

By: Senator(s) DeBar

To: Judiciary, Division A

SENATE BILL NO. 2643

1 AN ACT TO LOWER THE AGE OF MAJORITY FROM 21 TO 18; TO AMEND  
2 SECTION 1-3-21, MISSISSIPPI CODE OF 1972, TO CONFORM THE  
3 DEFINITION OF INFANT; TO AMEND SECTION 1-3-27, MISSISSIPPI CODE OF  
4 1972, TO CONFORM THE DEFINITION OF MINOR; TO AMEND SECTION  
5 11-5-115, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO SALE OR  
6 CONVEYANCE OF A MINOR'S PROPERTY; TO AMEND SECTION 11-46-11,  
7 MISSISSIPPI CODE OF 1972, TO REVISE THE SAVINGS CLAUSE OF THE TORT  
8 CLAIMS ACT TO CONFORM; TO AMEND SECTIONS 13-5-1 AND 13-5-12,  
9 MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF JURY SERVICE; TO  
10 AMEND SECTION 15-1-17, MISSISSIPPI CODE OF 1972, TO REVISE THE  
11 LIMITATIONS APPLICABLE TO ACTIONS OR SUITS TO CANCEL TAX TITLES TO  
12 CONFORM; TO AMEND SECTION 15-1-27, MISSISSIPPI CODE OF 1972, TO  
13 CONFORM THE LIMITATIONS APPLICABLE TO AN ACTION BY A WARD AGAINST  
14 A GUARDIAN OR SURETY; TO AMEND SECTION 15-1-59, MISSISSIPPI CODE  
15 OF 1972, TO CONFORM THE SAVING IN FAVOR OF PERSONS UNDER  
16 DISABILITY OF UNSOUNDNESS OF MIND WITHIN THE CHAPTER ADDRESSING  
17 THE LIMITATIONS OF CIVIL ACTIONS; TO AMEND SECTION 21-15-13,  
18 MISSISSIPPI CODE OF 1972, TO REVISE THE MILITIA POWER OF THE MAYOR  
19 TO CONFORM; TO AMEND SECTION 25-4-3, MISSISSIPPI CODE OF 1972, TO  
20 REVISE THE DEFINITION OF "HOUSEHOLD MEMBER" WITHIN THE ARTICLE  
21 ESTABLISHING THE MISSISSIPPI ETHICS COMMISSION TO CONFORM; TO  
22 AMEND SECTION 41-29-145, MISSISSIPPI CODE OF 1972, TO REVISE THE  
23 PUNISHMENT OF THE DISTRIBUTION OF CONTROLLED SUBSTANCES TO MINORS  
24 TO CONFORM; TO AMEND SECTION 43-19-33, MISSISSIPPI CODE OF 1972,  
25 TO CONFORM THE AGE OF MANDATORY SUPPORT IN AN ORDER OF FILIATION;  
26 TO AMEND SECTION 91-5-3, MISSISSIPPI CODE OF 1972, TO CONFORM AS  
27 TO AGE OF ISSUE CAPABLE OF INHERITING; TO AMEND SECTION 91-7-293,  
28 MISSISSIPPI CODE OF 1972, TO CONFORM AS TO FINAL ACCOUNTING BY THE  
29 HEIRS OF AN ESTATE; TO AMEND SECTION 91-20-3, MISSISSIPPI CODE OF  
30 1972, TO CONFORM AS TO TRANSFERS TO MINORS WITHIN TRUST AND ESTATE  
31 LAW; TO AMEND SECTION 91-20-41, MISSISSIPPI CODE OF 1972, TO  
32 REQUIRE CUSTODIANS TO TRANSFER CERTAIN CUSTODIAL PROPERTY TO A  
33 MINOR'S ESTATE TO CONFORM; TO AMEND SECTION 93-1-5, MISSISSIPPI  
34 CODE OF 1972, TO CONFORM THE AGE FOR ISSUANCE OF A MARRIAGE



35 LICENSE; TO AMEND SECTION 93-9-9, MISSISSIPPI CODE OF 1972, TO  
36 CONFORM PROVISIONS AS TO AGE FOR THE TERMS OF A DECREE FOR REMOVAL  
37 OF THE DISABILITY OF A MINOR; TO AMEND SECTION 93-11-65,  
38 MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF EMANCIPATION; TO  
39 AMEND SECTION 93-14-102, MISSISSIPPI CODE OF 1972, TO CONFORM THE  
40 DEFINITION OF THE TERM "ADULT" FOR THE PURPOSES OF THE UNIFORM  
41 ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT; TO  
42 AMEND SECTION 93-15-103, MISSISSIPPI CODE OF 1972, TO CONFORM THE  
43 DEFINITION OF THE TERM "MINOR PARENT" IN THE TERMINATION OF  
44 PARENTAL RIGHTS LAW; TO AMEND SECTION 93-17-5, MISSISSIPPI CODE OF  
45 1972, TO CONFORM AS TO THE AGE OF PARENTS IN AN ADOPTION; TO AMEND  
46 SECTION 93-17-205, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS  
47 CONCERNING ADOPTION RECORDS TO CONFORM; TO AMEND SECTION  
48 93-17-215, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO A PERSON'S  
49 AUTHORITY TO REQUEST CERTAIN INFORMATION CONCERNING ADOPTION; TO  
50 AMEND SECTION 93-19-1, MISSISSIPPI CODE OF 1972, TO CONFORM THE  
51 AGE FOR REMOVAL OF DISABILITY AS TO REAL ESTATE; TO AMEND SECTION  
52 93-19-9, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISIONS AS TO  
53 THE TERMS OF A DECREE REMOVING THE DISABILITY OF MINORITY; TO  
54 AMEND SECTION 93-20-102, MISSISSIPPI CODE OF 1972, TO REVISE THE  
55 AGE OF MAJORITY UNDER GUARDIANSHIP AND CONSERVATORSHIP LAW TO  
56 CONFORM; TO AMEND SECTION 97-33-23, MISSISSIPPI CODE OF 1972, TO  
57 CONFORM THE PENALTY FOR GAMBLING WITH A KNOWN MINOR; TO AMEND  
58 SECTION 99-3-45, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO WHICH  
59 PERSONS MUST BE GIVEN CERTAIN NOTICE UPON RELEASE FROM ARREST; TO  
60 REPEAL SECTION 35-7-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
61 FOR THE REMOVAL OF THE DISABILITIES OF MINORITY OF CERTAIN  
62 VETERANS; TO REPEAL SECTION 91-7-37, MISSISSIPPI CODE OF 1972,  
63 WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF MINORITY FOR  
64 CERTAIN EXECUTORS, EXECUTRIXES, ADMINISTRATORS OR  
65 ADMINISTRATRIXES; TO REPEAL SECTION 93-3-11, MISSISSIPPI CODE OF  
66 1972, WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF  
67 MINORITY OF CERTAIN MARRIED PERSONS WITH RESPECT TO HOMESTEAD  
68 TRANSACTIONS; TO REPEAL SECTION 93-19-13, MISSISSIPPI CODE OF  
69 1972, WHICH PROVIDES THAT ALL PERSONS 18 YEARS OF AGE OR OLDER, IF  
70 NOT OTHERWISE DISQUALIFIED, SHALL HAVE THE CAPACITY TO ENTER INTO  
71 BINDING CONTRACTUAL RELATIONSHIPS AFFECTING PERSONAL PROPERTY AND  
72 THAT AN 18-YEAR-OLD MAY SUE AND BE SUED IN HIS OWN NAME AS AN  
73 ADULT AND BE SERVED WITH PROCESS AS AN ADULT; AND FOR RELATED  
74 PURPOSES.

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

76 **SECTION 1.** Section 1-3-21, Mississippi Code of 1972, is  
77 amended as follows:

78 1-3-21. The term "infant," when used in any statute, shall  
79 include any person, male or female, under \* \* \* eighteen (18)



80 years of age, except where another section specifically provides  
81 otherwise.

82 **SECTION 2.** Section 1-3-27, Mississippi Code of 1972, is  
83 amended as follows:

84 1-3-27. The term "minor," when used in any statute, shall  
85 include any person, male or female, under \* \* \* eighteen (18)  
86 years of age, except where another section specifically provides  
87 otherwise.

88 **SECTION 3.** Section 11-5-115, Mississippi Code of 1972, is  
89 amended as follows:

90 11-5-115. When a decree shall be made for the sale or  
91 conveyance of the real estate of an infant, such decree shall be  
92 binding on the infant unless he shall, within one (1) year after  
93 attaining the age of \* \* \* eighteen (18) years, show to the court  
94 good cause to the contrary; and it shall not be necessary to  
95 insert the saving in the decree, but the saving shall not extend  
96 to decrees for the sale of the property of deceased persons,  
97 authorizing sales by guardians, or enforcing deeds of trust or  
98 mortgages.

99 **SECTION 4.** Section 11-46-11, Mississippi Code of 1972, is  
100 amended as follows:

101 11-46-11. (1) After all procedures within a governmental  
102 entity have been exhausted, any person having a claim under this  
103 chapter shall proceed as he might in any action at law or in  
104 equity, except that at least ninety (90) days before instituting



105 suit, the person must file a notice of claim with the chief  
106 executive officer of the governmental entity.

107 (2) (a) Service of notice of claim shall be made as  
108 follows:

109 (i) For local governments:

110 1. If the governmental entity is a county,  
111 then upon the chancery clerk of the county sued;

112 2. If the governmental entity is a  
113 municipality, then upon the city clerk.

114 (ii) If the governmental entity to be sued is a  
115 state entity as defined in Section 11-46-1(j), or is a political  
116 subdivision other than a county or municipality, service of notice  
117 of claim shall be had only upon that entity's or political  
118 subdivision's chief executive officer. The chief executive  
119 officer of a governmental entity participating in a plan  
120 administered by the board pursuant to Section 11-46-7(3) shall  
121 notify the board of any claims filed within five (5) days after  
122 receipt thereof.

123 (b) Every notice of claim shall:

124 (i) Be in writing;

125 (ii) Be delivered in person or by registered or  
126 certified United States mail; and

127 (iii) Contain a short and plain statement of the  
128 facts upon which the claim is based, including the circumstances  
129 which brought about the injury, the extent of the injury, the time



130 and place the injury occurred, the names of all persons known to  
131 be involved, the amount of money damages sought, and the residence  
132 of the person making the claim at the time of the injury and at  
133 the time of filing the notice.

134 (3) (a) All actions brought under this chapter shall be  
135 commenced within one (1) year next after the date of the tortious,  
136 wrongful or otherwise actionable conduct on which the liability  
137 phase of the action is based, and not after, except that filing a  
138 notice of claim within the required one-year period will toll the  
139 statute of limitations for ninety-five (95) days from the date the  
140 chief executive officer of the state entity or the chief executive  
141 officer or other statutorily designated official of a political  
142 subdivision receives the notice of claim.

143 (b) No action whatsoever may be maintained by the  
144 claimant until the claimant receives a notice of denial of claim  
145 or the tolling period expires, whichever comes first, after which  
146 the claimant has an additional ninety (90) days to file suit;  
147 failure to file within the time allowed is an absolute bar to any  
148 further proceedings under this chapter.

149 (c) All notices of denial of claim shall be served by  
150 governmental entities upon claimants by certified mail, return  
151 receipt requested, only.

152 (d) (i) To determine the running of limitations  
153 periods under this chapter, service of any notice of claim or



154 notice of denial of claim is effective upon delivery by the  
155 methods statutorily designated in this chapter.

156 (ii) The limitations period provided in this  
157 section controls and shall be exclusive in all actions subject to  
158 and brought under the provisions of this chapter, notwithstanding  
159 the nature of the claim, the label or other characterization the  
160 claimant may use to describe it, or the provisions of any other  
161 statute of limitations that would otherwise govern the type of  
162 claim or legal theory if it were not subject to or brought under  
163 the provisions of this chapter.

164 (4) \* \* \* If any person entitled to bring any action under  
165 this chapter shall, at the time at which the cause of action  
166 accrued, be under the disability of infancy or unsoundness of  
167 mind, he may bring the action within the time allowed in this  
168 section after his disability shall be removed as provided by law.  
169 The savings in favor of persons under disability of unsoundness of  
170 mind shall never extend longer than \* \* \* eighteen (18) years.

171 **SECTION 5.** Section 13-5-1, Mississippi Code of 1972, is  
172 amended as follows:

173 13-5-1. Every citizen not under the age of \* \* \* eighteen  
174 (18) years, who is either a qualified elector, or a resident  
175 freeholder of the county for more than one (1) year, is able to  
176 read and write, and has not been convicted of an infamous crime,  
177 or the unlawful sale of intoxicating liquors within a period of  
178 five (5) years and who is not a common gambler or habitual



179 drunkard, is a competent juror. No person who is or has been  
180 within twelve (12) months the overseer of a public road or road  
181 contractor shall, however, be competent to serve as a grand juror.  
182 The lack of any such qualifications on the part of one or more  
183 jurors shall not, however, vitiate an indictment or verdict.  
184 Moreover, no talesman or tales juror shall be qualified who has  
185 served as such talesman or tales juror in the last preceding two  
186 (2) years, and no juror shall serve on any jury who has served as  
187 such for the last preceding two (2) years. No juror shall serve  
188 who has a case of his own pending in that court, provided there  
189 are sufficient qualified jurors in the district, and for trial at  
190 that term.

191 In order to determine that prospective jurors can read and  
192 write, the presiding judge shall, with the assistance of the  
193 clerk, distribute to the jury panel a form to be completed  
194 personally by each juror prior to being empaneled as follows:

195 "1. Your name \_\_\_\_\_ last \_\_\_\_\_ first \_\_\_\_\_ middle  
196 initial.

197 2. Your home address \_\_\_\_\_.

198 3. Your occupation \_\_\_\_\_.

199 4. Your age \_\_\_\_\_.

200 5. Your telephone number \_\_\_\_\_. If none, write none.

201 6. If you live outside the county seat, the number of miles  
202 you live from the courthouse \_\_\_\_\_ miles.

203



204 Sign your name"

205 The judge shall personally examine the answers of each juror  
206 prior to empaneling the jury and each juror who cannot complete  
207 the above form shall be disqualified as a juror and discharged.

208 A list of any jurors disqualified for jury duty by reason of  
209 inability to complete the form shall be kept by the circuit clerk  
210 and their names shall not be placed in the jury box thereafter  
211 until such person can qualify as above provided.

212 **SECTION 6.** Section 13-5-12, Mississippi Code of 1972, is  
213 amended as follows:

214 13-5-12. Unless all the names on the master list are to be  
215 placed in the jury wheel pursuant to Section 13-5-10, the names or  
216 identifying numbers of prospective jurors to be placed in the jury  
217 wheel shall be selected by the jury commission at random from the  
218 master list in the following manner: The total number of names on  
219 the master list shall be divided by the number of names to be  
220 placed in the jury wheel; the whole number nearest the quotient  
221 shall be the "key number," except that the key number shall never  
222 be less than two (2). A "starting number" for making the  
223 selection shall then be determined by a random method from the  
224 number from one (1) to the key number, both inclusive. The  
225 required number of names shall then be selected from the master  
226 list by taking in order the first name on the master list  
227 corresponding to the starting number and then successively the  
228 names appearing in the master list at intervals equal to the key





229 number, recommencing if necessary at the start of the list until  
230 the required number of names has been selected. The name of any  
231 person who is under the age of \* \* \* eighteen (18) years and the  
232 name of any person who has been permanently excused from jury  
233 service pursuant to Section 13-5-23(4) shall be passed over  
234 without interrupting the sequence of selection. Any person who  
235 has been excluded from the master list for jury service may be  
236 reinstated to the master list after one (1) year by requesting  
237 that the circuit clerk reinstate him to the master list. Upon  
238 recommencing at the start of the list, names previously selected  
239 from the master list shall be disregarded in selecting the  
240 additional names. The jury commission may use an electronic or  
241 mechanical system or device in carrying out its duties.

242       **SECTION 7.** Section 15-1-17, Mississippi Code of 1972, is  
243 amended as follows:

244       15-1-17. The owner, mortgagee or other person interested in  
245 any land which has been sold or forfeited to the state for  
246 delinquent taxes may bring a suit or action to cancel the title of  
247 the state, or its patentees, or to recover said land from the  
248 state, or its patentees, on account of any defect, irregularity or  
249 illegality in the assessment, levy or sale of such land for  
250 delinquent taxes within two (2) years after the period of  
251 redemption shall have expired, and not thereafter. However, the  
252 limitations herein fixed shall not apply when the taxes on such  
253 land had been paid prior to the time it was sold for taxes.



254           If any person entitled to bring any such suit or action  
255 shall, at the time at which the cause of action accrues, be under  
256 the disability of infancy, or unsoundness of mind, he may bring  
257 the suit or action within the time in this section respectively  
258 limited after his disability shall be removed but the saving of  
259 persons under disability shall never extend longer than \* \* \*  
260 eighteen (18) years.

261           The completion of the limitation herein prescribed to bar any  
262 action shall defeat and extinguish all the right, title and  
263 interest, including the right of possession in and to such land,  
264 of any and all persons whatsoever, except the State of Mississippi  
265 and its patentees, and it shall vest in the state, and its  
266 patentees, a fee simple title to such lands.

267           **SECTION 8.** Section 15-1-27, Mississippi Code of 1972, is  
268 amended as follows:

269           15-1-27. All actions against a guardian and the sureties on  
270 his bond, or either of them, by the ward, shall be commenced  
271 within five (5) years next after the ward shall have arrived at  
272 the age of \* \* \* eighteen (18) years, and not after.

273           **SECTION 9.** Section 15-1-59, Mississippi Code of 1972, is  
274 amended as follows:

275           15-1-59. If any person entitled to bring any of the personal  
276 actions mentioned shall, at the time at which the cause of action  
277 accrued, be under the disability of infancy or unsoundness of  
278 mind, he may bring the actions within the times in this chapter



279 respectively limited, after his disability shall be removed as  
280 provided by law. However, the saving in favor of persons under  
281 disability of unsoundness of mind shall never extend longer  
282 than \* \* \* eighteen (18) years.

283 **SECTION 10.** Section 21-15-13, Mississippi Code of 1972, is  
284 amended as follows:

285 21-15-13. The mayor is authorized to call on every male  
286 inhabitant of the municipality over \* \* \* eighteen (18) years of  
287 age and under sixty (60) years to aid in enforcing the laws.

288 **SECTION 11.** Section 25-4-3, Mississippi Code of 1972, is  
289 amended as follows:

290 25-4-3. As used in this chapter, unless the context requires  
291 otherwise:

292 (a) "Advisory boards or commissions" means committees  
293 created solely to provide technical or professional knowledge or  
294 expertise to a parent organization, and whose members exercise no  
295 direct authority to expend public funds other than reimbursement  
296 for personal expenses incurred as a result of a member's service  
297 on the advisory board;

298 (b) "Business" means any corporation, partnership, sole  
299 proprietorship, firm, enterprise, franchise, association,  
300 organization, holding company, self-employed individual,  
301 joint-stock company, receivership, trust or other legal entity or  
302 undertaking organized for economic gain or a nonprofit corporation



303 or other such entity, association or organization receiving public  
304 funds;

305 (c) "Candidate for public office" means an individual  
306 who has filed the necessary documents or papers to appear as a  
307 candidate for nomination for election or election to any elective  
308 office existing under the laws of the State of Mississippi,  
309 including primary, special or general elections. The term  
310 "candidate" does not include any person within the meaning of  
311 Section 301(b) of the Federal Election Campaign Act of 1971;

312 (d) "Commission" means the Mississippi Ethics  
313 Commission;

314 (e) "Compensation" means money or thing of value  
315 received, or to be received, from any person for services rendered  
316 or to be rendered;

317 (f) "Household member" means:

318 (i) The spouse of the public servant; or

319 (ii) Any person over the age of \* \* \* eighteen  
320 (18) who resided in the public servant's household during the  
321 entire reporting period.

322 (g) "Income" means money or thing of value received, or  
323 to be received, from any source, including, but not limited to,  
324 any salary, wage, advance, payment, dividend, interest, rent,  
325 forgiveness of debt, fee, royalty or any combination thereof;



326           (h) "Person" means any individual, firm, business,  
327 corporation, association, partnership, union or other legal  
328 entity;

329           (i) "Public employee" means any individual who receives  
330 a salary, per diem or expenses paid in whole or in part out of  
331 funds authorized to be expended by the Mississippi State  
332 Legislature or by the governing body of any political subdivision  
333 thereof, or any other body politic within the State of  
334 Mississippi;

335           (j) "Public funds" means all monies, whether federal,  
336 state, district or local;

337           (k) "Public official" means:

338               (i) Any elected official of the State of  
339 Mississippi or any political subdivision thereof or any other body  
340 politic within the State of Mississippi; or

341               (ii) Any member, officer, director, commissioner,  
342 supervisor, chief, head, agent or employee of the State of  
343 Mississippi, or any agency thereof, of any political subdivision  
344 of the State of Mississippi, of any body politic within the State  
345 of Mississippi, or of any public entity created by or under the  
346 laws of the State of Mississippi or by executive order of the  
347 Governor of the state, any of which is funded by public funds or  
348 which expends, authorizes or recommends the use of public funds;

349           (l) "Public servant" means:



350 (i) Any elected or appointed official of the  
351 government;

352 (ii) Any officer, director, commissioner,  
353 supervisor, chief, head, agent or employee of the government or  
354 any agency thereof, or of any public entity created by or under  
355 the laws of the State of Mississippi or created by an agency or  
356 governmental entity thereof, any of which is funded by public  
357 funds or which expends, authorizes or recommends the use of public  
358 funds; or

359 (iii) Any individual who receives a salary, per  
360 diem or expenses paid in whole or in part out of funds authorized  
361 to be expended by the government.

362 **SECTION 12.** Section 41-29-145, Mississippi Code of 1972, is  
363 amended as follows:

364 41-29-145. Any person \* \* \* eighteen (18) years of age or  
365 over who violates subsections (a) and (b) of Section 41-29-139  
366 with reference to a controlled substance listed in Schedules I,  
367 II, III, IV and V as set out in Sections 41-29-113 through  
368 41-29-121, inclusive, to a person under \* \* \* eighteen (18) years  
369 of age may be punished by the fine authorized by Section  
370 41-29-139, or by a term of imprisonment or confinement up to twice  
371 that authorized by said Section 41-29-139, or both, or he may be  
372 punished as provided in Section 41-29-142.

373 **SECTION 13.** Section 43-19-33, Mississippi Code of 1972, is  
374 amended as follows:



375           43-19-33. (1) In lieu of legal proceedings instituted to  
376 obtain support for a dependent child from the responsible parent,  
377 a written stipulated agreement to support said child by periodic  
378 payments executed by the responsible parent when acknowledged  
379 before a clerk of the court having jurisdiction over such matters  
380 or a notary public and filed with and approved by the judge of the  
381 court having jurisdiction over such matters shall have the same  
382 force and effect, retroactively and prospectively, in accordance  
383 with the terms of said agreement as an order of support entered by  
384 the court, and shall be enforceable and subject to modification in  
385 the same manner as is provided by law for orders of the court in  
386 such cases.

387           (2) In lieu of legal proceedings instituted to establish  
388 paternity, a written admission of paternity containing a  
389 stipulated agreement of support executed by the putative father of  
390 the dependent child, when accompanied by a written declaration in  
391 support of establishing paternity provided under penalty of  
392 perjury to the best of her knowledge, information and belief by  
393 the mother of the dependent child, when acknowledged by the  
394 putative father before a clerk of the court having jurisdiction  
395 over such matters or a notary public and filed with and approved  
396 by the judge of the court having jurisdiction over such matters,  
397 shall have the same force and effect, retroactively and  
398 prospectively, in accordance with the terms of said agreement, as  
399 an order of filiation and support entered by the court, and shall



400 be enforceable and subject to modification in the same manner as  
401 is provided by law for orders of the court in such cases.

402 (3) At any time after filing with the court having  
403 continuing jurisdiction of such matters of an acknowledgment of  
404 paternity in which a provision of support has not been entered,  
405 upon notice the defendant shall be required to appear in court at  
406 any time and place named therein, to show cause, if any he can,  
407 why the court should not enter an order for the support of the  
408 child by periodic payments. The order may include provisions for  
409 reimbursement for medical expenses incident to the pregnancy and  
410 the birth of the child, accrued maintenance and reasonable  
411 expenses of the action under this subsection on the acknowledgment  
412 of paternity previously filed with said court. Notice by the  
413 department to the defendant shall be given by certified mail,  
414 restricted delivery, return receipt requested at his last known  
415 mailing address and without the requirement of a summons being  
416 issued, and shall be deemed complete as of the date of delivery as  
417 evidenced by the return receipt. The required notice may also be  
418 delivered by personal service in accordance with Rule 4 of the  
419 Mississippi Rules of Civil Procedure insofar as service of an  
420 administrative order or notice is concerned. Provided, that in  
421 the case of a child who, upon reaching the age of \* \* \* eighteen  
422 (18) years, is mentally or physically incapable of self-support  
423 and is no longer attending high school, the putative father shall  
424 not be relieved of the duty of support unless said child is a





425 long-term patient in a facility owned or operated by the State of  
426 Mississippi. The prior judgment as to paternity shall be res  
427 judicata as to that issue and shall not be reconsidered by the  
428 court.

429 (4) Such agreements of support, acknowledgments,  
430 declarations and affirmations of paternity and support shall be  
431 binding on the person executing the same whether he be an adult or  
432 a minor and may include provisions for the reimbursement of  
433 medical expenses incident to the pregnancy and birth of the child,  
434 accrued maintenance and reasonable expenses of any action  
435 previously filed before the court.

436 (5) In lieu of legal proceedings instituted to enforce an  
437 order for support, a written stipulated agreement for the  
438 provision of periodic payments towards an arrearage executed by  
439 the defendant when acknowledged before a clerk of the court having  
440 jurisdiction over such matters or a notary public and filed with  
441 and approved by the judge of the court having jurisdiction over  
442 such matters shall have the same force and effect, retroactively  
443 and prospectively, in accordance with the terms of said agreement  
444 as a judgment for overdue support entered by the court, and shall  
445 be enforceable and subject to modification in the same manner as  
446 is provided by law for orders of the court in such cases.

447 (6) All agreements entered into under the provisions as set  
448 forth hereinabove shall be filed by the clerk of the court having



449 jurisdiction over such matters in the county in which they are  
450 entered and filing fees shall be taxed to the responsible parent.

451 **SECTION 14.** Section 91-5-3, Mississippi Code of 1972, is  
452 amended as follows:

453 91-5-3. A devise so made, or any clause thereof, shall not  
454 be revocable but by the testator or testatrix destroying,  
455 canceling, or obliterating the same, or causing it to be done in  
456 his or her presence, or by subsequent will, codicil, or  
457 declaration, in writing, made and executed. Every last will and  
458 testament made when the testator or testatrix had no child living,  
459 wherein any child he or she might have is not provided for or not  
460 mentioned, if at the time of his or her death he or she have a  
461 child, or if the testator leave his wife enceinte of a child who  
462 shall be born, shall have no effect during the life of any such  
463 after-born child and shall be void unless the child die without  
464 having been married, or without leaving issue capable of  
465 inheriting, and before he or she shall have attained \* \* \*  
466 eighteen (18) years. The estate, both real and personal, so  
467 devised shall descend to such child in the same manner as if the  
468 testator or testatrix had died intestate, subject, nevertheless,  
469 to the bequests made in the last will and testament in case of the  
470 death of such child before marriage, or without issue capable of  
471 inheriting, and under the age of \* \* \* eighteen (18) years. When  
472 a testator shall leave children born and his wife enceinte, the  
473 posthumous child or children, if unprovided for by settlement and



474 neither provided for nor disinherited, but only pretermitted, by  
475 the last will and testament, shall succeed to the same portion of  
476 the father's estate as such child or children would have been  
477 entitled to if the father had died intestate, towards raising  
478 which portion the devisees and legatees shall contribute  
479 proportionably out of the parts devised and bequeathed to them by  
480 the same will and testament.

481         **SECTION 15.** Section 91-7-293, Mississippi Code of 1972, is  
482 amended as follows:

483         91-7-293. The executor or administrator shall file with his  
484 final account a written statement, under oath, of the names of the  
485 heirs or devisees and legatees of the estate, so far as known,  
486 specifying particularly which, if any, are under the age of \* \* \*  
487 eighteen (18) years, of unsound mind, or convict of felony; the  
488 places of residence of each and their post-office address if they  
489 be nonresidents or, if the post-office address be unknown, the  
490 statement must aver that diligent inquiry has been made to learn  
491 the same without avail and giving the names and places of  
492 residence of the guardians of all who have guardians, so far as  
493 known.

494         **SECTION 16.** Section 91-20-3, Mississippi Code of 1972, is  
495 amended as follows:

496         91-20-3. In this chapter:

497                 (a) "Adult" means an individual who has attained the  
498 age of \* \* \* eighteen (18) years.



499 (b) "Benefit plan" means an employer's plan for the  
500 benefit of an employee or partner.

501 (c) "Broker" means a person lawfully engaged in the  
502 business of effecting transactions in securities or commodities  
503 for the person's own account or for the account of others.

504 (d) "Conservator" means a person appointed or qualified  
505 by a court to act as general, limited or temporary guardian of a  
506 minor's property or a person legally authorized to perform  
507 substantially the same functions.

508 (e) "Court" means the chancery court of the county in  
509 which the parties reside.

510 (f) "Custodial property" means (i) any interest in  
511 property transferred to a custodian under this chapter and (ii)  
512 the income from and proceeds of that interest in property.

513 (g) "Custodian" means a person so designated under  
514 Section 91-20-19 or a successor or substitute custodian designated  
515 under Section 91-20-37.

516 (h) "Financial institution" means a bank, trust  
517 company, savings institution or credit union, chartered and  
518 supervised under state or federal law.

519 (i) "Legal representative" means an individual's  
520 personal representative or conservator.

521 (j) "Member of the minor's family" means the minor's  
522 parent, stepparent, spouse, grandparent, brother, sister, uncle or  
523 aunt, whether of the whole or half blood or by adoption.



524 (k) "Minor" means an individual who has not attained  
525 the age of \* \* \* eighteen (18) years.

526 (l) "Person" means an individual, corporation,  
527 organization or other legal entity.

528 (m) "Personal representative" means an executor,  
529 administrator, successor personal representative or special  
530 administrator of a decedent's estate or a person legally  
531 authorized to perform substantially the same functions.

532 (n) "State" includes any state of the United States,  
533 the District of Columbia, the Commonwealth of Puerto Rico and any  
534 territory or possession subject to the legislative authority of  
535 the United States.

536 (o) "Transfer" means a transaction that creates  
537 custodial property under Section 91-20-19.

538 (p) "Transferor" means a person who makes a transfer  
539 under this chapter.

540 (q) "Trust company" means a financial institution,  
541 corporation or other legal entity authorized to exercise general  
542 trust powers.

543 **SECTION 17.** Section 91-20-41, Mississippi Code of 1972, is  
544 amended as follows:

545 91-20-41. The custodian shall transfer in an appropriate  
546 manner the custodial property to the minor or to the minor's  
547 estate upon the earlier of:

548 \* \* \*



549 ( \* \* \*a) The minor's attainment of eighteen (18) years  
550 of age with respect to custodial property transferred under  
551 Section 91-20-9, 91-20-11, 91-20-13 or 91-20-15; or

552 ( \* \* \*b) The minor's death.

553 **SECTION 18.** Section 93-1-5, Mississippi Code of 1972, is  
554 amended as follows:

555 93-1-5. (1) Every male who is at least seventeen (17) years  
556 old and every female who is at least fifteen (15) years old shall  
557 be capable in law of contracting marriage. However, males and  
558 females under the age of \* \* \* eighteen (18) years must furnish  
559 the circuit clerk satisfactory evidence of consent to the marriage  
560 by the parents or guardians of the parties. It shall be unlawful  
561 for the circuit court clerk to issue a marriage license until the  
562 following conditions precedent have been complied with:

563 (a) Application for the license is to be made in  
564 writing to the clerk of the circuit court of any county in the  
565 State of Mississippi. The application shall be sworn to by both  
566 applicants and shall include:

567 (i) The names, ages and addresses of the parties  
568 applying;

569 (ii) The names and addresses of the parents of the  
570 applicants, and, for applicants under the age of \* \* \* eighteen  
571 (18), if no parents, then names and addresses of the guardian or  
572 next of kin;

573 (iii) The signatures of witnesses; and



574 (iv) Any other data that may be required by law or  
575 the State Board of Health.

576 (b) Proof of age shall be presented to the circuit  
577 court clerk in the form of either a birth certificate, baptismal  
578 record, armed service discharge, armed service identification  
579 card, life insurance policy, insurance certificate, school record,  
580 driver's license, tribal identification card or other official  
581 document evidencing age. The document substantiating age and date  
582 of birth shall be examined by the circuit court clerk before whom  
583 application is made, and the circuit court clerk shall retain in  
584 his file with the application the document or a certified or  
585 photostatic copy of the document.

586 (c) Applicants under the age of \* \* \* eighteen (18)  
587 must submit affidavits showing the age of both applying parties  
588 made by either the father, mother, guardian or next of kin of each  
589 of the contracting parties and filed with the clerk of the circuit  
590 court along with the application.

591 (d) If the male applicant is under seventeen (17) years  
592 of age or the female is under fifteen (15) years of age, and  
593 satisfactory proof is furnished to the judge of any circuit,  
594 chancery or county court that sufficient reasons exist and that  
595 the parties desire to be married to each other and that the  
596 parents or other person in loco parentis of the person or persons  
597 so under age consent to the marriage, then the judge of any such  
598 court in the county where either of the parties resides may waive



599 the minimum age requirement and by written instrument authorize  
600 the clerk of the court to issue the marriage license to the  
601 parties if they are otherwise qualified by law. Authorization  
602 shall be a part of the confidential files of the clerk of the  
603 court, subject to inspection only by written permission of the  
604 judge.

605 (e) In no event shall a license be issued by the  
606 circuit court clerk when it appears to the circuit court clerk  
607 that the applicants are, or either of them is:

608 (i) Intoxicated; or

609 (ii) Suffering from a mental illness or an  
610 intellectual disability to the extent that the clerk believes that  
611 the person does not understand the nature and consequences of the  
612 application for a marriage license.

613 (2) Any circuit clerk shall be liable under his official  
614 bond because of noncompliance with the provisions of this section.

615 (3) Any circuit court clerk who issues a marriage license  
616 without complying with the provisions of this section shall be  
617 guilty of a misdemeanor and, upon conviction, shall be punished by  
618 a fine of not less than Fifty Dollars (\$50.00) and not more than  
619 Five Hundred Dollars (\$500.00).

620 **SECTION 19.** Section 93-9-9, Mississippi Code of 1972, is  
621 amended as follows:

622 93-9-9. (1) Paternity may be determined upon the petition  
623 of the mother, or father, the child or any public authority





624 chargeable by law with the support of the child; provided that  
625 such an adjudication after the death of the defendant must be made  
626 only upon clear and convincing evidence. If paternity has been  
627 lawfully determined, or has been acknowledged in writing according  
628 to the laws of this state, the liabilities of the noncustodial  
629 parent may be enforced in the same or other proceedings by the  
630 custodial parent, the child, or any public authority which has  
631 furnished or may furnish the reasonable expenses of pregnancy,  
632 confinement, education, necessary support and maintenance, and  
633 medical or funeral expenses for the custodial parent or the child.  
634 The trier of fact shall receive without the need for third-party  
635 foundation testimony certified, attested or sworn documentation as  
636 evidence of (a) childbirth records; (b) cost of filing fees; (c)  
637 court costs; (d) services of process fees; (e) mailing cost; (f)  
638 genetic tests and testing fees; (g) the department's attorney's  
639 fees; (h) in cases where the state or any of its entities or  
640 divisions have provided medical services to the child or the  
641 child's mother, all costs of prenatal care, birthing, postnatal  
642 care and any other medical expenses incurred by the child or by  
643 the mother as a consequence of the mother's pregnancy or delivery;  
644 and (i) funeral expenses. All costs and fees shall be ordered  
645 paid to the Department of Human Services in all cases successfully  
646 prosecuted with a minimum of Two Hundred Fifty Dollars (\$250.00)  
647 in attorney's fees or an amount determined by the court without  
648 submitting an affidavit. Proceedings may be instituted at any



649 time until such child attains the age of \* \* \* eighteen (18) years  
650 unless the child has been emancipated as provided in Section  
651 93-5-23 and Section 93-11-65. In the event of court-determined  
652 paternity, the surname of the child shall be that of the father,  
653 unless the judgment specifies otherwise.

654 (2) If the alleged father in an action to determine  
655 paternity to which the Department of Human Services is a party  
656 fails to appear for a scheduled hearing after having been served  
657 with process or subsequent notice consistent with the Rules of  
658 Civil Procedure, his paternity of the child(ren) shall be  
659 established by the court if a written declaration in support of  
660 establishing paternity made under penalty of perjury to the best  
661 of her knowledge, information and belief by the mother averring  
662 the alleged father's paternity of the child has accompanied the  
663 complaint to determine paternity. The written declaration shall  
664 constitute sufficient grounds for the court's finding of the  
665 alleged father's paternity without the necessity of the presence  
666 or testimony of the mother at the said hearing. The court shall,  
667 upon motion by the Department of Human Services, enter a judgment  
668 of paternity. Any person who shall willfully and knowingly file a  
669 false affidavit or who shall willfully, intentionally and  
670 knowingly file a false written declaration under penalty of  
671 perjury shall be subject to a fine of not more than One Thousand  
672 Dollars (\$1,000.00).



673           (3) Upon application of both parents to the State Board of  
674 Health and receipt by the State Board of Health of a sworn  
675 acknowledgement of paternity executed by both parents subsequent  
676 to the birth of a child born out of wedlock, the birth certificate  
677 of the child shall be amended to show such paternity if paternity  
678 is not shown on the birth certificate. Upon request of the  
679 parents for the legitimization of a child under this section, the  
680 surname of the child shall be changed on the certificate to that  
681 of the father.

682           (4) (a) A signed voluntary acknowledgment of paternity is  
683 subject to the right of any signatory to rescind the  
684 acknowledgment within the earlier of:

685                       (i) One (1) year; or

686                       (ii) The date of a judicial proceeding relating to  
687 the child, including a proceeding to establish a support order, in  
688 which the signatory is a party.

689           (b) After the expiration of the one-year period  
690 specified in subsection (4) (a) (i) of this section, a signed  
691 voluntary acknowledgment of paternity may be challenged in court  
692 only on the basis of fraud, duress or material mistake of fact,  
693 with the burden of proof upon the challenger; the legal  
694 responsibilities, including child support obligations, of any  
695 signatory arising from the acknowledgment may not be suspended  
696 during the pendency of the challenge, except for good cause shown.



697 (c) During the one-year time period specified in  
698 subsection (4) (a) (i) of this section, the alleged father may  
699 request genetic testing through the Department of Human Services  
700 in accordance with the provisions of Section 93-9-21.

701 (d) The one-year time limit, specified in subsection  
702 (4) (a) (i) of this section, for the right of the alleged father to  
703 rescind the signed voluntary acknowledgement of paternity shall be  
704 tolled from the date the alleged father files his formal  
705 application for genetic testing with the Department of Human  
706 Services until the date the test results are revealed to the  
707 alleged father by the department. After the one-year time period  
708 has expired, not including any period of time tolled for the  
709 purpose of acquiring genetic testing through the department, the  
710 provisions of subsection (4) (b) of this section shall apply.

711 **SECTION 20.** Section 93-11-65, Mississippi Code of 1972, is  
712 amended as follows:

713 93-11-65. (1) (a) In addition to the right to proceed  
714 under Section 93-5-23, Mississippi Code of 1972, and in addition  
715 to the remedy of habeas corpus in proper cases, and other existing  
716 remedies, the chancery court of the proper county shall have  
717 jurisdiction to entertain suits for the custody, care, support and  
718 maintenance of minor children and to hear and determine all such  
719 matters, and shall, if need be, require bond, sureties or other  
720 guarantee to secure any order for periodic payments for the  
721 maintenance or support of a child. In the event a legally



722 responsible parent has health insurance available to him or her  
723 through an employer or organization that may extend benefits to  
724 the dependents of such parent, any order of support issued against  
725 such parent may require him or her to exercise the option of  
726 additional coverage in favor of such children as he or she is  
727 legally responsible to support. Proceedings may be brought by or  
728 against a resident or nonresident of the State of Mississippi,  
729 whether or not having the actual custody of minor children, for  
730 the purpose of judicially determining the legal custody of a  
731 child. All actions herein authorized may be brought in the county  
732 where the child is actually residing, or in the county of the  
733 residence of the party who has actual custody, or of the residence  
734 of the defendant. Process shall be had upon the parties as  
735 provided by law for process in person or by publication, if they  
736 be nonresidents of the state or residents of another jurisdiction  
737 or are not found therein after diligent search and inquiry or are  
738 unknown after diligent search and inquiry; provided that the court  
739 or chancellor in vacation may fix a date in termtime or in  
740 vacation to which process may be returnable and shall have power  
741 to proceed in termtime or vacation. Provided, however, that if  
742 the court shall find that both parties are fit and proper persons  
743 to have custody of the children, and that either party is able to  
744 adequately provide for the care and maintenance of the children,  
745 the chancellor may consider the preference of a child of twelve  
746 (12) years of age or older as to the parent with whom the child



747 would prefer to live in determining what would be in the best  
748 interest and welfare of the child. The chancellor shall place on  
749 the record the reason or reasons for which the award of custody  
750 was made and explain in detail why the wishes of any child were or  
751 were not honored.

752 (b) An order of child support shall specify the sum to  
753 be paid weekly or otherwise. In addition to providing for support  
754 and education, the order shall also provide for the support of the  
755 child prior to the making of the order for child support, and such  
756 other expenses as the court may deem proper.

757 (c) The court may require the payment to be made to the  
758 custodial parent, or to some person or corporation to be  
759 designated by the court as trustee, but if the child or custodial  
760 parent is receiving public assistance, the Department of Human  
761 Services shall be made the trustee.

762 (d) The noncustodial parent's liabilities for past  
763 education and necessary support and maintenance and other expenses  
764 are limited to a period of one (1) year next preceding the  
765 commencement of an action.

766 (2) Provided further, that where the proof shows that both  
767 parents have separate incomes or estates, the court may require  
768 that each parent contribute to the support and maintenance of the  
769 children in proportion to the relative financial ability of each.

770 (3) Whenever the court has ordered a party to make periodic  
771 payments for the maintenance or support of a child, but no bond,



772 sureties or other guarantee has been required to secure such  
773 payments, and whenever such payments as have become due remain  
774 unpaid for a period of at least thirty (30) days, the court may,  
775 upon petition of the person to whom such payments are owing, or  
776 such person's legal representative, enter an order requiring that  
777 bond, sureties or other security be given by the person obligated  
778 to make such payments, the amount and sufficiency of which shall  
779 be approved by the court. The obligor shall, as in other civil  
780 actions, be served with process and shall be entitled to a hearing  
781 in such case.

782 (4) When a charge of abuse or neglect of a child first  
783 arises in the course of a custody or maintenance action pending in  
784 the chancery court pursuant to this section, the chancery court  
785 may proceed with the investigation, hearing and determination of  
786 such abuse or neglect charge as a part of its hearing and  
787 determination of the custody or maintenance issue as between the  
788 parents, as provided in Section 43-21-151, notwithstanding the  
789 other provisions of the Youth Court Law. The proceedings in  
790 chancery court on the abuse or neglect charge shall be  
791 confidential in the same manner as provided in youth court  
792 proceedings, and the chancery court shall appoint a guardian ad  
793 litem in such cases, as provided under Section 43-21-121 for youth  
794 court proceedings, who shall be an attorney. In determining  
795 whether any portion of a guardian ad litem's fee shall be assessed  
796 against any party or parties as a cost of court for reimbursement



797 to the county, the court shall consider each party's individual  
798 ability to pay. Unless the chancery court's jurisdiction has been  
799 terminated, all disposition orders in such cases for placement  
800 with the Department of Human Services shall be reviewed by the  
801 court or designated authority at least annually to determine if  
802 continued placement with the department is in the best interest of  
803 the child or the public.

804 (5) Each party to a paternity or child support proceeding  
805 shall notify the other within five (5) days after any change of  
806 address. In addition, the noncustodial and custodial parent shall  
807 file and update, with the court and with the state case registry,  
808 information on that party's location and identity, including  
809 social security number, residential and mailing addresses,  
810 telephone numbers, photograph, driver's license number, and name,  
811 address and telephone number of the party's employer. This  
812 information shall be required upon entry of an order or within  
813 five (5) days of a change of address.

814 (6) In any case subsequently enforced by the Department of  
815 Human Services pursuant to Title IV-D of the Social Security Act,  
816 the court shall have continuing jurisdiction.

817 (7) In any subsequent child support enforcement action  
818 between the parties, upon sufficient showing that diligent effort  
819 has been made to ascertain the location of a party, due process  
820 requirements for notice and service of process shall be deemed to  
821 be met with respect to the party upon delivery of written notice





822 to the most recent residential or employer address filed with the  
823 state case registry.

824 (8) (a) The duty of support of a child terminates upon the  
825 emancipation of the child. Unless otherwise provided for in the  
826 underlying child support judgment, emancipation shall occur when  
827 the child:

828 (i) Attains the age of \* \* \* eighteen (18) years  
829 as long as the child is no longer attending high school, or

830 (ii) Marries, or

831 (iii) Joins the military and serves on a full-time  
832 basis, or

833 (iv) Is convicted of a felony and is sentenced to  
834 incarceration of two (2) or more years for committing such  
835 felony; \* \* \*

836 (b) Unless otherwise provided for in the underlying  
837 child support judgment, the court may determine that emancipation  
838 has occurred and no other support obligation exists when the  
839 child:

840 (i) Discontinues full-time enrollment in school  
841 having attained the age of eighteen (18) years, unless the child  
842 is disabled, or

843 (ii) Voluntarily moves from the home of the  
844 custodial parent or guardian, establishes independent living  
845 arrangements, obtains full-time employment and discontinues



846 educational endeavors prior to attaining the age of \* \* \* eighteen  
847 (18) years, or

848 (iii) Cohabits with another person without the  
849 approval of the parent obligated to pay support; \* \* \*

850 (c) The duty of support of a child who is incarcerated  
851 but not emancipated shall be suspended for the period of the  
852 child's incarceration.

853 (9) A determination of emancipation does not terminate any  
854 obligation of the noncustodial parent to satisfy arrearage  
855 existing as of the date of emancipation; the total amount of  
856 periodic support due prior to the emancipation plus any periodic  
857 amounts ordered paid toward the arrearage shall continue to be  
858 owed until satisfaction of the arrearage in full, in addition to  
859 the right of the person for whom the obligation is owed to execute  
860 for collection as may be provided by law.

861 (10) Upon motion of a party requesting temporary child  
862 support pending a determination of parentage, temporary support  
863 shall be ordered if there is clear and convincing evidence of  
864 paternity on the basis of genetic tests or other evidence, unless  
865 the court makes written findings of fact on the record that the  
866 award of temporary support would be unjust or inappropriate in a  
867 particular case.

868 (11) Custody and visitation upon military temporary duty,  
869 deployment or mobilization shall be governed by Section 93-5-34.



870           **SECTION 21.** Section 93-14-102, Mississippi Code of 1972, is  
871 amended as follows:

872           93-14-102. In this chapter:

873           (1) "Adult" means an individual who has attained \* \* \*  
874 eighteen (18) years of age as long as the individual is no longer  
875 attending high school.

876           (2) "Conservator" means a person appointed by the court  
877 to administer the property of an adult, including a person  
878 appointed under Article 4 of Title 93, Chapter 20, Mississippi  
879 Code of 1972.

880           (3) "Guardian" means a person appointed by the court to  
881 make decisions regarding the person of an adult, including a  
882 person appointed under Article 2 or 3 of Chapter 20, Title 93.

883           (4) "Guardianship order" means an order appointing a  
884 guardian.

885           (5) "Guardianship proceeding" means a judicial  
886 proceeding in which an order for the appointment of a guardian is  
887 sought or has been issued.

888           (6) "Incapacitated person" means an adult for whom a  
889 guardian has been appointed.

890           (7) "Party" means the respondent, petitioner, guardian,  
891 conservator, or any other person allowed by the court to  
892 participate in a guardianship or protective proceeding.

893           (8) "Person," except in the term incapacitated person  
894 or protected person, means an individual, corporation, business



895 trust, estate, trust, partnership, limited liability company,  
896 association, joint venture, public corporation, government or  
897 governmental subdivision, agency, or instrumentality, or any other  
898 legal or commercial entity.

899 (9) "Protected person" means an adult for whom a  
900 protective order has been issued.

901 (10) "Protective order" means an order appointing a  
902 conservator or other order related to management of an adult's  
903 property.

904 (11) "Protective proceeding" means a judicial  
905 proceeding in which a protective order is sought or has been  
906 issued.

907 (12) "Record" means information that is inscribed on a  
908 tangible medium or that is stored in an electronic or other medium  
909 and is retrievable in perceivable form.

910 (13) "Respondent" means an adult for whom a protective  
911 order or the appointment of a guardian is sought.

912 (14) "State" means a state of the United States, the  
913 District of Columbia, Puerto Rico, the United States Virgin  
914 Islands, a federally recognized Indian tribe, or any territory or  
915 insular possession subject to the jurisdiction of the United  
916 States.

917 **SECTION 22.** Section 93-15-103, Mississippi Code of 1972, is  
918 amended as follows:



919           93-15-103. For purposes of this chapter, unless a different  
920 meaning is plainly expressed by the context, the following  
921 definitions apply:

922           (a) "Abandonment" means any conduct by the parent,  
923 whether consisting of a single incident or actions over an  
924 extended period of time, that evinces a settled purpose to  
925 relinquish all parental claims and responsibilities to the child.  
926 Abandonment may be established by showing:

927           (i) For a child who is under three (3) years of  
928 age on the date that the petition for termination of parental  
929 rights was filed, that the parent has deliberately made no contact  
930 with the child for six (6) months;

931           (ii) For a child who is three (3) years of age or  
932 older on the date that the petition for termination of parental  
933 rights was filed, that the parent has deliberately made no contact  
934 with the child for at least one (1) year; or

935           (iii) If the child is under six (6) years of age,  
936 that the parent has exposed the child in any highway, street,  
937 field, outhouse, or elsewhere with the intent to wholly abandon  
938 the child.

939           (b) "Child" means a person under eighteen (18) years of  
940 age.

941           (c) "Court" means the court having jurisdiction under  
942 the Mississippi Termination of Parental Rights Law.

943           (d) "Desertion" means:



944 (i) Any conduct by the parent over an extended  
945 period of time that demonstrates a willful neglect or refusal to  
946 provide for the support and maintenance of the child; or

947 (ii) That the parent has not demonstrated, within  
948 a reasonable period of time after the birth of the child, a full  
949 commitment to the responsibilities of parenthood.

950 (e) "Home" means any charitable or religious  
951 corporation or organization or the superintendent or head of the  
952 charitable or religious corporation or organization organized  
953 under the laws of the State of Mississippi, any public authority  
954 to which has been granted the power to provide care for or procure  
955 the adoption of children by any Mississippi statute, and any  
956 association or institution engaged in placing children for  
957 adoption on July 1, 1955.

958 (f) "Interested person" means any person related to the  
959 child by consanguinity or affinity, a custodian or legal guardian  
960 of the child, a guardian ad litem representing the child's best  
961 interests, or an attorney representing the child's preferences  
962 under Rule 13 of the Uniform Rules of Youth Court Practice.

963 (g) "Minor parent" means any parent under \* \* \*  
964 eighteen (18) years of age.

965 (h) "Parent" means a natural or adoptive parent of the  
966 child.

967 (i) "Permanency outcome" means achieving a permanent or  
968 long-term custodial arrangement for the custody and care of the



969 child that ends the supervision of the Department of Child  
970 Protection Services.

971 (j) "Qualified health professional" means a licensed or  
972 certified professional who is engaged in the delivery of health  
973 services and who meets all applicable federal or state  
974 requirements to provide professional services.

975 (k) "Qualified mental health professional" means a  
976 person with at least a master's degree in mental health or a  
977 related field and who has either a professional license or a  
978 Department of Mental Health credential as a mental health  
979 therapist.

980 (l) "Reunification" means the restoration of the  
981 parent's custodial rights in providing for the safety and welfare  
982 of the child which ends the supervision of the Department of Child  
983 Protection Services.

984 **SECTION 23.** Section 93-17-5, Mississippi Code of 1972, is  
985 amended as follows:

986 93-17-5. (1) There shall be made parties to the proceeding  
987 by process or by the filing therein of a consent to the adoption  
988 proposed in the petition, which consent shall be duly sworn to or  
989 acknowledged and executed only by the following persons, but not  
990 before seventy-two (72) hours after the birth of the child:

991 (a) The parents, or parent, if only one (1) parent,  
992 though either be under the age of \* \* \* eighteen (18) years;



993           (b) If both parents are dead, then any two (2) adult  
994 kin of the child within the third degree computed according to the  
995 civil law; if one of such kin is in possession of the child, he or  
996 she shall join in the petition or be made a party to the suit; or

997           (c) The guardian ad litem of an abandoned child, upon  
998 petition showing that the names of the parents of the child are  
999 unknown after diligent search and inquiry by the petitioners. In  
1000 addition to the above, there shall be made parties to any

1001 proceeding to adopt a child, either by process or by the filing of  
1002 a consent to the adoption proposed in the petition, the following:

1003           (i) Those persons having physical custody of the  
1004 child, except persons who are acting as foster parents as a result  
1005 of placement with them by the Department of Human Services of the  
1006 State of Mississippi.

1007           (ii) Any person to whom custody of the child may  
1008 have been awarded by a court of competent jurisdiction of the  
1009 State of Mississippi.

1010           (iii) The agent of the county Department of Human  
1011 Services of the State of Mississippi that has placed a child in  
1012 foster care, either by agreement or by court order.

1013           (2) The consent may also be executed and filed by the duly  
1014 authorized officer or representative of a home to whose care the  
1015 child has been delivered. The child shall join the petition by  
1016 the child's next friend.





1017 (3) If consent is not filed, process shall be had upon the  
1018 parties as provided by law for process in person or by  
1019 publication, if they are nonresidents of the state or are not  
1020 found therein after diligent search and inquiry, the court or  
1021 chancellor in vacation may fix a date in termtime or in vacation  
1022 to which process may be returnable and shall have power to proceed  
1023 in termtime or vacation. In any event, if the child is more than  
1024 fourteen (14) years of age, a consent to the adoption, sworn to or  
1025 acknowledged by the child, shall also be required or personal  
1026 service of process shall be had upon the child in the same manner  
1027 and in the same effect as if the child were an adult.

1028 **SECTION 24.** Section 93-17-205, Mississippi Code of 1972, is  
1029 amended as follows:

1030 93-17-205. (1) The bureau shall maintain a centralized  
1031 adoption records file for all adoptions performed in this state  
1032 after July 1, 2005, which shall contain the following information:

1033 (a) The medical and social history of the birth  
1034 parents, including information regarding genetically inheritable  
1035 diseases or illnesses and any similar information furnished by the  
1036 birth parents about the adoptee's grandparents, aunts, uncles,  
1037 brothers and sisters if known;

1038 (b) A report of any medical examination which either  
1039 birth parent had within one (1) year before the date of the  
1040 petition for adoption, if available and known;



1041 (c) A report describing the adoptee's prenatal care and  
1042 medical condition at birth, if available and known;

1043 (d) The medical and social history of the adoptee,  
1044 including information regarding genetically inheritable diseases  
1045 or illnesses, and any other relevant medical, social and genetic  
1046 information if available; and

1047 (e) Forms 100A, 100B (if applicable) and evidence of  
1048 Interstate Compact for Placement of Children approval (if  
1049 applicable).

1050 The Administrative Office of Courts shall assist the bureau  
1051 in the maintenance of its centralized adoption record by compiling  
1052 the number of finalized adoptions in each chancery court district  
1053 on a monthly basis, and submitting this information to the bureau.  
1054 The bureau shall include these statistics in its centralized  
1055 adoption record. The information in this report shall include the  
1056 number of adoptions in this state where the adopting parent is a  
1057 blood relative of the adoptee and the number of adoptions in this  
1058 state where the adopting parent is not a blood relative of the  
1059 adoptee. The report shall not include any individual identifying  
1060 information. This information shall be updated annually and made  
1061 available to the public upon request for a reasonable fee.

1062 (2) Any birth parent may file with the bureau at any time  
1063 any relevant supplemental nonidentifying information about the  
1064 adoptee or the adoptee's birth parents, and the bureau shall



1065 maintain this information in the centralized adoption records  
1066 file.

1067 (3) The bureau shall also maintain as part of the  
1068 centralized adoption records file the following:

1069 (a) The name, date of birth, social security number  
1070 (both original and revised, where applicable) and birth  
1071 certificate (both original and revised) of the adoptee;

1072 (b) The names, current addresses and social security  
1073 numbers of the adoptee's birth parents, guardian and legal  
1074 custodian;

1075 (c) Any other available information about the birth  
1076 parent's identity and location.

1077 (4) Any birth parent may file with the bureau at any time an  
1078 affidavit authorizing the bureau to provide the adoptee with his  
1079 or her original birth certificate and with any other available  
1080 information about the birth parent's identity and location, or an  
1081 affidavit expressly prohibiting the bureau from providing the  
1082 adoptee with any information about such birth parent's identity  
1083 and location, and prohibiting any licensed adoption agency from  
1084 conducting a search for such birth parent under the terms of  
1085 Sections 93-17-201 through 93-17-223. An affidavit filed under  
1086 this section may be revoked at any time by written notification to  
1087 the bureau from the birth parent.

1088 (5) Counsel for the adoptive parents in the adoption  
1089 finalization proceeding shall provide the bureau with the



1090 information required in subsections (1) and (3) of this section,  
1091 and he shall also make such information a part of the adoption  
1092 records of the court in which the final decree of adoption is  
1093 rendered. This information shall be provided on forms prepared by  
1094 the bureau.

1095 (6) (a) If an agency receives a report from a physician  
1096 stating that a birth parent or another child of the birth parent  
1097 has acquired or may have a genetically transferable disease or  
1098 illness, the agency shall notify the bureau and the appropriate  
1099 licensed adoption agency, and the latter agency shall notify the  
1100 adoptee of the existence of the disease or illness, if he or she  
1101 is \* \* \* eighteen (18) years of age or over, or notify the  
1102 adoptee's guardian, custodian or adoptive parent if the adoptee is  
1103 under age \* \* \* eighteen (18).

1104 (b) If an agency receives a report from a physician  
1105 that an adoptee has acquired or may have a genetically  
1106 transferable disease or illness, the agency shall notify the  
1107 bureau and the appropriate licensed agency, and the latter agency  
1108 shall notify the adoptee's birth parent of the existence of the  
1109 disease or illness.

1110 (7) Compliance with the provisions of this section may be  
1111 waived by the court, in its discretion, in any chancery court  
1112 proceeding in which one or more of the petitioners for adoption is  
1113 the natural mother or father of the adoptee.



1114           **SECTION 25.** Section 93-17-215, Mississippi Code of 1972, is  
1115 amended as follows:

1116           93-17-215. Any person \* \* \* eighteen (18) years of age or  
1117 over who has been adopted in this state may request the bureau  
1118 through a licensed adoption agency providing post-adoption  
1119 services to obtain and provide the identifying information  
1120 regarding either or both of his or her birth parents maintained as  
1121 provided in Section 93-17-205, unless that birth parent has  
1122 executed an affidavit prohibiting the release of such information.

1123           **SECTION 26.** Section 93-19-1, Mississippi Code of 1972, is  
1124 amended as follows:

1125           93-19-1. The chancery court of the county in which a minor  
1126 resides, or the chancery court of a county in which a resident  
1127 minor owns real estate in matters pertaining to such real estate,  
1128 may remove the disability of minority of such minor. In cases of  
1129 married minors, the residence of the husband shall be the  
1130 residence of the parties. The chancery court of a county in which  
1131 a nonresident minor of the State of Mississippi owns real estate  
1132 or any interest in real estate may remove the disability of  
1133 minority of such minor as to such real estate, so as to enable  
1134 said minor to do and perform all acts with reference to such real  
1135 estate, to sell and convey, to mortgage, to lease, and to make  
1136 deeds of trust and contracts, including promissory notes,  
1137 concerning said real estate, or any interest therein which may be  
1138 owned by such minor, as fully and effectively as if said minor



1139 were \* \* \* eighteen (18) years of age. The jurisdiction thus  
1140 exercised shall be that of a court of general equity jurisdiction,  
1141 and all presumptions in favor of that adjudged shall be accorded  
1142 at all times.

1143 **SECTION 27.** Section 93-19-9, Mississippi Code of 1972, is  
1144 amended as follows:

1145 93-19-9. The decree may be for the partial removal of the  
1146 disability of the minor so as to enable him to do some particular  
1147 act proposed to be done and specified in the decree; or it may be  
1148 general, and empower him to do all acts in reference to his  
1149 property, and making contracts, and suing and being sued, and  
1150 engaging in any profession or avocation, which he could do if he  
1151 were \* \* \* eighteen (18) years of age; and the decree made shall  
1152 distinctly specify to what extent the disability of the minor is  
1153 removed, and what character of acts he is empowered to perform  
1154 notwithstanding his minority, and may impose such restrictions and  
1155 qualifications as the court may adjudge proper.

1156 **SECTION 28.** Section 93-20-102, Mississippi Code of 1972, is  
1157 amended as follows:

1158 93-20-102. In this chapter:

1159 (a) "Adult" means an individual at least \* \* \* eighteen  
1160 (18) years of age or an emancipated individual under \* \* \*  
1161 eighteen (18) years of age.



1162 (b) "Claim" includes a claim against an individual or  
1163 conservatorship estate, whether arising in contract, tort, or  
1164 otherwise.

1165 (c) "Conservator" means a person appointed by a court  
1166 to make decisions with respect to the property or financial  
1167 affairs of a ward. The term includes a co-conservator.

1168 (d) "Conservatorship estate" means the property subject  
1169 to conservatorship under this chapter.

1170 (e) "Full conservatorship" means a conservatorship that  
1171 grants the conservator all powers available under this chapter.

1172 (f) "Full guardianship" means a guardianship that  
1173 grants the guardian all powers available under this chapter.

1174 (g) "Guardian" means a person appointed by the court to  
1175 make decisions with respect to the personal affairs of the ward.  
1176 The term includes a co-guardian but does not include a guardian ad  
1177 litem.

1178 (h) "Guardian ad litem" means a qualified person  
1179 appointed by the court to inform the court about the ward, to  
1180 protect the best interests of the ward, and to make  
1181 recommendations to the court in the best interests of the ward.

1182 (i) "Less restrictive alternative" means an approach to  
1183 meeting an individual's needs which restricts fewer rights of the  
1184 individual than would the appointment of a guardian or conservator  
1185 in the discretion of the court.



1186 (j) "Letters of guardianship or conservatorship" means  
1187 a record issued by a court certifying a guardian's or  
1188 conservator's authority to act.

1189 (k) "Limited conservatorship" means a conservatorship  
1190 that grants the conservator less than all powers available under  
1191 this chapter, grants powers over only certain property, or  
1192 otherwise restricts the powers of the conservator.

1193 (l) "Limited guardianship" means a guardianship that  
1194 grants the guardian less than all powers available under this  
1195 chapter or otherwise restricts the powers of the guardian.

1196 (m) "Minor" means an unemancipated individual  
1197 under \* \* \* eighteen (18) years of age.

1198 (n) "Notice" means any notice as provided by Rule 5 of  
1199 the Mississippi Rules of Civil Procedure.

1200 (o) "Parent" does not include an individual whose  
1201 parental rights have been terminated.

1202 (p) "Person" means an individual, estate, business or  
1203 nonprofit entity, public corporation, government or governmental  
1204 subdivision, agency, or instrumentality, or other legal entity.

1205 (q) "Property" includes tangible and intangible  
1206 property.

1207 (r) "Record," used as a noun, means information that is  
1208 inscribed on a tangible medium or that is stored in an electronic  
1209 or other medium and is retrievable in perceivable form.





1210 (s) "Respondent" means an individual for whom  
1211 appointment of a guardian or conservator is sought.

1212 (t) "Sign" means, with present intent to authenticate  
1213 or adopt a record:

1214 (i) To execute or adopt a tangible symbol; or

1215 (ii) To attach to or logically associate with the  
1216 record an electronic symbol, sound, or process.

1217 (u) "State" means a state of the United States, the  
1218 District of Columbia, Puerto Rico, the United States Virgin  
1219 Islands, or any territory or insular possession subject to the  
1220 jurisdiction of the United States. The term includes a federally  
1221 recognized Indian tribe.

1222 (v) "Summons" means any properly issued summons as  
1223 provided by the Mississippi Rules of Civil Procedure.

1224 (w) "Ward" means an adult or minor for whom a guardian  
1225 or conservator has been appointed under this chapter.

1226 **SECTION 29.** Section 97-33-23, Mississippi Code of 1972, is  
1227 amended as follows:

1228 97-33-23. Any person of full age who shall bet any money or  
1229 thing of value with a minor, knowing such minor to be under the  
1230 age of \* \* \* eighteen (18), or allowing any such minor to bet at  
1231 any game or games, or at any gaming table exhibited by him, or in  
1232 which he is interested or in any manner concerned, on conviction  
1233 thereof, shall be punished by imprisonment in the Penitentiary not  
1234 exceeding two (2) years.



1235           This section shall apply to minors under the age of \* \* \*  
1236 eighteen (18) as it might apply to the operation of any game or  
1237 lottery authorized by Chapter 115, Title 27.

1238           **SECTION 30.** Section 99-3-45, Mississippi Code of 1972, is  
1239 amended as follows:

1240           99-3-45. A person under the age of \* \* \* eighteen (18) who  
1241 is released under either Section 99-3-17 or 99-3-18 following  
1242 arrest must be given notice:

1243                   (a) That the person is allowed to call a parent,  
1244 guardian or custodian in addition to any other opportunity to call  
1245 that has been afforded to such person; and

1246                   (b) That Intervention Court and other pretrial  
1247 diversion programs may be available for many offenses.

1248           **SECTION 31.** Section 35-7-43, Mississippi Code of 1972, which  
1249 provides for the removal of the disabilities of minority of  
1250 certain veterans, is repealed.

1251           **SECTION 32.** Section 91-7-37, Mississippi Code of 1972, which  
1252 provides for the removal of the disabilities of minority for  
1253 certain executors, executrixes, administrators or  
1254 administratrixes, is repealed.

1255           **SECTION 33.** Section 93-3-11, Mississippi Code of 1972, which  
1256 provides for the removal of disabilities of minority of certain  
1257 married persons with respect to homestead transactions, is  
1258 repealed.



1259           **SECTION 34.** Section 93-19-13, Mississippi Code of 1972,  
1260 which provides that all persons eighteen (18) years of age or  
1261 older, if not otherwise disqualified, shall have the capacity to  
1262 enter into binding contractual relationships affecting personal  
1263 property and that an eighteen-year-old may sue in his own name as  
1264 an adult and be sued in his own name as an adult and be served  
1265 with process as an adult, is repealed.

1266           **SECTION 35.** This act shall take effect and be in force from  
1267 and after July 1, 2025.

