successfully complete  
32 alcohol or drug treatment;

33 (d) The parent is unwilling to provide reasonably  
34 necessary food, clothing, shelter, or medical care for the child;  
35 reasonably necessary medical care does not include recommended or  
36 optional vaccinations against childhood or any other disease;

37 (e) The parent has failed to exercise reasonable  
38 visitation or communication with the child;

39 (f) The parent's abusive or neglectful conduct has  
40 caused, at least in part, an extreme and deep-seated antipathy by  
41 the child toward the parent, or some other substantial erosion of  
42 the relationship between the parent and the child;

43 (g) The parent has committed an abusive act for which  
44 reasonable efforts to maintain the children in the home would not  
45 be required under Section 43-21-603, or a series of physically,



46 mentally, or emotionally abusive incidents, against the child or  
47 another child, whether related by consanguinity or affinity or  
48 not, making future contacts between the parent and child  
49 undesirable; \* \* \*

50 (h) (i) The parent has been convicted of any of the  
51 following offenses against any child:

- 52 1. Rape of a child under Section 97-3-65;
- 53 2. Sexual battery of a child under Section  
54 97-3-95(c);
- 55 3. Touching a child for lustful purposes  
56 under Section 97-5-23;
- 57 4. Exploitation of a child under Sections  
58 97-5-31 through 97-5-37;
- 59 5. Felonious abuse or battery of a child  
60 under Section 97-5-39(2);
- 61 6. Carnal knowledge of a step or adopted  
62 child or a child of a cohabitating partner under Section 97-5-41;  
63 or
- 64 7. Human trafficking of a child under Section  
65 97-3-54.1; or

66 (ii) The parent has been convicted of:

- 67 1. Murder or voluntary manslaughter of  
68 another child of the parent;



69                   2. Aiding, abetting, attempting, conspiring  
70 or soliciting to commit murder or voluntary manslaughter of the  
71 child or another child of the parent; or

72                   3. A felony assault that results in the  
73 serious bodily injury to the child or another child of the  
74 parent \* \* \*; or

75                   (i) The parent leaves the child in the care and custody  
76 of any person for which any one (1) of the paragraphs (a) to (h)  
77 of this section is applicable.

78           **SECTION 2.** Section 93-15-119, Mississippi Code of 1972, is  
79 brought forward as follows:

80           93-15-119. (1) A court hearing a petition under this  
81 chapter may terminate the parental rights of a parent when, after  
82 conducting an evidentiary hearing, the court finds by clear and  
83 convincing evidence:

84                   (a) (i) That the parent has engaged in conduct  
85 constituting abandonment or desertion of the child, as defined in  
86 Section 93-15-103, or is mentally, morally, or otherwise unfit to  
87 raise the child, which shall be established by showing past or  
88 present conduct of the parent that demonstrates a substantial risk  
89 of compromising or endangering the child's safety and welfare; and

90                   (ii) That termination of the parent's parental  
91 rights is appropriate because reunification between the parent and  
92 child is not desirable toward obtaining a satisfactory permanency  
93 outcome; or



94           (b) That a parent has committed against the other  
95 parent a sexual act that is unlawful under Section 97-3-65 or  
96 97-3-95, or under a similar law of another state, territory,  
97 possession or Native American tribe where the offense occurred,  
98 and that the child was conceived as a result of the unlawful  
99 sexual act. A criminal conviction of the unlawful sexual act is  
100 not required to terminate the offending parent's parental rights  
101 under this paragraph (b).

102           (2) An allegation of desertion may be fully rebutted by  
103 proof that the parent, in accordance with the parent's means and  
104 knowledge of the mother's pregnancy or the child's birth, either:

105           (a) Provided financial support, including, but not  
106 limited to, the payment of consistent support to the mother during  
107 her pregnancy, contributions to the payment of the medical  
108 expenses of the pregnancy and birth, and contributions of  
109 consistent support of the child after birth; frequently and  
110 consistently visited the child after birth; and is now willing and  
111 able to assume legal and physical care of the child; or

112           (b) Was willing to provide financial support and to  
113 make visitations with the child, but reasonable attempts to do so  
114 were thwarted by the mother or her agents, and that the parent is  
115 now willing and able to assume legal and physical care of the  
116 child.



117           (3) The court shall inquire as to the military status of an  
118 absent parent before conducting an evidentiary hearing under this  
119 section.

120           **SECTION 3.** This act shall take effect and be in force from  
121 and after July 1, 2018.

