

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 1342

1 AN ACT TO CREATE THE "BOARD OF TRUSTEES OF THE MISSISSIPPI  
2 ADOPTION LICENSURE AUTHORITY"; TO CREATE "THE MISSISSIPPI ADOPTION  
3 RELIEF FUND"; TO AMEND SECTION 43-15-103, MISSISSIPPI CODE OF  
4 1972, TO REVISE THE DEFINITIONS OF THE ADOPTION AGENCY  
5 REGULATIONS; TO AMEND SECTION 43-15-105, MISSISSIPPI CODE OF 1972,  
6 TO PROVIDE THAT THE BOARD OF TRUSTEES OF THE ADOPTION LICENSURE  
7 AUTHORITY SHALL BE THE LICENSING AGENCY FOR ADOPTIONS; TO AMEND  
8 SECTIONS 43-15-107, 43-15-109 AND 43-15-111, MISSISSIPPI CODE OF  
9 1972, TO REVISE THE APPLICATION PROCESS FOR ADOPTION LICENSES; TO  
10 AMEND SECTION 43-15-113, MISSISSIPPI CODE OF 1972, TO ADD  
11 CONDITIONS FOR GRANTING NEW LICENSES AFTER REVOCATION OF LICENSES;  
12 TO AMEND SECTION 43-15-117, MISSISSIPPI CODE OF 1972, TO PROHIBIT  
13 AN ATTORNEY FROM SHARING ANY FEES PROVIDED FOR ADOPTION SERVICES;  
14 TO AMEND SECTION 43-15-115, MISSISSIPPI CODE OF 1972, TO REGULATE  
15 DISBURSEMENT OF MONIES BETWEEN ADOPTION AGENCIES AND ATTORNEYS; TO  
16 AMEND SECTION 43-15-119, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
17 THE DIVISION TO ENLIST THE BOARD UNDER CERTAIN CIRCUMSTANCES; TO  
18 AMEND SECTIONS 43-15-123 AND 43-15-125, MISSISSIPPI CODE OF 1972,  
19 TO CONFORM TO THE PRECEDING AMENDMENT; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) There is established the Board of Trustees  
22 of the Mississippi Adoption Licensure Authority, which shall  
23 consist of the following members:

24 (a) Two (2) members selected by the commissioner of the  
25 Mississippi Department of Child Protection Services;



26 (b) Three (3) members selected by majority vote of the  
27 adoption agencies that are currently licensed by the Mississippi  
28 Department of Child Protection Services;

29 (c) Two (2) members selected by a majority vote of the  
30 residential child-caring agencies that are currently licensed with  
31 the Mississippi Department of Child Protection Services.

32 (2) (a) The persons initially appointed by the Commissioner  
33 of the Department of Child Protection Services and the persons  
34 initially appointed by the residential child-caring agencies  
35 shall serve terms ending June 30, 2025. The persons initially  
36 appointed by the adoption agencies shall serve a term ending June  
37 30, 2026.

38 After the expiration of the initial terms, each such  
39 appointment shall be for a term of four (4) years from the  
40 expiration of the previous term, except such persons shall serve  
41 at the will and pleasure of the appointing authority.

42 (b) A majority of the voting members of the board shall  
43 constitute a quorum for the conduct of meetings, and all actions  
44 of the board shall require a majority vote of the voting members  
45 of the board.

46 (c) The board shall annually elect one (1) voting  
47 member to serve as chairman and one (1) voting member to serve as  
48 vice chairman. The vice chairman shall act as chairman in the  
49 absence or disability of the chairman, or if there is a vacancy in  
50 the office of the chairman.



51 (3) The members of the board shall receive a per diem as  
52 provided in Section 25-3-69, plus travel and necessary expenses  
53 incidental to the attendance at each board meeting, including  
54 mileage, as provided in Section 25-3-41.

55 (4) No board member shall use his official position to  
56 obtain, or attempt to obtain, pecuniary benefit for himself other  
57 than that compensation provided for by law, or to obtain, or  
58 attempt to obtain, pecuniary benefit for any relative or any  
59 business with which he is associated, as provided in Section  
60 25-4-105.

61 (5) The board shall not approve any payment to any entity of  
62 which a voting member of the board is an executive, member or  
63 employee.

64 (6) The Mississippi Department of Child Protection Services  
65 shall provide the office space, staff and other support necessary  
66 for the board to perform its duties.

67 **SECTION 2.** (1) There is hereby created in the State  
68 Treasury a special fund to be known as the "Mississippi Adoption  
69 Relief Fund". The fund shall be a continuing fund, not subject to  
70 fiscal-year limitations, and shall consist of:

- 71 (a) Monies appropriated by the Legislature;
- 72 (b) The interest accruing to the fund;
- 73 (c) Donations or grant funds received;
- 74 (d) Monies from licensing fees for adoption agencies;

75 and



76 (e) Monies received from such other sources as may be  
77 provided by law.

78 (2) The monies shall be used by the board only for the  
79 purpose of performing its duties related to the licensing and  
80 regulation of adoption agencies and adoption services provided in  
81 this act.

82 (3) From and after July 1, 2023, the expenses of the fund  
83 shall be defrayed by appropriation from the State General Fund and  
84 all user charges and fees authorized under this section shall be  
85 deposited into the State General Fund as authorized by law and as  
86 determined by the State Fiscal Officer.

87 **SECTION 3.** Section 43-15-103, Mississippi Code of 1972, is  
88 amended as follows:

89 43-15-103. As used in this article:

90 (a) "Adoption agency" means any entity that provides  
91 adoption services.

92 (b) "Adoption services" means any services provided by  
93 an entity that facilitates an adoption. Such services include,  
94 but are not limited to:

95 (i) Child placing as defined in Section  
96 43-15-103(c) (i) and (ii);

97 (ii) Solicit money or other assistance for  
98 adoption;



99                   (iii) Assisting a parent in identifying or  
100 locating a person interested in adopting the parent's child, or in  
101 identifying or locating a child to be adopted;  
102                   (iv) Adoptions;  
103                   (v) Adoption counseling;  
104                   (vi) Financial aid for adoption;  
105                   (vii) Advertising in the media markets in  
106 Mississippi seeking birth mothers or their children for adoption  
107 purposes; or  
108                   (viii) Payment of fees for medical, legal or other  
109 services rendered in connection with the care of a mother,  
110 delivery and care of a child including, but not limited to, the  
111 mother's living expenses, or counseling for the parents and/or the  
112 child, and for the legal proceedings related to lawful adoption  
113 proceedings.

114                   \* \* \*

115                   (c) "Board" means the Board of Trustees of the  
116 Mississippi Adoption Licensure Authority.

117                   ( \* \* \* d) "Child" or "children" mean(s) any unmarried  
118 person or persons under the age of eighteen (18) years.

119                   ( \* \* \* e) "Child placing" means receiving, accepting or  
120 providing custody or care for any child under eighteen (18) years  
121 of age, temporarily or permanently, for the purpose of:

122                   (i) Finding a person to adopt the child;



123                   (ii) Placing the child temporarily or permanently  
124 in a home for adoption; or

125                   (iii) Placing a child in a foster home or  
126 residential child-caring agency.

127           ( \* \* \*f) "Child-placing agency" means any entity or  
128 person which places children in foster boarding homes or foster  
129 homes for temporary care or for adoption or any other entity or  
130 person or group of persons who are engaged in providing adoption  
131 studies or foster care studies or placement services as defined by  
132 the rules of the department.

133           ( \* \* \*g) "Department" means the Mississippi Department  
134 of Human Services.

135           ( \* \* \*h) "Director" means the Director of the Division  
136 of Family and Children's Services.

137           ( \* \* \*i) "Division" means the Division of Family and  
138 Children's Services within the Mississippi Department of Human  
139 Services.

140           ( \* \* \*j) "Family boarding home" or "foster home" means  
141 a home (occupied residence) operated by any entity or person which  
142 provides residential child care to at least one (1) child but not  
143 more than six (6) children who are not related to the primary  
144 caregivers.

145           ( \* \* \*k) "Group care home" means any place or facility  
146 operated by any entity or person which provides residential child



147 care for at least seven (7) children but not more than twelve (12)  
148 children who are not related to the primary caregivers.

149 ( \* \* \*l) "Licensee" means any person, agency or entity  
150 licensed under this article.

151 ( \* \* \*m) "Maternity home" means any place or facility  
152 operated by any entity or person which receives, treats or cares  
153 for more than one (1) child or adult who is pregnant out of  
154 wedlock, either before, during or within two (2) weeks after  
155 childbirth; provided, that the licensed child-placing agencies and  
156 licensed maternity homes may use a family boarding home approved  
157 and supervised by the agency or home, as a part of their work, for  
158 as many as three (3) children or adults who are pregnant out of  
159 wedlock, and provided further, that the provisions of this  
160 definition shall not include children or women who receive  
161 maternity care in the home of a person to whom they are kin within  
162 the sixth degree of kindred computed according to civil law, nor  
163 does it apply to any maternity care provided by general or special  
164 hospitals licensed according to law and in which maternity  
165 treatment and care are part of the medical services performed and  
166 the care of children is brief and incidental.

167 ( \* \* \*n) "Office" means the Office of Licensing  
168 within \* \* \* the Mississippi Department of Child Protection  
169 Services.



170 ( \* \* \*o) "Person associated with a licensee" means an  
171 owner, director, member of the governing body, employee, provider  
172 of care and volunteer of a human services licensee.

173 ( \* \* \*p) "Related" means children, step-children,  
174 grandchildren, step-grandchildren, siblings of the whole or  
175 half-blood, step-siblings, nieces or nephews of the primary care  
176 provider.

177 ( \* \* \*q) "Residential child care" means the provision  
178 of supervision, and/or protection, and meeting the basic needs of  
179 a child for twenty-four (24) hours per day, which may include  
180 services to children in a residential setting where care, lodging,  
181 maintenance and counseling or therapy for alcohol or controlled  
182 substance abuse or for any other emotional disorder or mental  
183 illness is provided for children, whether for compensation or not.

184 ( \* \* \*r) "Residential child-caring agency" means any  
185 place or facility operated by any entity or person, public or  
186 private, providing residential child care, regardless of whether  
187 operated for profit or whether a fee is charged. Such residential  
188 child-caring agencies include, but are not limited to, maternity  
189 homes, runaway shelters, group homes that are administered by an  
190 agency, and emergency shelters that are not in private residence.

191 **SECTION 4.** Section 43-15-105, Mississippi Code of 1972, is  
192 amended as follows:

193 43-15-105. (1) The Division of Family and Children's  
194 Services shall be the licensing authority for the department, and





195 is vested with all the powers, duties and responsibilities  
196 described in this article. The division shall make and establish  
197 rules and regulations regarding:

198 (a) Approving, extending, denying, suspending and  
199 revoking licenses for foster homes, residential child-caring  
200 agencies and child-placing agencies;

201 (b) Conditional licenses, variances from department  
202 rules and exclusions;

203 (c) Basic health and safety standards for licensees;  
204 and

205 (d) Minimum administration and financial requirements  
206 for licensees.

207 (2) The division shall:

208 (a) Define information that shall be submitted to the  
209 division with an application for a license;

210 (b) Establish guidelines for the administration and  
211 maintenance of client and service records, including staff  
212 qualifications, staff to client ratios;

213 (c) Issue licenses in accordance with this article;

214 (d) Conduct surveys and inspections of licensees and  
215 facilities;

216 (e) Establish and collect licensure fees;

217 (f) Investigate complaints regarding any licensee or  
218 facility;



219 (g) Have access to all records, correspondence and  
220 financial data required to be maintained by a licensee or  
221 facility;

222 (h) Have authority to interview any client, family  
223 member of a client, employee or officer of a licensee or facility;  
224 and

225 (i) Have authority to revoke, suspend or extend any  
226 license issued by the division.

227 (3) The Board of Trustees of the Mississippi Adoption  
228 Licensure Authority shall be the licensing authority for the  
229 department for all matters regarding adoptions and adoption  
230 agencies, and is vested with all the powers, duties and  
231 responsibilities described in this article. The board shall make  
232 and establish rules and regulations regarding:

233 (a) Approving, extending, denying, suspending and  
234 revoking licenses for adoption agencies;

235 (b) Conditional licenses, variances from department  
236 rules and exclusions related to adoption agencies or adoption  
237 licensure;

238 (c) Basic health and safety standards for licensees;  
239 and

240 (d) Minimum administration and financial requirements  
241 for licensees.

242 (4) The board shall:



243 (a) Define information that shall be submitted to the  
244 board with an application for a license;

245 (b) Establish guidelines for the administration and  
246 maintenance of client and service records, including staff  
247 qualifications and staff to client ratios;

248 (c) Recommend licensure in accordance with this  
249 article;

250 (d) Direct the division to conduct surveys and  
251 inspections of licensees and facilities;

252 (e) Establish and collect licensure fees;

253 (f) Investigate complaints regarding any licensee or  
254 facility;

255 (g) Have access to all records, correspondence and  
256 financial data required to be maintained by a licensee or  
257 facility;

258 (h) Direct the division to interview any client, family  
259 member of a client, employee or officer of a licensee or facility;  
260 and

261 (i) Have authority to direct the division to revoke,  
262 suspend or extend any license for adoption services issued by the  
263 division.

264 (5) The board shall establish reasonable fees to issue  
265 licenses under this chapter. The board, at a minimum, shall:

266 (a) Establish a fee for submission of an application  
267 for a license;



268           (b) Require annual renewal of the license with minimum  
269 requirements for such renewal;

270           (c) Establish a fee for renewal of the license;

271           (d) Deposit all fees into the "Mississippi Adoption  
272 Relief Fund";

273           (e) Establish a re-instatement of license fee;

274           (f) Require proof that the facility will be open to the  
275 public for at least thirty (30) hours a week;

276           (g) Require proof that the facility has a physical  
277 presence in the State of Mississippi sufficient to conduct all  
278 services necessary in the performance of adoption services;

279           (h) Hire a third-party entity to assist with creating  
280 licensure standards and process applications according to those  
281 standards;

282           (i) Require adoption agencies to have an executive  
283 director or comparable head officer that is domiciled in the State  
284 of Mississippi; and

285           (j) Require adoption agencies to be Mississippi  
286 nonprofit organizations.

287           (6) The department shall adopt and administer all licensure  
288 requirements, rules and regulations, decisions on licensure  
289 applications, license revocations, suspensions and all  
290 promulgations, decisions and actions created and recommended by  
291 the board pursuant to the board's statutory authority.



292           **SECTION 5.** Section 43-15-107, Mississippi Code of 1972, is  
293 amended as follows:

294           43-15-107. (1) Except as provided in Section 43-15-111, no  
295 person, agency, firm, corporation, association or other entity,  
296 acting individually or jointly with any other person or entity,  
297 may establish, conduct or maintain foster homes, residential  
298 child-caring agencies and child-placing agencies or facility  
299 and/or engage in child placing in this state without a valid and  
300 current license issued by and under the authority of the division  
301 as provided by this article and the rules of the division. No  
302 person, agency, firm, corporation, association or other entity,  
303 acting individually or jointly with any other person or entity,  
304 whether or not they possess a child-placing agency license, may  
305 perform adoption services as defined in this article without  
306 possessing a license to perform adoption services recommended by  
307 the board and issued by the division. Any out-of-state  
308 child-placing agency that provides a full range of services,  
309 including, but not limited to, adoptions, adoption services,  
310 foster family homes, adoption counseling services or financial  
311 aid, in this state must be licensed by the division under this  
312 article.

313           (2) An attorney who provides legal services to a client in  
314 connection with proceedings for the adoption of a child by the  
315 client, who does not receive, accept or provide custody or care  
316 for the child for the purposes specified in Section 43-15-103(c),



317 shall not be required to have a license under this article to  
318 provide legal services.

319 ( \* \* \*3) No license issued under this article is assignable  
320 or transferable.

321 ( \* \* \*4) A current license shall at all times be posted in  
322 each licensee's facility, in a place that is visible and readily  
323 accessible to the public.

324 ( \* \* \*5) (a) Except as otherwise provided in paragraph (b)  
325 of this subsection, each license issued under this article expires  
326 at midnight (Central Standard Time) twelve (12) months from the  
327 date of issuance unless it has been:

328 (i) Previously revoked by the office; or  
329 (ii) Voluntarily returned to the office by the  
330 licensee.

331 (b) (i) For any adoption or child-placing agency  
332 located in Mississippi that remains in good standing, the license  
333 issued under this article expires at midnight (Central Standard  
334 Time) twenty-four (24) months from the date of issuance unless it  
335 has been:

336 1. Previously revoked by the office; or  
337 2. Voluntarily returned to the office by the  
338 licensee.

339 (ii) Any child-placing agency whose license is  
340 governed by this paragraph (b) shall submit the following  
341 information to the office annually:



- 342                   1. A copy of an audit report and IRS Form 990  
343 for the agency;  
344                   2. The agency's fee schedule; and  
345                   3. The agency's client list.

346           (c) A license may be renewed upon application and  
347 payment of the applicable fee, provided that the licensee meets  
348 the license requirements established by this article and the rules  
349 and regulations of the division.

350           ( \* \* \*6) Any licensee or facility which is in operation at  
351 the time rules are made in accordance with this article shall be  
352 given a reasonable time for compliance as determined by the rules  
353 of the division. In the case of an adoption agency, the  
354 reasonable time for compliance shall be determined by the division  
355 as recommended by the board.

356           **SECTION 6.** Section 43-15-109, Mississippi Code of 1972, is  
357 amended as follows:

358           43-15-109. (1) An application for a license under this  
359 article shall be made to the division and shall contain  
360 information that the division determines is necessary in  
361 accordance with established rules. An application for a license  
362 for an adoption agency or to provide adoption services shall be  
363 made to the division and the division shall refer the application  
364 to the board for a determination that the application contains  
365 information that is necessary in accordance with the established  
366 rules.



367 (2) Information received by the office and/or the board  
368 through reports, complaints, investigations and inspections shall  
369 be classified as public in accordance with Title 25, Chapter 61,  
370 Mississippi Code of 1972, Mississippi Public Records Act.

371 **SECTION 7.** Section 43-15-111, Mississippi Code of 1972, is  
372 amended as follows:

373 43-15-111. The provisions of this article, do not apply to:

374 (a) A facility or program owned or operated by an  
375 agency of the State of Mississippi or United States government;

376 (b) A facility or program operated by the Department of  
377 Corrections or a company that is registered with the Mississippi  
378 Secretary of State under an exclusive contract with the Department  
379 of Corrections;

380 (c) Schools and educational programs and facilities  
381 located in the State of Mississippi, the primary purpose of which  
382 is to provide a regular course of study necessary for advancement  
383 to a higher educational level or completion of a prescribed course  
384 of study, and which may, incident to such educational purposes,  
385 provide boarding facilities to the students of such programs.

386 (d) Any Mississippi residential child-caring agency  
387 and/or child-placing agency operated or conducted under the  
388 auspices of a religious institution and meeting the requirements  
389 or conditions of this section shall be exempt from the licensure  
390 requirements of this article under the following conditions: (i)  
391 such religious institution must have a tax-exempt status as a





392 nonprofit religious institution in accordance with Section 501(c)  
393 of the Internal Revenue Code of 1954, as amended, or the real  
394 property owned and exclusively occupied by the religious  
395 institution must be exempt from location taxation, \* \* \* (ii) the  
396 agency or institution must be in compliance with the requirements  
397 of the Child Residential Home Notification Act, Section 43-16-1 et  
398 seq., Mississippi Code of 1972, and must not be in violation of  
399 Section 43-16-21(c) regarding the abuse and/or neglect of any  
400 child served by such home who has been adjudicated by the youth  
401 court as an abused and/or neglected child and (iii) must have a  
402 physical office in the State of Mississippi. Nothing in this  
403 paragraph shall prohibit a residential child-caring agency or  
404 child-placing agency operated by or conducted under the auspices  
405 of a religious institution from obtaining a license pursuant to  
406 this article.

407 (e) Placement of custody under a power of attorney  
408 executed under Section 93-31-1 et seq.

409 **SECTION 8.** Section 43-15-113, Mississippi Code of 1972, is  
410 amended as follows:

411 43-15-113. (1) If a license other than an adoption license  
412 is revoked, the division may grant a new license after:

413 (a) Satisfactory evidence is submitted to the division,  
414 evidencing that the conditions upon which revocation was based  
415 have been corrected; and



416 (b) Inspection and compliance with all provisions of  
417 this article and applicable rules.

418 (2) The division may only suspend a license for a period of  
419 time which does not exceed the current expiration date of that  
420 license.

421 (3) When a license has been suspended, the division may  
422 completely or partially restore the suspended license upon a  
423 determination that the:

424 (a) Conditions upon which the suspension was based have  
425 been completely or partially corrected; and

426 (b) Interests of the public will not be jeopardized by  
427 restoration of the license.

428 (4) If a license to perform adoption services is revoked,  
429 the board may recommend to the division to grant a new license  
430 after:

431 (a) Satisfactory evidence is submitted to the board,  
432 evidencing that the conditions upon which revocation was based  
433 have been corrected;

434 (b) Inspection and compliance with all provisions of  
435 this article and applicable rules; and

436 (c) Full payment of the re-instatement fee, if any  
437 charged.

438 (5) The board may recommend to the division the suspension  
439 of adoption agency for a period of time which does not exceed the



440 current expiration date of that license determined to be necessary  
441 by the board.

442 (6) When an adoption license has been suspended, the board  
443 may recommend to the division to completely or partially restore  
444 the suspended license upon a determination that the:

445 (a) Conditions upon which the suspension was based have  
446 been completely or partially corrected;

447 (b) Interests of the public will not be jeopardized by  
448 restoration of the license; and

449 (c) All fees that have been assessed by the division  
450 have been paid, unless a different time for repayment has been  
451 determined by the board.

452 **SECTION 9.** Section 43-15-115, Mississippi Code of 1972, is  
453 amended as follows:

454 43-15-115. (1) The division may, for the purpose of  
455 ascertaining compliance with the provisions of this article and  
456 its rules and regulations, enter and inspect on a routine basis  
457 the facility of a licensee.

458 (2) Before conducting an inspection under subsection (1),  
459 the division shall, after identifying the person in charge:

460 (a) Give proper identification;

461 (b) Request to see the applicable license;

462 (c) Describe the nature and purpose of the inspection;

463 and



464 (d) If necessary, explain the authority of the division  
465 to conduct the inspection and the penalty for refusing to permit  
466 the inspection.

467 (3) In conducting an inspection under subsection (1), the  
468 division may, after meeting the requirements of subsection (2):

469 (a) Inspect the physical facilities;

470 (b) Inspect records and documents;

471 (c) Interview directors, employees, clients, family  
472 members of clients and others; and

473 (d) Observe the licensee in operation.

474 (4) An inspection conducted under subsection (1) shall be  
475 during regular business hours and may be announced or unannounced.

476 (5) The licensee shall make copies of inspection reports  
477 available to the public upon request.

478 (6) The provisions of this section apply to on-site  
479 inspections and do not restrict the division from contacting  
480 family members, neighbors or other individuals, or from seeking  
481 information from other sources to determine compliance with the  
482 provisions of this article.

483 (7) In the event that the licensee is an adoption agency or  
484 other person or entity licensed to perform adoption services, the  
485 division may enlist the board to perform the inspection as  
486 outlined above.

487 **SECTION 10.** Section 43-15-117, Mississippi Code of 1972, is  
488 amended as follows:



489           43-15-117. (1) Except as provided in this article, no  
490 person, agency, firm, corporation, association or group children's  
491 home may engage in adoption services, child placing, or solicit  
492 money or other assistance for child placing, without a valid  
493 license issued by the division. No out-of-state adoption agency  
494 and/or child-placing agency that provides a full range of  
495 services, including, but not limited to, adoptions, foster family  
496 homes, adoption counseling services or other adoption services or  
497 financial aid, may operate in this state without a valid license  
498 issued by the division. No adoption agency, child-placing agency  
499 or any other person or entity shall advertise in the media markets  
500 in Mississippi seeking birth mothers or their children for  
501 adoption purposes unless the agency holds a valid and current  
502 license issued \* \* \* by the division \* \* \*. Any adoption agency,  
503 child-placing agency, physician or attorney who advertises for  
504 child placing or adoption services in Mississippi shall be  
505 required by the division to show their principal office location  
506 on all media advertising for adoption services.

507           (2) An attorney who provides legal services to a client in  
508 connection with proceedings for the adoption of a child by the  
509 client, who does not receive, accept or provide custody or care  
510 for the child for the purposes specified in Section 43-15-103(c),  
511 shall not be required to have a license under this article to  
512 provide those legal services.



513       (3) (a) No monies shall be paid or otherwise dispersed by  
514 any attorney or adoption agency to any unlicensed person or entity  
515 for any service or other such claim for payment in connection with  
516 an adoption. This does not apply to attorneys making payments  
517 that are permitted by Mississippi Rule of Professional Conduct  
518 5.4. Nor does this apply to any payments made by a Mississippi  
519 licensed adoption agency to its staff, employees or other such  
520 persons or entities usual and customary for operating a licensed  
521 adoption agency.

522       (b) A full disclosure of all fees and monies paid or  
523 otherwise dispersed in an adoption shall be made to the court of  
524 competent jurisdiction for the purpose of proving that all fees  
525 and monies otherwise dispersed in facilitating the adoption were  
526 paid in compliance with this article.

527       (3) An attorney, physician or other person may assist a  
528 parent in identifying or locating a person interested in adopting  
529 the parent's child, or in identifying or locating a child to be  
530 adopted. However, no payment, charge, fee, reimbursement of  
531 expense, or exchange of value of any kind, or promise or agreement  
532 to make the same, may be made for that assistance.

533       (4) Nothing in this section precludes payment of reasonable  
534 fees for medical, legal or other lawful services rendered in  
535 connection with the care of a mother, delivery and care of a child  
536 including, but not limited to, the mother's living expenses, or  
537 counseling for the parents and/or the child, and for the legal



538 proceedings related to lawful adoption proceedings; and no  
539 provision of this section abrogates the right of procedures for  
540 independent adoption as provided by law.

541 (5) The \* \* \* board is specifically authorized to promulgate  
542 rules under the Administrative Procedures Law, Title 25, Chapter  
543 43, Mississippi Code of 1972, to regulate fees charged by licensed  
544 child-placing agencies, if it determines that the practices of  
545 those licensed child-placing agencies demonstrates that the fees  
546 charged are excessive or that any of the agency's practices are  
547 deceptive or misleading; however, those rules regarding fees shall  
548 take into account the use of any sliding fee by an agency that  
549 uses a sliding fee procedure to permit prospective adoptive  
550 parents of varying income levels to utilize the services of those  
551 agencies or persons.

552 (6) The division shall promulgate rules under the  
553 Administrative Procedures Law, Title 25, Chapter 43, Mississippi  
554 Code of 1972, to require that all licensed child-placing agencies  
555 provide written disclosures to all prospective adoptive parents of  
556 any fees or other charges for each service performed by the agency  
557 or person, and file an annual report with the division that states  
558 the fees and charges for those services, and to require them to  
559 inform the division in writing thirty (30) days in advance of any  
560 proposed changes to the fees or charges for those services.

561 (7) The division is specifically authorized to disclose to  
562 prospective adoptive parents or other interested persons any fees



563 charged by any licensed child-placing agency, attorney or  
564 counseling service or counselor for all legal and counseling  
565 services provided by that licensed child-placing agency, attorney  
566 or counseling service or counselor.

567       **SECTION 11.** Section 43-15-119, Mississippi Code of 1972, is  
568 amended as follows:

569       43-15-119. (1) If the division finds that a violation has  
570 occurred under this article or the rules and regulations of the  
571 division, it may:

572           (a) Deny, suspend or revoke a license or place the  
573 licensee on probation, if the division discovers that a licensee  
574 is not in compliance with the laws, standards or regulations  
575 governing its operation, and/or it finds evidence of aiding,  
576 abetting or permitting the commission of any illegal act; or

577           (b) Restrict or prohibit new admissions to the  
578 licensee's program or facility, if the division discovers that a  
579 licensee is not in compliance with the laws, standards or  
580 regulations governing its operation, and/or it finds evidence of  
581 aiding, abetting or permitting the commission of any illegal act.

582       (2) If placed on probation, the agency or licensee shall  
583 post a copy of the notice in a conspicuous place as directed by  
584 the division and with the agency's or individual's license, and  
585 the agency shall notify the custodians of each of the children in  
586 its care in writing of the agency's status and the basis for the  
587 probation.





588       (3) In the event that the licensed agency is an adoption  
589 agency or other person or entity licensed to perform adoption  
590 services in this state, then the division may enlist the board to  
591 determine whether or not the licensed adoption agency or other  
592 person or entity licensed to perform adoption services in this  
593 state is in violation of the rules and regulations of this article  
594 and may enlist the board to respond in accordance with the action  
595 listed above.

596       **SECTION 12.** Section 43-15-123, Mississippi Code of 1972, is  
597 amended as follows:

598       43-15-123. (1) Any person, agency, association,  
599 corporation, institution, society or other organization  
600 violating \* \* \* any provisions of this article, other than a  
601 provision regarding adoption, shall be guilty of illegal placement  
602 of children and shall be punished by a fine not to exceed Five  
603 Thousand Dollars (\$5,000.00) or by imprisonment not more than five  
604 (5) years, or both such fine and imprisonment.

605       (2) Any person, agency, association, corporation,  
606 institution, society or other organization violating the  
607 provisions of this article regarding adoption and/or adoption  
608 services shall be guilty of illegal placement of children and  
609 shall be punished by a fine not to exceed Fifty Thousand Dollars  
610 (\$50,000.00) or by imprisonment not more than five (5) years, or  
611 both such fine and imprisonment.



612           **SECTION 13.** Section 43-15-125, Mississippi Code of 1972, is  
613 amended as follows:

614           43-15-125. The Department of Human Services and/or its  
615 officers, employees, attorneys and representatives and/or the  
616 board shall not be held civilly liable for any findings,  
617 recommendations or actions taken pursuant to this article.

618           **SECTION 14.** This act shall take effect and be in force from  
619 and after July 1, 2023.

