

By: Senator(s) Bryan, Fillingane

To: Judiciary, Division B

SENATE BILL NO. 2263  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE CHANCELLOR TO WAIVE PROCEDURAL REQUIREMENTS FOR  
3 ADULT ADOPTees WHO CONSENT TO THE ADOPTION; TO CONFORM TO FEDERAL  
4 LAW BY DELETING THE PROHIBITION AGAINST COUPLES OF THE SAME GENDER  
5 ADOPTING; TO PROHIBIT PHYSICALLY INCARCERATED OFFENDERS FROM  
6 REQUESTING A NAME CHANGE; TO DEFINE TERMS; TO PROVIDE CERTAIN  
7 EXCEPTIONS; AND FOR RELATED PURPOSES.

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

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

11 93-17-3. (1) Except as otherwise provided in this section,  
12 a court of this state has jurisdiction over a proceeding for the  
13 adoption or readoption of a minor commenced under this chapter if:

14 (a) Immediately before commencement of the proceeding,  
15 the minor lived in this state with a parent, a guardian, a  
16 prospective adoptive parent or another person acting as parent,  
17 for at least six (6) consecutive months, excluding periods of  
18 temporary absence, or, in the case of a minor under six (6) months  
19 of age, lived in this state from soon after birth with any of



20 those individuals and there is available in this state substantial  
21 evidence concerning the minor's present or future care;

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

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

30 (i) The minor and the minor's parents, or the  
31 minor and the prospective adoptive parent, have a significant  
32 connection with this state; and

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

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



44           (e) It appears that no other state would have  
45 jurisdiction under prerequisites substantially in accordance with  
46 paragraphs (a) through (d), or another state has declined to  
47 exercise jurisdiction on the ground that this state is the more  
48 appropriate forum to hear a petition for adoption of the minor,  
49 and it is in the best interest of the minor that a court of this  
50 state assume jurisdiction; or

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

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

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

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



69 (i) Does not have continuing jurisdiction to  
70 modify the decree or order under jurisdictional prerequisites  
71 substantially in accordance with the Uniform Child Custody  
72 Jurisdiction Act or has declined to assume jurisdiction to modify  
73 the decree or order; or

74 (ii) Does not have jurisdiction over a proceeding  
75 for adoption substantially in conformity with subsection (1) (a)  
76 through (d) or has declined to assume jurisdiction over a  
77 proceeding for adoption; and

78 (b) The court of this state has jurisdiction over the  
79 proceeding.

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



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

113 \* \* \*

114 ( \* \* \*5) No person may be placed in the home of or adopted  
115 by the prospective adopting parties before a court-ordered or  
116 voluntary home study is satisfactorily completed by a licensed  
117 adoption agency, a licensed, experienced social worker approved by  
118 the chancery court, a court-appointed guardian ad litem that has



119 knowledge or training in conducting home studies if so directed by  
120 the court, or by the Department of Human Services on the  
121 prospective adoptive parties if required by Section 93-17-11.

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

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

141 ( \* \* \*8) The readoption of a child who has automatically  
142 acquired United States citizenship following an adoption in a  
143 foreign country and who possesses a Certificate of Citizenship in



144 accordance with the Child Citizenship Act, CAA, Public Law  
145 106-395, may be given full force and effect in a readoption  
146 proceeding conducted by a court of competent jurisdiction in this  
147 state by compliance with the Mississippi Registration of Foreign  
148 Adoptions Act, Article 9 of this chapter.

149 (9) For adult adoptees who consent to the adoption, a  
150 chancellor may waive any of the petition requirements and  
151 procedural requirements within subsections (4), (5), (6) and (7)  
152 of this section.

153 **SECTION 2.** For purposes of this act, the following words  
154 shall have the meanings ascribed herein unless the context  
155 otherwise requires:

156 (a) "Change of name petition" means a petition to  
157 change the legal name of an individual.

158 (b) "Offender" means any physically incarcerated person  
159 convicted of a crime or offense under the laws and ordinances of  
160 the state and its political subdivisions or the laws and  
161 regulations of the federal government.

162 **SECTION 3.** (1) (a) No offender shall have standing to file  
163 a change of name petition with the chancery court;

164 (b) No chancellor shall grant a change of name petition  
165 for an offender; and

166 (c) No chancery clerk shall file a change of name  
167 petition for an offender.

168 (2) A chancellor may change the name of an offender if:



169           (a) A district attorney files a change of name petition  
170 on behalf of an offender;

171           (b) A sheriff of a county in which a person is  
172 incarcerated files a change of name petition on behalf of an  
173 offender;

174           (c) The Commissioner of the Mississippi Department of  
175 Corrections, or his or her designee, files a change of name  
176 petition on behalf of an offender; or

177           (d) A Mississippi Department of Corrections Chaplain  
178 files a change of name petition on behalf of an offender.

179           **SECTION 4.** This act shall take effect and be in force from  
180 and after July 1, 2022.

