

House Amendments to Senate Bill No. 2075

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

29 SECTION 1. (1) There is established the Board of Trustees
30 of the Mississippi Adoption Licensure Authority, which shall
31 consist of the following members:

32 (a) Three (3) members selected by the commissioner of
33 the Mississippi Department of Child Protection Services;

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

37 (c) Three (3) members selected by a majority vote of
38 the residential child-caring agencies that are currently licensed
39 with the Mississippi Department of Child Protection Services.

40 (2) (a) The persons initially appointed by the Commissioner
41 of the Department of Child Protection Services and the persons
42 initially appointed by the residential child-caring agencies
43 shall serve terms ending June 30, 2025. The persons initially
44 appointed by the adoption agencies shall serve a term ending June
45 30, 2026.

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

50 (b) A majority of the voting members of the board shall
51 constitute a quorum for the conduct of meetings, and all actions
52 of the board shall require a majority vote of the voting members
53 of the board.

54 (c) The board shall annually elect one (1) voting
55 member to serve as chairman and one (1) voting member to serve as
56 vice chairman. The vice chairman shall act as chairman in the
57 absence or disability of the chairman, or if there is a vacancy in
58 the office of the chairman.

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

63 (4) No board member shall use his official position to
64 obtain, or attempt to obtain, pecuniary benefit for himself other
65 than that compensation provided for by law, or to obtain, or
66 attempt to obtain, pecuniary benefit for any relative or any
67 business with which he is associated, as provided in Section
68 25-4-105.

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

72 (6) The Mississippi Department of Child Protection Services
73 shall provide the office space for the board to perform its
74 duties.

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

- 79 (a) Monies appropriated by the Legislature;
- 80 (b) The interest accruing to the fund;
- 81 (c) Donations or grant funds received;
- 82 (d) Monies from licensing fees for adoption agencies;

83 and

- 84 (e) Monies received from such other sources as may be
85 provided by law.

86 (2) The monies shall be used by the board only for the
87 purpose of performing its duties related to the licensing and
88 regulation of adoption agencies and adoption services provided in
89 this act.

90 (3) From and after July 1, 2023, the expenses of the fund
91 shall be defrayed by appropriation from the State General Fund and
92 all user charges and fees authorized under this section shall be
93 deposited into the State General Fund as authorized by law and as
94 determined by the State Fiscal Officer.

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

97 43-15-103. As used in this article:

98 (a) "Adoption agency" means any entity that provides
99 adoption services.

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

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

104 (ii) Placing the child temporarily or permanently
105 in a home for adoption;

106 (iii) Solicit money or other assistance for
107 adoption;

108 (iv) Assisting a parent in identifying or locating
109 a person interested in adopting the parent's child, or in
110 identifying or locating a child to be adopted;

111 (v) Adoptions;

112 (vi) Adoption counseling;

113 (vii) Financial aid for adoption;

114 (viii) Advertising in the media markets in
115 Mississippi seeking birth mothers or their children for adoption
116 purposes; or

117 (ix) Payment of fees for medical, legal or other
118 services rendered in connection with the care of a mother,
119 delivery and care of a child including, but not limited to, the
120 mother's living expenses, or counseling for the parents and/or the
121 child, and for the legal proceedings related to lawful adoption
122 proceedings.

123 (x) Adoption service shall not include services
124 provided by MDCPS.

125 * * *

126 (c) "Board" means the Board of Trustees of the
127 Mississippi Adoption Licensure Authority.

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

130 (* * *e) "Child placing" means receiving, accepting or
131 providing custody or care for any child under eighteen (18) years
132 of age, temporarily or permanently, for the purpose of * * *
133 placing a child in a foster home or residential child-caring
134 agency.

135 (* * *f) "Child-placing agency" means any entity or
136 person which places children in foster boarding homes or foster
137 homes for temporary care * * * or any other entity or person or
138 group of persons who are engaged in providing adoption studies or
139 foster care studies or placement services as defined by the rules
140 of the department.

141 (* * *g) "Department" means the Mississippi Department
142 of Human Services.

143 (* * *h) "Director" means the Director of the Division
144 of Family and Children's Services.

145 (* * *i) "Division" means the Division of Family and
146 Children's Services within the Mississippi Department of Human
147 Services.

148 (* * *j) "Family boarding home" or "foster home" means
149 a home (occupied residence) operated by any entity or person which
150 provides residential child care to at least one (1) child but not
151 more than six (6) children who are not related to the primary
152 caregivers.

153 (* * *k) "Group care home" means any place or facility
154 operated by any entity or person which provides residential child
155 care for at least seven (7) children but not more than twelve (12)
156 children who are not related to the primary caregivers.

157 (* * *l) "Licensee" means any person, agency or entity
158 licensed under this article.

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

173 treatment and care are part of the medical services performed and
174 the care of children is brief and incidental.

175 (* * *n) "Office" means the Office of Licensing
176 within * * * the Mississippi Department of Child Protection
177 Services.

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

181 (* * *p) "Related" means children, step-children,
182 grandchildren, step-grandchildren, siblings of the whole or
183 half-blood, step-siblings, nieces or nephews of the primary care
184 provider.

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

192 (* * *r) "Residential child-caring agency" means any
193 place or facility operated by any entity or person, public or
194 private, providing residential child care, regardless of whether
195 operated for profit or whether a fee is charged. Such residential
196 child-caring agencies include, but are not limited to, maternity
197 homes, runaway shelters, group homes that are administered by an
198 agency, and emergency shelters that are not in private residence.

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

201 43-15-105. (1) The Division of Family and Children's
202 Services shall be the licensing authority for the department, and
203 is vested with all the powers, duties and responsibilities
204 described in this article. The division shall make and establish
205 rules and regulations regarding:

206 (a) Approving, extending, denying, suspending and
207 revoking licenses for foster homes, residential child-caring
208 agencies and child-placing agencies;

209 (b) Conditional licenses, variances from department
210 rules and exclusions;

211 (c) Basic health and safety standards for licensees;
212 and

213 (d) Minimum administration and financial requirements
214 for licensees.

215 (2) The division shall:

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

218 (b) Establish guidelines for the administration and
219 maintenance of client and service records, including staff
220 qualifications, staff to client ratios;

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

222 (d) Conduct surveys and inspections of licensees and
223 facilities;

224 (e) Establish and collect licensure fees;

225 (f) Investigate complaints regarding any licensee or
226 facility;

227 (g) Have access to all records, correspondence and
228 financial data required to be maintained by a licensee or
229 facility;

230 (h) Have authority to interview any client, family
231 member of a client, employee or officer of a licensee or facility;
232 and

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

235 (3) The Board of Trustees of the Mississippi Adoption
236 Licensure Authority shall be the licensing authority for the
237 department for all matters regarding adoptions and adoption
238 agencies, and is vested with all the powers, duties and
239 responsibilities described in this article. The board shall make
240 and establish rules and regulations regarding:

241 (a) Approving, extending, denying, suspending and
242 revoking licenses for adoption agencies;

243 (b) Conditional licenses, variances from department
244 rules and exclusions related to adoption agencies or adoption
245 licensure;

246 (c) Basic health and safety standards for licensees;
247 and

248 (d) Minimum administration and financial requirements
249 for licensees.

250 (4) The board shall:

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

253 (b) Establish guidelines for the administration and
254 maintenance of client and service records, including staff
255 qualifications and staff to client ratios;

256 (c) Recommend licensure in accordance with this
257 article;

258 (d) Establish and collect licensure fees;

259 (e) Investigate complaints regarding any licensee or
260 facility;

261 (f) Have access to all records, correspondence and
262 financial data required to be maintained by a licensee or
263 facility; and

264 (g) Have authority to direct the division to revoke,
265 suspend or extend any license for adoption services issued by the
266 division.

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

269 (a) Establish a fee for submission of an application
270 for a license;

271 (b) Require annual renewal of the license with minimum
272 requirements for such renewal;

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

274 (d) Deposit all fees into the "Mississippi Adoption
275 Relief Fund";

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

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

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

282 (h) Hire a third-party entity to assist with creating
283 licensure standards and process applications according to those
284 standards;

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

288 (j) Require adoption agencies to be Mississippi
289 nonprofit organizations.

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

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

297 43-15-107. (1) Except as provided in Section 43-15-111, no
298 person, agency, firm, corporation, association or other entity,
299 acting individually or jointly with any other person or entity,
300 may establish, conduct or maintain foster homes, residential
301 child-caring agencies and child-placing agencies or facility
302 and/or engage in child placing in this state without a valid and

303 current license issued by and under the authority of the division
304 as provided by this article and the rules of the division. No
305 person, agency, firm, corporation, association or other entity,
306 acting individually or jointly with any other person or entity,
307 whether or not they possess a child-placing agency license, may
308 perform adoption services as defined in this article without
309 possessing a license to perform adoption services recommended by
310 the board and issued by the division. Any out-of-state
311 child-placing agency that provides a full range of services,
312 including, but not limited to, adoptions, adoption services,
313 foster family homes, adoption counseling services or financial
314 aid, in this state must be licensed by the division under this
315 article.

316 (2) An attorney who provides legal services to a client in
317 connection with proceedings for the adoption of a child by the
318 client, who does not receive, accept or provide custody or care
319 for the child for the purposes specified in Section 43-15-103(c),
320 shall not be required to have a license under this article to
321 provide legal services.

322 (* * *3) No license issued under this article is assignable
323 or transferable.

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

327 (* * *5) (a) Except as otherwise provided in paragraph (b)
328 of this subsection, each license issued under this article expires

329 at midnight (Central Standard Time) twelve (12) months from the
330 date of issuance unless it has been:

331 (i) Previously revoked by the office; or
332 (ii) Voluntarily returned to the office by the
333 licensee.

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

339 1. Previously revoked by the office; or
340 2. Voluntarily returned to the office by the
341 licensee.

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

345 1. A copy of an audit report and IRS Form 990
346 for the agency;
347 2. The agency's fee schedule; and
348 3. The agency's client list.

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

353 (* * *6) Any licensee or facility which is in operation at
354 the time rules are made in accordance with this article shall be

355 given a reasonable time for compliance as determined by the rules
356 of the division. In the case of an adoption agency, the
357 reasonable time for compliance shall be determined by the division
358 as recommended by the board.

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

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

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

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

376 43-15-111. The provisions of this article, do not apply to:

377 (a) A facility, service or program owned, provided or
378 operated by an agency of the State of Mississippi or United States
379 government;

380 (b) A facility or program operated by the Department of
381 Corrections or a company that is registered with the Mississippi
382 Secretary of State under an exclusive contract with the Department
383 of Corrections;

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

390 (d) Any Mississippi residential child-caring agency
391 and/or child-placing agency operated or conducted under the
392 auspices of a religious institution and meeting the requirements
393 or conditions of this section shall be exempt from the licensure
394 requirements of this article under the following conditions: (i)
395 such religious institution must have a tax-exempt status as a
396 nonprofit religious institution in accordance with Section 501(c)
397 of the Internal Revenue Code of 1954, as amended, or the real
398 property owned and exclusively occupied by the religious
399 institution must be exempt from location taxation, * * * (ii) the
400 agency or institution must be in compliance with the requirements
401 of the Child Residential Home Notification Act, Section 43-16-1 et
402 seq., Mississippi Code of 1972, and must not be in violation of
403 Section 43-16-21(c) regarding the abuse and/or neglect of any
404 child served by such home who has been adjudicated by the youth
405 court as an abused and/or neglected child and (iii) must have a

406 physical office in the State of Mississippi. Nothing in this
407 paragraph shall prohibit a residential child-caring agency or
408 child-placing agency operated by or conducted under the auspices
409 of a religious institution from obtaining a license pursuant to
410 this article.

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

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

415 43-15-113. (1) If a license other than an adoption license
416 is revoked, the division may grant a new license after:

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

420 (b) Inspection and compliance with all provisions of
421 this article and applicable rules.

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

425 (3) When a license has been suspended, the division may
426 completely or partially restore the suspended license upon a
427 determination that the:

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

430 (b) Interests of the public will not be jeopardized by
431 restoration of the license.

432 (4) If a license to perform adoption services is revoked,
433 the board may recommend to the division to grant a new license
434 after:

435 (a) Satisfactory evidence is submitted to the board,
436 evidencing that the conditions upon which revocation was based
437 have been corrected;

438 (b) Inspection and compliance with all provisions of
439 this article and applicable rules; and

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

442 (5) The board may recommend to the division the suspension
443 of adoption agency for a period of time which does not exceed the
444 current expiration date of that license determined to be necessary
445 by the board.

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

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

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

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

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

458 43-15-115. (1) The division may, for the purpose of
459 ascertaining compliance with the provisions of this article and
460 its rules and regulations, enter and inspect on a routine basis
461 the facility of a licensee.

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

- 464 (a) Give proper identification;
- 465 (b) Request to see the applicable license;
- 466 (c) Describe the nature and purpose of the inspection;

467 and

468 (d) If necessary, explain the authority of the division
469 to conduct the inspection and the penalty for refusing to permit
470 the inspection.

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

- 473 (a) Inspect the physical facilities;
- 474 (b) Inspect records and documents;
- 475 (c) Interview directors, employees, clients, family

476 members of clients and others; and

477 (d) Observe the licensee in operation.

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

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

482 (6) The provisions of this section apply to on-site
483 inspections and do not restrict the division from contacting

484 family members, neighbors or other individuals, or from seeking
485 information from other sources to determine compliance with the
486 provisions of this article.

487 (7) In the event that the licensee is an adoption agency or
488 other person or entity licensed to perform adoption services, the
489 division may enlist the board to perform the inspection as
490 outlined above.

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

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

509 required by the division to show their principal office location
510 on all media advertising for adoption services.

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

517 (3) (a) No monies shall be paid or otherwise dispersed by
518 any attorney or adoption agency to any unlicensed person or entity
519 for any service or other such claim for payment in connection with
520 an adoption. This does not apply to attorneys making payments
521 that are permitted by Mississippi Rule of Professional Conduct
522 5.4. Nor does this apply to any payments made by a Mississippi
523 licensed adoption agency to its staff, employees or other such
524 persons or entities usual and customary for operating a licensed
525 adoption agency.

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

531 (3) An attorney, physician or other person may assist a
532 parent in identifying or locating a person interested in adopting
533 the parent's child, or in identifying or locating a child to be
534 adopted. However, no payment, charge, fee, reimbursement of

535 expense, or exchange of value of any kind, or promise or agreement
536 to make the same, may be made for that assistance.

537 (4) Nothing in this section precludes payment of reasonable
538 fees for medical, legal or other lawful services rendered in
539 connection with the care of a mother, delivery and care of a child
540 including, but not limited to, the mother's living expenses, or
541 counseling for the parents and/or the child, and for the legal
542 proceedings related to lawful adoption proceedings; and no
543 provision of this section abrogates the right of procedures for
544 independent adoption as provided by law.

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

556 (6) The division shall promulgate rules under the
557 Administrative Procedures Law, Title 25, Chapter 43, Mississippi
558 Code of 1972, to require that all licensed * * * adoption agencies
559 provide written disclosures to all prospective adoptive parents of
560 any fees or other charges for each service performed by the agency

561 or person, and file an annual report with the division that states
562 the fees and charges for those services, and to require them to
563 inform the division in writing thirty (30) days in advance of any
564 proposed changes to the fees or charges for those services.

565 (7) The division is specifically authorized to disclose to
566 prospective adoptive parents or other interested persons any fees
567 charged by any licensed child-placing agency, attorney or
568 counseling service or counselor for all legal and counseling
569 services provided by that licensed child-placing agency, attorney
570 or counseling service or counselor.

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

573 43-15-119. (1) If the division finds that a violation has
574 occurred under this article or the rules and regulations of the
575 division, it may:

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

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

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

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

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

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

609 (2) Any person, agency, association, corporation,
610 institution, society or other organization violating the
611 provisions of this article regarding adoption and/or adoption

612 services shall be guilty of illegal placement of children and
613 shall be punished by a fine not to exceed Fifty Thousand Dollars
614 (\$50,000.00) or by imprisonment not more than five (5) years, or
615 both such fine and imprisonment.

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

618 43-15-125. The Department of Human Services and/or its
619 officers, employees, attorneys and representatives and/or the
620 board shall not be held civilly liable for any findings,
621 recommendations or actions taken pursuant to this article.

622 **SECTION 14.** Section 49-7-27, Mississippi Code of 1972, is
623 amended as follows:

624 49-7-27. (1) The commission may revoke any hunting,
625 trapping, or fishing privileges, license or deny any person the
626 right to secure such license if the person has been convicted of
627 the violation of any of the provisions of this chapter or any
628 regulation thereunder. The revocation of the privilege, license
629 or refusal to grant license shall be for a period of one (1) year.
630 However, before the revocation of the privilege or license shall
631 become effective, the executive director shall send by registered
632 mail notice to the person or licensee, who shall have the right to
633 a hearing or representation before the commission at the next
634 regular meeting or a special meeting. The notice shall set out
635 fully the ground or complaint upon which revocation of, or refusal
636 to grant, the privilege or license is sought.

637 (2) Any person who is convicted for a second time during any
638 period of twelve (12) consecutive months for violation of any of
639 the laws with respect to game, fish or nongame fish or animals
640 shall forfeit his privilege and any license or licenses issued to
641 him by the commission and the commission shall not issue the
642 person any license for a period of one (1) year from the date of
643 forfeiture.

644 (3) Failure of any person to surrender his license or
645 licenses upon demand made by the commission or by its
646 representatives at the direction of the commission shall be a
647 misdemeanor and shall be punishable as such.

648 (4) Any violator whose privilege or license has been
649 revoked, who shall, during the period of revocation, be
650 apprehended for hunting or fishing, shall have imposed upon him a
651 mandatory jail term of not less than thirty (30) days nor more
652 than six (6) months.

653 (5) The commission * * * shall suspend any license issued to
654 any person under this chapter for being out of compliance with an
655 order for support, as defined in Section 93-11-153. The procedure
656 for suspension of a license for being out of compliance with an
657 order for support, and the procedure for the reissuance or
658 reinstatement of a license suspended for that purpose, and the
659 payment of any fees for the reissuance or reinstatement of a
660 license suspended for that purpose, shall be governed by Section
661 93-11-157 or 93-11-163, as the case may be. If there is any
662 conflict between any provision of Section 93-11-157 or 93-11-163

663 and any provision of this chapter, the provisions of Section
664 93-11-157 or 93-11-163, as the case may be, shall control.

665 (6) If a person is found guilty or pleads guilty or nolo
666 contendere to a violation of Section 49-7-95, and then appeals,
667 the commission shall suspend or revoke the hunting privileges of
668 that person pending the determination of his appeal.

669 (7) (a) If a person does not comply with a summons or a
670 citation or does not pay a fine, fee or assessment for violating a
671 wildlife law or regulation, the commission shall revoke the
672 fishing, hunting, or trapping privileges of that person. When a
673 person does not comply or fails to pay, the clerk of the court
674 shall notify the person in writing by first class mail that if the
675 person does not comply or pay within ten (10) days from the date
676 of mailing, the court will notify the commission and the
677 commission will revoke the fishing, hunting or trapping privileges
678 of that person. The cost of notice may be added to other court
679 costs. If the person does not comply or pay as required, the
680 court clerk shall immediately mail a copy of the court record and
681 a copy of the notice to the commission. After receiving notice
682 from the court, the commission shall revoke the fishing, hunting
683 or trapping privileges of that person.

684 (b) A person whose fishing, hunting or trapping
685 privileges have been revoked under this subsection shall remain
686 revoked until the person can show proof that all obligations of
687 the court have been met.

688 (c) A person shall pay a Twenty-five Dollar (\$25.00)
689 fee to have his privileges reinstated. The fee shall be paid to
690 the department.

691 **SECTION 15.** Section 93-11-155, Mississippi Code of 1972, is
692 amended as follows:

693 93-11-155. (1) In the manner and form prescribed by the
694 division, all licensing entities shall provide to the division, on
695 at least a quarterly basis, information on licensees for use in
696 the establishment, enforcement and collection of child support
697 obligations including, but not limited to: name, address, social
698 security number, sex, date of birth, employer's name and address,
699 type of license, effective date of the license, expiration date of
700 the license, and active or inactive license status. Whenever
701 technologically feasible, the department and licensing entities
702 shall seek to reach agreements to provide the information required
703 by this section by way of electronic data media, including, but
704 not limited to, on-line access and records on magnetic/optical
705 disk or tape. In lieu of providing the licensing information to
706 the division as outlined above and in the discretion of the
707 licensing entity, the division shall provide the identity of the
708 individual who is delinquent in support payments to the licensing
709 entity who will then match that information with their records and
710 provide the division with all necessary information for those
711 individuals licensed by that entity.

712 (2) Any * * * party to whom support is due either with or
713 without the assistance of a licensed attorney, may submit to the

714 division the name and record of accounting showing an arrearage of
715 an individual who is out of compliance with an order for support
716 which is not being enforced by the division under Title IV-D, and
717 the division shall submit the name of such individual to the
718 licensing entities who will match the name with their records in
719 the same manner as provided in subsection (1) to provide the party
720 or his or her attorney with necessary information regarding
721 licensees. The party or attorney applying for such information
722 shall pay a fee not to exceed Twenty-five Dollars (\$25.00) for
723 such service.

724 **SECTION 16.** Section 93-11-157, Mississippi Code of 1972, is
725 brought forward as follows:

726 93-11-157. (1) The division shall review the information
727 received under Section 93-11-155 and any other information
728 available to the division, and shall determine if a licensee is
729 out of compliance with an order for support. If a licensee is out
730 of compliance with the order for support, the division shall
731 notify the licensee by first class mail that ninety (90) days
732 after the licensee receives the notice of being out of compliance
733 with the order, the licensing entity will be notified to
734 immediately suspend the licensee's license unless the licensee
735 pays the arrearage owing, according to the accounting records of
736 the Mississippi Department of Human Services or the attorney
737 representing the party to whom support is due, as the case may be,
738 or enters into a stipulated agreement and agreed judgment
739 establishing a schedule for the payment of the arrearage. The

740 licensee shall be presumed to have received the notice five (5)
741 days after it is deposited in the mail.

742 (2) Upon receiving the notice provided in subsection (1) of
743 this section the licensee may:

744 (a) Request a review with the division; however, the
745 issues the licensee may raise at the review are limited to whether
746 the licensee is the person required to pay under the order for
747 support and whether the licensee is out of compliance with the
748 order for support; or

749 (b) Request to participate in negotiations with the
750 division for the purpose of establishing a payment schedule for
751 the arrearage.

752 (3) The division director or the designees of the division
753 director may and, upon request of a licensee, shall negotiate with
754 a licensee to establish a payment schedule for the arrearage.
755 Payments made under the payment schedule shall be in addition to
756 the licensee's ongoing obligation under the latest entered
757 periodic order for support.

758 (4) Should the division and the licensee reach an agreement
759 on a payment schedule for the arrearage, the division director may
760 submit to the court a stipulated agreement and agreed judgment
761 containing the payment schedule which, upon the court's approval,
762 is enforceable as any order of the court. If the court does not
763 approve the stipulated agreement and agreed judgment, the court
764 may require a hearing on a case-by-case basis for the judicial
765 review of the payment schedule agreement.

766 (5) If the licensee and the division do not reach an
767 agreement on a payment schedule for the arrearage, the licensee
768 may move the court to establish a payment schedule. However, this
769 action does not stay the license suspension.

770 (6) The notice given to a licensee that the licensee's
771 license will be suspended in ninety (90) days must clearly state
772 the remedies and procedures that are available to a licensee under
773 this section.

774 (7) If at the end of the ninety (90) days the licensee has
775 an arrearage according to the accounting records of the
776 Mississippi Department of Human Services or the attorney
777 representing the party to whom support is due, as the case may be,
778 and the licensee has not entered into a stipulated agreement and
779 agreed judgment establishing a payment schedule for the arrearage,
780 the division shall immediately notify all applicable licensing
781 entities in writing to suspend the licensee's license, and the
782 licensing entities shall immediately suspend the license and shall
783 within three (3) business days notify the licensee and the
784 licensee's employer, where known, of the license suspension and
785 the date of such suspension by certified mail return receipt
786 requested. Within forty-eight (48) hours of receipt of a request
787 in writing delivered personally, by mail or by electronic means,
788 the department shall furnish to the licensee, licensee's attorney
789 or other authorized representative a copy of the department's
790 accounting records of the licensee's payment history. A licensing
791 entity shall immediately reinstate the suspended license upon the

792 division's notification of the licensing entities in writing that
793 the licensee no longer has an arrearage or that the licensee has
794 entered into a stipulated agreement and agreed judgment.

795 (8) Within thirty (30) days after a licensing entity
796 suspends the licensee's license at the direction of the division
797 under subsection (7) of this section, the licensee may appeal the
798 license suspension to the chancery court of the county in which
799 the licensee resides or to the Chancery Court of the First
800 Judicial District of Hinds County, Mississippi, upon giving bond
801 with sufficient sureties in the amount of Two Hundred Dollars
802 (\$200.00), approved by the clerk of the chancery court and
803 conditioned to pay any costs that may be adjudged against the
804 licensee. Notice of appeal shall be filed in the office of the
805 clerk of the chancery court. If there is an appeal, the appeal
806 may, in the discretion of and on motion to the chancery court, act
807 as a supersedeas of the license suspension. The department shall
808 be the appellee in the appeal, and the licensing entity shall not
809 be a party in the appeal. The chancery court shall dispose of the
810 appeal and enter its decision within thirty (30) days of the
811 filing of the appeal. The hearing on the appeal may, in the
812 discretion of the chancellor, be tried in vacation. The decision
813 of the chancery court may be appealed to the Supreme Court in the
814 manner provided by the rules of the Supreme Court. In the
815 discretion of and on motion to the chancery court, no person shall
816 be allowed to practice any business, occupation or profession or
817 take any other action under the authority of any license the

818 suspension of which has been affirmed by the chancery court while
819 an appeal to the Supreme Court from the decision of the chancery
820 court is pending.

821 (9) If a licensee who has entered a stipulated agreement and
822 agreed judgment for the payment of an arrearage under this section
823 subsequently is out of compliance with an order for support, the
824 division shall immediately notify the licensing entity to suspend
825 the licensee's license, and the licensing entity shall immediately
826 suspend the license without a hearing and shall within three (3)
827 business days notify the licensee in writing of the license
828 suspension. In the case of a license suspension under the
829 provisions of this subsection, the procedures provided for under
830 subsections (1) and (2) of this section are not required; however,
831 the appeal provisions of subsection (8) of this section still
832 apply. After suspension of the license, if the licensee
833 subsequently enters into a stipulated agreement and agreed
834 judgment or the licensee otherwise informs the division of
835 compliance with the order for support, the division shall within
836 seven (7) days notify in writing the licensing entity that the
837 licensee is in compliance. Upon receipt of that notice from the
838 division, a licensing entity shall immediately reinstate the
839 license of the licensee and shall within three (3) business days
840 notify the licensee of the reinstatement.

841 (10) Nothing in this section prohibits a licensee from
842 filing a motion for the modification of an order for support or
843 for any other applicable relief. However, no such action shall

844 stay the license suspension procedure, except as may be allowed
845 under subsection (8) of this section.

846 (11) If a license is suspended under the provisions of this
847 section, the licensing entity is not required to refund any fees
848 paid by a licensee in connection with obtaining or renewing a
849 license.

850 (12) The requirement of a licensing entity to suspend a
851 license under this section does not affect the power of the
852 licensing entity to deny, suspend, revoke or terminate a license
853 for any other reason.

854 (13) The procedure for suspension of a license for being out
855 of compliance with an order for support, and the procedure for the
856 reissuance or reinstatement of a license suspended for that
857 purpose, shall be governed by this section and not by the general
858 licensing and disciplinary provisions applicable to a licensing
859 entity. Actions taken by a licensing entity in suspending a
860 license when required by this section are not actions from which
861 an appeal may be taken under the general licensing and
862 disciplinary provisions applicable to the licensing entity. Any
863 appeal of a license suspension that is required by this section
864 shall be taken in accordance with the appeal procedure specified
865 in subsection (8) of this section rather than any procedure
866 specified in the general licensing and disciplinary provisions
867 applicable to the licensing entity. If there is any conflict
868 between any provision of this section and any provision of the

869 general licensing and disciplinary provisions applicable to a
870 licensing entity, the provisions of this section shall control.

871 (14) No license shall be suspended under this section until
872 ninety (90) days after July 1, 1996. This ninety-day period shall
873 be a one-time amnesty period in which any person who may be
874 subject to license suspension under this article may comply with
875 an order of support in order to avoid the suspension of any
876 license.

877 (15) Any individual who fails to comply with a subpoena or
878 warrant relating to paternity or child support proceedings after
879 receiving appropriate notice may be subject to suspension or
880 withholding of issuance of a license under this section.

881 **SECTION 17.** This act shall take effect and be in force from
882 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

19 TO CONFORM TO THE PRECEDING AMENDMENT; TO AMEND SECTION 49-7-27,
20 MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSION ON WILDLIFE,
21 FISHERIES AND PARKS TO SUSPEND THE LICENSE OF ANY PERSON WHO HAS
22 NOT PAID CHILD SUPPORT; TO AMEND SECTION 93-11-155, MISSISSIPPI
23 CODE OF 1972, TO ALLOW ANY PARTY TO SUBMIT PROOF OF ARREARAGE FOR
24 CHILD SUPPORT; TO BRING FORWARD SECTIONS 93-11-157 AND 93-11-163,
25 MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE PROCEDURE FOR
26 NOTIFICATION OF LICENSEES WHO HAVE NOT PAID CHILD SUPPORT; AND FOR
27 RELATED PURPOSES.

HR26\SB2075A.J

Andrew Ketchings
Clerk of the House of Representatives