

Senate Amendments to House Bill No. 1318

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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:

81 **SECTION 1.** The following shall be codified as Section
82 43-15-200, Mississippi Code of 1972:

83 43-15-200. The purpose of this article is to provide a
84 mechanism whereby any parent may relinquish the care of an infant
85 to the state in safety, anonymity, and without fear of
86 prosecution. This article shall be known as and may be cited as
87 the "Mississippi Safe Haven Law."

88 **SECTION 2.** The following shall be codified as Section
89 43-15-200.1, Mississippi Code of 1972:

90 43-15-200.1. As used in this article, the following terms
91 have the meaning herein ascribed unless the context clearly
92 requires otherwise:

93 (a) "Department" means the Department of Child
94 Protection Services.

95 (b) "Emergency medical services provider" shall mean a
96 licensed hospital, as defined in Section 41-9-3, which operates an
97 emergency department or fire station or mobile ambulance staffed

98 with full-time firefighters or emergency medical technicians or
99 paramedics. "Emergency medical services provider" does not
100 include the offices, clinics, surgeries or treatment facilities of
101 private physicians or dentists. "Emergency medical services
102 provider" does not include any individual licensed healthcare
103 provider, including physicians, dentists, nurses, physician
104 assistants or other health professionals under this article unless
105 such individual voluntarily assumes responsibility for the custody
106 of the child.

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

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

112 (i) Designed to permit a parent to anonymously
113 place an infant in the device with the intent to leave the infant
114 for an emergency medical services provider to remove the infant
115 from the device and take custody of the infant;

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

119 1. Tested at least once per week to ensure
120 the alarm system is in working order; and

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

123 (iii) Approved by and located inside a
124 participating emergency medical services provider that is:
125 1. Licensed or otherwise legally operating in
126 this state; and
127 2. Staffed continuously on a twenty-four-hour
128 basis, seven (7) days a week and three hundred sixty-five (365)
129 days a year.

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

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

138 43-15-201. (1) (a) An emergency medical services provider,
139 without a court order, shall take possession of a child who
140 is * * * thirty (30) days old or younger if the child is
141 voluntarily delivered to the provider by the child's parent and
142 the parent did not express an intent to return for the child.

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

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

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

150 (c) The emergency medical dispatch agency or the
151 emergency medical services provider shall inform the infant's
152 parent of the ability to remain anonymous as described in this
153 section.

154 (2) The parent who surrenders the baby shall not be required
155 to provide any information pertaining to his or her identity, nor
156 shall the emergency medical services provider inquire as to same.
157 If the identity of the parent is known to the emergency medical
158 services provider, the emergency medical services provider shall
159 keep the identity confidential.

160 (3) The emergency medical services provider must ask the
161 parent relinquishing the infant to identify any other parent of
162 the infant other than the parent leaving the infant with the
163 emergency medical services provider. The emergency medical
164 services provider also must attempt to obtain from the parent
165 information concerning the infant's background and medical history
166 as specified on a form provided by the department. This
167 information must include, but is not limited to, information
168 concerning the use of a controlled substance by the infant's
169 mother during the pregnancy or since the birth of the child,
170 provided that information regarding the use of a controlled
171 substance by the infant's mother is not admissible as evidence of
172 the unlawful use of a controlled substance in any criminal court
173 proceeding. The emergency medical services provider must give the

174 parent a copy of the form and a prepaid envelope for mailing the
175 form to the department if the parent does not wish to provide the
176 information to the provider.

177 (4) An emergency medical services provider who takes
178 possession of an infant under this section shall perform any act
179 necessary to protect the physical health or safety of the infant.
180 A physician shall promptly conduct a comprehensive medical
181 screening to determine:

182 (a) If the infant suffered fetal exposure to alcohol or
183 drugs;

184 (b) If the infant appears to have been abused or
185 neglected; and

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

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

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

199 medical services provider in the same manner outlined above in
200 subsection (1) of this section.

201 (a) If the mother expresses a desire to remain
202 anonymous, identifying information may be obtained for purposes of
203 securing payment of labor and delivery costs only. If the birth
204 mother is a minor, the hospital may use the identifying
205 information to secure payment through Medicaid, but shall not
206 notify the minor's parent or guardian without the minor's consent.

207 (b) The identity of the birth mother shall not be
208 placed on the birth certificate or disclosed to the Department of
209 Human Services.

210 (* * * 7) There is a presumption that by relinquishing a
211 child in accordance with this section, the parent consents to the
212 termination of his or her parental rights with respect to the
213 child. * * *.

214 * * *

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

217 43-15-203. (1) * * * When an emergency medical services
218 provider takes possession of a child pursuant to Section
219 43-15-201, the provider shall immediately notify the
220 department * * * that the provider has taken possession of the
221 child.

222 (2) The department shall * * * take legal custody of
223 the * * * infant immediately on receipt of notice pursuant to
224 subsection (1). The department shall take physical custody of the

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

228 (3) The department shall be responsible for all medical and
229 other costs associated with the child and shall reimburse the
230 hospital for any costs incurred * * *.

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

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

237 (6) Within forty eight (48) hours after taking legal custody
238 of the infant, the department shall publish notice, in a newspaper
239 of general circulation in the area where the emergency medical
240 services provider that initially took the infant is located, and
241 send a news release to broadcast and print media in the area. The
242 notice and the news release must state the circumstances under
243 which the infant was left at the provider, a description of the
244 infant, and the contact information for the appropriate office of
245 the department.

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

248 43-15-204. When an infant is relinquished under this
249 article, there is a rebuttable presumption that the youth court
250 case shall proceed under Section 43-21-603(7).

251 **SECTION 6.** Section 43-21-201, Mississippi Code of 1972, is
252 amended as follows:

253 43-21-201. (1) (a) Each party shall have the right to be
254 represented by counsel at all stages of the proceedings,
255 including, but not limited to, detention, shelter, adjudicatory
256 and disposition hearings and parole or probation revocation
257 proceedings.

258 (b) In delinquency matters the court shall appoint
259 legal defense counsel who is not also a guardian ad litem for the
260 same child. If the party is a child, the child shall be
261 represented by counsel at all critical stages: detention,
262 adjudicatory and disposition hearings; parole or probation
263 revocation proceedings; and post-disposition matters. If
264 indigent, the child shall have the right to have counsel appointed
265 for him by the youth court.

266 (c) A child who is alleged to have been abused or
267 neglected shall be deemed to be a party to the proceedings under
268 this chapter. The child shall be represented by an attorney at
269 all stages of any proceedings held pursuant to this chapter. The
270 court shall appoint an attorney for any child who is
271 unrepresented. The guardian ad litem may serve a dual role as
272 long as no conflict of interest is present. If a conflict of
273 interest arises, the guardian ad litem shall inform the Youth
274 Court of the conflict and the Youth Court shall retain the
275 guardian ad litem to represent the best interest of the child and

276 appoint an attorney to represent the child's preferences as
277 required by Uniform Rule of Youth Court Practice 13(f).

278 (2) When a party first appears before the youth court, the
279 judge shall ascertain whether he is represented by counsel and, if
280 not, inform him of his rights, including his right to counsel. If
281 the court determines that a parent or guardian who is a party in
282 an abuse, neglect or termination of parental rights proceeding is
283 indigent, the youth court judge may appoint counsel to represent
284 the indigent parent or guardian in the proceeding.

285 (3) An attorney appointed to represent a * * * child shall
286 be required to complete annual juvenile justice training that is
287 approved by the Mississippi Office of State Public Defender and
288 the Mississippi Commission on Continuing Legal Education. An
289 attorney appointed to represent a parent or guardian in an abuse,
290 neglect or termination of parental rights proceeding shall be
291 required to complete annual training that is approved by the
292 Office of State Public Defender and the Mississippi Commission on
293 Continuing Legal Education. The Mississippi Office of State
294 Public Defender and the Mississippi Commission on Continuing Legal
295 Education shall determine the amount of juvenile justice training
296 and continuing education required to fulfill the requirements of
297 this subsection. The State Public Defender shall maintain a roll
298 of attorneys who have complied with the training requirements and
299 shall enforce the provisions of this subsection. Should an
300 attorney fail to complete the annual training requirement or fail
301 to attend the required training within six (6) months of being

302 appointed to a youth court case, the attorney shall be
303 disqualified to serve and the youth court shall immediately
304 terminate the representation and appoint another attorney.
305 Attorneys appointed by a youth court to five (5) or fewer cases a
306 year are exempt from the requirements of this subsection.

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

311 (5) An attorney shall enter his appearance on behalf of a
312 party in the proceeding by filing a written notice of appearance
313 with the youth court, by filing a pleading, notice or motion
314 signed by counsel or by appearing in open court and advising the
315 youth court that he is representing a party. After counsel has
316 entered his appearance, he shall be served with copies of all
317 subsequent pleadings, motions and notices required to be served on
318 the party he represents. An attorney who has entered his
319 appearance shall not be permitted to withdraw from the case until
320 a timely appeal, if any, has been decided, except by leave of the
321 court then exercising jurisdiction of the cause after notice of
322 his intended withdrawal is served by him on the party he
323 represents.

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

327 (7) The Department of Child Protection Services shall be a
328 necessary party at all stages of the proceedings involving a child
329 for whom the department has custody, including, but not limited
330 to, shelter, adjudicatory, disposition, permanency and
331 termination-of-parental-rights hearings.

332 **SECTION 7.** Section 43-21-501, Mississippi Code of 1972, is
333 amended as follows:

334 43-21-501. When a petition has been filed and the date of
335 hearing has been set by the youth court, the judge or his designee
336 shall order the clerk of the youth court to issue a summons to the
337 following to appear personally at such hearing:

338 (a) The child named in the petition;

339 (b) The person or persons who have custody or control
340 of the child;

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

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

344 (* * *e) Any other person whom the court deems
345 necessary.

346 **SECTION 8.** Section 43-21-701, Mississippi Code of 1972, is
347 amended as follows:

348 43-21-701. (1) There is hereby established the Mississippi
349 Commission on a Uniform Youth Court System and Procedures. The
350 commission shall consist of the following * * * twenty-one (21)
351 members:

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

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

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

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

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

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

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

367 (h) The directors of the following state agencies or
368 their designated representatives: the Mississippi Department
369 of * * * Human Services and the Mississippi Department of * * *
370 Child Protection Services;

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

373 (j) * * * Two (2) employees, other than the director,
374 of the Department of * * * Child Protection Services who * * * are
375 supervisors of social workers primarily assigned to youth cases,
376 appointed by the Governor;

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

380 (* * * l) One (1) municipal police chief, appointed by
381 the Governor;

382 (* * * m) One (1) county sheriff, appointed by the
383 Governor;

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

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

388 (2) The members shall be appointed to the commission within
389 fifteen (15) days of * * * July 1, 2023, and shall serve until the
390 end of their respective terms of office, if applicable, or until
391 October 1, * * * 2024, whichever occurs first. Vacancies on the
392 commission shall be filled in the manner of the original
393 appointment. Members shall be eligible for reappointment provided
394 that upon such reappointment they meet the qualifications required
395 of a new appointee.

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

399 (4) The commission shall adopt rules and regulations
400 governing times and places for meetings and governing the manner
401 of conducting its business. * * * Twelve (12) or more members
402 shall constitute a quorum for the purpose of conducting any

403 business of the commission; provided, however, a vote of not less
404 than * * * fourteen (14) members shall be required for any
405 recommendations to the Legislature.

406 (5) Members of the commission shall serve without
407 compensation, except that state and county employees and officers
408 shall receive any per diem as authorized by law from
409 appropriations available to their respective agencies or political
410 subdivisions. All commission members shall be entitled to receive
411 reimbursement for any actual and reasonable expenses incurred as a
412 necessary incident to service on the commission, including mileage
413 as provided by law.

414 (6) The commission may select and employ a research director
415 who shall perform the duties which the commission directs, which
416 duties shall include the hiring of such other employees for the
417 commission as the commission may approve. The research director
418 and all other employees of the commission shall be in the state
419 service and their salaries shall be established by the commission
420 subject to approval by the State Personnel Board. Employees of
421 the commission shall be reimbursed for the expenses necessarily
422 incurred in the performance of their official duties in the same
423 manner as other state employees. The commission may also employ
424 any consultants it deems necessary, including consultants to
425 compile any demographic data needed to accomplish the duties of
426 the commission.

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

429 act as agent for any funds made available to the commission for
430 its use. In order to expedite the implementation of the
431 Commission on a Uniform Youth Court System, any funds available to
432 the Governor's Office of Federal-State Programs for the * * *
433 2023-2024 fiscal year may be expended for the purpose of defraying
434 the expenses of the commission created herein.

435 (8) The commission may contract for suitable office space in
436 accordance with the provisions of Section 29-5-2, Mississippi Code
437 of 1972. In addition, the commission may utilize, with their
438 consent, the services, equipment, personnel, information and
439 resources of other state agencies; and may accept voluntary and
440 uncompensated services, contract with individuals, public and
441 private agencies, and request information, reports and data from
442 any agency of the state, or any of its political subdivisions, to
443 the extent authorized by law.

444 (9) In order to conduct and carry out its purposes, duties
445 and related activities as provided for in this section and Section
446 43-21-703, the commission is authorized to apply for and accept
447 gifts, grants, subsidies and other funds from persons,
448 corporations, foundations, the United States government or other
449 entities, provided that the receipt of such gifts, grants,
450 subsidies and funds shall be reported and otherwise accounted for
451 in the manner provided by law.

452 **SECTION 9.** Section 43-21-703, Mississippi Code of 1972, is
453 amended as follows:

454 43-21-703. (1) The commission shall study the youth court
455 system in Mississippi, and prepare a report including any proposed
456 changes in the youth court system and/or its procedures. It shall
457 submit the report to the Legislature, on or before October
458 1, * * * 2024, along with a report detailing any legislation which
459 may be needed to implement the plan. In preparing the report, the
460 commission shall evaluate the existing juvenile services in the
461 state and may recommend changes in the organizational concepts,
462 institutions, laws and resources.

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

465 (a) Whether a uniform statewide youth court system
466 would be desirable;

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

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

473 (d) What proposals or alternatives would update or
474 modernize the system to provide staffing for all counties and
475 citizens.

476 (3) The commission, in addition to recommending the plan
477 described in this section, shall serve as a clearinghouse and
478 information center for the collection, preparation, analysis and
479 dissemination of information on the youth court system in

480 Mississippi and shall conduct ongoing research relating to the
481 improvement of the youth court system. Pursuant to its duties
482 under this subsection, the commission may request the regular
483 submission to it of such reports, information and statistics by
484 the courts, judges, prosecuting attorneys and agencies of this
485 state which the commission deems necessary for the development of
486 its reports.

487 **SECTION 10.** Section 93-15-107, Mississippi Code of 1972, is
488 amended as follows:

489 93-15-107. (1) (a) Involuntary termination of parental
490 rights proceedings are commenced upon the filing of a petition
491 under this chapter. The petition may be filed by any interested
492 person, or any agency, institution or person holding custody of
493 the child. The simultaneous filing of a petition for adoption is
494 not a prerequisite for filing a petition under this chapter.

495 (b) The proceeding shall be triable, either in term
496 time or vacation, thirty (30) days after personal service of
497 process to any necessary party or, for a necessary party whose
498 address is unknown after diligent search, thirty (30) days after
499 the date of the first publication of service of process by
500 publication that complies with the Mississippi Rules of Civil
501 Procedure.

502 (c) Necessary parties to a termination of parental
503 rights action shall include the mother of the child, the legal
504 father of the child, the putative father of the child when known,
505 and any agency, institution or person holding custody of the

506 child. The absence of a necessary party who has been properly
507 served does not preclude the court from conducting the hearing or
508 rendering a final judgment.

509 (d) A guardian ad litem shall be appointed to protect
510 the best interest of the child, except that the court, in its
511 discretion, may waive this requirement when a parent executes a
512 written voluntary release to terminate parental rights. The
513 guardian ad litem fees shall be determined and assessed in the
514 discretion of the court.

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

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

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

522 (5) The clerk shall docket cases seeking relief under this
523 chapter as priority cases. The assigned judge shall be
524 immediately notified by the clerk when a case is filed in order to
525 provide for expedited proceedings.

526 **SECTION 11.** Section 93-17-3, Mississippi Code of 1972, is
527 amended as follows:

528 93-17-3. (1) Except as otherwise provided in this section,
529 a court of this state has jurisdiction over a proceeding for the
530 adoption or readoption of a minor commenced under this chapter if:

531 (a) Immediately before commencement of the proceeding,
532 the minor lived in this state with a parent, a guardian, a
533 prospective adoptive parent or another person acting as parent,
534 for at least six (6) consecutive months, excluding periods of
535 temporary absence, or, in the case of a minor under six (6) months
536 of age, lived in this state from soon after birth with any of
537 those individuals and there is available in this state substantial
538 evidence concerning the minor's present or future care;

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

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

547 (i) The minor and the minor's parents, or the
548 minor and the prospective adoptive parent, have a significant
549 connection with this state; and

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

552 (d) The minor and the prospective adoptive parent or
553 parents are physically present in this state and the minor has
554 been abandoned or it is necessary in an emergency to protect the
555 minor because the minor has been subjected to or threatened with
556 mistreatment or abuse or is otherwise neglected, and the

557 prospective adoptive parent or parents, if not residing in
558 Mississippi, have completed and provided the court with a
559 satisfactory Interstate Compact for Placement of Children (ICPC)
560 home study and accompanying forms, unless the court determines
561 that the home study is not necessary in the case of an adoption by
562 a stepparent or a relative or in the case of an adoption in a
563 foster-to-adopt placement;

564 (e) It appears that no other state would have
565 jurisdiction under prerequisites substantially in accordance with
566 paragraphs (a) through (d), or another state has declined to
567 exercise jurisdiction on the ground that this state is the more
568 appropriate forum to hear a petition for adoption of the minor,
569 and it is in the best interest of the minor that a court of this
570 state assume jurisdiction; or

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

575 (2) A court of this state may not exercise jurisdiction over
576 a proceeding for adoption of a minor if, at the time the petition
577 for adoption is filed, a proceeding concerning the custody or
578 adoption of the minor is pending in a court of another state
579 exercising jurisdiction substantially in conformity with the
580 Uniform Child Custody Jurisdiction Act or this section unless the
581 proceeding is stayed by the court of the other state.

582 (3) If a court of another state has issued a decree or order
583 concerning the custody of a minor who may be the subject of a
584 proceeding for adoption in this state, a court of this state may
585 not exercise jurisdiction over a proceeding for adoption of the
586 minor unless:

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

589 (i) Does not have continuing jurisdiction to
590 modify the decree or order under jurisdictional prerequisites
591 substantially in accordance with the Uniform Child Custody
592 Jurisdiction Act or has declined to assume jurisdiction to modify
593 the decree or order; or

594 (ii) Does not have jurisdiction over a proceeding
595 for adoption substantially in conformity with subsection (1)(a)
596 through (d) or has declined to assume jurisdiction over a
597 proceeding for adoption; and

598 (b) The court of this state has jurisdiction over the
599 proceeding.

600 (4) Any person may be adopted in accordance with the
601 provisions of this chapter in term time or in vacation by an
602 unmarried adult, by a married person whose spouse joins in the
603 petition, by a married person whose spouse does not join in the
604 petition because such spouse does not cohabit or reside with the
605 petitioning spouse, and in any circumstances determined by the
606 court that the adoption is in the best interest of the child.
607 Only the consenting adult will be a legal parent of the child. In

608 those adoption proceedings where the chancery court has
609 jurisdiction, the adoption shall be by sworn petition filed in the
610 chancery court of the county in which the adopting petitioner or
611 petitioners reside or in which the child to be adopted resides or
612 was born, or was found when it was abandoned or deserted, or in
613 which the home is located to which the child has been surrendered
614 by a person authorized to so do. In those adoption proceedings
615 where the county court sitting as a youth court has jurisdiction,
616 the adoption shall be by sworn petition filed in that youth court
617 of the county court under seal. If the youth court finds that the
618 best interest of the child would be served by a different venue,
619 the youth court may transfer any contested adoption proceeding to
620 the appropriate chancery court. The petition shall be accompanied
621 by a doctor's or nurse practitioner's certificate showing the
622 physical and mental condition of the child to be adopted and a
623 sworn statement of all property, if any, owned by the child. In
624 addition, the petition shall be accompanied by affidavits of the
625 petitioner or petitioners stating the amount of the service fees
626 charged by any adoption agencies or adoption facilitators used by
627 the petitioner or petitioners and any other expenses paid by the
628 petitioner or petitioners in the adoption process as of the time
629 of filing the petition. If the doctor's or nurse practitioner's
630 certificate indicates any abnormal mental or physical condition or
631 defect, the condition or defect shall not, in the discretion of
632 the chancellor or county court sitting as a youth court, bar the
633 adoption of the child if the adopting parent or parents file an

634 affidavit stating full and complete knowledge of the condition or
635 defect and stating a desire to adopt the child, notwithstanding
636 the condition or defect. The court shall have the power to change
637 the name of the child as a part of the adoption proceedings. The
638 word "child" in this section shall be construed to refer to the
639 person to be adopted, though an adult.

640 (5) No person may be placed in the home of or adopted by the
641 prospective adopting parties before a court-ordered or voluntary
642 home study is satisfactorily completed by a licensed adoption
643 agency, a licensed, experienced social worker approved by the
644 chancery court, a court-appointed guardian ad litem that has
645 knowledge or training in conducting home studies if so directed by
646 the court, or by the Department of * * * Child Protection Services
647 on the prospective adoptive parties if required by Section
648 93-17-11, unless the court determines that the home study is not
649 necessary in the case of an adoption by a stepparent or a relative
650 or in the case of an adoption in a foster-to-adopt placement.

651 (6) No person may be adopted by a person or persons who
652 reside outside the State of Mississippi unless the provisions of
653 the Interstate Compact for Placement of Children (Section 43-18-1
654 et seq.) have been complied with. In such cases Forms 100A, 100B
655 (if applicable) and evidence of Interstate Compact for Placement
656 of Children approval shall be added to the permanent adoption
657 record file within one (1) month of the placement, and a minimum
658 of two (2) post-placement reports conducted by a licensed
659 child-placing agency shall be provided to the Mississippi

660 Department of Child Protection Services Interstate Compact for
661 Placement of Children office.

662 (7) No person may be adopted unless the provisions of the
663 Indian Child Welfare Act (ICWA) have been complied with, if
664 applicable. When applicable, proof of compliance shall be
665 included in the court adoption file prior to finalization of the
666 adoption. If not applicable, a written statement or paragraph in
667 the petition for adoption shall be included in the adoption
668 petition stating that the provisions of ICWA do not apply before
669 finalization.

670 (8) The readoption of a child who has automatically acquired
671 United States citizenship following an adoption in a foreign
672 country and who possesses a Certificate of Citizenship in
673 accordance with the Child Citizenship Act, CAA, Public Law
674 106-395, may be given full force and effect in a readoption
675 proceeding conducted by a court of competent jurisdiction in this
676 state by compliance with the Mississippi Registration of Foreign
677 Adoptions Act, Article 9 of this chapter.

678 (9) For adult adoptees who consent to the adoption, a
679 chancellor may waive any of the petition requirements and
680 procedural requirements within subsections (4), (5), (6) and (7)
681 of this section.

682 (10) For proceedings filed under this chapter, the chancery
683 court has original exclusive jurisdiction over all adoption
684 proceedings except when a county court sitting as a youth court
685 has acquired jurisdiction of a child in an abuse or neglect

686 proceeding. In such case, the county court shall have original
687 exclusive jurisdiction to hear a petition for adoption of that
688 child pursuant to the procedures of this chapter. If the youth
689 court finds that the best interest of the child would be served by
690 a different venue, the youth court may transfer any contested
691 adoption proceeding to the appropriate chancery court.

692 (11) The clerk shall docket cases seeking relief under this
693 chapter as priority cases. The assigned judge shall be
694 immediately notified by the clerk when a case is filed in order to
695 provide for expedited proceedings.

696 **SECTION 12.** Section 93-17-11, Mississippi Code of 1972, is
697 amended as follows:

698 93-17-11. (1) At any time after the filing of the petition
699 for adoption and completion of process thereon, and before the
700 entering of a final decree, the court may, in its discretion, of
701 its own motion or on motion of any party to the proceeding,
702 require an investigation and report to the court to be made by any
703 person, officer or home as the court may designate and direct
704 concerning the child, and shall require in adoptions except as
705 provided in subsection (4) of this section, other than those in
706 which the petitioner or petitioners are a relative or stepparent
707 of the child, that a home study be performed of the petitioner or
708 petitioners by a licensed adoption agency or by the Department of
709 Human Services, at the petitioner's or petitioners' sole expense
710 and at no cost to the state or county. The investigation and
711 report shall give the material facts upon which the court may

712 determine whether the child is a proper subject for adoption,
713 whether the petitioner or petitioners are suitable parents for the
714 child, whether the adoption is to its best interest, and any other
715 facts or circumstances that may be material to the proposed
716 adoption. The home study shall be considered by the court in
717 determining whether the petitioner or petitioners are suitable
718 parents for the child. The court, when an investigation and
719 report are required by the court or by this section, shall stay
720 the proceedings in the cause for such reasonable time as may be
721 necessary or required in the opinion of the court for the
722 completion of the investigation and report by the person, officer
723 or home designated and authorized to make the same.

724 (2) Upon the filing of that consent or the completion of the
725 process and the filing of the investigation and report, if
726 required by the court or by this section, and the presentation of
727 such other evidence as may be desired by the court, if the court
728 determines that it is to the best interests of the child that an
729 interlocutory decree of adoption be entered, the court may
730 thereupon enter an interlocutory decree upon such terms and
731 conditions as may be determined by the court, in its discretion,
732 but including therein that the complete care, custody and control
733 of the child shall be vested in the petitioner or petitioners
734 until further orders of the court and that during such time the
735 child shall be and remain a ward of the court. If the court
736 determines by decree at any time during the pendency of the
737 proceeding that it is not to the best interests of the child that

738 the adoption proceed, the petitioners shall be entitled to at
739 least five (5) days' notice upon their attorneys of record and a
740 hearing with the right of appeal as provided by law from a
741 dismissal of the petition; however, the bond perfecting the appeal
742 shall be filed within ten (10) days from the entry of the decree
743 of dismissal and the bond shall be in such amount as the
744 chancellor may determine and supersedeas may be granted by the
745 chancellor or as otherwise provided by law for appeal from final
746 decrees.

747 (3) After the entry of the interlocutory decree and before
748 entry of the final decree, the court may require such further and
749 additional investigation and reports as it may deem proper. The
750 rights of the parties filing the consent or served with process
751 shall be subject to the decree but shall not be divested until
752 entry of the final decree.

753 (4) The court may determine that a home study in an adoption
754 is not necessary in the case of an adoption by a stepparent or a
755 relative or in the case of an adoption in a foster-to-adopt
756 placement.

757 **SECTION 13.** Section 93-17-25, Mississippi Code of 1972, is
758 amended as follows:

759 93-17-25. All proceedings under this chapter shall be
760 confidential and shall be held in closed court without admittance
761 of any person other than the interested parties, except upon order
762 of the court. All pleadings, reports, files, testimony, exhibits
763 and records pertaining to * * * adoption proceedings shall be

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

768 Upon motion of any interested person, the files of adoption
769 proceedings, heretofore had may be placed in the confidential
770 files upon order of the court or chancellor and shall be subject
771 to the provisions of this chapter.

772 Provided, however, that notwithstanding the confidential
773 nature of said proceedings, said record shall be available for use
774 in any court or administrative proceedings under a subpoena duces
775 tecum addressed to the custodian of said records and portions of
776 such record may be released pursuant to Sections 93-17-201 through
777 93-17-223.

778 **SECTION 14.** The appropriate court, through its clerk, shall
779 notify the Office of the Attorney General within seven (7)
780 business days whenever a permanency plan changes to termination of
781 parental rights or an adoption.

782 **SECTION 15.** Once the petition for termination of parental
783 rights is filed with the court of competent jurisdiction, the
784 court shall hold a hearing on the petition within one hundred
785 twenty (120) calendar days of the date of the petition is filed.
786 For purposes of this section, the one hundred twenty (120)
787 calendar day time period will commence when perfected service is
788 made on the parents.

789 **SECTION 16.** Section 43-15-207, Mississippi Code of 1972,
790 which defined the term "emergency medical services provider" for
791 the purposes of the Baby Drop-Off Law, is repealed.

792 **SECTION 17.** This act shall take effect and be in force from
793 and after July 1, 2023, and shall stand repealed on June 30, 2023.

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

1 AN ACT TO ENACT THE MISSISSIPPI SAFE HAVEN LAW AND PROVIDE A
2 CLEAR PATH TO PERMANENCY FOR CHILDREN IN THE CUSTODY OF THE
3 DEPARTMENT OF CHILD PROTECTION SERVICES; TO CREATE NEW SECTION
4 43-15-200, MISSISSIPPI CODE OF 1972, TO STATE THE PURPOSE OF THE
5 ARTICLE; TO CREATE NEW SECTION 43-15-200.1, MISSISSIPPI CODE OF
6 1972, TO DEFINE TERMS; TO AMEND SECTION 43-15-201, MISSISSIPPI
7 CODE OF 1972, TO AUTHORIZE AN INFANT'S PARENT TO GIVE UP CUSTODY
8 OF AN INFANT TO AN EMERGENCY MEDICAL SERVICES PROVIDER DUE TO
9 EXTENUATING CIRCUMSTANCES BY DIALING THE 911 EMERGENCY CALL NUMBER
10 AND STAYING WITH THE INFANT UNTIL AN EMERGENCY MEDICAL SERVICES
11 PROVIDER ARRIVES TO TAKE CUSTODY OF THE INFANT; TO REQUIRE THE
12 EMERGENCY MEDICAL SERVICES PROVIDER TO ATTEMPT TO OBTAIN CERTAIN
13 INFORMATION CONCERNING THE INFANT FROM THE PARENT RELINQUISHING
14 THE INFANT; TO REQUIRE AN INFANT TO BE TRANSFERRED TO A HOSPITAL
15 IMMEDIATELY; TO REQUIRE A MEDICAL SCREENING OF THE INFANT; TO
16 AMEND SECTION 43-15-203, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
17 THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL HAVE LEGAL
18 CUSTODY AS SOON AS THE DEPARTMENT RECEIVES NOTICE OF A
19 RELINQUISHMENT; TO PROVIDE THAT THE DEPARTMENT SHALL ASSUME
20 PHYSICAL CUSTODY AS SOON AS POSSIBLE; TO REQUIRE THE DEPARTMENT,
21 AFTER ASSUMING LEGAL CUSTODY, TO IMMEDIATELY NOTIFY LAW
22 ENFORCEMENT OF A POTENTIAL MISSING CHILD; TO REQUIRE A LAW
23 ENFORCEMENT AGENCY WHO RECEIVES NOTICE UNDER THIS SECTION TO
24 INVESTIGATE WHETHER THE RELINQUISHED INFANT IS A MISSING CHILD; TO
25 REQUIRE THE DEPARTMENT TO PUBLISH NOTICE OF THE CIRCUMSTANCES OF
26 THE RELINQUISHMENT OF THE INFANT AND THE CONTACT INFORMATION FOR
27 THE APPROPRIATE OFFICE OF THE DEPARTMENT IN A NEWSPAPER OF GENERAL
28 CIRCULATION AND SEND A NEWS RELEASE TO BROADCAST AND PRINT MEDIA;
29 TO CREATE NEW SECTION 43-15-204, MISSISSIPPI CODE OF 1972, TO
30 PROVIDE THAT WHEN AN INFANT IS RELINQUISHED UNDER THIS ARTICLE,
31 THERE IS A REBUTTABLE PRESUMPTION THAT THE YOUTH COURT CASE SHALL
32 PROCEED UNDER SECTION 43-21-603(7); TO AMEND SECTION 43-21-201,
33 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CHILD ALLEGED TO
34 HAVE BEEN ABUSED OR NEGLECTED SHALL BE A PARTY AND SHALL BE
35 REPRESENTED BY COUNSEL; TO PROVIDE THAT A PARTY'S RIGHT TO
36 REPRESENTATION SHALL EXTEND TO SHELTER HEARINGS; TO PROVIDE THAT

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

SS26\HB1318PS.J

Eugene S. Clarke
Secretary of the Senate