

By: Senator(s) DeBar

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2355

1 AN ACT TO LOWER THE AGE OF MAJORITY FROM 21 TO 18; TO AMEND
2 SECTION 1-3-21, MISSISSIPPI CODE OF 1972, TO CONFORM THE
3 DEFINITION OF INFANT; TO AMEND SECTION 1-3-27, MISSISSIPPI CODE OF
4 1972, TO CONFORM THE DEFINITION OF MINOR; TO AMEND SECTION
5 11-5-115, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO SALE OR
6 CONVEYANCE OF A MINOR'S PROPERTY; TO AMEND SECTION 11-46-11,
7 MISSISSIPPI CODE OF 1972, TO REVISE THE SAVINGS CLAUSE OF THE TORT
8 CLAIMS ACT TO CONFORM; TO AMEND SECTIONS 13-5-1 AND 13-5-12,
9 MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF JURY SERVICE; TO
10 AMEND SECTION 15-1-17, MISSISSIPPI CODE OF 1972, TO REVISE THE
11 LIMITATIONS APPLICABLE TO ACTIONS OR SUITS TO CANCEL TAX TITLES TO
12 CONFORM; TO AMEND SECTION 15-1-27, MISSISSIPPI CODE OF 1972, TO
13 CONFORM THE LIMITATIONS APPLICABLE TO AN ACTION BY A WARD AGAINST
14 A GUARDIAN OR SURETY; TO AMEND SECTION 15-1-59, MISSISSIPPI CODE
15 OF 1972, TO CONFORM THE SAVING IN FAVOR OF PERSONS UNDER
16 DISABILITY OF UNSOUNDNESS OF MIND WITHIN THE CHAPTER ADDRESSING
17 THE LIMITATIONS OF CIVIL ACTIONS; TO AMEND SECTION 21-15-13,
18 MISSISSIPPI CODE OF 1972, TO REVISE THE MILITIA POWER OF THE MAYOR
19 TO CONFORM; TO AMEND SECTION 25-4-3, MISSISSIPPI CODE OF 1972, TO
20 REVISE THE DEFINITION OF "HOUSEHOLD MEMBER" WITHIN THE ARTICLE
21 ESTABLISHING THE MISSISSIPPI ETHICS COMMISSION TO CONFORM; TO
22 AMEND SECTION 41-29-145, MISSISSIPPI CODE OF 1972, TO REVISE THE
23 PUNISHMENT OF THE DISTRIBUTION OF CONTROLLED SUBSTANCES TO MINORS
24 TO CONFORM; TO AMEND SECTION 43-19-33, MISSISSIPPI CODE OF 1972,
25 TO CONFORM THE AGE OF MANDATORY SUPPORT IN AN ORDER OF FILIATION;
26 TO AMEND SECTION 91-5-3, MISSISSIPPI CODE OF 1972, TO CONFORM AS
27 TO AGE OF ISSUE CAPABLE OF INHERITING; TO AMEND SECTION 91-7-293,
28 MISSISSIPPI CODE OF 1972, TO CONFORM AS TO FINAL ACCOUNTING BY THE
29 HEIRS OF AN ESTATE; TO AMEND SECTION 91-20-3, MISSISSIPPI CODE OF
30 1972, TO CONFORM AS TO TRANSFERS TO MINORS WITHIN TRUST AND ESTATE
31 LAW; TO AMEND SECTION 91-20-41, MISSISSIPPI CODE OF 1972, TO
32 REQUIRE CUSTODIANS TO TRANSFER CERTAIN CUSTODIAL PROPERTY TO A
33 MINOR'S ESTATE TO CONFORM; TO AMEND SECTION 93-1-5, MISSISSIPPI
34 CODE OF 1972, TO CONFORM THE AGE FOR ISSUANCE OF A MARRIAGE



35 LICENSE; TO AMEND SECTION 93-9-9, MISSISSIPPI CODE OF 1972, TO
36 CONFORM PROVISIONS AS TO AGE FOR THE TERMS OF A DECREE FOR REMOVAL
37 OF THE DISABILITY OF A MINOR; TO AMEND SECTION 93-11-65,
38 MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF EMANCIPATION; TO
39 AMEND SECTION 93-14-102, MISSISSIPPI CODE OF 1972, TO CONFORM THE
40 DEFINITION OF THE TERM "ADULT" FOR THE PURPOSES OF THE UNIFORM
41 ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT; TO
42 AMEND SECTION 93-15-103, MISSISSIPPI CODE OF 1972, TO CONFORM THE
43 DEFINITION OF THE TERM "MINOR PARENT" IN THE TERMINATION OF
44 PARENTAL RIGHTS LAW; TO AMEND SECTION 93-17-5, MISSISSIPPI CODE OF
45 1972, TO CONFORM AS TO THE AGE OF PARENTS IN AN ADOPTION; TO AMEND
46 SECTION 93-17-205, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS
47 CONCERNING ADOPTION RECORDS TO CONFORM; TO AMEND SECTION
48 93-17-215, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO A PERSON'S
49 AUTHORITY TO REQUEST CERTAIN INFORMATION CONCERNING ADOPTION; TO
50 AMEND SECTION 93-19-1, MISSISSIPPI CODE OF 1972, TO CONFORM THE
51 AGE FOR REMOVAL OF DISABILITY AS TO REAL ESTATE; TO AMEND SECTION
52 93-19-9, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISIONS AS TO
53 THE TERMS OF A DECREE REMOVING THE DISABILITY OF MINORITY; TO
54 AMEND SECTION 93-20-102, MISSISSIPPI CODE OF 1972, TO REVISE THE
55 AGE OF MAJORITY UNDER GUARDIANSHIP AND CONSERVATORSHIP LAW TO
56 CONFORM; TO AMEND SECTION 97-33-23, MISSISSIPPI CODE OF 1972, TO
57 CONFORM THE PENALTY FOR GAMBLING WITH A KNOWN MINOR; TO AMEND
58 SECTION 99-3-45, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO WHICH
59 PERSONS MUST BE GIVEN CERTAIN NOTICE UPON RELEASE FROM ARREST; TO
60 REPEAL SECTION 35-7-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
61 FOR THE REMOVAL OF THE DISABILITIES OF MINORITY OF CERTAIN
62 VETERANS; TO REPEAL SECTION 91-7-37, MISSISSIPPI CODE OF 1972,
63 WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF MINORITY FOR
64 CERTAIN EXECUTORS, EXECUTRIXES, ADMINISTRATORS OR
65 ADMINISTRATRIXES; TO REPEAL SECTION 93-3-11, MISSISSIPPI CODE OF
66 1972, WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF
67 MINORITY OF CERTAIN MARRIED PERSONS WITH RESPECT TO HOMESTEAD
68 TRANSACTIONS; TO REPEAL SECTION 93-19-13, MISSISSIPPI CODE OF
69 1972, WHICH PROVIDES THAT ALL PERSONS 18 YEARS OF AGE OR OLDER, IF
70 NOT OTHERWISE DISQUALIFIED, SHALL HAVE THE CAPACITY TO ENTER INTO
71 BINDING CONTRACTUAL RELATIONSHIPS AFFECTING PERSONAL PROPERTY AND
72 THAT AN 18-YEAR-OLD MAY SUE AND BE SUED IN HIS OWN NAME AS AN
73 ADULT AND BE SERVED WITH PROCESS AS AN ADULT; AND FOR RELATED
74 PURPOSES.

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

76 **SECTION 1.** Section 1-3-21, Mississippi Code of 1972, is
77 amended as follows:

78 1-3-21. The term "infant," when used in any statute, shall
79 include any person, male or female, under * * * eighteen (18)



80 years of age, except where another section specifically provides
81 otherwise.

82 **SECTION 2.** Section 1-3-27, Mississippi Code of 1972, is
83 amended as follows:

84 1-3-27. The term "minor," when used in any statute, shall
85 include any person, male or female, under * * * eighteen (18)
86 years of age, except where another section specifically provides
87 otherwise.

88 **SECTION 3.** Section 11-5-115, Mississippi Code of 1972, is
89 amended as follows:

90 11-5-115. When a decree shall be made for the sale or
91 conveyance of the real estate of an infant, such decree shall be
92 binding on the infant unless he shall, within one (1) year after
93 attaining the age of * * * eighteen (18) years, show to the court
94 good cause to the contrary; and it shall not be necessary to
95 insert the saving in the decree, but the saving shall not extend
96 to decrees for the sale of the property of deceased persons,
97 authorizing sales by guardians, or enforcing deeds of trust or
98 mortgages.

99 **SECTION 4.** Section 11-46-11, Mississippi Code of 1972, is
100 amended as follows:

101 11-46-11. (1) After all procedures within a governmental
102 entity have been exhausted, any person having a claim under this
103 chapter shall proceed as he might in any action at law or in
104 equity, except that at least ninety (90) days before instituting



105 suit, the person must file a notice of claim with the chief
106 executive officer of the governmental entity.

107 (2) (a) Service of notice of claim shall be made as
108 follows:

109 (i) For local governments:

110 1. If the governmental entity is a county,
111 then upon the chancery clerk of the county sued;

112 2. If the governmental entity is a
113 municipality, then upon the city clerk.

114 (ii) If the governmental entity to be sued is a
115 state entity as defined in Section 11-46-1(j), or is a political
116 subdivision other than a county or municipality, service of notice
117 of claim shall be had only upon that entity's or political
118 subdivision's chief executive officer. The chief executive
119 officer of a governmental entity participating in a plan
120 administered by the board pursuant to Section 11-46-7(3) shall
121 notify the board of any claims filed within five (5) days after
122 receipt thereof.

123 (b) Every notice of claim shall:

124 (i) Be in writing;

125 (ii) Be delivered in person or by registered or
126 certified United States mail; and

127 (iii) Contain a short and plain statement of the
128 facts upon which the claim is based, including the circumstances
129 which brought about the injury, the extent of the injury, the time



130 and place the injury occurred, the names of all persons known to
131 be involved, the amount of money damages sought, and the residence
132 of the person making the claim at the time of the injury and at
133 the time of filing the notice.

134 (3) (a) All actions brought under this chapter shall be
135 commenced within one (1) year next after the date of the tortious,
136 wrongful or otherwise actionable conduct on which the liability
137 phase of the action is based, and not after, except that filing a
138 notice of claim within the required one-year period will toll the
139 statute of limitations for ninety-five (95) days from the date the
140 chief executive officer of the state entity or the chief executive
141 officer or other statutorily designated official of a political
142 subdivision receives the notice of claim.

143 (b) No action whatsoever may be maintained by the
144 claimant until the claimant receives a notice of denial of claim
145 or the tolling period expires, whichever comes first, after which
146 the claimant has an additional ninety (90) days to file suit;
147 failure to file within the time allowed is an absolute bar to any
148 further proceedings under this chapter.

149 (c) All notices of denial of claim shall be served by
150 governmental entities upon claimants by certified mail, return
151 receipt requested, only.

152 (d) (i) To determine the running of limitations
153 periods under this chapter, service of any notice of claim or



154 notice of denial of claim is effective upon delivery by the
155 methods statutorily designated in this chapter.

156 (ii) The limitations period provided in this
157 section controls and shall be exclusive in all actions subject to
158 and brought under the provisions of this chapter, notwithstanding
159 the nature of the claim, the label or other characterization the
160 claimant may use to describe it, or the provisions of any other
161 statute of limitations that would otherwise govern the type of
162 claim or legal theory if it were not subject to or brought under
163 the provisions of this chapter.

164 (4) * * * If any person entitled to bring any action under
165 this chapter shall, at the time at which the cause of action
166 accrued, be under the disability of infancy or unsoundness of
167 mind, he may bring the action within the time allowed in this
168 section after his disability shall be removed as provided by law.
169 The savings in favor of persons under disability of unsoundness of
170 mind shall never extend longer than * * * eighteen (18) years.

171 **SECTION 5.** Section 13-5-1, Mississippi Code of 1972, is
172 amended as follows:

173 13-5-1. Every citizen not under the age of * * * eighteen
174 (18) years, who is either a qualified elector, or a resident
175 freeholder of the county for more than one (1) year, is able to
176 read and write, and has not been convicted of an infamous crime,
177 or the unlawful sale of intoxicating liquors within a period of
178 five (5) years and who is not a common gambler or habitual



179 drunkard, is a competent juror. No person who is or has been
180 within twelve (12) months the overseer of a public road or road
181 contractor shall, however, be competent to serve as a grand juror.
182 The lack of any such qualifications on the part of one or more
183 jurors shall not, however, vitiate an indictment or verdict.
184 Moreover, no talesman or tales juror shall be qualified who has
185 served as such talesman or tales juror in the last preceding two
186 (2) years, and no juror shall serve on any jury who has served as
187 such for the last preceding two (2) years. No juror shall serve
188 who has a case of his own pending in that court, provided there
189 are sufficient qualified jurors in the district, and for trial at
190 that term.

191 In order to determine that prospective jurors can read and
192 write, the presiding judge shall, with the assistance of the
193 clerk, distribute to the jury panel a form to be completed
194 personally by each juror prior to being empaneled as follows:

195 "1. Your name _____ last _____ first _____ middle
196 initial.

197 2. Your home address _____.

198 3. Your occupation _____.

199 4. Your age _____.

200 5. Your telephone number _____. If none, write none.

201 6. If you live outside the county seat, the number of miles
202 you live from the courthouse _____ miles.

203



204 Sign your name"

205 The judge shall personally examine the answers of each juror
206 prior to empaneling the jury and each juror who cannot complete
207 the above form shall be disqualified as a juror and discharged.

208 A list of any jurors disqualified for jury duty by reason of
209 inability to complete the form shall be kept by the circuit clerk
210 and their names shall not be placed in the jury box thereafter
211 until such person can qualify as above provided.

212 **SECTION 6.** Section 13-5-12, Mississippi Code of 1972, is
213 amended as follows:

214 13-5-12. Unless all the names on the master list are to be
215 placed in the jury wheel pursuant to Section 13-5-10, the names or
216 identifying numbers of prospective jurors to be placed in the jury
217 wheel shall be selected by the jury commission at random from the
218 master list in the following manner: The total number of names on
219 the master list shall be divided by the number of names to be
220 placed in the jury wheel; the whole number nearest the quotient
221 shall be the "key number," except that the key number shall never
222 be less than two (2). A "starting number" for making the
223 selection shall then be determined by a random method from the
224 number from one (1) to the key number, both inclusive. The
225 required number of names shall then be selected from the master
226 list by taking in order the first name on the master list
227 corresponding to the starting number and then successively the
228 names appearing in the master list at intervals equal to the key



229 number, recommencing if necessary at the start of the list until
230 the required number of names has been selected. The name of any
231 person who is under the age of * * * eighteen (18) years and the
232 name of any person who has been permanently excused from jury
233 service pursuant to Section 13-5-23(4) shall be passed over
234 without interrupting the sequence of selection. Any person who
235 has been excluded from the master list for jury service may be
236 reinstated to the master list after one (1) year by requesting
237 that the circuit clerk reinstate him to the master list. Upon
238 recommencing at the start of the list, names previously selected
239 from the master list shall be disregarded in selecting the
240 additional names. The jury commission may use an electronic or
241 mechanical system or device in carrying out its duties.

242 **SECTION 7.** Section 15-1-17, Mississippi Code of 1972, is
243 amended as follows:

244 15-1-17. The owner, mortgagee or other person interested in
245 any land which has been sold or forfeited to the state for
246 delinquent taxes may bring a suit or action to cancel the title of
247 the state, or its patentees, or to recover said land from the
248 state, or its patentees, on account of any defect, irregularity or
249 illegality in the assessment, levy or sale of such land for
250 delinquent taxes within two (2) years after the period of
251 redemption shall have expired, and not thereafter. However, the
252 limitations herein fixed shall not apply when the taxes on such
253 land had been paid prior to the time it was sold for taxes.



254 If any person entitled to bring any such suit or action
255 shall, at the time at which the cause of action accrues, be under
256 the disability of infancy, or unsoundness of mind, he may bring
257 the suit or action within the time in this section respectively
258 limited after his disability shall be removed but the saving of
259 persons under disability shall never extend longer than * * *
260 eighteen (18) years.

261 The completion of the limitation herein prescribed to bar any
262 action shall defeat and extinguish all the right, title and
263 interest, including the right of possession in and to such land,
264 of any and all persons whatsoever, except the State of Mississippi
265 and its patentees, and it shall vest in the state, and its
266 patentees, a fee simple title to such lands.

267 **SECTION 8.** Section 15-1-27, Mississippi Code of 1972, is
268 amended as follows:

269 15-1-27. All actions against a guardian and the sureties on
270 his bond, or either of them, by the ward, shall be commenced
271 within five (5) years next after the ward shall have arrived at
272 the age of * * * eighteen (18) years, and not after.

273 **SECTION 9.** Section 15-1-59, Mississippi Code of 1972, is
274 amended as follows:

275 15-1-59. If any person entitled to bring any of the personal
276 actions mentioned shall, at the time at which the cause of action
277 accrued, be under the disability of infancy or unsoundness of
278 mind, he may bring the actions within the times in this chapter



279 respectively limited, after his disability shall be removed as
280 provided by law. However, the saving in favor of persons under
281 disability of unsoundness of mind shall never extend longer
282 than * * * eighteen (18) years.

283 **SECTION 10.** Section 21-15-13, Mississippi Code of 1972, is
284 amended as follows:

285 21-15-13. The mayor is authorized to call on every male
286 inhabitant of the municipality over * * * eighteen (18) years of
287 age and under sixty (60) years to aid in enforcing the laws.

288 **SECTION 11.** Section 25-4-3, Mississippi Code of 1972, is
289 amended as follows:

290 25-4-3. As used in this chapter, unless the context requires
291 otherwise:

292 (a) "Advisory boards or commissions" means committees
293 created solely to provide technical or professional knowledge or
294 expertise to a parent organization, and whose members exercise no
295 direct authority to expend public funds other than reimbursement
296 for personal expenses incurred as a result of a member's service
297 on the advisory board;

298 (b) "Business" means any corporation, partnership, sole
299 proprietorship, firm, enterprise, franchise, association,
300 organization, holding company, self-employed individual,
301 joint-stock company, receivership, trust or other legal entity or
302 undertaking organized for economic gain or a nonprofit corporation



303 or other such entity, association or organization receiving public
304 funds;

305 (c) "Candidate for public office" means an individual
306 who has filed the necessary documents or papers to appear as a
307 candidate for nomination for election or election to any elective
308 office existing under the laws of the State of Mississippi,
309 including primary, special or general elections. The term
310 "candidate" does not include any person within the meaning of
311 Section 301(b) of the Federal Election Campaign Act of 1971;

312 (d) "Commission" means the Mississippi Ethics
313 Commission;

314 (e) "Compensation" means money or thing of value
315 received, or to be received, from any person for services rendered
316 or to be rendered;

317 (f) "Household member" means:

318 (i) The spouse of the public servant; or

319 (ii) Any person over the age of * * * eighteen
320 (18) who resided in the public servant's household during the
321 entire reporting period.

322 (g) "Income" means money or thing of value received, or
323 to be received, from any source, including, but not limited to,
324 any salary, wage, advance, payment, dividend, interest, rent,
325 forgiveness of debt, fee, royalty or any combination thereof;



326 (h) "Person" means any individual, firm, business,
327 corporation, association, partnership, union or other legal
328 entity;

329 (i) "Public employee" means any individual who receives
330 a salary, per diem or expenses paid in whole or in part out of
331 funds authorized to be expended by the Mississippi State
332 Legislature or by the governing body of any political subdivision
333 thereof, or any other body politic within the State of
334 Mississippi;

335 (j) "Public funds" means all monies, whether federal,
336 state, district or local;

337 (k) "Public official" means:

338 (i) Any elected official of the State of
339 Mississippi or any political subdivision thereof or any other body
340 politic within the State of Mississippi; or

341 (ii) Any member, officer, director, commissioner,
342 supervisor, chief, head, agent or employee of the State of
343 Mississippi, or any agency thereof, of any political subdivision
344 of the State of Mississippi, of any body politic within the State
345 of Mississippi, or of any public entity created by or under the
346 laws of the State of Mississippi or by executive order of the
347 Governor of the state, any of which is funded by public funds or
348 which expends, authorizes or recommends the use of public funds;

349 (l) "Public servant" means:



350 (i) Any elected or appointed official of the
351 government;

352 (ii) Any officer, director, commissioner,
353 supervisor, chief, head, agent or employee of the government or
354 any agency thereof, or of any public entity created by or under
355 the laws of the State of Mississippi or created by an agency or
356 governmental entity thereof, any of which is funded by public
357 funds or which expends, authorizes or recommends the use of public
358 funds; or

359 (iii) Any individual who receives a salary, per
360 diem or expenses paid in whole or in part out of funds authorized
361 to be expended by the government.

362 **SECTION 12.** Section 41-29-145, Mississippi Code of 1972, is
363 amended as follows:

364 41-29-145. Any person * * * eighteen (18) years of age or
365 over who violates subsections (a) and (b) of Section 41-29-139
366 with reference to a controlled substance listed in Schedules I,
367 II, III, IV and V as set out in Sections 41-29-113 through
368 41-29-121, inclusive, to a person under * * * eighteen (18) years
369 of age may be punished by the fine authorized by Section
370 41-29-139, or by a term of imprisonment or confinement up to twice
371 that authorized by said Section 41-29-139, or both, or he may be
372 punished as provided in Section 41-29-142.

373 **SECTION 13.** Section 43-19-33, Mississippi Code of 1972, is
374 amended as follows:



375 43-19-33. (1) In lieu of legal proceedings instituted to
376 obtain support for a dependent child from the responsible parent,
377 a written stipulated agreement to support said child by periodic
378 payments executed by the responsible parent when acknowledged
379 before a clerk of the court having jurisdiction over such matters
380 or a notary public and filed with and approved by the judge of the
381 court having jurisdiction over such matters shall have the same
382 force and effect, retroactively and prospectively, in accordance
383 with the terms of said agreement as an order of support entered by
384 the court, and shall be enforceable and subject to modification in
385 the same manner as is provided by law for orders of the court in
386 such cases.

387 (2) In lieu of legal proceedings instituted to establish
388 paternity, a written admission of paternity containing a
389 stipulated agreement of support executed by the putative father of
390 the dependent child, when accompanied by a written declaration in
391 support of establishing paternity provided under penalty of
392 perjury to the best of her knowledge, information and belief by
393 the mother of the dependent child, when acknowledged by the
394 putative father before a clerk of the court having jurisdiction
395 over such matters or a notary public and filed with and approved
396 by the judge of the court having jurisdiction over such matters,
397 shall have the same force and effect, retroactively and
398 prospectively, in accordance with the terms of said agreement, as
399 an order of filiation and support entered by the court, and shall



400 be enforceable and subject to modification in the same manner as
401 is provided by law for orders of the court in such cases.

402 (3) At any time after filing with the court having
403 continuing jurisdiction of such matters of an acknowledgment of
404 paternity in which a provision of support has not been entered,
405 upon notice the defendant shall be required to appear in court at
406 any time and place named therein, to show cause, if any he can,
407 why the court should not enter an order for the support of the
408 child by periodic payments. The order may include provisions for
409 reimbursement for medical expenses incident to the pregnancy and
410 the birth of the child, accrued maintenance and reasonable
411 expenses of the action under this subsection on the acknowledgment
412 of paternity previously filed with said court. Notice by the
413 department to the defendant shall be given by certified mail,
414 restricted delivery, return receipt requested at his last known
415 mailing address and without the requirement of a summons being
416 issued, and shall be deemed complete as of the date of delivery as
417 evidenced by the return receipt. The required notice may also be
418 delivered by personal service in accordance with Rule 4 of the
419 Mississippi Rules of Civil Procedure insofar as service of an
420 administrative order or notice is concerned. Provided, that in
421 the case of a child who, upon reaching the age of * * * eighteen
422 (18) years, is mentally or physically incapable of self-support
423 and is no longer attending high school, the putative father shall
424 not be relieved of the duty of support unless said child is a



425 long-term patient in a facility owned or operated by the State of
426 Mississippi. The prior judgment as to paternity shall be res
427 judicata as to that issue and shall not be reconsidered by the
428 court.

429 (4) Such agreements of support, acknowledgments,
430 declarations and affirmations of paternity and support shall be
431 binding on the person executing the same whether he be an adult or
432 a minor and may include provisions for the reimbursement of
433 medical expenses incident to the pregnancy and birth of the child,
434 accrued maintenance and reasonable expenses of any action
435 previously filed before the court.

436 (5) In lieu of legal proceedings instituted to enforce an
437 order for support, a written stipulated agreement for the
438 provision of periodic payments towards an arrearage executed by
439 the defendant when acknowledged before a clerk of the court having
440 jurisdiction over such matters or a notary public and filed with
441 and approved by the judge of the court having jurisdiction over
442 such matters shall have the same force and effect, retroactively
443 and prospectively, in accordance with the terms of said agreement
444 as a judgment for overdue support entered by the court, and shall
445 be enforceable and subject to modification in the same manner as
446 is provided by law for orders of the court in such cases.

447 (6) All agreements entered into under the provisions as set
448 forth hereinabove shall be filed by the clerk of the court having



449 jurisdiction over such matters in the county in which they are
450 entered and filing fees shall be taxed to the responsible parent.

451 **SECTION 14.** Section 91-5-3, Mississippi Code of 1972, is
452 amended as follows:

453 91-5-3. A devise so made, or any clause thereof, shall not
454 be revocable but by the testator or testatrix destroying,
455 canceling, or obliterating the same, or causing it to be done in
456 his or her presence, or by subsequent will, codicil, or
457 declaration, in writing, made and executed. Every last will and
458 testament made when the testator or testatrix had no child living,
459 wherein any child he or she might have is not provided for or not
460 mentioned, if at the time of his or her death he or she have a
461 child, or if the testator leave his wife enceinte of a child who
462 shall be born, shall have no effect during the life of any such
463 after-born child and shall be void unless the child die without
464 having been married, or without leaving issue capable of
465 inheriting, and before he or she shall have attained * * *
466 eighteen (18) years. The estate, both real and personal, so
467 devised shall descend to such child in the same manner as if the
468 testator or testatrix had died intestate, subject, nevertheless,
469 to the bequests made in the last will and testament in case of the
470 death of such child before marriage, or without issue capable of
471 inheriting, and under the age of * * * eighteen (18) years. When
472 a testator shall leave children born and his wife enceinte, the
473 posthumous child or children, if unprovided for by settlement and



474 neither provided for nor disinherited, but only pretermitted, by
475 the last will and testament, shall succeed to the same portion of
476 the father's estate as such child or children would have been
477 entitled to if the father had died intestate, towards raising
478 which portion the devisees and legatees shall contribute
479 proportionably out of the parts devised and bequeathed to them by
480 the same will and testament.

481 **SECTION 15.** Section 91-7-293, Mississippi Code of 1972, is
482 amended as follows:

483 91-7-293. The executor or administrator shall file with his
484 final account a written statement, under oath, of the names of the
485 heirs or devisees and legatees of the estate, so far as known,
486 specifying particularly which, if any, are under the age of * * *
487 eighteen (18) years, of unsound mind, or convict of felony; the
488 places of residence of each and their post-office address if they
489 be nonresidents or, if the post-office address be unknown, the
490 statement must aver that diligent inquiry has been made to learn
491 the same without avail and giving the names and places of
492 residence of the guardians of all who have guardians, so far as
493 known.

494 **SECTION 16.** Section 91-20-3, Mississippi Code of 1972, is
495 amended as follows:

496 91-20-3. In this chapter:

497 (a) "Adult" means an individual who has attained the
498 age of * * * eighteen (18) years.



499 (b) "Benefit plan" means an employer's plan for the
500 benefit of an employee or partner.

501 (c) "Broker" means a person lawfully engaged in the
502 business of effecting transactions in securities or commodities
503 for the person's own account or for the account of others.

504 (d) "Conservator" means a person appointed or qualified
505 by a court to act as general, limited or temporary guardian of a
506 minor's property or a person legally authorized to perform
507 substantially the same functions.

508 (e) "Court" means the chancery court of the county in
509 which the parties reside.

510 (f) "Custodial property" means (i) any interest in
511 property transferred to a custodian under this chapter and (ii)
512 the income from and proceeds of that interest in property.

513 (g) "Custodian" means a person so designated under
514 Section 91-20-19 or a successor or substitute custodian designated
515 under Section 91-20-37.

516 (h) "Financial institution" means a bank, trust
517 company, savings institution or credit union, chartered and
518 supervised under state or federal law.

519 (i) "Legal representative" means an individual's
520 personal representative or conservator.

521 (j) "Member of the minor's family" means the minor's
522 parent, stepparent, spouse, grandparent, brother, sister, uncle or
523 aunt, whether of the whole or half blood or by adoption.



524 (k) "Minor" means an individual who has not attained
525 the age of * * * eighteen (18) years.

526 (l) "Person" means an individual, corporation,
527 organization or other legal entity.

528 (m) "Personal representative" means an executor,
529 administrator, successor personal representative or special
530 administrator of a decedent's estate or a person legally
531 authorized to perform substantially the same functions.

532 (n) "State" includes any state of the United States,
533 the District of Columbia, the Commonwealth of Puerto Rico and any
534 territory or possession subject to the legislative authority of
535 the United States.

536 (o) "Transfer" means a transaction that creates
537 custodial property under Section 91-20-19.

538 (p) "Transferor" means a person who makes a transfer
539 under this chapter.

540 (q) "Trust company" means a financial institution,
541 corporation or other legal entity authorized to exercise general
542 trust powers.

543 **SECTION 17.** Section 91-20-41, Mississippi Code of 1972, is
544 amended as follows:

545 91-20-41. The custodian shall transfer in an appropriate
546 manner the custodial property to the minor or to the minor's
547 estate upon the earlier of:

548 * * *



549 (* * *a) The minor's attainment of eighteen (18) years
550 of age with respect to custodial property transferred under
551 Section 91-20-9, 91-20-11, 91-20-13 or 91-20-15; or

552 (* * *b) The minor's death.

553 **SECTION 18.** Section 93-1-5, Mississippi Code of 1972, is
554 amended as follows:

555 93-1-5. (1) Every male who is at least seventeen (17) years
556 old and every female who is at least fifteen (15) years old shall
557 be capable in law of contracting marriage. However, males and
558 females under the age * * * of eighteen (18) years must furnish
559 the circuit clerk satisfactory evidence of consent to the marriage
560 by the parents or guardians of the parties. It shall be unlawful
561 for the circuit court clerk to issue a marriage license until the
562 following conditions precedent have been complied with:

563 (a) Application for the license is to be made in
564 writing to the clerk of the circuit court of any county in the
565 State of Mississippi. The application shall be sworn to by both
566 applicants and shall include:

567 (i) The names, ages and addresses of the parties
568 applying;

569 (ii) The names and addresses of the parents of the
570 applicants, and, for applicants under the age of * * * eighteen
571 (18), if no parents, then names and addresses of the guardian or
572 next of kin;

573 (iii) The signatures of witnesses; and



574 (iv) Any other data that may be required by law or
575 the State Board of Health.

576 (b) Proof of age shall be presented to the circuit
577 court clerk in the form of either a birth certificate, baptismal
578 record, armed service discharge, armed service identification
579 card, life insurance policy, insurance certificate, school record,
580 driver's license, or other official document evidencing age. The
581 document substantiating age and date of birth shall be examined by
582 the circuit court clerk before whom application is made, and the
583 circuit court clerk shall retain in his file with the application
584 the document or a certified or photostatic copy of the document.

585 (c) Applicants under the age of * * * eighteen (18)
586 must submit affidavits showing the age of both applying parties
587 made by either the father, mother, guardian or next of kin of each
588 of the contracting parties and filed with the clerk of the circuit
589 court along with the application.

590 (d) If the male applicant is under seventeen (17) years
591 of age or the female is under fifteen (15) years of age, and
592 satisfactory proof is furnished to the judge of any circuit,
593 chancery or county court that sufficient reasons exist and that
594 the parties desire to be married to each other and that the
595 parents or other person in loco parentis of the person or persons
596 so under age consent to the marriage, then the judge of any such
597 court in the county where either of the parties resides may waive
598 the minimum age requirement and by written instrument authorize



599 the clerk of the court to issue the marriage license to the
600 parties if they are otherwise qualified by law. Authorization
601 shall be a part of the confidential files of the clerk of the
602 court, subject to inspection only by written permission of the
603 judge.

604 (e) In no event shall a license be issued by the
605 circuit court clerk when it appears to the circuit court clerk
606 that the applicants are, or either of them is:

607 (i) Intoxicated; or

608 (ii) Suffering from a mental illness or an
609 intellectual disability to the extent that the clerk believes that
610 the person does not understand the nature and consequences of the
611 application for a marriage license.

612 (2) Any circuit clerk shall be liable under his official
613 bond because of noncompliance with the provisions of this section.

614 (3) Any circuit court clerk who issues a marriage license
615 without complying with the provisions of this section shall be
616 guilty of a misdemeanor and, upon conviction, shall be punished by
617 a fine of not less than Fifty Dollars (\$50.00) and not more than
618 Five Hundred Dollars (\$500.00).

619 **SECTION 19.** Section 93-9-9, Mississippi Code of 1972, is
620 amended as follows:

621 93-9-9. (1) Paternity may be determined upon the petition
622 of the mother, or father, the child or any public authority
623 chargeable by law with the support of the child; provided that



624 such an adjudication after the death of the defendant must be made
625 only upon clear and convincing evidence. If paternity has been
626 lawfully determined, or has been acknowledged in writing according
627 to the laws of this state, the liabilities of the noncustodial
628 parent may be enforced in the same or other proceedings by the
629 custodial parent, the child, or any public authority which has
630 furnished or may furnish the reasonable expenses of pregnancy,
631 confinement, education, necessary support and maintenance, and
632 medical or funeral expenses for the custodial parent or the child.
633 The trier of fact shall receive without the need for third-party
634 foundation testimony certified, attested or sworn documentation as
635 evidence of (a) childbirth records; (b) cost of filing fees; (c)
636 court costs; (d) services of process fees; (e) mailing cost; (f)
637 genetic tests and testing fees; (g) the department's attorney's
638 fees; (h) in cases where the state or any of its entities or
639 divisions have provided medical services to the child or the
640 child's mother, all costs of prenatal care, birthing, postnatal
641 care and any other medical expenses incurred by the child or by
642 the mother as a consequence of the mother's pregnancy or delivery;
643 and (i) funeral expenses. All costs and fees shall be ordered
644 paid to the Department of Human Services in all cases successfully
645 prosecuted with a minimum of Two Hundred Fifty Dollars (\$250.00)
646 in attorney's fees or an amount determined by the court without
647 submitting an affidavit. Proceedings may be instituted at any
648 time until such child attains the age of * * * eighteen (18) years



649 unless the child has been emancipated as provided in Section
650 93-5-23 and Section 93-11-65. In the event of court-determined
651 paternity, the surname of the child shall be that of the father,
652 unless the judgment specifies otherwise.

653 (2) If the alleged father in an action to determine
654 paternity to which the Department of Human Services is a party
655 fails to appear for a scheduled hearing after having been served
656 with process or subsequent notice consistent with the Rules of
657 Civil Procedure, his paternity of the child(ren) shall be
658 established by the court if a written declaration in support of
659 establishing paternity made under penalty of perjury to the best
660 of her knowledge, information and belief by the mother averring
661 the alleged father's paternity of the child has accompanied the
662 complaint to determine paternity. The written declaration shall
663 constitute sufficient grounds for the court's finding of the
664 alleged father's paternity without the necessity of the presence
665 or testimony of the mother at the said hearing. The court shall,
666 upon motion by the Department of Human Services, enter a judgment
667 of paternity. Any person who shall willfully and knowingly file a
668 false affidavit or who shall willfully, intentionally and
669 knowingly file a false written declaration under penalty of
670 perjury shall be subject to a fine of not more than One Thousand
671 Dollars (\$1,000.00).

672 (3) Upon application of both parents to the State Board of
673 Health and receipt by the State Board of Health of a sworn



674 acknowledgement of paternity executed by both parents subsequent
675 to the birth of a child born out of wedlock, the birth certificate
676 of the child shall be amended to show such paternity if paternity
677 is not shown on the birth certificate. Upon request of the
678 parents for the legitimization of a child under this section, the
679 surname of the child shall be changed on the certificate to that
680 of the father.

681 (4) (a) A signed voluntary acknowledgment of paternity is
682 subject to the right of any signatory to rescind the
683 acknowledgment within the earlier of:

684 (i) One (1) year; or

685 (ii) The date of a judicial proceeding relating to
686 the child, including a proceeding to establish a support order, in
687 which the signatory is a party.

688 (b) After the expiration of the one-year period
689 specified in subsection (4) (a) (i) of this section, a signed
690 voluntary acknowledgment of paternity may be challenged in court
691 only on the basis of fraud, duress or material mistake of fact,
692 with the burden of proof upon the challenger; the legal
693 responsibilities, including child support obligations, of any
694 signatory arising from the acknowledgment may not be suspended
695 during the pendency of the challenge, except for good cause shown.

696 (c) During the one-year time period specified in
697 subsection (4) (a) (i) of this section, the alleged father may



698 request genetic testing through the Department of Human Services
699 in accordance with the provisions of Section 93-9-21.

700 (d) The one-year time limit, specified in subsection
701 (4) (a) (i) of this section, for the right of the alleged father to
702 rescind the signed voluntary acknowledgement of paternity shall be
703 tolled from the date the alleged father files his formal
704 application for genetic testing with the Department of Human
705 Services until the date the test results are revealed to the
706 alleged father by the department. After the one-year time period
707 has expired, not including any period of time tolled for the
708 purpose of acquiring genetic testing through the department, the
709 provisions of subsection (4) (b) of this section shall apply.

710 **SECTION 20.** Section 93-11-65, Mississippi Code of 1972, is
711 amended as follows:

712 93-11-65. (1) (a) In addition to the right to proceed
713 under Section 93-5-23, Mississippi Code of 1972, and in addition
714 to the remedy of habeas corpus in proper cases, and other existing
715 remedies, the chancery court of the proper county shall have
716 jurisdiction to entertain suits for the custody, care, support and
717 maintenance of minor children and to hear and determine all such
718 matters, and shall, if need be, require bond, sureties or other
719 guarantee to secure any order for periodic payments for the
720 maintenance or support of a child. In the event a legally
721 responsible parent has health insurance available to him or her
722 through an employer or organization that may extend benefits to



723 the dependents of such parent, any order of support issued against
724 such parent may require him or her to exercise the option of
725 additional coverage in favor of such children as he or she is
726 legally responsible to support. Proceedings may be brought by or
727 against a resident or nonresident of the State of Mississippi,
728 whether or not having the actual custody of minor children, for
729 the purpose of judicially determining the legal custody of a
730 child. All actions herein authorized may be brought in the county
731 where the child is actually residing, or in the county of the
732 residence of the party who has actual custody, or of the residence
733 of the defendant. Process shall be had upon the parties as
734 provided by law for process in person or by publication, if they
735 be nonresidents of the state or residents of another jurisdiction
736 or are not found therein after diligent search and inquiry or are
737 unknown after diligent search and inquiry; provided that the court
738 or chancellor in vacation may fix a date in termtime or in
739 vacation to which process may be returnable and shall have power
740 to proceed in termtime or vacation. Provided, however, that if
741 the court shall find that both parties are fit and proper persons
742 to have custody of the children, and that either party is able to
743 adequately provide for the care and maintenance of the children,
744 the chancellor may consider the preference of a child of twelve
745 (12) years of age or older as to the parent with whom the child
746 would prefer to live in determining what would be in the best
747 interest and welfare of the child. The chancellor shall place on



748 the record the reason or reasons for which the award of custody
749 was made and explain in detail why the wishes of any child were or
750 were not honored.

751 (b) An order of child support shall specify the sum to
752 be paid weekly or otherwise. In addition to providing for support
753 and education, the order shall also provide for the support of the
754 child prior to the making of the order for child support, and such
755 other expenses as the court may deem proper.

756 (c) The court may require the payment to be made to the
757 custodial parent, or to some person or corporation to be
758 designated by the court as trustee, but if the child or custodial
759 parent is receiving public assistance, the Department of Human
760 Services shall be made the trustee.

761 (d) The noncustodial parent's liabilities for past
762 education and necessary support and maintenance and other expenses
763 are limited to a period of one (1) year next preceding the
764 commencement of an action.

765 (2) Provided further, that where the proof shows that both
766 parents have separate incomes or estates, the court may require
767 that each parent contribute to the support and maintenance of the
768 children in proportion to the relative financial ability of each.

769 (3) Whenever the court has ordered a party to make periodic
770 payments for the maintenance or support of a child, but no bond,
771 sureties or other guarantee has been required to secure such
772 payments, and whenever such payments as have become due remain



773 unpaid for a period of at least thirty (30) days, the court may,
774 upon petition of the person to whom such payments are owing, or
775 such person's legal representative, enter an order requiring that
776 bond, sureties or other security be given by the person obligated
777 to make such payments, the amount and sufficiency of which shall
778 be approved by the court. The obligor shall, as in other civil
779 actions, be served with process and shall be entitled to a hearing
780 in such case.

781 (4) When a charge of abuse or neglect of a child first
782 arises in the course of a custody or maintenance action pending in
783 the chancery court pursuant to this section, the chancery court
784 may proceed with the investigation, hearing and determination of
785 such abuse or neglect charge as a part of its hearing and
786 determination of the custody or maintenance issue as between the
787 parents, as provided in Section 43-21-151, notwithstanding the
788 other provisions of the Youth Court Law. The proceedings in
789 chancery court on the abuse or neglect charge shall be
790 confidential in the same manner as provided in youth court
791 proceedings, and the chancery court shall appoint a guardian ad
792 litem in such cases, as provided under Section 43-21-121 for youth
793 court proceedings, who shall be an attorney. In determining
794 whether any portion of a guardian ad litem's fee shall be assessed
795 against any party or parties as a cost of court for reimbursement
796 to the county, the court shall consider each party's individual
797 ability to pay. Unless the chancery court's jurisdiction has been



798 terminated, all disposition orders in such cases for placement
799 with the Department of Human Services shall be reviewed by the
800 court or designated authority at least annually to determine if
801 continued placement with the department is in the best interest of
802 the child or the public.

803 (5) Each party to a paternity or child support proceeding
804 shall notify the other within five (5) days after any change of
805 address. In addition, the noncustodial and custodial parent shall
806 file and update, with the court and with the state case registry,
807 information on that party's location and identity, including
808 social security number, residential and mailing addresses,
809 telephone numbers, photograph, driver's license number, and name,
810 address and telephone number of the party's employer. This
811 information shall be required upon entry of an order or within
812 five (5) days of a change of address.

813 (6) In any case subsequently enforced by the Department of
814 Human Services pursuant to Title IV-D of the Social Security Act,
815 the court shall have continuing jurisdiction.

816 (7) In any subsequent child support enforcement action
817 between the parties, upon sufficient showing that diligent effort
818 has been made to ascertain the location of a party, due process
819 requirements for notice and service of process shall be deemed to
820 be met with respect to the party upon delivery of written notice
821 to the most recent residential or employer address filed with the
822 state case registry.



823 (8) (a) The duty of support of a child terminates upon the
824 emancipation of the child. Unless otherwise provided for in the
825 underlying child support judgment, emancipation shall occur when
826 the child:

827 (i) Attains the age of * * * eighteen (18) years
828 as long as the child is no longer attending high school, or

829 (ii) Marries, or

830 (iii) Joins the military and serves on a full-time
831 basis, or

832 (iv) Is convicted of a felony and is sentenced to
833 incarceration of two (2) or more years for committing such
834 felony; * * *

835 (b) Unless otherwise provided for in the underlying
836 child support judgment, the court may determine that emancipation
837 has occurred and no other support obligation exists when the
838 child:

839 (i) Discontinues full-time enrollment in school
840 having attained the age of eighteen (18) years, unless the child
841 is disabled, or

842 (ii) Voluntarily moves from the home of the
843 custodial parent or guardian, establishes independent living
844 arrangements, obtains full-time employment and discontinues
845 educational endeavors prior to attaining the age of * * * eighteen
846 (18) years, or



847 (iii) Cohabits with another person without the
848 approval of the parent obligated to pay support; * * *

849 (c) The duty of support of a child who is incarcerated
850 but not emancipated shall be suspended for the period of the
851 child's incarceration.

852 (9) A determination of emancipation does not terminate any
853 obligation of the noncustodial parent to satisfy arrearage
854 existing as of the date of emancipation; the total amount of
855 periodic support due prior to the emancipation plus any periodic
856 amounts ordered paid toward the arrearage shall continue to be
857 owed until satisfaction of the arrearage in full, in addition to
858 the right of the person for whom the obligation is owed to execute
859 for collection as may be provided by law.

860 (10) Upon motion of a party requesting temporary child
861 support pending a determination of parentage, temporary support
862 shall be ordered if there is clear and convincing evidence of
863 paternity on the basis of genetic tests or other evidence, unless
864 the court makes written findings of fact on the record that the
865 award of temporary support would be unjust or inappropriate in a
866 particular case.

867 (11) Custody and visitation upon military temporary duty,
868 deployment or mobilization shall be governed by Section 93-5-34.

869 **SECTION 21.** Section 93-14-102, Mississippi Code of 1972, is
870 amended as follows:

871 93-14-102. In this chapter:



872 (1) "Adult" means an individual who has attained * * *
873 eighteen (18) years of age as long as the individual is no longer
874 attending high school.

875 (2) "Conservator" means a person appointed by the court
876 to administer the property of an adult, including a person
877 appointed under Article 4 of Title 93, Chapter 20, Mississippi
878 Code of 1972.

879 (3) "Guardian" means a person appointed by the court to
880 make decisions regarding the person of an adult, including a
881 person appointed under Article 2 or 3 of Chapter 20, Title 93.

882 (4) "Guardianship order" means an order appointing a
883 guardian.

884 (5) "Guardianship proceeding" means a judicial
885 proceeding in which an order for the appointment of a guardian is
886 sought or has been issued.

887 (6) "Incapacitated person" means an adult for whom a
888 guardian has been appointed.

889 (7) "Party" means the respondent, petitioner, guardian,
890 conservator, or any other person allowed by the court to
891 participate in a guardianship or protective proceeding.

892 (8) "Person," except in the term incapacitated person
893 or protected person, means an individual, corporation, business
894 trust, estate, trust, partnership, limited liability company,
895 association, joint venture, public corporation, government or



896 governmental subdivision, agency, or instrumentality, or any other
897 legal or commercial entity.

898 (9) "Protected person" means an adult for whom a
899 protective order has been issued.

900 (10) "Protective order" means an order appointing a
901 conservator or other order related to management of an adult's
902 property.

903 (11) "Protective proceeding" means a judicial
904 proceeding in which a protective order is sought or has been
905 issued.

906 (12) "Record" means information that is inscribed on a
907 tangible medium or that is stored in an electronic or other medium
908 and is retrievable in perceivable form.

909 (13) "Respondent" means an adult for whom a protective
910 order or the appointment of a guardian is sought.

911 (14) "State" means a state of the United States, the
912 District of Columbia, Puerto Rico, the United States Virgin
913 Islands, a federally recognized Indian tribe, or any territory or
914 insular possession subject to the jurisdiction of the United
915 States.

916 **SECTION 22.** Section 93-15-103, Mississippi Code of 1972, is
917 amended as follows:

918 93-15-103. For purposes of this chapter, unless a different
919 meaning is plainly expressed by the context, the following
920 definitions apply:



921 (a) "Abandonment" means any conduct by the parent,
922 whether consisting of a single incident or actions over an
923 extended period of time, that evinces a settled purpose to
924 relinquish all parental claims and responsibilities to the child.
925 Abandonment may be established by showing:

926 (i) For a child who is under three (3) years of
927 age on the date that the petition for termination of parental
928 rights was filed, that the parent has deliberately made no contact
929 with the child for six (6) months;

930 (ii) For a child who is three (3) years of age or
931 older on the date that the petition for termination of parental
932 rights was filed, that the parent has deliberately made no contact
933 with the child for at least one (1) year; or

934 (iii) If the child is under six (6) years of age,
935 that the parent has exposed the child in any highway, street,
936 field, outhouse, or elsewhere with the intent to wholly abandon
937 the child.

938 (b) "Child" means a person under eighteen (18) years of
939 age.

940 (c) "Court" means the court having jurisdiction under
941 the Mississippi Termination of Parental Rights Law.

942 (d) "Desertion" means:

943 (i) Any conduct by the parent over an extended
944 period of time that demonstrates a willful neglect or refusal to
945 provide for the support and maintenance of the child; or



946 (ii) That the parent has not demonstrated, within
947 a reasonable period of time after the birth of the child, a full
948 commitment to the responsibilities of parenthood.

949 (e) "Home" means any charitable or religious
950 corporation or organization or the superintendent or head of the
951 charitable or religious corporation or organization organized
952 under the laws of the State of Mississippi, any public authority
953 to which has been granted the power to provide care for or procure
954 the adoption of children by any Mississippi statute, and any
955 association or institution engaged in placing children for
956 adoption on July 1, 1955.

957 (f) "Interested person" means any person related to the
958 child by consanguinity or affinity, a custodian or legal guardian
959 of the child, a guardian ad litem representing the child's best
960 interests, or an attorney representing the child's preferences
961 under Rule 13 of the Uniform Rules of Youth Court Practice.

962 (g) "Minor parent" means any parent under * * *
963 eighteen (18) years of age.

964 (h) "Parent" means a natural or adoptive parent of the
965 child.

966 (i) "Permanency outcome" means achieving a permanent or
967 long-term custodial arrangement for the custody and care of the
968 child that ends the supervision of the Department of Child
969 Protection Services.



970 (j) "Qualified health professional" means a licensed or
971 certified professional who is engaged in the delivery of health
972 services and who meets all applicable federal or state
973 requirements to provide professional services.

974 (k) "Qualified mental health professional" means a
975 person with at least a master's degree in mental health or a
976 related field and who has either a professional license or a
977 Department of Mental Health credential as a mental health
978 therapist.

979 (l) "Reunification" means the restoration of the
980 parent's custodial rights in providing for the safety and welfare
981 of the child which ends the supervision of the Department of Child
982 Protection Services.

983 **SECTION 23.** Section 93-17-5, Mississippi Code of 1972, is
984 amended as follows:

985 93-17-5. (1) There shall be made parties to the proceeding
986 by process or by the filing therein of a consent to the adoption
987 proposed in the petition, which consent shall be duly sworn to or
988 acknowledged and executed only by the following persons, but not
989 before seventy-two (72) hours after the birth of the child:

990 (a) The parents, or parent, if only one (1) parent,
991 though either be under the age of * * * eighteen (18) years;

992 (b) If both parents are dead, then any two (2) adult
993 kin of the child within the third degree computed according to the



994 civil law; if one of such kin is in possession of the child, he or
995 she shall join in the petition or be made a party to the suit; or

996 (c) The guardian ad litem of an abandoned child, upon
997 petition showing that the names of the parents of the child are
998 unknown after diligent search and inquiry by the petitioners. In
999 addition to the above, there shall be made parties to any
1000 proceeding to adopt a child, either by process or by the filing of
1001 a consent to the adoption proposed in the petition, the following:

1002 (i) Those persons having physical custody of the
1003 child, except persons who are acting as foster parents as a result
1004 of placement with them by the Department of Human Services of the
1005 State of Mississippi.

1006 (ii) Any person to whom custody of the child may
1007 have been awarded by a court of competent jurisdiction of the
1008 State of Mississippi.

1009 (iii) The agent of the county Department of Human
1010 Services of the State of Mississippi that has placed a child in
1011 foster care, either by agreement or by court order.

1012 (2) The consent may also be executed and filed by the duly
1013 authorized officer or representative of a home to whose care the
1014 child has been delivered. The child shall join the petition by
1015 the child's next friend.

1016 (3) If consent is not filed, process shall be had upon the
1017 parties as provided by law for process in person or by
1018 publication, if they are nonresidents of the state or are not



1019 found therein after diligent search and inquiry, the court or
1020 chancellor in vacation may fix a date in termtime or in vacation
1021 to which process may be returnable and shall have power to proceed
1022 in termtime or vacation. In any event, if the child is more than
1023 fourteen (14) years of age, a consent to the adoption, sworn to or
1024 acknowledged by the child, shall also be required or personal
1025 service of process shall be had upon the child in the same manner
1026 and in the same effect as if the child were an adult.

1027 **SECTION 24.** Section 93-17-205, Mississippi Code of 1972, is
1028 amended as follows:

1029 93-17-205. (1) The bureau shall maintain a centralized
1030 adoption records file for all adoptions performed in this state
1031 after July 1, 2005, which shall contain the following information:

1032 (a) The medical and social history of the birth
1033 parents, including information regarding genetically inheritable
1034 diseases or illnesses and any similar information furnished by the
1035 birth parents about the adoptee's grandparents, aunts, uncles,
1036 brothers and sisters if known;

1037 (b) A report of any medical examination which either
1038 birth parent had within one (1) year before the date of the
1039 petition for adoption, if available and known;

1040 (c) A report describing the adoptee's prenatal care and
1041 medical condition at birth, if available and known;

1042 (d) The medical and social history of the adoptee,
1043 including information regarding genetically inheritable diseases



1044 or illnesses, and any other relevant medical, social and genetic
1045 information if available; and

1046 (e) Forms 100A, 100B (if applicable) and evidence of
1047 Interstate Compact for Placement of Children approval (if
1048 applicable).

1049 The Administrative Office of Courts shall assist the bureau
1050 in the maintenance of its centralized adoption record by compiling
1051 the number of finalized adoptions in each chancery court district
1052 on a monthly basis, and submitting this information to the bureau.
1053 The bureau shall include these statistics in its centralized
1054 adoption record. The information in this report shall include the
1055 number of adoptions in this state where the adopting parent is a
1056 blood relative of the adoptee and the number of adoptions in this
1057 state where the adopting parent is not a blood relative of the
1058 adoptee. The report shall not include any individual identifying
1059 information. This information shall be updated annually and made
1060 available to the public upon request for a reasonable fee.

1061 (2) Any birth parent may file with the bureau at any time
1062 any relevant supplemental nonidentifying information about the
1063 adoptee or the adoptee's birth parents, and the bureau shall
1064 maintain this information in the centralized adoption records
1065 file.

1066 (3) The bureau shall also maintain as part of the
1067 centralized adoption records file the following:



1068 (a) The name, date of birth, social security number
1069 (both original and revised, where applicable) and birth
1070 certificate (both original and revised) of the adoptee;

1071 (b) The names, current addresses and social security
1072 numbers of the adoptee's birth parents, guardian and legal
1073 custodian;

1074 (c) Any other available information about the birth
1075 parent's identity and location.

1076 (4) Any birth parent may file with the bureau at any time an
1077 affidavit authorizing the bureau to provide the adoptee with his
1078 or her original birth certificate and with any other available
1079 information about the birth parent's identity and location, or an
1080 affidavit expressly prohibiting the bureau from providing the
1081 adoptee with any information about such birth parent's identity
1082 and location, and prohibiting any licensed adoption agency from
1083 conducting a search for such birth parent under the terms of
1084 Sections 93-17-201 through 93-17-223. An affidavit filed under
1085 this section may be revoked at any time by written notification to
1086 the bureau from the birth parent.

1087 (5) Counsel for the adoptive parents in the adoption
1088 finalization proceeding shall provide the bureau with the
1089 information required in subsections (1) and (3) of this section,
1090 and he shall also make such information a part of the adoption
1091 records of the court in which the final decree of adoption is



1092 rendered. This information shall be provided on forms prepared by
1093 the bureau.

1094 (6) (a) If an agency receives a report from a physician
1095 stating that a birth parent or another child of the birth parent
1096 has acquired or may have a genetically transferable disease or
1097 illness, the agency shall notify the bureau and the appropriate
1098 licensed adoption agency, and the latter agency shall notify the
1099 adoptee of the existence of the disease or illness, if he or she
1100 is * * * eighteen (18) years of age or over, or notify the
1101 adoptee's guardian, custodian or adoptive parent if the adoptee is
1102 under age * * * eighteen (18).

1103 (b) If an agency receives a report from a physician
1104 that an adoptee has acquired or may have a genetically
1105 transferable disease or illness, the agency shall notify the
1106 bureau and the appropriate licensed agency, and the latter agency
1107 shall notify the adoptee's birth parent of the existence of the
1108 disease or illness.

1109 (7) Compliance with the provisions of this section may be
1110 waived by the court, in its discretion, in any chancery court
1111 proceeding in which one or more of the petitioners for adoption is
1112 the natural mother or father of the adoptee.

1113 **SECTION 25.** Section 93-17-215, Mississippi Code of 1972, is
1114 amended as follows:

1115 93-17-215. Any person * * * eighteen (18) years of age or
1116 over who has been adopted in this state may request the bureau



1117 through a licensed adoption agency providing post-adoption
1118 services to obtain and provide the identifying information
1119 regarding either or both of his or her birth parents maintained as
1120 provided in Section 93-17-205, unless that birth parent has
1121 executed an affidavit prohibiting the release of such information.

1122 **SECTION 26.** Section 93-19-1, Mississippi Code of 1972, is
1123 amended as follows:

1124 93-19-1. The chancery court of the county in which a minor
1125 resides, or the chancery court of a county in which a resident
1126 minor owns real estate in matters pertaining to such real estate,
1127 may remove the disability of minority of such minor. In cases of
1128 married minors, the residence of the husband shall be the
1129 residence of the parties. The chancery court of a county in which
1130 a nonresident minor of the State of Mississippi owns real estate
1131 or any interest in real estate may remove the disability of
1132 minority of such minor as to such real estate, so as to enable
1133 said minor to do and perform all acts with reference to such real
1134 estate, to sell and convey, to mortgage, to lease, and to make
1135 deeds of trust and contracts, including promissory notes,
1136 concerning said real estate, or any interest therein which may be
1137 owned by such minor, as fully and effectively as if said minor
1138 were * * * eighteen (18) years of age. The jurisdiction thus
1139 exercised shall be that of a court of general equity jurisdiction,
1140 and all presumptions in favor of that adjudged shall be accorded
1141 at all times.



1142 **SECTION 27.** Section 93-19-9, Mississippi Code of 1972, is
1143 amended as follows:

1144 93-19-9. The decree may be for the partial removal of the
1145 disability of the minor so as to enable him to do some particular
1146 act proposed to be done and specified in the decree; or it may be
1147 general, and empower him to do all acts in reference to his
1148 property, and making contracts, and suing and being sued, and
1149 engaging in any profession or avocation, which he could do if he
1150 were * * * eighteen (18) years of age; and the decree made shall
1151 distinctly specify to what extent the disability of the minor is
1152 removed, and what character of acts he is empowered to perform
1153 notwithstanding his minority, and may impose such restrictions and
1154 qualifications as the court may adjudge proper.

1155 **SECTION 28.** Section 93-20-102, Mississippi Code of 1972, is
1156 amended as follows:

1157 93-20-102. In this chapter:

1158 (a) "Adult" means an individual at least * * * eighteen
1159 (18) years of age or an emancipated individual under * * *
1160 eighteen (18) years of age.

1161 (b) "Claim" includes a claim against an individual or
1162 conservatorship estate, whether arising in contract, tort, or
1163 otherwise.

1164 (c) "Conservator" means a person appointed by a court
1165 to make decisions with respect to the property or financial
1166 affairs of a ward. The term includes a co-conservator.



1167 (d) "Conservatorship estate" means the property subject
1168 to conservatorship under this chapter.

1169 (e) "Full conservatorship" means a conservatorship that
1170 grants the conservator all powers available under this chapter.

1171 (f) "Full guardianship" means a guardianship that
1172 grants the guardian all powers available under this chapter.

1173 (g) "Guardian" means a person appointed by the court to
1174 make decisions with respect to the personal affairs of the ward.
1175 The term includes a co-guardian but does not include a guardian ad
1176 litem.

1177 (h) "Guardian ad litem" means a qualified person
1178 appointed by the court to inform the court about the ward, to
1179 protect the best interests of the ward, and to make
1180 recommendations to the court in the best interests of the ward.

1181 (i) "Less restrictive alternative" means an approach to
1182 meeting an individual's needs which restricts fewer rights of the
1183 individual than would the appointment of a guardian or conservator
1184 in the discretion of the court.

1185 (j) "Letters of guardianship or conservatorship" means
1186 a record issued by a court certifying a guardian's or
1187 conservator's authority to act.

1188 (k) "Limited conservatorship" means a conservatorship
1189 that grants the conservator less than all powers available under
1190 this chapter, grants powers over only certain property, or
1191 otherwise restricts the powers of the conservator.



1192 (l) "Limited guardianship" means a guardianship that
1193 grants the guardian less than all powers available under this
1194 chapter or otherwise restricts the powers of the guardian.

1195 (m) "Minor" means an unemancipated individual
1196 under * * * eighteen (18) years of age.

1197 (n) "Notice" means any notice as provided by Rule 5 of
1198 the Mississippi Rules of Civil Procedure.

1199 (o) "Parent" does not include an individual whose
1200 parental rights have been terminated.

1201 (p) "Person" means an individual, estate, business or
1202 nonprofit entity, public corporation, government or governmental
1203 subdivision, agency, or instrumentality, or other legal entity.

1204 (q) "Property" includes tangible and intangible
1205 property.

1206 (r) "Record," used as a noun, means information that is
1207 inscribed on a tangible medium or that is stored in an electronic
1208 or other medium and is retrievable in perceivable form.

1209 (s) "Respondent" means an individual for whom
1210 appointment of a guardian or conservator is sought.

1211 (t) "Sign" means, with present intent to authenticate
1212 or adopt a record:

1213 (i) To execute or adopt a tangible symbol; or

1214 (ii) To attach to or logically associate with the
1215 record an electronic symbol, sound, or process.



1216 (u) "State" means a state of the United States, the
1217 District of Columbia, Puerto Rico, the United States Virgin
1218 Islands, or any territory or insular possession subject to the
1219 jurisdiction of the United States. The term includes a federally
1220 recognized Indian tribe.

1221 (v) "Summons" means any properly issued summons as
1222 provided by the Mississippi Rules of Civil Procedure.

1223 (w) "Ward" means an adult or minor for whom a guardian
1224 or conservator has been appointed under this chapter.

1225 **SECTION 29.** Section 97-33-23, Mississippi Code of 1972, is
1226 amended as follows:

1227 97-33-23. Any person of full age who shall bet any money or
1228 thing of value with a minor, knowing such minor to be under the
1229 age of * * * eighteen (18), or allowing any such minor to bet at
1230 any game or games, or at any gaming table exhibited by him, or in
1231 which he is interested or in any manner concerned, on conviction
1232 thereof, shall be punished by imprisonment in the Penitentiary not
1233 exceeding two (2) years.

1234 This section shall apply to minors under the age of * * *
1235 eighteen (18) as it might apply to the operation of any game or
1236 lottery authorized by Chapter 115, Title 27.

1237 **SECTION 30.** Section 99-3-45, Mississippi Code of 1972, is
1238 amended as follows:



1239 99-3-45. A person under the age of * * * eighteen (18) who
1240 is released under either Section 99-3-17 or 99-3-18 following
1241 arrest must be given notice:

1242 (a) That the person is allowed to call a parent,
1243 guardian or custodian in addition to any other opportunity to call
1244 that has been afforded to such person; and

1245 (b) That Intervention Court and other pretrial
1246 diversion programs may be available for many offenses.

1247 **SECTION 31.** Section 35-7-43, Mississippi Code of 1972, which
1248 provides for the removal of the disabilities of minority of
1249 certain veterans, is repealed.

1250 **SECTION 32.** Section 91-7-37, Mississippi Code of 1972, which
1251 provides for the removal of the disabilities of minority for
1252 certain executors, executrixes, administrators or
1253 administratrixes, is repealed.

1254 **SECTION 33.** Section 93-3-11, Mississippi Code of 1972, which
1255 provides for the removal of disabilities of minority of certain
1256 married persons with respect to homestead transactions, is
1257 repealed.

1258 **SECTION 34.** Section 93-19-13, Mississippi Code of 1972,
1259 which provides that all persons eighteen (18) years of age or
1260 older, if not otherwise disqualified, shall have the capacity to
1261 enter into binding contractual relationships affecting personal
1262 property and that an eighteen-year-old may sue in his own name as



1263 an adult and be sued in his own name as an adult and be served
1264 with process as an adult, is repealed.

1265 **SECTION 35.** This act shall take effect and be in force from
1266 and after July 1, 2023, and shall stand repealed on June 30, 2023.

