

By: Senator(s) Boyd, Branning

To: Judiciary, Division A

SENATE BILL NO. 2377
(As Passed the Senate)

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 REQUIRE THE DEPARTMENT TO CONDUCT A
30 REASONABLE SEARCH FOR THE RELATIVES OF THE CHILD FOR WHOM THE
31 DEPARTMENT ASSUMES CARE, CONTROL AND CUSTODY WITHIN A CERTAIN
32 TIMEFRAME; TO CREATE NEW SECTION 43-15-204.1, MISSISSIPPI CODE OF
33 1972, TO REQUIRE THE DEPARTMENT TO PUBLISH NOTICE OF THE
34 CIRCUMSTANCES OF THE RELINQUISHMENT OF THE INFANT IN A NEWSPAPER



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



86 PROVIDER" FOR PURPOSES OF THE BABY DROP-OFF LAW; AND FOR RELATED
87 PURPOSES.

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

89 **SECTION 1.** The following shall be codified as Section
90 43-15-200, Mississippi Code of 1972:

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

96 **SECTION 2.** The following shall be codified as Section
97 43-15-200.1, Mississippi Code of 1972:

98 43-15-200.1. As used in this article, the following terms
99 have the meaning herein ascribed unless the context clearly
100 requires otherwise:

101 (a) "Department" means the Department of Child
102 Protection Services.

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



112 provider, including physicians, dentists, nurses, physician
113 assistants or other health professionals under this article unless
114 such individual voluntarily assumes responsibility for the custody
115 of the child.

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

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

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

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

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

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

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

134 1. Licensed or otherwise legally operating in
135 this state; and



136 2. Staffed continuously on a twenty-four-hour
137 basis every day.

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

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

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

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

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

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

158 (c) The emergency medical dispatch agency or the
159 emergency medical services provider shall inform the infant's



160 parent of the ability to remain anonymous as described in this
161 section.

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

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



184 (4) An emergency medical services provider who takes
185 possession of an infant under this section shall perform any act
186 necessary to protect the physical health or safety of the infant.
187 A physician shall promptly conduct a comprehensive medical
188 screening to determine:

189 (a) If the infant suffered fetal exposure to alcohol or
190 drugs;

191 (b) If the infant appears to have been abused or
192 neglected; and

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

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

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



208 (a) If the mother expresses a desire to remain
209 anonymous, identifying information may be obtained for purposes of
210 securing payment of labor and delivery costs only. If the birth
211 mother is a minor, the hospital may use the identifying
212 information to secure payment through Medicaid, but shall not
213 notify the minor's parent or guardian without the minor's consent.

214 (b) The identity of the birth mother shall not be
215 placed on the birth certificate or disclosed to the Department of
216 Human Services.

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

222 * * *

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

225 43-15-203. (1) No later than the close of the first
226 business day after the date on which an emergency medical services
227 provider takes possession of a child pursuant to Section
228 43-15-201, the provider shall notify the department * * * that the
229 provider has taken possession of the child.

230 (2) The department shall * * * take legal custody of
231 the * * * infant immediately on receipt of notice pursuant to
232 subsection (1). The department shall take physical custody of the



233 infant as soon as practicable but not later than twenty-four (24)
234 hours after receiving notice that the infant is ready to be
235 discharged from the hospital.

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

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

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

246 **SECTION 5.** The following shall be codified as Section
247 43-15-204, Mississippi Code of 1972:

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

252 (2) The department has the burden to prove the following at
253 the hearing:

254 (a) There are reasonable grounds to believe that the
255 infant has been relinquished to the department in accordance with
256 this article.



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

259 (3) If the court finds that the department has satisfied the
260 requirements of this subsection (3) and that removal of the infant
261 is necessary in order to safeguard the infant's welfare, it shall
262 order continued custody of the infant in the department prior to
263 final entry of an order declaring parental rights terminated and
264 enter a finding that the department is deemed to have made
265 reasonable efforts to prevent or eliminate the need for removal
266 and that reunification efforts are not required.

267 (4) The department shall conduct a reasonable search for the
268 relatives of the child for whom the department assumes care,
269 control, and custody under this article within forty-five (45)
270 days of assuming care, control and custody of the child.

271 **SECTION 6.** The following shall be codified as Section
272 43-15-204.1, Mississippi Code of 1972:

273 43-15-204.1. (1) Within forty-eight (48) hours after taking
274 legal custody of the infant, the department shall publish notice,
275 in a newspaper of general circulation in the area where the
276 emergency medical services provider that initially took the infant
277 is located, and send a news release to broadcast and print media
278 in the area. The notice and the news release must state the
279 circumstances under which the infant was left at the provider, a
280 description of the infant, and the date, time, and place of the
281 hearing provided for in this section. The notice and the news



282 release must also state that any person wishing to assert parental
283 rights in regard to the infant must do so at the hearing. If the
284 parent who relinquished the infant identified anyone else as being
285 a parent of the infant, the notice must be sent by certified mail
286 to the last known address of the person identified as a parent at
287 least two (2) weeks prior to the hearing.

288 (2) Within forty-eight (48) hours after obtaining legal
289 custody of the infant, the department shall file a petition
290 alleging that the infant has been abandoned, that the court should
291 dispense with reasonable efforts to preserve or reunify the
292 family, that continuation of keeping the infant in the home of the
293 parent or parents would be contrary to the welfare of the infant,
294 and that termination of parental rights is in the best interest of
295 the infant. A hearing on the petition must be held no earlier
296 than sixty (60) days and no later than seventy-five (75) days
297 after the department takes legal custody of the infant. This
298 hearing shall be deemed to satisfy any other requirements for an
299 adjudication or disposition hearing and shall further serve as the
300 permanency planning hearing for the infant.

301 (3) If the court approves the permanent plan of termination
302 of parental rights, the order must also provide that a petition
303 for termination of parental rights on the grounds of abandonment
304 must be filed within ten (10) days after receipt of the order by
305 the department. A hearing on the petition for termination of



306 parental rights must be set for no later than thirty (30) days
307 after the petition is filed.

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

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

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

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

329 (2) When a party first appears before the youth court, the
330 judge shall ascertain whether he is represented by counsel and, if



331 not, inform him of his rights, including his right to counsel. If
332 the court determines that a parent or guardian who is a party in
333 an abuse, neglect or termination of parental rights proceeding is
334 indigent, the youth court judge may appoint counsel to represent
335 the indigent parent or guardian in the proceeding.

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



356 Attorneys appointed by a youth court to five (5) or fewer cases a
357 year are exempt from the requirements of this subsection.

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

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

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

378 (7) The Department of Child Protection Services shall be a
379 necessary party at all stages of the proceedings involving a child



380 for whom the department has custody, including, but not limited
381 to, shelter, adjudicatory, disposition and permanency hearings.

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

384 43-21-501. When a petition has been filed and the date of
385 hearing has been set by the youth court, the judge or his designee
386 shall order the clerk of the youth court to issue a summons to the
387 following to appear personally at such hearing:

388 (a) The child named in the petition;

389 (b) The person or persons who have custody or control
390 of the child;

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

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

394 (* * *e) Any other person whom the court deems
395 necessary.

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

398 43-21-701. (1) There is hereby established the Mississippi
399 Commission on a Uniform Youth Court System and Procedures. The
400 commission shall consist of the following * * * twenty-one (21)
401 members:

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



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

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

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

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

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

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

417 (h) The directors of the following state agencies or
418 their designated representatives: the Mississippi Department
419 of * * * Human Services and the Mississippi Department of * * *
420 Child Protection Services;

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

423 (j) * * * Two (2) employees, other than the director,
424 of the Department of * * * Child Protection Services who * * * are
425 supervisors of social workers primarily assigned to youth cases,
426 appointed by the Governor;



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

430 (* * * l) One (1) municipal police chief, appointed by
431 the Governor;

432 (* * * m) One (1) county sheriff, appointed by the
433 Governor;

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

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

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

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

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



452 shall constitute a quorum for the purpose of conducting any
453 business of the commission; provided, however, a vote of not less
454 than * * * fourteen (14) members shall be required for any
455 recommendations to the Legislature.

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

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



477 (7) The Governor's Office of Federal-State Programs shall
478 support the Commission on a Uniform Youth Court System and shall
479 act as agent for any funds made available to the commission for
480 its use. In order to expedite the implementation of the
481 Commission on a Uniform Youth Court System, any funds available to
482 the Governor's Office of Federal-State Programs for the * * *
483 2023-2024 fiscal year may be expended for the purpose of defraying
484 the expenses of the commission created herein.

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

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



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

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

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

515 (a) Whether a uniform statewide youth court system
516 would be desirable;

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

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

523 (d) What proposals or alternatives would update or
524 modernize the system to provide staffing for all counties and
525 citizens.



526 (3) The commission, in addition to recommending the plan
527 described in this section, shall serve as a clearinghouse and
528 information center for the collection, preparation, analysis and
529 dissemination of information on the youth court system in
530 Mississippi and shall conduct ongoing research relating to the
531 improvement of the youth court system. Pursuant to its duties
532 under this subsection, the commission may request the regular
533 submission to it of such reports, information and statistics by
534 the courts, judges, prosecuting attorneys and agencies of this
535 state which the commission deems necessary for the development of
536 its reports.

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

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

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



550 publication that complies with the Mississippi Rules of Civil
551 Procedure.

552 (c) Necessary parties to a termination of parental
553 rights action shall include the mother of the child, the legal
554 father of the child, the putative father of the child when known,
555 and any agency, institution or person holding custody of the
556 child. The absence of a necessary party who has been properly
557 served does not preclude the court from conducting the hearing or
558 rendering a final judgment.

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

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

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

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

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



574 immediately notified when a case is filed in order to provide for
575 expedited proceedings.

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

578 93-17-3. (1) Except as otherwise provided in this section,
579 a court of this state has jurisdiction over a proceeding for the
580 adoption or readoption of a minor commenced under this chapter if:

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

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

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



597 (i) The minor and the minor's parents, or the
598 minor and the prospective adoptive parent, have a significant
599 connection with this state; and

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

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

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

619 (f) The child has been adopted in a foreign country,
620 the agency that placed the minor for adoption is licensed in this



621 state, and it is in the best interest of the child to be readopted
622 in a court of this state having jurisdiction.

623 (2) A court of this state may not exercise jurisdiction over
624 a proceeding for adoption of a minor if, at the time the petition
625 for adoption is filed, a proceeding concerning the custody or
626 adoption of the minor is pending in a court of another state
627 exercising jurisdiction substantially in conformity with the
628 Uniform Child Custody Jurisdiction Act or this section unless the
629 proceeding is stayed by the court of the other state.

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

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

637 (i) Does not have continuing jurisdiction to
638 modify the decree or order under jurisdictional prerequisites
639 substantially in accordance with the Uniform Child Custody
640 Jurisdiction Act or has declined to assume jurisdiction to modify
641 the decree or order; or

642 (ii) Does not have jurisdiction over a proceeding
643 for adoption substantially in conformity with subsection (1) (a)
644 through (d) or has declined to assume jurisdiction over a
645 proceeding for adoption; and



646 (b) The court of this state has jurisdiction over the
647 proceeding.

648 (4) Any person may be adopted in accordance with the
649 provisions of this chapter in term time or in vacation by an
650 unmarried adult, by a married person whose spouse joins in the
651 petition, by a married person whose spouse does not join in the
652 petition because such spouse does not cohabit or reside with the
653 petitioning spouse, and in any circumstances determined by the
654 court that the adoption is in the best interest of the child.
655 Only the consenting adult will be a legal parent of the child. In
656 those adoption proceedings where the chancery court has
657 jurisdiction, the adoption shall be by sworn petition filed in the
658 chancery court of the county in which the adopting petitioner or
659 petitioners reside or in which the child to be adopted resides or
660 was born, or was found when it was abandoned or deserted, or in
661 which the home is located to which the child has been surrendered
662 by a person authorized to so do. In those adoption proceedings
663 where the county court sitting as a youth court has jurisdiction,
664 the adoption shall be by sworn petition filed in that county
665 court. The petition shall be accompanied by a doctor's or nurse
666 practitioner's certificate showing the physical and mental
667 condition of the child to be adopted and a sworn statement of all
668 property, if any, owned by the child. In addition, the petition
669 shall be accompanied by affidavits of the petitioner or
670 petitioners stating the amount of the service fees charged by any



671 adoption agencies or adoption facilitators used by the petitioner
672 or petitioners and any other expenses paid by the petitioner or
673 petitioners in the adoption process as of the time of filing the
674 petition. If the doctor's or nurse practitioner's certificate
675 indicates any abnormal mental or physical condition or defect, the
676 condition or defect shall not, in the discretion of the chancellor
677 or youth court judge, bar the adoption of the child if the
678 adopting parent or parents file an affidavit stating full and
679 complete knowledge of the condition or defect and stating a desire
680 to adopt the child, notwithstanding the condition or defect. The
681 court shall have the power to change the name of the child as a
682 part of the adoption proceedings. The word "child" in this
683 section shall be construed to refer to the person to be adopted,
684 though an adult.

685 (5) No person may be placed in the home of or adopted by the
686 prospective adopting parties before a court-ordered or voluntary
687 home study is satisfactorily completed by a licensed adoption
688 agency, a licensed, experienced social worker approved by the
689 chancery court, a court-appointed guardian ad litem that has
690 knowledge or training in conducting home studies if so directed by
691 the court, or by the Department of * * * Child Protection Services
692 on the prospective adoptive parties if required by Section
693 93-17-11, unless the court determines that the home study is not
694 necessary.



695 (6) No person may be adopted by a person or persons who
696 reside outside the State of Mississippi unless the provisions of
697 the Interstate Compact for Placement of Children (Section 43-18-1
698 et seq.) have been complied with. In such cases Forms 100A, 100B
699 (if applicable) and evidence of Interstate Compact for Placement
700 of Children approval shall be added to the permanent adoption
701 record file within one (1) month of the placement, and a minimum
702 of two (2) post-placement reports conducted by a licensed
703 child-placing agency shall be provided to the Mississippi
704 Department of Child Protection Services Interstate Compact for
705 Placement of Children office.

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

714 (8) The readoption of a child who has automatically acquired
715 United States citizenship following an adoption in a foreign
716 country and who possesses a Certificate of Citizenship in
717 accordance with the Child Citizenship Act, CAA, Public Law
718 106-395, may be given full force and effect in a readoption
719 proceeding conducted by a court of competent jurisdiction in this



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

722 (9) For adult adoptees who consent to the adoption, a
723 chancellor may waive any of the petition requirements and
724 procedural requirements within subsections (4), (5), (6) and (7)
725 of this section.

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

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

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

739 93-17-11. At any time after the filing of the petition for
740 adoption and completion of process thereon, and before the
741 entering of a final decree, the court may, in its discretion, of
742 its own motion or on motion of any party to the proceeding,
743 require an investigation and report to the court to be made by any
744 person, officer or home as the court may designate and direct



745 concerning the child, and * * * may require in adoptions, other
746 than those in which the petitioner or petitioners are a relative
747 or stepparent of the child, that a home study be performed of the
748 petitioner or petitioners by a licensed adoption agency or by the
749 Department of Human Services, at the petitioner's or petitioners'
750 sole expense and at no cost to the state or county. The
751 investigation and report shall give the material facts upon which
752 the court may determine whether the child is a proper subject for
753 adoption, whether the petitioner or petitioners are suitable
754 parents for the child, whether the adoption is to its best
755 interest, and any other facts or circumstances that may be
756 material to the proposed adoption. The home study shall be
757 considered by the court in determining whether the petitioner or
758 petitioners are suitable parents for the child. The court, when
759 an investigation and report are required by the court or by this
760 section, shall stay the proceedings in the cause for such
761 reasonable time as may be necessary or required in the opinion of
762 the court for the completion of the investigation and report by
763 the person, officer or home designated and authorized to make the
764 same.

765 Upon the filing of that consent or the completion of the
766 process and the filing of the investigation and report, if
767 required by the court or by this section, and the presentation of
768 such other evidence as may be desired by the court, if the court
769 determines that it is to the best interests of the child that an



770 interlocutory decree of adoption be entered, the court may
771 thereupon enter an interlocutory decree upon such terms and
772 conditions as may be determined by the court, in its discretion,
773 but including therein that the complete care, custody and control
774 of the child shall be vested in the petitioner or petitioners
775 until further orders of the court and that during such time the
776 child shall be and remain a ward of the court. If the court
777 determines by decree at any time during the pendency of the
778 proceeding that it is not to the best interests of the child that
779 the adoption proceed, the petitioners shall be entitled to at
780 least five (5) days' notice upon their attorneys of record and a
781 hearing with the right of appeal as provided by law from a
782 dismissal of the petition; however, the bond perfecting the appeal
783 shall be filed within ten (10) days from the entry of the decree
784 of dismissal and the bond shall be in such amount as the
785 chancellor may determine and supersedeas may be granted by the
786 chancellor or as otherwise provided by law for appeal from final
787 decrees.

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



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

796 93-17-25. All proceedings under this chapter shall be
797 confidential and shall be held in closed court without admittance
798 of any person other than the interested parties, except upon order
799 of the court. All pleadings, reports, files, testimony, exhibits
800 and records pertaining to * * * adoption proceedings shall be
801 confidential and shall not be public records and shall be withheld
802 from inspection or examination by any person, and shall not be
803 disclosed by any person except upon order of the court in which
804 the proceeding was had on good cause shown.

805 Upon motion of any interested person, the files of adoption
806 proceedings, heretofore had may be placed in the confidential
807 files upon order of the court or chancellor and shall be subject
808 to the provisions of this chapter.

809 Provided, however, that notwithstanding the confidential
810 nature of said proceedings, said record shall be available for use
811 in any court or administrative proceedings under a subpoena duces
812 tecum addressed to the custodian of said records and portions of
813 such record may be released pursuant to Sections 93-17-201 through
814 93-17-223.

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



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

