

By: Representative Yates

To: Judiciary B

HOUSE BILL NO. 1172

1 AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PROVISIONS OF LAW REGULATING ADOPTION BY REMOVING THE
3 PROHIBITION AGAINST SAME-SEX ADOPTION; AND FOR RELATED 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 this section,
8 a court of this state has jurisdiction over a proceeding for the
9 adoption or readoption of a minor commenced under this chapter if:

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



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

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

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

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

31 (d) The minor and the prospective adoptive parent or
32 parents are physically present in this state and the minor has
33 been abandoned or it is necessary in an emergency to protect the
34 minor because the minor has been subjected to or threatened with
35 mistreatment or abuse or is otherwise neglected, and the
36 prospective adoptive parent or parents, if not residing in
37 Mississippi, have completed and provided the court with a
38 satisfactory Interstate Compact for Placement of Children (ICPC)
39 home study and accompanying forms;

40 (e) It appears that no other state would have
41 jurisdiction under prerequisites substantially in accordance with
42 paragraphs (a) through (d), or another state has declined to



43 exercise jurisdiction on the ground that this state is the more
44 appropriate forum to hear a petition for adoption of the minor,
45 and it is in the best interest of the minor that a court of this
46 state assume jurisdiction; or

47 (f) The child has been adopted in a foreign country,
48 the agency that placed the minor for adoption is licensed in this
49 state, and it is in the best interest of the child to be readopted
50 in a court of this state having jurisdiction.

51 (2) A court of this state may not exercise jurisdiction over
52 a proceeding for adoption of a minor if, at the time the petition
53 for adoption is filed, a proceeding concerning the custody or
54 adoption of the minor is pending in a court of another state
55 exercising jurisdiction substantially in conformity with the
56 Uniform Child Custody Jurisdiction Act or this section unless the
57 proceeding is stayed by the court of the other state.

58 (3) If a court of another state has issued a decree or order
59 concerning the custody of a minor who may be the subject of a
60 proceeding for adoption in this state, a court of this state may
61 not exercise jurisdiction over a proceeding for adoption of the
62 minor unless:

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

65 (i) Does not have continuing jurisdiction to
66 modify the decree or order under jurisdictional prerequisites
67 substantially in accordance with the Uniform Child Custody



68 Jurisdiction Act or has declined to assume jurisdiction to modify
69 the decree or order; or

70 (ii) Does not have jurisdiction over a proceeding
71 for adoption substantially in conformity with subsection (1) (a)
72 through (d) or has declined to assume jurisdiction over a
73 proceeding for adoption; and

74 (b) The court of this state has jurisdiction over the
75 proceeding.

76 (4) Any person may be adopted in accordance with the
77 provisions of this chapter in term time or in vacation by an
78 unmarried adult, by a married person whose spouse joins in the
79 petition, by a married person whose spouse does not join in the
80 petition because such spouse does not cohabit or reside with the
81 petitioning spouse, and in any circumstances determined by the
82 court that the adoption is in the best interest of the child.
83 Only the consenting adult will be a legal parent of the child.
84 The adoption shall be by sworn petition filed in the chancery
85 court of the county in which the adopting petitioner or
86 petitioners reside or in which the child to be adopted resides or
87 was born, or was found when it was abandoned or deserted, or in
88 which the home is located to which the child has been surrendered
89 by a person authorized to so do. The petition shall be
90 accompanied by a doctor's or nurse practitioner's certificate
91 showing the physical and mental condition of the child to be
92 adopted and a sworn statement of all property, if any, owned by



93 the child. In addition, the petition shall be accompanied by
94 affidavits of the petitioner or petitioners stating the amount of
95 the service fees charged by any adoption agencies or adoption
96 facilitators used by the petitioner or petitioners and any other
97 expenses paid by the petitioner or petitioners in the adoption
98 process as of the time of filing the petition. If the doctor's or
99 nurse practitioner's certificate indicates any abnormal mental or
100 physical condition or defect, the condition or defect shall not,
101 in the discretion of the chancellor, bar the adoption of the child
102 if the adopting parent or parents file an affidavit stating full
103 and complete knowledge of the condition or defect and stating a
104 desire to adopt the child, notwithstanding the condition or
105 defect. The court shall have the power to change the name of the
106 child as a part of the adoption proceedings. The word "child" in
107 this section shall be construed to refer to the person to be
108 adopted, though an adult.

109 * * *

110 (* * *5) No person may be placed in the home of or adopted
111 by the prospective adopting parties before a court-ordered or
112 voluntary home study is satisfactorily completed by a licensed
113 adoption agency, a licensed, experienced social worker approved by
114 the chancery court, a court-appointed guardian ad litem that has
115 knowledge or training in conducting home studies if so directed by
116 the court, or by the Department of Human Services on the
117 prospective adoptive parties if required by Section 93-17-11.



118 (* * *6) No person may be adopted by a person or persons
119 who reside outside the State of Mississippi unless the provisions
120 of the Interstate Compact for Placement of Children (Section
121 43-18-1 et seq.) have been complied with. In such cases Forms
122 100A, 100B (if applicable) and evidence of Interstate Compact for
123 Placement of Children approval shall be added to the permanent
124 adoption record file within one (1) month of the placement, and a
125 minimum of two (2) post-placement reports conducted by a licensed
126 child-placing agency shall be provided to the Mississippi
127 Department of Child Protection Services Interstate Compact for
128 Placement of Children office.

129 (* * *7) No person may be adopted unless the provisions of
130 the Indian Child Welfare Act (ICWA) have been complied with, if
131 applicable. When applicable, proof of compliance shall be
132 included in the court adoption file prior to finalization of the
133 adoption. If not applicable, a written statement or paragraph in
134 the petition for adoption shall be included in the adoption
135 petition stating that the provisions of ICWA do not apply before
136 finalization.

137 (* * *8) The readoption of a child who has automatically
138 acquired United States citizenship following an adoption in a
139 foreign country and who possesses a Certificate of Citizenship in
140 accordance with the Child Citizenship Act, CAA, Public Law
141 106-395, may be given full force and effect in a readoption
142 proceeding conducted by a court of competent jurisdiction in this



143 state by compliance with the Mississippi Registration of Foreign
144 Adoptions Act, Article 9 of this chapter.

145 **SECTION 2.** This act shall take effect and be in force from
146 and after July 1, 2022.

