

By: Senator(s) Boyd, Branning

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2377

1 AN ACT TO ENACT THE MISSISSIPPI SAFE HAVEN LAW AND PROVIDE A
2 CLEAR PATH TO PERMANENCY FOR CHILDREN IN THE CUSTODY OF THE
3 DEPARTMENT OF CHILD PROTECTION SERVICES; TO CREATE NEW SECTION
4 43-15-200, MISSISSIPPI CODE OF 1972, TO STATE THE PURPOSE OF THE
5 ARTICLE; TO CREATE NEW SECTION 43-15-200.1, MISSISSIPPI CODE OF
6 1972, TO DEFINE TERMS; TO AMEND SECTION 43-15-201, MISSISSIPPI
7 CODE OF 1972, TO AUTHORIZE AN INFANT'S PARENT TO GIVE UP CUSTODY
8 OF AN INFANT TO AN EMERGENCY MEDICAL SERVICES PROVIDER DUE TO
9 EXTENUATING CIRCUMSTANCES BY DIALING THE 911 EMERGENCY CALL NUMBER
10 AND STAYING WITH THE INFANT UNTIL AN EMERGENCY MEDICAL SERVICES
11 PROVIDER ARRIVES TO TAKE CUSTODY OF THE INFANT; TO REQUIRE THE
12 EMERGENCY MEDICAL SERVICES PROVIDER TO ATTEMPT TO OBTAIN CERTAIN
13 INFORMATION CONCERNING THE INFANT FROM THE PARENT RELINQUISHING
14 THE INFANT; TO REQUIRE AN INFANT TO BE TRANSFERRED TO A HOSPITAL
15 IMMEDIATELY; TO REQUIRE A MEDICAL SCREENING OF THE INFANT; TO
16 AMEND SECTION 43-15-203, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
17 THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL HAVE LEGAL
18 CUSTODY AS SOON AS THE DEPARTMENT RECEIVES NOTICE OF A
19 RELINQUISHMENT; TO PROVIDE THAT THE DEPARTMENT SHALL ASSUME
20 PHYSICAL CUSTODY AS SOON AS POSSIBLE; TO REQUIRE THE DEPARTMENT,
21 AFTER ASSUMING LEGAL CUSTODY, TO IMMEDIATELY NOTIFY LAW
22 ENFORCEMENT OF A POTENTIAL MISSING CHILD; TO REQUIRE A LAW
23 ENFORCEMENT AGENCY WHO RECEIVES NOTICE UNDER THIS SECTION TO
24 INVESTIGATE WHETHER THE RELINQUISHED INFANT IS A MISSING CHILD; TO
25 CREATE NEW SECTION 43-15-204, MISSISSIPPI CODE OF 1972, TO PROVIDE
26 FOR A COURT HEARING WITHIN A CERTAIN TIMEFRAME FOR THE DEPARTMENT
27 TO OBTAIN A COURT ORDER OF CONTINUED CUSTODY OF THE INFANT IN THE
28 DEPARTMENT PRIOR TO FINAL ENTRY OF AN ORDER DECLARING PARENTAL
29 RIGHTS TERMINATED; TO CREATE NEW SECTION 43-15-204.1, MISSISSIPPI
30 CODE OF 1972, TO REQUIRE THE DEPARTMENT TO PUBLISH NOTICE OF THE
31 CIRCUMSTANCES OF THE RELINQUISHMENT OF THE INFANT IN A NEWSPAPER
32 OF GENERAL CIRCULATION AND SEND A NEWS RELEASE TO BROADCAST AND
33 PRINT MEDIA; THE NEWS RELEASE AND PUBLICATION MUST STATE THAT ANY
34 PERSON WISHING TO ASSERT PARENTAL RIGHTS IN REGARD TO THE INFANT



35 MUST DO SO AT THE HEARING DESCRIBED IN THIS SECTION; TO REQUIRE
36 THE DEPARTMENT TO FILE A PETITION ALLEGING THAT THE INFANT HAS
37 BEEN RELINQUISHED AND TO SEEK APPROVAL OF A PLAN TO TERMINATE
38 PARENTAL RIGHTS IN REGARD TO THE INFANT; TO REQUIRE THE COURT TO
39 HOLD A HEARING WITHIN A CERTAIN TIMEFRAME; TO PROVIDE THAT IF THE
40 COURT APPROVES THE PLAN TO TERMINATE ANY PARENTAL RIGHTS IN REGARD
41 TO THE INFANT, THE DEPARTMENT SHALL FILE A PETITION TO DO SO; TO
42 REQUIRE THE COURT TO HOLD A HEARING IN REGARD TO THE TERMINATION
43 OF PARENTAL RIGHTS WITHIN A CERTAIN TIMEFRAME; TO AMEND SECTION
44 43-21-201, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CHILD
45 ALLEGED TO HAVE BEEN ABUSED OR NEGLECTED SHALL BE A PARTY AND
46 SHALL BE REPRESENTED BY COUNSEL; TO PROVIDE THAT A PARTY'S RIGHT
47 TO REPRESENTATION SHALL EXTEND TO SHELTER HEARINGS; TO PROVIDE
48 THAT THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE A
49 NECESSARY PARTY AT ALL STAGES OF THE PROCEEDINGS INVOLVING A CHILD
50 FOR WHOM THE DEPARTMENT HAS CUSTODY, INCLUDING, BUT NOT LIMITED
51 TO, SHELTER, ADJUDICATORY, DISPOSITION AND PERMANENCY HEARINGS; TO
52 AMEND SECTION 43-21-501, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
53 YOUTH COURT TO ISSUE A SUMMONS TO THE DEPARTMENT OF CHILD
54 PROTECTION SERVICES IF A PETITION IS FILED THAT INVOLVES A CHILD
55 FOR WHOM THE DEPARTMENT HAS CUSTODY OF OR MAY BE AWARDED CUSTODY
56 OF; TO AMEND SECTION 43-21-701, MISSISSIPPI CODE OF 1972, TO ADD
57 ADDITIONAL MEMBERS TO THE MISSISSIPPI COMMISSION ON A UNIFORM
58 YOUTH COURT SYSTEM AND PROCEDURES; TO REVISE THE QUORUM OF THE
59 COMMISSION; TO AMEND SECTION 43-21-703, MISSISSIPPI CODE OF 1972,
60 TO PROVIDE THAT THE COMMISSION SHALL FILE A REPORT WITH THE
61 LEGISLATURE ON OR BEFORE A CERTAIN DATE; TO AMEND SECTION
62 93-15-107, MISSISSIPPI CODE OF 1972, TO REQUIRE THE CLERK TO
63 DOCKET TERMINATION-OF-PARENTAL-RIGHTS CASES AS PRIORITY CASES ON
64 THE COURT'S DOCKET; TO REQUIRE IMMEDIATE NOTIFICATION TO THE
65 ASSIGNED JUDGE UPON FILING; TO AMEND SECTION 93-17-3, MISSISSIPPI
66 CODE OF 1972, TO AUTHORIZE A COURT TO DETERMINE IF A HOME STUDY IS
67 NECESSARY IN AN ADOPTION; TO PROVIDE THAT FOR ADOPTION PROCEEDINGS
68 THE CHANCERY COURT HAS ORIGINAL EXCLUSIVE JURISDICTION OVER ALL
69 ADOPTION PROCEEDINGS EXCEPT WHEN A COUNTY COURT, SITTING AS A
70 YOUTH COURT, HAS ACQUIRED JURISDICTION OF A CHILD IN AN ABUSE OR
71 NEGLECT PROCEEDING; TO PROVIDE THAT THE COUNTY COURT SHALL HAVE
72 ORIGINAL EXCLUSIVE JURISDICTION TO HEAR A PETITION FOR ADOPTION OF
73 A CHILD IN AN ABUSE OR NEGLECT PROCEEDING; TO REQUIRE THE CLERK TO
74 DOCKET ADOPTION PROCEEDINGS AS PRIORITY CASES ON THE COURT'S
75 DOCKET; TO REQUIRE IMMEDIATE NOTIFICATION TO THE ASSIGNED JUDGE
76 UPON FILING; TO AMEND SECTION 93-17-11, MISSISSIPPI CODE OF 1972,
77 TO AUTHORIZE A COURT TO ORDER A HOME STUDY IF NECESSARY IN AN
78 ADOPTION; TO AMEND SECTION 93-17-25, MISSISSIPPI CODE OF 1972, TO
79 PROHIBIT CERTAIN PERSONS FROM DISCLOSING INFORMATION RECEIVED
80 DURING CLOSED ADOPTION HEARINGS OR FROM RECORDS PERTAINING TO
81 ADOPTION PROCEEDINGS; TO REPEAL SECTION 43-15-207, MISSISSIPPI
82 CODE OF 1972, WHICH DEFINED THE TERM "EMERGENCY MEDICAL SERVICES
83 PROVIDER" FOR PURPOSES OF THE BABY DROP-OFF LAW; AND FOR RELATED
84 PURPOSES.



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

86 **SECTION 1.** The following shall be codified as Section
87 43-15-200, Mississippi Code of 1972:

88 43-15-200. The purpose of this article is to provide a
89 mechanism whereby any parent may relinquish the care of an infant
90 to the state in safety, anonymity, and without fear of
91 prosecution. This article shall be known as and may be cited as
92 the "Mississippi Safe Haven Law".

93 **SECTION 2.** The following shall be codified as Section
94 43-15-200.1, Mississippi Code of 1972:

95 43-15-200.1. As used in this article, the following terms
96 have the meaning herein ascribed unless the context clearly
97 requires otherwise:

98 (a) "Department" means the Department of Child
99 Protection Services.

100 (b) "Emergency medical services provider" shall mean a
101 licensed hospital, as defined in Section 41-9-3, which operates an
102 emergency department, an adoption agency duly licensed by the
103 Department of Human Services, or fire station or mobile ambulance
104 staffed with full-time firefighters, emergency medical technicians
105 or paramedics. "Emergency medical services provider" does not
106 include the offices, clinics, surgeries or treatment facilities of
107 private physicians or dentists. "Emergency medical services
108 provider" does not include any individual licensed healthcare
109 provider, including physicians, dentists, nurses, physician



110 assistants or other health professionals under this article unless
111 such individual voluntarily assumes responsibility for the custody
112 of the child.

113 (c) "Infant" means a child not previously subjected to
114 abuse or neglect, who is not more than thirty (30) days old as
115 determined within a reasonable degree of medical certainty by an
116 examining physician.

117 (d) "Newborn safety device" means a device:

118 (i) Designed to permit a parent to anonymously
119 place an infant in the device with the intent to leave the infant
120 for an emergency medical services provider to remove the infant
121 from the device and take custody of the infant;

122 (ii) Installed in a conspicuous location with an
123 adequate dual alarm system connected to the physical location
124 where the device is installed. The dual alarm system must be:

125 1. Tested at least once per month to ensure
126 the alarm system is in working order; and

127 2. Visually checked at least twice per day to
128 ensure the alarm system is in working order; and

129 (iii) Approved by and located inside a
130 participating emergency medical services provider that is:

131 1. Licensed or otherwise legally operating in
132 this state; and

133 2. Staffed continuously on a twenty-four-hour
134 basis every day.



135 (e) "Relinquish" or "relinquishment" means the action of
136 a parent in leaving an infant on the premises of an emergency
137 medical services provider, with a facility employee or member of
138 the professional medical community at the facility, or in a
139 newborn safety device, without expressing an intention to return
140 for the infant.

141 **SECTION 3.** Section 43-15-201, Mississippi Code of 1972, is
142 amended as follows:

143 43-15-201. (1) (a) An emergency medical services provider,
144 without a court order, shall take possession of a child who
145 is * * * thirty (30) days old or younger if the child is
146 voluntarily delivered to the provider by the child's parent and
147 the parent did not express an intent to return for the child.

148 (b) If an infant's parent is unable to give up custody
149 of the infant as otherwise described in this chapter due to
150 extenuating circumstances, the infant's parent may request that an
151 emergency medical services provider take custody of the infant by:

152 (i) Dialing the 911 emergency call number; and

153 (ii) Staying with the infant until an emergency
154 medical services provider arrives to take custody of the infant.

155 (c) The emergency medical dispatch agency or the
156 emergency medical services provider shall inform the infant's
157 parent of the ability to remain anonymous as described in this
158 section.



159 (2) The parent who surrenders the baby shall not be required
160 to provide any information pertaining to his or her identity, nor
161 shall the emergency medical services provider inquire as to same.
162 If the identity of the parent is known to the emergency medical
163 services provider, the emergency medical services provider shall
164 keep the identity confidential.

165 (3) The emergency medical services provider must ask the
166 parent relinquishing the infant to identify any other parent of
167 the infant other than the parent leaving the infant with the
168 emergency medical services provider. The emergency medical
169 services provider also must attempt to obtain from the parent
170 information concerning the infant's background and medical history
171 as specified on a form provided by the department. This
172 information must include, but is not limited to, information
173 concerning the use of a controlled substance by the infant's
174 mother, provided that information regarding the use of a
175 controlled substance by the infant's mother is not admissible as
176 evidence of the unlawful use of a controlled substance in any
177 court proceeding. The emergency medical services provider must
178 give the parent a copy of the form and a prepaid envelope for
179 mailing the form to the department if the parent does not wish to
180 provide the information to the provider.

181 (4) An emergency medical services provider who takes
182 possession of an infant under this section shall perform any act
183 necessary to protect the physical health or safety of the infant.



184 A physician shall promptly conduct a comprehensive medical
185 screening to determine:

186 (a) If the infant suffered fetal exposure to alcohol or
187 drugs;

188 (b) If the infant appears to have been abused or
189 neglected; and

190 (c) The infant's estimated date of birth, if not
191 previously known.

192 (5) If an infant is relinquished to an emergency medical
193 services provider other than a hospital, the staff of the facility
194 shall immediately transfer the infant to a hospital.

195 (* * * 6) A * * * mother presenting herself to a hospital
196 through the emergency room or otherwise, who is subsequently
197 admitted for purposes of labor and delivery, does not give up the
198 legal protections or anonymity guaranteed under this section. If
199 the mother clearly expresses a desire to voluntarily surrender
200 custody of the newborn after birth, the emergency medical services
201 provider can take possession of the child, without further action
202 by the mother, as if the child had been presented to the emergency
203 medical services provider in the same manner outlined above in
204 subsection (1) of this section.

205 (a) If the mother expresses a desire to remain
206 anonymous, identifying information may be obtained for purposes of
207 securing payment of labor and delivery costs only. If the birth
208 mother is a minor, the hospital may use the identifying



209 information to secure payment through Medicaid, but shall not
210 notify the minor's parent or guardian without the minor's consent.

211 (b) The identity of the birth mother shall not be
212 placed on the birth certificate or disclosed to the Department of
213 Human Services.

214 (* * * 7) There is a presumption that by relinquishing a
215 child in accordance with this section, the parent consents to the
216 termination of his or her parental rights with respect to the
217 child. As such, the parent waives the right to notification
218 required by subsequent court proceedings.

219 * * *

220 **SECTION 4.** Section 43-15-203, Mississippi Code of 1972, is
221 amended as follows:

222 43-15-203. (1) No later than the close of the first
223 business day after the date on which an emergency medical services
224 provider takes possession of a child pursuant to Section
225 43-15-201, the provider shall notify the department * * * that the
226 provider has taken possession of the child.

227 (2) The department shall * * * take legal custody of
228 the * * * infant immediately on receipt of notice pursuant to
229 subsection (1). The department shall take physical custody of the
230 infant as soon as practicable but not later than twenty-four (24)
231 hours after receiving notice that the infant is ready to be
232 discharged from the hospital.



233 (3) The department shall be responsible for all medical and
234 other costs associated with the child and shall reimburse the
235 hospital for any costs incurred prior to the child being placed in
236 the care of the department.

237 (4) Immediately after assuming legal custody of the infant,
238 the department shall report the child to appropriate state and
239 local law enforcement agencies as a potential missing child.

240 (5) A law enforcement agency that receives a report under
241 this section shall investigate whether the child is reported as
242 missing.

243 **SECTION 5.** The following shall be codified as Section
244 43-15-204, Mississippi Code of 1972:

245 43-15-204. (1) A hearing shall be held by the court within
246 forty-eight (48) hours after the infant enters the custody of the
247 department. No notice to a parent or other caretaker shall be
248 required.

249 (2) The department has the burden to prove the following at
250 the hearing:

251 (a) There are reasonable grounds to believe that the
252 infant has been relinquished to the department in accordance with
253 this article.

254 (b) There is no evidence that the infant was abused or
255 neglected prior to the infant's relinquishment.

256 (3) If the court finds that the department has satisfied the
257 requirements of this subsection (2) and that removal of the infant



258 is necessary in order to safeguard the infant's welfare, it shall
259 order continued custody of the infant in the department prior to
260 final entry of an order declaring parental rights terminated and
261 enter a finding that the department is deemed to have made
262 reasonable efforts to prevent or eliminate the need for removal
263 and that reunification efforts are not required.

264 (4) The department is not required to conduct a search for
265 the relatives of a child for whom the department assumes care,
266 control, and custody under this article.

267 **SECTION 6.** The following shall be codified as Section
268 43-15-204.1, Mississippi Code of 1972:

269 43-15-204.1. (1) Within forty-eight (48) hours after taking
270 legal custody of the infant, the department shall publish notice,
271 in a newspaper of general circulation in the area where the
272 emergency medical services provider that initially took the infant
273 is located, and send a news release to broadcast and print media
274 in the area. The notice and the news release must state the
275 circumstances under which the infant was left at the provider, a
276 description of the infant, and the date, time, and place of the
277 hearing provided for in this section. The notice and the news
278 release must also state that any person wishing to assert parental
279 rights in regard to the infant must do so at the hearing. If the
280 parent who relinquished the infant identified anyone else as being
281 a parent of the infant, the notice must be sent by certified mail



282 to the last known address of the person identified as a parent at
283 least two (2) weeks prior to the hearing.

284 (2) Within forty-eight (48) hours after obtaining legal
285 custody of the infant, the department shall file a petition
286 alleging that the infant has been abandoned, that the court should
287 dispense with reasonable efforts to preserve or reunify the
288 family, that continuation of keeping the infant in the home of the
289 parent or parents would be contrary to the welfare of the infant,
290 and that termination of parental rights is in the best interest of
291 the infant. A hearing on the petition must be held no earlier
292 than thirty (30) days and no later than forty-five (45) days after
293 the department takes legal custody of the infant. This hearing
294 shall be deemed to satisfy any other requirements for an
295 adjudication or disposition hearing and shall further serve as the
296 permanency planning hearing for the infant.

297 (3) If the court approves the permanent plan of termination
298 of parental rights, the order must also provide that a petition
299 for termination of parental rights on the grounds of abandonment
300 must be filed within ten (10) days after receipt of the order by
301 the department. A hearing on the petition for termination of
302 parental rights must be set for no later than thirty (30) days
303 after the petition is filed.

304 **SECTION 7.** Section 43-21-201, Mississippi Code of 1972, is
305 amended as follows:



306 43-21-201. (1) (a) Each party shall have the right to be
307 represented by counsel at all stages of the proceedings including,
308 but not limited to, detention, shelter, adjudicatory and
309 disposition hearings and parole or probation revocation
310 proceedings.

311 (b) In delinquency matters the court shall appoint
312 legal defense counsel who is not also a guardian ad litem for the
313 same child. If the party is a child, the child shall be
314 represented by counsel at all critical stages: detention,
315 adjudicatory and disposition hearings; parole or probation
316 revocation proceedings; and post-disposition matters. If
317 indigent, the child shall have the right to have counsel appointed
318 for him by the youth court.

319 (c) A child who is alleged to have been abused or
320 neglected shall be deemed to be a party to the proceedings under
321 this chapter. The child shall be represented by an attorney at
322 all stages of any proceedings held pursuant to this chapter. The
323 court shall appoint an attorney for any child who is
324 unrepresented.

325 (2) When a party first appears before the youth court, the
326 judge shall ascertain whether he is represented by counsel and, if
327 not, inform him of his rights, including his right to counsel. If
328 the court determines that a parent or guardian who is a party in
329 an abuse, neglect or termination of parental rights proceeding is



330 indigent, the youth court judge may appoint counsel to represent
331 the indigent parent or guardian in the proceeding.

332 (3) An attorney appointed to represent a * * * child shall
333 be required to complete annual juvenile justice training that is
334 approved by the Mississippi Office of State Public Defender and
335 the Mississippi Commission on Continuing Legal Education. An
336 attorney appointed to represent a parent or guardian in an abuse,
337 neglect or termination of parental rights proceeding shall be
338 required to complete annual training that is approved by the
339 Office of State Public Defender and the Mississippi Commission on
340 Continuing Legal Education. The Mississippi Office of State
341 Public Defender and the Mississippi Commission on Continuing Legal
342 Education shall determine the amount of juvenile justice training
343 and continuing education required to fulfill the requirements of
344 this subsection. The State Public Defender shall maintain a roll
345 of attorneys who have complied with the training requirements and
346 shall enforce the provisions of this subsection. Should an
347 attorney fail to complete the annual training requirement or fail
348 to attend the required training within six (6) months of being
349 appointed to a youth court case, the attorney shall be
350 disqualified to serve and the youth court shall immediately
351 terminate the representation and appoint another attorney.
352 Attorneys appointed by a youth court to five (5) or fewer cases a
353 year are exempt from the requirements of this subsection.



354 (4) The child's attorney shall owe the same duties of
355 undivided loyalty, confidentiality and competent representation to
356 the child or minor as is due an adult client pursuant to the
357 Mississippi Rules of Professional Conduct.

358 (5) An attorney shall enter his appearance on behalf of a
359 party in the proceeding by filing a written notice of appearance
360 with the youth court, by filing a pleading, notice or motion
361 signed by counsel or by appearing in open court and advising the
362 youth court that he is representing a party. After counsel has
363 entered his appearance, he shall be served with copies of all
364 subsequent pleadings, motions and notices required to be served on
365 the party he represents. An attorney who has entered his
366 appearance shall not be permitted to withdraw from the case until
367 a timely appeal, if any, has been decided, except by leave of the
368 court then exercising jurisdiction of the cause after notice of
369 his intended withdrawal is served by him on the party he
370 represents.

371 (6) Each designee appointed by a youth court judge shall be
372 subject to the Code of Judicial Conduct and shall govern himself
373 or herself accordingly.

374 (7) The Department of Child Protection Services shall be a
375 necessary party at all stages of the proceedings involving a child
376 for whom the department has custody, including, but not limited
377 to, shelter, adjudicatory, disposition and permanency hearings.



378 **SECTION 8.** Section 43-21-501, Mississippi Code of 1972, is
379 amended as follows:

380 43-21-501. When a petition has been filed and the date of
381 hearing has been set by the youth court, the judge or his designee
382 shall order the clerk of the youth court to issue a summons to the
383 following to appear personally at such hearing:

384 (a) The child named in the petition;

385 (b) The person or persons who have custody or control
386 of the child;

387 (c) The parent or guardian of the child if such parent
388 or guardian does not have custody of the child; * * *

389 (d) The Department of Child Protection Services; and

390 (* * * e) Any other person whom the court deems
391 necessary.

392 **SECTION 9.** Section 43-21-701, Mississippi Code of 1972, is
393 amended as follows:

394 43-21-701. (1) There is hereby established the Mississippi
395 Commission on a Uniform Youth Court System and Procedures. The
396 commission shall consist of the following * * * twenty-one (21)
397 members:

398 (a) One (1) circuit court judge appointed by the Chief
399 Justice of the Mississippi Supreme Court;

400 (b) One (1) chancery court judge, appointed by the
401 Chief Justice of the Mississippi Supreme Court;



402 (c) The President of the Mississippi Council of Youth
403 Court Judges, or his designee;

404 (d) Two (2) who may be either family court judges or
405 county court judges, appointed by the President of the Mississippi
406 Council of Youth Court Judges;

407 (e) Two (2) youth court referees, appointed by the
408 President of the Mississippi Council of Youth Court Judges;

409 (f) One (1) member of the Mississippi House of
410 Representatives to be appointed by the Speaker of the House;

411 (g) One (1) member of the Mississippi Senate to be
412 appointed by the Lieutenant Governor;

413 (h) The directors of the following state agencies or
414 their designated representatives: the Mississippi Department
415 of * * * Human Services and the Mississippi Department of * * *
416 Child Protection Services;

417 (i) The Director, or his designated representative, of
418 the Governor's Office of Federal-State Programs;

419 (j) * * * Two (2) employees, other than the director,
420 of the Department of * * * Child Protection Services who * * * are
421 supervisors of social workers primarily assigned to youth cases,
422 appointed by the Governor;

423 (k) One (1) employee, other than the director, of the
424 Department of Child Protection Services who is experienced with
425 the legal process of youth court cases, appointed by the Governor;



426 (* * * l) One (1) municipal police chief, appointed by
427 the Governor;

428 (* * * m) One (1) county sheriff, appointed by the
429 Governor;

430 (* * * n) Two (2) lawyers experienced in youth court
431 work, appointed by the Governor; and

432 (* * * o) Two (2) prosecuting attorneys who prosecute
433 cases in youth court, appointed by the Governor.

434 (2) The members shall be appointed to the commission within
435 fifteen (15) days of * * * July 1, 2023, and shall serve until the
436 end of their respective terms of office, if applicable, or until
437 October 1, * * * 2024, whichever occurs first. Vacancies on the
438 commission shall be filled in the manner of the original
439 appointment. Members shall be eligible for reappointment provided
440 that upon such reappointment they meet the qualifications required
441 of a new appointee.

442 (3) The commission may elect any officers from among its
443 membership as it deems necessary for the efficient discharge of
444 the commission's duties.

445 (4) The commission shall adopt rules and regulations
446 governing times and places for meetings and governing the manner
447 of conducting its business. * * * Twelve (12) or more members
448 shall constitute a quorum for the purpose of conducting any
449 business of the commission; provided, however, a vote of not less



450 than * * * fourteen (14) members shall be required for any
451 recommendations to the Legislature.

452 (5) Members of the commission shall serve without
453 compensation, except that state and county employees and officers
454 shall receive any per diem as authorized by law from
455 appropriations available to their respective agencies or political
456 subdivisions. All commission members shall be entitled to receive
457 reimbursement for any actual and reasonable expenses incurred as a
458 necessary incident to service on the commission, including mileage
459 as provided by law.

460 (6) The commission may select and employ a research director
461 who shall perform the duties which the commission directs, which
462 duties shall include the hiring of such other employees for the
463 commission as the commission may approve. The research director
464 and all other employees of the commission shall be in the state
465 service and their salaries shall be established by the commission
466 subject to approval by the State Personnel Board. Employees of
467 the commission shall be reimbursed for the expenses necessarily
468 incurred in the performance of their official duties in the same
469 manner as other state employees. The commission may also employ
470 any consultants it deems necessary, including consultants to
471 compile any demographic data needed to accomplish the duties of
472 the commission.

473 (7) The Governor's Office of Federal-State Programs shall
474 support the Commission on a Uniform Youth Court System and shall



475 act as agent for any funds made available to the commission for
476 its use. In order to expedite the implementation of the
477 Commission on a Uniform Youth Court System, any funds available to
478 the Governor's Office of Federal-State Programs for the * * *
479 2023-2024 fiscal year may be expended for the purpose of defraying
480 the expenses of the commission created herein.

481 (8) The commission may contract for suitable office space in
482 accordance with the provisions of Section 29-5-2, Mississippi Code
483 of 1972. In addition, the commission may utilize, with their
484 consent, the services, equipment, personnel, information and
485 resources of other state agencies; and may accept voluntary and
486 uncompensated services, contract with individuals, public and
487 private agencies, and request information, reports and data from
488 any agency of the state, or any of its political subdivisions, to
489 the extent authorized by law.

490 (9) In order to conduct and carry out its purposes, duties
491 and related activities as provided for in this section and Section
492 43-21-703, the commission is authorized to apply for and accept
493 gifts, grants, subsidies and other funds from persons,
494 corporations, foundations, the United States government or other
495 entities, provided that the receipt of such gifts, grants,
496 subsidies and funds shall be reported and otherwise accounted for
497 in the manner provided by law.

498 **SECTION 10.** Section 43-21-703, Mississippi Code of 1972, is
499 amended as follows:



500 43-21-703. (1) The commission shall study the youth court
501 system in Mississippi, and prepare a report including any proposed
502 changes in the youth court system and/or its procedures. It shall
503 submit the report to the Legislature, on or before October
504 1, * * * 2024, along with a report detailing any legislation which
505 may be needed to implement the plan. In preparing the report, the
506 commission shall evaluate the existing juvenile services in the
507 state and may recommend changes in the organizational concepts,
508 institutions, laws and resources.

509 (2) In formulating its report, the commission shall take
510 into consideration the following:

511 (a) Whether a uniform statewide youth court system
512 would be desirable;

513 (b) How best the service needs of the state could be
514 met in relation to the taxing and resource capacity of various
515 multi-county districts now existing or proposed;

516 (c) Whether counties in a given service area or
517 district may develop district shelters, detention centers and
518 diagnostic centers to serve a multi-county area; and

519 (d) What proposals or alternatives would update or
520 modernize the system to provide staffing for all counties and
521 citizens.

522 (3) The commission, in addition to recommending the plan
523 described in this section, shall serve as a clearinghouse and
524 information center for the collection, preparation, analysis and



525 dissemination of information on the youth court system in
526 Mississippi and shall conduct ongoing research relating to the
527 improvement of the youth court system. Pursuant to its duties
528 under this subsection, the commission may request the regular
529 submission to it of such reports, information and statistics by
530 the courts, judges, prosecuting attorneys and agencies of this
531 state which the commission deems necessary for the development of
532 its reports.

533 **SECTION 11.** Section 93-15-107, Mississippi Code of 1972, is
534 amended as follows:

535 93-15-107. (1) (a) Involuntary termination of parental
536 rights proceedings are commenced upon the filing of a petition
537 under this chapter. The petition may be filed by any interested
538 person, or any agency, institution or person holding custody of
539 the child. The simultaneous filing of a petition for adoption is
540 not a prerequisite for filing a petition under this chapter.

541 (b) The proceeding shall be triable, either in term
542 time or vacation, thirty (30) days after personal service of
543 process to any necessary party or, for a necessary party whose
544 address is unknown after diligent search, thirty (30) days after
545 the date of the first publication of service of process by
546 publication that complies with the Mississippi Rules of Civil
547 Procedure.

548 (c) Necessary parties to a termination of parental
549 rights action shall include the mother of the child, the legal



550 father of the child, the putative father of the child when known,
551 and any agency, institution or person holding custody of the
552 child. The absence of a necessary party who has been properly
553 served does not preclude the court from conducting the hearing or
554 rendering a final judgment.

555 (d) A guardian ad litem shall be appointed to protect
556 the best interest of the child, except that the court, in its
557 discretion, may waive this requirement when a parent executes a
558 written voluntary release to terminate parental rights. The
559 guardian ad litem fees shall be determined and assessed in the
560 discretion of the court.

561 (2) Voluntary termination of parental rights by written
562 voluntary release is governed by Section 93-15-111.

563 (3) In all cases involving termination of parental rights, a
564 minor parent shall be served with process as an adult.

565 (4) The court may waive service of process if an adoptive
566 child was born in a foreign country, put up for adoption in the
567 birth country, and has been legally admitted into this country.

568 (5) The clerk shall docket cases seeking relief under this
569 chapter as priority cases. The assigned judge shall be
570 immediately notified when a case is filed in order to provide for
571 expedited proceedings.

572 **SECTION 12.** Section 93-17-3, Mississippi Code of 1972, is
573 amended as follows:



574 93-17-3. (1) Except as otherwise provided in this section,
575 a court of this state has jurisdiction over a proceeding for the
576 adoption or readoption of a minor commenced under this chapter if:

577 (a) Immediately before commencement of the proceeding,
578 the minor lived in this state with a parent, a guardian, a
579 prospective adoptive parent or another person acting as parent,
580 for at least six (6) consecutive months, excluding periods of
581 temporary absence, or, in the case of a minor under six (6) months
582 of age, lived in this state from soon after birth with any of
583 those individuals and there is available in this state substantial
584 evidence concerning the minor's present or future care;

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

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

593 (i) The minor and the minor's parents, or the
594 minor and the prospective adoptive parent, have a significant
595 connection with this state; and

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



598 (d) The minor and the prospective adoptive parent or
599 parents are physically present in this state and the minor has
600 been abandoned or it is necessary in an emergency to protect the
601 minor because the minor has been subjected to or threatened with
602 mistreatment or abuse or is otherwise neglected, and the
603 prospective adoptive parent or parents, if not residing in
604 Mississippi, have completed and provided the court with a
605 satisfactory Interstate Compact for Placement of Children (ICPC)
606 home study and accompanying forms, unless the court determines
607 that the home study is not necessary;

608 (e) It appears that no other state would have
609 jurisdiction under prerequisites substantially in accordance with
610 paragraphs (a) through (d), or another state has declined to
611 exercise jurisdiction on the ground that this state is the more
612 appropriate forum to hear a petition for adoption of the minor,
613 and it is in the best interest of the minor that a court of this
614 state assume jurisdiction; or

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

619 (2) A court of this state may not exercise jurisdiction over
620 a proceeding for adoption of a minor if, at the time the petition
621 for adoption is filed, a proceeding concerning the custody or
622 adoption of the minor is pending in a court of another state



623 exercising jurisdiction substantially in conformity with the
624 Uniform Child Custody Jurisdiction Act or this section unless the
625 proceeding is stayed by the court of the other state.

626 (3) If a court of another state has issued a decree or order
627 concerning the custody of a minor who may be the subject of a
628 proceeding for adoption in this state, a court of this state may
629 not exercise jurisdiction over a proceeding for adoption of the
630 minor unless:

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

633 (i) Does not have continuing jurisdiction to
634 modify the decree or order under jurisdictional prerequisites
635 substantially in accordance with the Uniform Child Custody
636 Jurisdiction Act or has declined to assume jurisdiction to modify
637 the decree or order; or

638 (ii) Does not have jurisdiction over a proceeding
639 for adoption substantially in conformity with subsection (1)(a)
640 through (d) or has declined to assume jurisdiction over a
641 proceeding for adoption; and

642 (b) The court of this state has jurisdiction over the
643 proceeding.

644 (4) Any person may be adopted in accordance with the
645 provisions of this chapter in term time or in vacation by an
646 unmarried adult, by a married person whose spouse joins in the
647 petition, by a married person whose spouse does not join in the



648 petition because such spouse does not cohabit or reside with the
649 petitioning spouse, and in any circumstances determined by the
650 court that the adoption is in the best interest of the child.
651 Only the consenting adult will be a legal parent of the child. In
652 those adoption proceedings where the chancery court has
653 jurisdiction, the adoption shall be by sworn petition filed in the
654 chancery court of the county in which the adopting petitioner or
655 petitioners reside or in which the child to be adopted resides or
656 was born, or was found when it was abandoned or deserted, or in
657 which the home is located to which the child has been surrendered
658 by a person authorized to so do. In those adoption proceedings
659 where the county court sitting as a youth court has jurisdiction,
660 the adoption shall be by sworn petition filed in that county
661 court. The petition shall be accompanied by a doctor's or nurse
662 practitioner's certificate showing the physical and mental
663 condition of the child to be adopted and a sworn statement of all
664 property, if any, owned by the child. In addition, the petition
665 shall be accompanied by affidavits of the petitioner or
666 petitioners stating the amount of the service fees charged by any
667 adoption agencies or adoption facilitators used by the petitioner
668 or petitioners and any other expenses paid by the petitioner or
669 petitioners in the adoption process as of the time of filing the
670 petition. If the doctor's or nurse practitioner's certificate
671 indicates any abnormal mental or physical condition or defect, the
672 condition or defect shall not, in the discretion of the chancellor



673 or youth court judge, bar the adoption of the child if the
674 adopting parent or parents file an affidavit stating full and
675 complete knowledge of the condition or defect and stating a desire
676 to adopt the child, notwithstanding the condition or defect. The
677 court shall have the power to change the name of the child as a
678 part of the adoption proceedings. The word "child" in this
679 section shall be construed to refer to the person to be adopted,
680 though an adult.

681 (5) No person may be placed in the home of or adopted by the
682 prospective adopting parties before a court-ordered or voluntary
683 home study is satisfactorily completed by a licensed adoption
684 agency, a licensed, experienced social worker approved by the
685 chancery court, a court-appointed guardian ad litem that has
686 knowledge or training in conducting home studies if so directed by
687 the court, or by the Department of * * * Child Protection Services
688 on the prospective adoptive parties if required by Section
689 93-17-11, unless the court determines that the home study is not
690 necessary.

691 (6) No person may be adopted by a person or persons who
692 reside outside the State of Mississippi unless the provisions of
693 the Interstate Compact for Placement of Children (Section 43-18-1
694 et seq.) have been complied with. In such cases Forms 100A, 100B
695 (if applicable) and evidence of Interstate Compact for Placement
696 of Children approval shall be added to the permanent adoption
697 record file within one (1) month of the placement, and a minimum



698 of two (2) post-placement reports conducted by a licensed
699 child-placing agency shall be provided to the Mississippi
700 Department of Child Protection Services Interstate Compact for
701 Placement of Children office.

702 (7) No person may be adopted unless the provisions of the
703 Indian Child Welfare Act (ICWA) have been complied with, if
704 applicable. When applicable, proof of compliance shall be
705 included in the court adoption file prior to finalization of the
706 adoption. If not applicable, a written statement or paragraph in
707 the petition for adoption shall be included in the adoption
708 petition stating that the provisions of ICWA do not apply before
709 finalization.

710 (8) The readoption of a child who has automatically acquired
711 United States citizenship following an adoption in a foreign
712 country and who possesses a Certificate of Citizenship in
713 accordance with the Child Citizenship Act, CAA, Public Law
714 106-395, may be given full force and effect in a readoption
715 proceeding conducted by a court of competent jurisdiction in this
716 state by compliance with the Mississippi Registration of Foreign
717 Adoptions Act, Article 9 of this chapter.

718 (9) For adult adoptees who consent to the adoption, a
719 chancellor may waive any of the petition requirements and
720 procedural requirements within subsections (4), (5), (6) and (7)
721 of this section.



722 (10) For proceedings filed under this chapter, the chancery
723 court has original exclusive jurisdiction over all adoption
724 proceedings except when a county court sitting as a youth court
725 has acquired jurisdiction of a child in an abuse or neglect
726 proceeding. In such case, the county court shall have original
727 exclusive jurisdiction to hear a petition for adoption of that
728 child pursuant to the procedures of this chapter.

729 (11) The clerk shall docket cases seeking relief under this
730 chapter as priority cases. The assigned judge shall be
731 immediately notified when a case is filed in order to provide for
732 expedited proceedings.

733 **SECTION 13.** Section 93-17-11, Mississippi Code of 1972, is
734 amended as follows:

735 93-17-11. At any time after the filing of the petition for
736 adoption and completion of process thereon, and before the
737 entering of a final decree, the court may, in its discretion, of
738 its own motion or on motion of any party to the proceeding,
739 require an investigation and report to the court to be made by any
740 person, officer or home as the court may designate and direct
741 concerning the child, and * * * may require in adoptions, other
742 than those in which the petitioner or petitioners are a relative
743 or stepparent of the child, that a home study be performed of the
744 petitioner or petitioners by a licensed adoption agency or by the
745 Department of Human Services, at the petitioner's or petitioners'
746 sole expense and at no cost to the state or county. The



747 investigation and report shall give the material facts upon which
748 the court may determine whether the child is a proper subject for
749 adoption, whether the petitioner or petitioners are suitable
750 parents for the child, whether the adoption is to its best
751 interest, and any other facts or circumstances that may be
752 material to the proposed adoption. The home study shall be
753 considered by the court in determining whether the petitioner or
754 petitioners are suitable parents for the child. The court, when
755 an investigation and report are required by the court or by this
756 section, shall stay the proceedings in the cause for such
757 reasonable time as may be necessary or required in the opinion of
758 the court for the completion of the investigation and report by
759 the person, officer or home designated and authorized to make the
760 same.

761 Upon the filing of that consent or the completion of the
762 process and the filing of the investigation and report, if
763 required by the court or by this section, and the presentation of
764 such other evidence as may be desired by the court, if the court
765 determines that it is to the best interests of the child that an
766 interlocutory decree of adoption be entered, the court may
767 thereupon enter an interlocutory decree upon such terms and
768 conditions as may be determined by the court, in its discretion,
769 but including therein that the complete care, custody and control
770 of the child shall be vested in the petitioner or petitioners
771 until further orders of the court and that during such time the



772 child shall be and remain a ward of the court. If the court
773 determines by decree at any time during the pendency of the
774 proceeding that it is not to the best interests of the child that
775 the adoption proceed, the petitioners shall be entitled to at
776 least five (5) days' notice upon their attorneys of record and a
777 hearing with the right of appeal as provided by law from a
778 dismissal of the petition; however, the bond perfecting the appeal
779 shall be filed within ten (10) days from the entry of the decree
780 of dismissal and the bond shall be in such amount as the
781 chancellor may determine and supersedeas may be granted by the
782 chancellor or as otherwise provided by law for appeal from final
783 decrees.

784 After the entry of the interlocutory decree and before entry
785 of the final decree, the court may require such further and
786 additional investigation and reports as it may deem proper. The
787 rights of the parties filing the consent or served with process
788 shall be subject to the decree but shall not be divested until
789 entry of the final decree.

790 **SECTION 14.** Section 93-17-25, Mississippi Code of 1972, is
791 amended as follows:

792 93-17-25. All proceedings under this chapter shall be
793 confidential and shall be held in closed court without admittance
794 of any person other than the interested parties, except upon order
795 of the court. All pleadings, reports, files, testimony, exhibits
796 and records pertaining to * * * adoption proceedings shall be



797 confidential and shall not be public records and shall be withheld
798 from inspection or examination by any person, and shall not be
799 disclosed by any person except upon order of the court in which
800 the proceeding was had on good cause shown.

801 Upon motion of any interested person, the files of adoption
802 proceedings, heretofore had may be placed in the confidential
803 files upon order of the court or chancellor and shall be subject
804 to the provisions of this chapter.

805 Provided, however, that notwithstanding the confidential
806 nature of said proceedings, said record shall be available for use
807 in any court or administrative proceedings under a subpoena duces
808 tecum addressed to the custodian of said records and portions of
809 such record may be released pursuant to Sections 93-17-201 through
810 93-17-223.

811 **SECTION 15.** Section 43-15-207, Mississippi Code of 1972,
812 which defined the term "emergency medical services provider" for
813 the purposes of the Baby Drop-Off Law, is repealed.

814 **SECTION 16.** This act shall take effect and be in force from
815 and after July 1, 2023, and shall stand repealed on June 30, 2023.

