

By: Senator(s) Boyd

To: Judiciary, Division A

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 REQUIRE THE EMERGENCY MEDICAL SERVICES PROVIDER  
8 TO ATTEMPT TO OBTAIN CERTAIN INFORMATION CONCERNING THE INFANT  
9 FROM THE PERSON RELINQUISHING THE INFANT; TO REQUIRE AN INFANT TO  
10 BE TRANSFERRED TO A HOSPITAL IMMEDIATELY; TO REQUIRE A MEDICAL  
11 SCREENING OF THE INFANT; TO AMEND SECTION 43-15-203, MISSISSIPPI  
12 CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF CHILD PROTECTION  
13 SERVICES SHALL HAVE LEGAL CUSTODY AS SOON AS THE DEPARTMENT  
14 RECEIVES NOTICE OF A RELINQUISHMENT; TO PROVIDE THAT THE  
15 DEPARTMENT SHALL ASSUME PHYSICAL CUSTODY AS SOON AS POSSIBLE; TO  
16 REQUIRE THE DEPARTMENT AFTER ASSUMING LEGAL CUSTODY TO IMMEDIATELY  
17 NOTIFY LAW ENFORCEMENT OF A POTENTIAL MISSING CHILD; TO REQUIRE A  
18 LAW ENFORCEMENT AGENCY WHO RECEIVES NOTICE UNDER THIS SECTION TO  
19 INVESTIGATE WHETHER THE RELINQUISHED INFANT IS A MISSING CHILD; TO  
20 CREATE NEW SECTION 43-15-204, MISSISSIPPI CODE OF 1972, TO PROVIDE  
21 FOR A COURT HEARING WITHIN A CERTAIN TIMEFRAME FOR THE DEPARTMENT  
22 TO OBTAIN A COURT ORDER OF CONTINUED CUSTODY OF THE INFANT IN THE  
23 DEPARTMENT PRIOR TO FINAL ENTRY OF AN ORDER DECLARING PARENTAL  
24 RIGHTS TERMINATED; TO CREATE NEW SECTION 43-15-204.1, MISSISSIPPI  
25 CODE OF 1972, TO REQUIRE THE DEPARTMENT TO PUBLISH NOTICE OF THE  
26 CIRCUMSTANCES OF THE RELINQUISHMENT OF THE INFANT IN A NEWSPAPER  
27 OF GENERAL CIRCULATION AND SEND A NEWS RELEASE TO BROADCAST AND  
28 PRINT MEDIA; THE NEWS RELEASE AND PUBLICATION MUST STATE THAT ANY  
29 PERSON WISHING TO ASSERT PARENTAL RIGHTS IN REGARD TO THE INFANT  
30 MUST DO SO AT THE HEARING DESCRIBED IN THIS SECTION; TO REQUIRE  
31 THE DEPARTMENT TO FILE A PETITION ALLEGING THAT THE INFANT HAS  
32 BEEN RELINQUISHED AND TO SEEK APPROVAL OF A PLAN TO TERMINATE  
33 PARENTAL RIGHTS IN REGARD TO THE INFANT; TO REQUIRE THE COURT TO  
34 HOLD A HEARING WITHIN A CERTAIN TIMEFRAME; TO PROVIDE THAT IF THE



35 COURT APPROVES THE PLAN TO TERMINATE ANY PARENTAL RIGHTS IN REGARD  
36 TO THE INFANT, THE DEPARTMENT SHALL FILE A PETITION TO DO SO; TO  
37 REQUIRE THE COURT TO HOLD A HEARING IN REGARD TO THE TERMINATION  
38 OF PARENTAL RIGHTS WITHIN A CERTAIN TIMEFRAME; TO AMEND SECTION  
39 43-21-201, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALLEGED TO  
40 HAVE BEEN ABUSED OR NEGLECTED SHALL BE A PARTY AND SHALL BE  
41 REPRESENTED BY COUNSEL; TO PROVIDE THAT A PARTY'S RIGHT TO  
42 REPRESENTATION SHALL EXTEND TO SHELTER HEARINGS; TO PROVIDE THAT  
43 THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE A NECESSARY  
44 PARTY AT ALL STAGES OF THE PROCEEDINGS INVOLVING A CHILD FOR WHOM  
45 THE DEPARTMENT HAS CUSTODY INCLUDING, BUT NOT LIMITED TO, SHELTER,  
46 ADJUDICATORY, DISPOSITION AND PERMANENCY HEARINGS; TO AMEND  
47 SECTION 43-21-501, MISSISSIPPI CODE OF 1972, TO REQUIRE THE YOUTH  
48 COURT TO ISSUE A SUMMONS TO THE DEPARTMENT OF CHILD PROTECTION  
49 SERVICES IF A PETITION IS FILED THAT INVOLVES A CHILD FOR WHOM THE  
50 DEPARTMENT HAS CUSTODY OF OR MAY BE AWARDED CUSTODY OF; TO AMEND  
51 SECTION 43-21-701, MISSISSIPPI CODE OF 1972, TO ADD ADDITIONAL  
52 MEMBERS TO THE MISSISSIPPI COMMISSION ON A UNIFORM YOUTH COURT  
53 SYSTEM AND PROCEDURES; TO REVISE THE QUORUM OF THE COMMISSION; TO  
54 AMEND SECTION 43-21-703, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
55 THE COMMISSION SHALL FILE A REPORT WITH THE LEGISLATURE ON OR  
56 BEFORE A CERTAIN DATE; TO AMEND SECTION 93-15-107, MISSISSIPPI  
57 CODE OF 1972, TO REQUIRE THE CLERK TO DOCKET  
58 TERMINATION-OF-PARENTAL-RIGHTS CASES AS PRIORITY CASES ON THE  
59 COURT'S DOCKET; TO REQUIRE IMMEDIATE NOTIFICATION TO THE ASSIGNED  
60 JUDGE UPON FILING; TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF  
61 1972, TO PROVIDE THAT FOR ADOPTION PROCEEDINGS THE CHANCERY COURT  
62 HAS ORIGINAL EXCLUSIVE JURISDICTION OVER ALL ADOPTION PROCEEDINGS  
63 EXCEPT WHEN A COUNTY COURT SITTING AS A YOUTH COURT HAS ACQUIRED  
64 JURISDICTION OF A CHILD IN AN ABUSE OR NEGLECT PROCEEDING; TO  
65 PROVIDE THAT THE COUNTY COURT SHALL HAVE ORIGINAL EXCLUSIVE  
66 JURISDICTION TO HEAR A PETITION FOR ADOPTION OF A CHILD IN AN  
67 ABUSE OR NEGLECT PROCEEDING; TO REQUIRE THE CLERK TO DOCKET  
68 ADOPTION PROCEEDINGS AS PRIORITY CASES ON THE COURT'S DOCKET; TO  
69 REQUIRE IMMEDIATE NOTIFICATION TO THE ASSIGNED JUDGE UPON FILING;  
70 TO BRING FORWARD SECTION 7-5-1, MISSISSIPPI CODE OF 1972, WHICH  
71 PROVIDES FOR THE POWERS OF THE ATTORNEY GENERAL, FOR POSSIBLE  
72 AMENDMENT; TO REPEAL SECTION 43-15-207, MISSISSIPPI CODE OF 1972,  
73 WHICH DEFINED THE TERM "EMERGENCY MEDICAL SERVICES PROVIDER" FOR  
74 PURPOSES OF THE BABY DROP-OFF LAW; AND FOR RELATED PURPOSES.

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

76 **SECTION 1.** The following shall be codified as Section  
77 43-15-200, Mississippi Code of 1972:

78 43-15-200. The purpose of this article is to provide a  
79 mechanism whereby any parent may relinquish the care of an infant



80 to the state in safety, anonymity, and without fear of  
81 prosecution. This article shall be known as and may be cited as  
82 the "Mississippi Safe Haven Law".

83 **SECTION 2.** The following shall be codified as Section  
84 43-15-200.1, Mississippi Code of 1972:

85 43-15-200.1. As used in this article, the following terms  
86 have the meaning herein ascribed unless the context clearly  
87 requires otherwise:

88 (a) "Department" means the Department of Child  
89 Protection Services.

90 (b) "Emergency medical services provider" shall mean a  
91 licensed hospital, as defined in Section 41-9-3, which operates an  
92 emergency department, an adoption agency duly licensed by the  
93 Department of Human Services, or fire station or mobile ambulance  
94 staffed with full-time firefighters, emergency medical technicians  
95 or paramedics. "Emergency medical services provider" does not  
96 include the offices, clinics, surgeries or treatment facilities of  
97 private physicians or dentists. "Emergency medical services  
98 provider" does not include any individual licensed healthcare  
99 provider, including physicians, dentists, nurses, physician  
100 assistants or other health professionals under this article unless  
101 such individual voluntarily assumes responsibility for the custody  
102 of the child.

103 (c) "Infant" means a child not previously subjected to  
104 abuse or neglect, who is not more than sixty (60) days old as



105 determined within a reasonable degree of medical certainty by an  
106 examining physician.

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

108 (i) Designed to permit a mother to anonymously  
109 place an infant in the device with the intent to leave the infant  
110 for an emergency medical services provider to remove the infant  
111 from the device and take custody of the infant;

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

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

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

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

121 1. Licensed or otherwise legally operating in  
122 this state; and

123 2. Staffed continuously on a twenty-four (24)  
124 hour basis every day.

125 (e) "Relinquish" or "relinquishment" means the action of  
126 a parent in leaving an infant on the premises of an emergency  
127 medical services provider, with a facility employee or member of  
128 the professional medical community at the facility, or in a



129 newborn safety device, without expressing an intention to return  
130 for the infant.

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

133 43-15-201. (1) An emergency medical services provider,  
134 without a court order, shall take possession of a child who is  
135 seven (7) days old or younger if the child is voluntarily  
136 delivered to the provider by the child's parent and the parent did  
137 not express an intent to return for the child.

138 (2) The parent who surrenders the baby shall not be required  
139 to provide any information pertaining to his or her identity, nor  
140 shall the emergency medical services provider inquire as to same.  
141 If the identity of the parent is known to the emergency medical  
142 services provider, the emergency medical services provider shall  
143 keep the identity confidential.

144 (3) The emergency medical services provider must ask the  
145 person relinquishing the infant to identify any parent of the  
146 infant other than the person leaving the infant with the emergency  
147 medical services provider. The emergency medical services  
148 provider also must attempt to obtain from the person information  
149 concerning the infant's background and medical history as  
150 specified on a form provided by the department. This information  
151 must include, but is not limited to, information concerning the  
152 use of a controlled substance by the infant's mother, provided  
153 that information regarding the use of a controlled substance by



154 the infant's mother is not admissible as evidence of the unlawful  
155 use of a controlled substance in any court proceeding. The  
156 emergency medical services provider must give the person a copy of  
157 the form and a prepaid envelope for mailing the form to the  
158 department if the person does not wish to provide the information  
159 to the provider.

160 (4) An emergency medical services provider who takes  
161 possession of an infant under this section shall perform any act  
162 necessary to protect the physical health or safety of the infant.  
163 A physician shall promptly conduct a comprehensive medical  
164 screening to determine:

165 (a) If the infant suffered fetal exposure to alcohol or  
166 drugs;

167 (b) If the infant appears to have been abused or  
168 neglected; and

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

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

174 ( \* \* \*6) A female presenting herself to a hospital through  
175 the emergency room or otherwise, who is subsequently admitted for  
176 purposes of labor and delivery, does not give up the legal  
177 protections or anonymity guaranteed under this section. If the  
178 mother clearly expresses a desire to voluntarily surrender custody



179 of the newborn after birth, the emergency medical services  
180 provider can take possession of the child, without further action  
181 by the mother, as if the child had been presented to the emergency  
182 medical services provider in the same manner outlined above in  
183 subsection (1) of this section.

184 (a) If the mother expresses a desire to remain  
185 anonymous, identifying information may be obtained for purposes of  
186 securing payment of labor and delivery costs only. If the birth  
187 mother is a minor, the hospital may use the identifying  
188 information to secure payment through Medicaid, but shall not  
189 notify the minor's parent or guardian without the minor's consent.

190 (b) The identity of the birth mother shall not be  
191 placed on the birth certificate or disclosed to the Department of  
192 Human Services.

193 ( \* \* \*7) There is a presumption that by relinquishing a  
194 child in accordance with this section, the parent consents to the  
195 termination of his or her parental rights with respect to the  
196 child. As such, the parent waives the right to notification  
197 required by subsequent court proceedings.

198 \* \* \*

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

201 43-15-203. (1) No later than the close of the first  
202 business day after the date on which an emergency medical services  
203 provider takes possession of a child pursuant to Section



204 43-15-201, the provider shall notify the department \* \* \* that the  
205 provider has taken possession of the child.

206 (2) The department shall \* \* \* take legal custody of  
207 the \* \* \* infant immediately on receipt of notice pursuant to  
208 subsection (1). The department shall take physical custody of the  
209 infant as soon as practicable but not later than twenty-four (24)  
210 hours after receiving notice that the infant is ready to be  
211 discharged from the hospital.

212 (3) The department shall be responsible for all medical and  
213 other costs associated with the child and shall reimburse the  
214 hospital for any costs incurred prior to the child being placed in  
215 the care of the department.

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

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

222 **SECTION 5.** The following shall be codified as Section  
223 43-15-204, Mississippi Code of 1972:

224 43-15-204. (1) A hearing shall be held by the court within  
225 forty-eight hours after the infant enters the custody of the  
226 department. No notice to a parent or other caretaker shall be  
227 required.





228 (2) The department has the burden to prove the following at  
229 the hearing:

230 (a) There are reasonable grounds to believe that the  
231 infant has been relinquished to the department in accordance with  
232 this article.

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

235 (3) If the court finds that the department has satisfied the  
236 requirements of subsection (2) of this section and that removal of  
237 the infant is necessary in order to safeguard the infant's  
238 welfare, it shall order continued custody of the infant in the  
239 department prior to final entry of an order declaring parental  
240 rights terminated and enter a finding that the department is  
241 deemed to have made reasonable efforts to prevent or eliminate the  
242 need for removal and that reunification efforts are not required.

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

246 **SECTION 6.** The following shall be codified as Section  
247 43-15-204.1, Mississippi Code of 1972:

248 43-15-204.1. (1) Within forty-eight (48) hours after taking  
249 legal custody of the infant, the department shall publish notice,  
250 in a newspaper of general circulation in the area where the  
251 emergency medical services provider that initially took the infant  
252 is located, and send a news release to broadcast and print media



253 in the area. The notice and the news release must state the  
254 circumstances under which the infant was left at the provider, a  
255 description of the infant, and the date, time, and place of the  
256 hearing provided for in this section. The notice and the news  
257 release must also state that any person wishing to assert parental  
258 rights in regard to the infant must do so at the hearing. If the  
259 person who relinquished the infant identified anyone as being a  
260 parent of the infant, the notice must be sent by certified mail to  
261 the last known address of the person identified as a parent at  
262 least two weeks prior to the hearing.

263 (2) Within forty-eight (48) hours after obtaining legal  
264 custody of the infant, the department shall file a petition  
265 alleging that the infant has been abandoned, that the court should  
266 dispense with reasonable efforts to preserve or reunify the  
267 family, that continuation of keeping the infant in the home of the  
268 parent or parents would be contrary to the welfare of the infant,  
269 and that termination of parental rights is in the best interest of  
270 the infant. A hearing on the petition must be held no earlier  
271 than thirty and no later than forty-five (45) days after the  
272 department takes legal custody of the infant. This hearing shall  
273 be deemed to satisfy any other requirements for an adjudication or  
274 disposition hearing and shall further serve as the permanency  
275 planning hearing for the infant.

276 (3) If the court approves the permanent plan of termination  
277 of parental rights, the order must also provide that a petition



278 for termination of parental rights on the grounds of abandonment  
279 must be filed within ten (10) days after receipt of the order by  
280 the department. A hearing on the petition for termination of  
281 parental rights must be set for no later than thirty (30) days  
282 after the petition is filed.

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

285 43-21-201. (1) (a) Each party shall have the right to be  
286 represented by counsel at all stages of the proceedings including,  
287 but not limited to, detention, shelter, adjudicatory and  
288 disposition hearings and parole or probation revocation  
289 proceedings.

290 (b) In delinquency matters the court shall appoint  
291 legal defense counsel who is not also a guardian ad litem for the  
292 same child. If the party is a child, the child shall be  
293 represented by counsel at all critical stages: detention,  
294 adjudicatory and disposition hearings; parole or probation  
295 revocation proceedings; and post-disposition matters. If  
296 indigent, the child shall have the right to have counsel appointed  
297 for him by the youth court.

298 (c) A child who is alleged to have been abused or  
299 neglected shall be deemed to be a party to the proceedings under  
300 this chapter. The child shall be represented by an attorney at  
301 all stages of any proceedings held pursuant to this chapter. The  
302 court shall appoint an attorney to any child who is unrepresented.



303           (2) When a party first appears before the youth court, the  
304 judge shall ascertain whether he is represented by counsel and, if  
305 not, inform him of his rights including his right to counsel. If  
306 the court determines that a parent or guardian who is a party in  
307 an abuse, neglect or termination of parental rights proceeding is  
308 indigent, the youth court judge may appoint counsel to represent  
309 the indigent parent or guardian in the proceeding.

310           (3) An attorney appointed to represent a \* \* \* child shall  
311 be required to complete annual juvenile justice training that is  
312 approved by the Mississippi Office of State Public Defender and  
313 the Mississippi Commission on Continuing Legal Education. An  
314 attorney appointed to represent a parent or guardian in an abuse,  
315 neglect or termination of parental rights proceeding shall be  
316 required to complete annual training that is approved by the  
317 Office of State Public Defender and the Mississippi Commission on  
318 Continuing Legal Education. The Mississippi Office of State  
319 Public Defender and the Mississippi Commission on Continuing Legal  
320 Education shall determine the amount of juvenile justice training  
321 and continuing education required to fulfill the requirements of  
322 this subsection. The State Public Defender shall maintain a roll  
323 of attorneys who have complied with the training requirements and  
324 shall enforce the provisions of this subsection. Should an  
325 attorney fail to complete the annual training requirement or fail  
326 to attend the required training within six (6) months of being  
327 appointed to a youth court case, the attorney shall be



328 disqualified to serve and the youth court shall immediately  
329 terminate the representation and appoint another attorney.  
330 Attorneys appointed by a youth court to five (5) or fewer cases a  
331 year are exempt from the requirements of this subsection.

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

336 (5) An attorney shall enter his appearance on behalf of a  
337 party in the proceeding by filing a written notice of appearance  
338 with the youth court, by filing a pleading, notice or motion  
339 signed by counsel or by appearing in open court and advising the  
340 youth court that he is representing a party. After counsel has  
341 entered his appearance, he shall be served with copies of all  
342 subsequent pleadings, motions and notices required to be served on  
343 the party he represents. An attorney who has entered his  
344 appearance shall not be permitted to withdraw from the case until  
345 a timely appeal, if any, has been decided, except by leave of the  
346 court then exercising jurisdiction of the cause after notice of  
347 his intended withdrawal is served by him on the party he  
348 represents.

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



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

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

358       43-21-501. When a petition has been filed and the date of  
359 hearing has been set by the youth court, the judge or his designee  
360 shall order the clerk of the youth court to issue a summons to the  
361 following to appear personally at such hearing:

362           (a) The child named in the petition;

363           (b) The person or persons who have custody or control  
364 of the child;

365           (c) The parent or guardian of the child if such parent  
366 or guardian does not have custody of the child; \* \* \*

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

368           ( \* \* \*e) Any other person whom the court deems  
369 necessary.

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

372       43-21-701. (1) There is hereby established the Mississippi  
373 Commission on a Uniform Youth Court System and Procedures. The  
374 commission shall consist of the following \* \* \* twenty-one (21)  
375 members:



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

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

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

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

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

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

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

391 (h) The directors of the following state agencies or  
392 their designated representatives: the Mississippi Department  
393 of \* \* \* Human Services and the Mississippi Department of \* \* \*  
394 Child Protection Services;

395 (i) The director or his designated representative of  
396 the Governor's Office of Federal-State Programs;

397 (j) \* \* \* Two (2) employees, other than the director,  
398 of the Department of \* \* \* Child Protection Services who \* \* \* are  
399 supervisors of social workers primarily assigned to youth cases,  
400 appointed by the Governor;



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

404 ( \* \* \* l) One (1) municipal police chief, appointed by  
405 the Governor;

406 ( \* \* \* m) One (1) county sheriff, appointed by the  
407 Governor;

408 ( \* \* \* n) Two (2) lawyers experienced in youth court  
409 work, appointed by the Governor; and

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

412 (2) The members shall be appointed to the commission within  
413 fifteen (15) days of \* \* \* July 1, 2023, and shall serve until the  
414 end of their respective terms of office, if applicable, or until  
415 October 1, \* \* \* 2024, whichever occurs first. Vacancies on the  
416 commission shall be filled in the manner of the original  
417 appointment. Members shall be eligible for reappointment provided  
418 that upon such reappointment they meet the qualifications required  
419 of a new appointee.

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

423 (4) The commission shall adopt rules and regulations  
424 governing times and places for meetings and governing the manner  
425 of conducting its business. \* \* \* Twelve (12) or more members





426 shall constitute a quorum for the purpose of conducting any  
427 business of the commission; provided, however, a vote of not less  
428 than \* \* \* fourteen (14) members shall be required for any  
429 recommendations to the Legislature.

430 (5) Members of the commission shall serve without  
431 compensation, except that state and county employees and officers  
432 shall receive any per diem as authorized by law from  
433 appropriations available to their respective agencies or political  
434 subdivisions. All commission members shall be entitled to receive  
435 reimbursement for any actual and reasonable expenses incurred as a  
436 necessary incident to service on the commission, including mileage  
437 as provided by law.

438 (6) The commission may select and employ a research director  
439 who shall perform the duties which the commission directs, which  
440 duties shall include the hiring of such other employees for the  
441 commission as the commission may approve. The research director  
442 and all other employees of the commission shall be in the state  
443 service and their salaries shall be established by the commission  
444 subject to approval by the State Personnel Board. Employees of  
445 the commission shall be reimbursed for the expenses necessarily  
446 incurred in the performance of their official duties in the same  
447 manner as other state employees. The commission may also employ  
448 any consultants it deems necessary, including consultants to  
449 compile any demographic data needed to accomplish the duties of  
450 the commission.



451 (7) The Governor's Office of Federal-State Programs shall  
452 support the Commission on a Uniform Youth Court System and shall  
453 act as agent for any funds made available to the commission for  
454 its use. In order to expedite the implementation of the  
455 Commission on a Uniform Youth Court System, any funds available to  
456 the Governor's Office of Federal-State Programs for the \* \* \*  
457 2023-2024 fiscal year may be expended for the purpose of defraying  
458 the expenses of the commission created herein.

459 (8) The commission may contract for suitable office space in  
460 accordance with the provisions of Section 29-5-2, Mississippi Code  
461 of 1972. In addition, the commission may utilize, with their  
462 consent, the services, equipment, personnel, information and  
463 resources of other state agencies; and may accept voluntary and  
464 uncompensated services, contract with individuals, public and  
465 private agencies, and request information, reports and data from  
466 any agency of the state, or any of its political subdivisions, to  
467 the extent authorized by law.

468 (9) In order to conduct and carry out its purposes, duties  
469 and related activities as provided for in this section and Section  
470 43-21-703, the commission is authorized to apply for and accept  
471 gifts, grants, subsidies and other funds from persons,  
472 corporations, foundations, the United States government or other  
473 entities, provided that the receipt of such gifts, grants,  
474 subsidies and funds shall be reported and otherwise accounted for  
475 in the manner provided by law.



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

478           43-21-703. (1) The commission shall study the youth court  
479 system in Mississippi, and prepare a report including any proposed  
480 changes in the youth court system and/or its procedures. It shall  
481 submit the report to the Legislature, on or before October  
482 1, \* \* \* 2024, along with a report detailing any legislation which  
483 may be needed to implement the plan. In preparing the report, the  
484 commission shall evaluate the existing juvenile services in the  
485 state and may recommend changes in the organizational concepts,  
486 institutions, laws and resources.

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

489                   (a) Whether a uniform statewide youth court system  
490 would be desirable;

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

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

497                   (d) What proposals or alternatives would update or  
498 modernize the system to provide staffing for all counties and  
499 citizens.



500 (3) The commission, in addition to recommending the plan  
501 described in this section, shall serve as a clearinghouse and  
502 information center for the collection, preparation, analysis and  
503 dissemination of information on the youth court system in  
504 Mississippi and shall conduct ongoing research relating to the  
505 improvement of the youth court system. Pursuant to its duties  
506 under this subsection, the commission may request the regular  
507 submission to it of such reports, information and statistics by  
508 the courts, judges, prosecuting attorneys and agencies of this  
509 state which the commission deems necessary for the development of  
510 its reports.

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

513 93-15-107. (1) (a) Involuntary termination of parental  
514 rights proceedings are commenced upon the filing of a petition  
515 under this chapter. The petition may be filed by any interested  
516 person, or any agency, institution or person holding custody of  
517 the child. The simultaneous filing of a petition for adoption is  
518 not a prerequisite for filing a petition under this chapter.

519 (b) The proceeding shall be triable, either in term  
520 time or vacation, thirty (30) days after personal service of  
521 process to any necessary party or, for a necessary party whose  
522 address is unknown after diligent search, thirty (30) days after  
523 the date of the first publication of service of process by



524 publication that complies with the Mississippi Rules of Civil  
525 Procedure.

526 (c) Necessary parties to a termination of parental  
527 rights action shall include the mother of the child, the legal  
528 father of the child, the putative father of the child when known,  
529 and any agency, institution or person holding custody of the  
530 child. The absence of a necessary party who has been properly  
531 served does not preclude the court from conducting the hearing or  
532 rendering a final judgment.

533 (d) A guardian ad litem shall be appointed to protect  
534 the best interest of the child, except that the court, in its  
535 discretion, may waive this requirement when a parent executes a  
536 written voluntary release to terminate parental rights. The  
537 guardian ad litem fees shall be determined and assessed in the  
538 discretion of the court.

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

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

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

546 (5) The clerk shall docket cases seeking relief under this  
547 chapter as priority cases. The assigned judge shall be



548 immediately notified when a case is filed in order to provide for  
549 expedited proceedings.

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

552 93-17-3. (1) Except as otherwise provided in this section,  
553 a court of this state has jurisdiction over a proceeding for the  
554 adoption or readoption of a minor commenced under this chapter if:

555 (a) Immediately before commencement of the proceeding,  
556 the minor lived in this state with a parent, a guardian, a  
557 prospective adoptive parent or another person acting as parent,  
558 for at least six (6) consecutive months, excluding periods of  
559 temporary absence, or, in the case of a minor under six (6) months  
560 of age, lived in this state from soon after birth with any of  
561 those individuals and there is available in this state substantial  
562 evidence concerning the minor's present or future care;

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

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



571 (i) The minor and the minor's parents, or the  
572 minor and the prospective adoptive parent, have a significant  
573 connection with this state; and

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

576 (d) The minor and the prospective adoptive parent or  
577 parents are physically present in this state and the minor has  
578 been abandoned or it is necessary in an emergency to protect the  
579 minor because the minor has been subjected to or threatened with  
580 mistreatment or abuse or is otherwise neglected, and the  
581 prospective adoptive parent or parents, if not residing in  
582 Mississippi, have completed and provided the court with a  
583 satisfactory Interstate Compact for Placement of Children (ICPC)  
584 home study and accompanying forms;

585 (e) It appears that no other state would have  
586 jurisdiction under prerequisites substantially in accordance with  
587 paragraphs (a) through (d), or another state has declined to  
588 exercise jurisdiction on the ground that this state is the more  
589 appropriate forum to hear a petition for adoption of the minor,  
590 and it is in the best interest of the minor that a court of this  
591 state assume jurisdiction; or

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



596 (2) A court of this state may not exercise jurisdiction over  
597 a proceeding for adoption of a minor if, at the time the petition  
598 for adoption is filed, a proceeding concerning the custody or  
599 adoption of the minor is pending in a court of another state  
600 exercising jurisdiction substantially in conformity with the  
601 Uniform Child Custody Jurisdiction Act or this section unless the  
602 proceeding is stayed by the court of the other state.

603 (3) If a court of another state has issued a decree or order  
604 concerning the custody of a minor who may be the subject of a  
605 proceeding for adoption in this state, a court of this state may  
606 not exercise jurisdiction over a proceeding for adoption of the  
607 minor unless:

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

610 (i) Does not have continuing jurisdiction to  
611 modify the decree or order under jurisdictional prerequisites  
612 substantially in accordance with the Uniform Child Custody  
613 Jurisdiction Act or has declined to assume jurisdiction to modify  
614 the decree or order; or

615 (ii) Does not have jurisdiction over a proceeding  
616 for adoption substantially in conformity with subsection (1)(a)  
617 through (d) or has declined to assume jurisdiction over a  
618 proceeding for adoption; and

619 (b) The court of this state has jurisdiction over the  
620 proceeding.





621 (4) Any person may be adopted in accordance with the  
622 provisions of this chapter in term time or in vacation by an  
623 unmarried adult, by a married person whose spouse joins in the  
624 petition, by a married person whose spouse does not join in the  
625 petition because such spouse does not cohabit or reside with the  
626 petitioning spouse, and in any circumstances determined by the  
627 court that the adoption is in the best interest of the child.  
628 Only the consenting adult will be a legal parent of the child. In  
629 those adoption proceedings where the chancery court has  
630 jurisdiction, the adoption shall be by sworn petition filed in the  
631 chancery court of the county in which the adopting petitioner or  
632 petitioners reside or in which the child to be adopted resides or  
633 was born, or was found when it was abandoned or deserted, or in  
634 which the home is located to which the child has been surrendered  
635 by a person authorized to so do. In those adoption proceedings  
636 where the county court sitting as a youth court has jurisdiction,  
637 the adoption shall be by sworn petition filed in that county  
638 court. The petition shall be accompanied by a doctor's or nurse  
639 practitioner's certificate showing the physical and mental  
640 condition of the child to be adopted and a sworn statement of all  
641 property, if any, owned by the child. In addition, the petition  
642 shall be accompanied by affidavits of the petitioner or  
643 petitioners stating the amount of the service fees charged by any  
644 adoption agencies or adoption facilitators used by the petitioner  
645 or petitioners and any other expenses paid by the petitioner or



646 petitioners in the adoption process as of the time of filing the  
647 petition. If the doctor's or nurse practitioner's certificate  
648 indicates any abnormal mental or physical condition or defect, the  
649 condition or defect shall not, in the discretion of the chancellor  
650 or youth court judge, bar the adoption of the child if the  
651 adopting parent or parents file an affidavit stating full and  
652 complete knowledge of the condition or defect and stating a desire  
653 to adopt the child, notwithstanding the condition or defect. The  
654 court shall have the power to change the name of the child as a  
655 part of the adoption proceedings. The word "child" in this  
656 section shall be construed to refer to the person to be adopted,  
657 though an adult.

658 (5) No person may be placed in the home of or adopted by the  
659 prospective adopting parties before a court-ordered or voluntary  
660 home study is satisfactorily completed by a licensed adoption  
661 agency, a licensed, experienced social worker approved by the  
662 chancery court, a court-appointed guardian ad litem that has  
663 knowledge or training in conducting home studies if so directed by  
664 the court, or by the Department of \* \* \* Child Protection Services  
665 on the prospective adoptive parties if required by Section  
666 93-17-11.

667 (6) No person may be adopted by a person or persons who  
668 reside outside the State of Mississippi unless the provisions of  
669 the Interstate Compact for Placement of Children (Section 43-18-1  
670 et seq.) have been complied with. In such cases Forms 100A, 100B



671 (if applicable) and evidence of Interstate Compact for Placement  
672 of Children approval shall be added to the permanent adoption  
673 record file within one (1) month of the placement, and a minimum  
674 of two (2) post-placement reports conducted by a licensed  
675 child-placing agency shall be provided to the Mississippi  
676 Department of Child Protection Services Interstate Compact for  
677 Placement of Children office.

678 (7) No person may be adopted unless the provisions of the  
679 Indian Child Welfare Act (ICWA) have been complied with, if  
680 applicable. When applicable, proof of compliance shall be  
681 included in the court adoption file prior to finalization of the  
682 adoption. If not applicable, a written statement or paragraph in  
683 the petition for adoption shall be included in the adoption  
684 petition stating that the provisions of ICWA do not apply before  
685 finalization.

686 (8) The readoption of a child who has automatically acquired  
687 United States citizenship following an adoption in a foreign  
688 country and who possesses a Certificate of Citizenship in  
689 accordance with the Child Citizenship Act, CAA, Public Law  
690 106-395, may be given full force and effect in a readoption  
691 proceeding conducted by a court of competent jurisdiction in this  
692 state by compliance with the Mississippi Registration of Foreign  
693 Adoptions Act, Article 9 of this chapter.

694 (9) For adult adoptees who consent to the adoption, a  
695 chancellor may waive any of the petition requirements and



696 procedural requirements within subsections (4), (5), (6) and (7)  
697 of this section.

698 (10) For proceedings filed under this chapter, the chancery  
699 court has original exclusive jurisdiction over all adoption  
700 proceedings except when a county court sitting as a youth court  
701 has acquired jurisdiction of a child in an abuse or neglect  
702 proceeding. In such case, the county court shall have original  
703 exclusive jurisdiction to hear a petition for adoption of that  
704 child pursuant to the procedures of this chapter.

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

709 **SECTION 13.** Section 7-5-1, Mississippi Code of 1972, is  
710 brought forward as follows:

711 7-5-1. The Attorney General provided for by Section 173 of  
712 the Mississippi Constitution shall be elected at the same time and  
713 in the same manner as the Governor is elected. His term of office  
714 shall be four (4) years and his compensation shall be fixed by the  
715 Legislature. He shall be the chief legal officer and advisor for  
716 the state, both civil and criminal, and is charged with managing  
717 all litigation on behalf of the state, except as otherwise  
718 specifically provided by law. No arm or agency of the state  
719 government shall bring or defend a suit against another arm or  
720 agency without prior written approval of the Attorney General. He



721 shall have the powers of the Attorney General at common law and,  
722 except as otherwise provided by law, is given the sole power to  
723 bring or defend a lawsuit on behalf of a state agency, the subject  
724 matter of which is of statewide interest. He shall intervene and  
725 argue the constitutionality of any statute when notified of a  
726 challenge thereto, pursuant to the Mississippi Rules of Civil  
727 Procedure. His qualifications for office shall be as provided for  
728 chancery and circuit judges in Section 154 of the Mississippi  
729 Constitution.

730       **SECTION 14.** Section 43-15-207, Mississippi Code of 1972,  
731 which defined the term "emergency medical services provider" for  
732 the purposes of the Baby Drop-Off Law, is repealed.

733       **SECTION 15.** This act shall take effect and be in force from  
734 and after July 1, 2023.

