

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1318

BY: Committee

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

82 **SECTION 1.** The following shall be codified as Section
83 43-15-200, Mississippi Code of 1972:

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

89 **SECTION 2.** The following shall be codified as Section
90 43-15-200.1, Mississippi Code of 1972:



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

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

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

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

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

113 (i) Designed to permit a parent to anonymously
114 place an infant in the device with the intent to leave the infant



115 for an emergency medical services provider to remove the infant
116 from the device and take custody of the infant;

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

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

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

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

126 1. Licensed or otherwise legally operating in
127 this state; and

128 2. Staffed continuously on a twenty-four-hour
129 basis, seven (7) days a week and three hundred sixty-five (365)
130 days a year.

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

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



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

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

148 (i) Dialing the 911 emergency call number; and
149 (ii) Staying with the infant until an emergency
150 medical services provider arrives to take custody of the infant.

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

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

161 (3) The emergency medical services provider must ask the
162 parent relinquishing the infant to identify any other parent of
163 the infant other than the parent leaving the infant with the



164 emergency medical services provider. The emergency medical
165 services provider also must attempt to obtain from the parent
166 information concerning the infant's background and medical history
167 as specified on a form provided by the department. This
168 information must include, but is not limited to, information
169 concerning the use of a controlled substance by the infant's
170 mother during the pregnancy or since the birth of the child,
171 provided that information regarding the use of a controlled
172 substance by the infant's mother is not admissible as evidence of
173 the unlawful use of a controlled substance in any criminal court
174 proceeding. The emergency medical services provider must give the
175 parent a copy of the form and a prepaid envelope for mailing the
176 form to the department if the parent does not wish to provide the
177 information to the provider.

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

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

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

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



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

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

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

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

211 (* * *7) There is a presumption that by relinquishing a
212 child in accordance with this section, the parent consents to the



213 termination of his or her parental rights with respect to the
214 child. * * *.

215 * * *

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

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

223 (2) The department shall * * * take legal custody of
224 the * * * infant immediately on receipt of notice pursuant to
225 subsection (1). The department shall take physical custody of the
226 infant as soon as practicable but not later than twenty-four (24)
227 hours after receiving notice that the infant is ready to be
228 discharged from the hospital.

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

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

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



238 (6) Within forty eight (48) hours after taking legal custody
239 of the infant, the department shall publish notice, in a newspaper
240 of general circulation in the area where the emergency medical
241 services provider that initially took the infant is located, and
242 send a news release to broadcast and print media in the area. The
243 notice and the news release must state the circumstances under
244 which the infant was left at the provider, a description of the
245 infant, and the date, time, and place of the hearing to be held.
246 The notice and the news release must also state that any person
247 wishing to assert parental rights in regard to the infant must do
248 so at the hearing. If the parent who relinquished the infant
249 identified anyone else as being a parent of the infant, the notice
250 must be sent by certified mail to the last known address of the
251 person identified as a parent at least two (2) weeks prior to the
252 hearing date.

253 **SECTION 5.** The following shall be codified as Section
254 43-15-204, Mississippi Code of 1972:

255 43-15-204. When an infant is relinquished under this
256 article, there is a rebuttable presumption that the youth court
257 case shall proceed under Section 43-21-603(7).

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

260 43-21-201. (1) (a) Each party shall have the right to be
261 represented by counsel at all stages of the proceedings,
262 including, but not limited to, detention, shelter, adjudicatory



263 and disposition hearings and parole or probation revocation
264 proceedings.

265 **(b)** In delinquency matters the court shall appoint
266 legal defense counsel who is not also a guardian ad litem for the
267 same child. If the party is a child, the child shall be
268 represented by counsel at all critical stages: detention,
269 adjudicatory and disposition hearings; parole or probation
270 revocation proceedings; and post-disposition matters. If
271 indigent, the child shall have the right to have counsel appointed
272 for him by the youth court.

273 **(c)** A child who is alleged to have been abused or
274 neglected shall be deemed to be a party to the proceedings under
275 this chapter. The child shall be represented by an attorney at
276 all stages of any proceedings held pursuant to this chapter. The
277 court shall appoint an attorney for any child who is
278 unrepresented. The guardian ad litem may serve a dual role as
279 long as no conflict of interest is present. If a conflict of
280 interest arises, the guardian ad litem shall inform the Youth
281 Court of the conflict and the Youth Court shall retain the
282 guardian ad litem to represent the best interest of the child and
283 appoint an attorney to represent the child's preferences as
284 required by Uniform Rule of Youth Court Practice 13(f).

285 (2) When a party first appears before the youth court, the
286 judge shall ascertain whether he is represented by counsel and, if
287 not, inform him of his rights, including his right to counsel. If



288 the court determines that a parent or guardian who is a party in
289 an abuse, neglect or termination of parental rights proceeding is
290 indigent, the youth court judge may appoint counsel to represent
291 the indigent parent or guardian in the proceeding.

292 (3) An attorney appointed to represent a * * * child shall
293 be required to complete annual juvenile justice training that is
294 approved by the Mississippi Office of State Public Defender and
295 the Mississippi Commission on Continuing Legal Education. An
296 attorney appointed to represent a parent or guardian in an abuse,
297 neglect or termination of parental rights proceeding shall be
298 required to complete annual training that is approved by the
299 Office of State Public Defender and the Mississippi Commission on
300 Continuing Legal Education. The Mississippi Office of State
301 Public Defender and the Mississippi Commission on Continuing Legal
302 Education shall determine the amount of juvenile justice training
303 and continuing education required to fulfill the requirements of
304 this subsection. The State Public Defender shall maintain a roll
305 of attorneys who have complied with the training requirements and
306 shall enforce the provisions of this subsection. Should an
307 attorney fail to complete the annual training requirement or fail
308 to attend the required training within six (6) months of being
309 appointed to a youth court case, the attorney shall be
310 disqualified to serve and the youth court shall immediately
311 terminate the representation and appoint another attorney.



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

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

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

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

334 (7) The Department of Child Protection Services shall be a
335 necessary party at all stages of the proceedings involving a child
336 for whom the department has custody, including, but not limited



337 to, shelter, adjudicatory, disposition, permanency and
338 termination-of-parental-rights hearings.

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

341 43-21-501. When a petition has been filed and the date of
342 hearing has been set by the youth court, the judge or his designee
343 shall order the clerk of the youth court to issue a summons to the
344 following to appear personally at such hearing:

345 (a) The child named in the petition;

346 (b) The person or persons who have custody or control
347 of the child;

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

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

351 (* * * e) Any other person whom the court deems
352 necessary.

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

355 43-21-701. (1) There is hereby established the Mississippi
356 Commission on a Uniform Youth Court System and Procedures. The
357 commission shall consist of the following * * * twenty-one (21)
358 members:

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



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

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

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

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

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

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

374 (h) The directors of the following state agencies or
375 their designated representatives: the Mississippi Department
376 of * * * Human Services and the Mississippi Department of * * *
377 Child Protection Services;

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

380 (j) * * * Two (2) employees, other than the director,
381 of the Department of * * * Child Protection Services who * * * are
382 supervisors of social workers primarily assigned to youth cases,
383 appointed by the Governor;



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

387 (* * * l) One (1) municipal police chief, appointed by
388 the Governor;

389 (* * * m) One (1) county sheriff, appointed by the
390 Governor;

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

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

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

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

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



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

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

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



434 (7) The Governor's Office of Federal-State Programs shall
435 support the Commission on a Uniform Youth Court System and shall
436 act as agent for any funds made available to the commission for
437 its use. In order to expedite the implementation of the
438 Commission on a Uniform Youth Court System, any funds available to
439 the Governor's Office of Federal-State Programs for the * * *
440 2023-2024 fiscal year may be expended for the purpose of defraying
441 the expenses of the commission created herein.

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

451 (9) In order to conduct and carry out its purposes, duties
452 and related activities as provided for in this section and Section
453 43-21-703, the commission is authorized to apply for and accept
454 gifts, grants, subsidies and other funds from persons,
455 corporations, foundations, the United States government or other
456 entities, provided that the receipt of such gifts, grants,
457 subsidies and funds shall be reported and otherwise accounted for
458 in the manner provided by law.



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

461 43-21-703. (1) The commission shall study the youth court
462 system in Mississippi, and prepare a report including any proposed
463 changes in the youth court system and/or its procedures. It shall
464 submit the report to the Legislature, on or before October
465 1, * * * 2024, along with a report detailing any legislation which
466 may be needed to implement the plan. In preparing the report, the
467 commission shall evaluate the existing juvenile services in the
468 state and may recommend changes in the organizational concepts,
469 institutions, laws and resources.

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

472 (a) Whether a uniform statewide youth court system
473 would be desirable;

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

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

480 (d) What proposals or alternatives would update or
481 modernize the system to provide staffing for all counties and
482 citizens.



483 (3) The commission, in addition to recommending the plan
484 described in this section, shall serve as a clearinghouse and
485 information center for the collection, preparation, analysis and
486 dissemination of information on the youth court system in
487 Mississippi and shall conduct ongoing research relating to the
488 improvement of the youth court system. Pursuant to its duties
489 under this subsection, the commission may request the regular
490 submission to it of such reports, information and statistics by
491 the courts, judges, prosecuting attorneys and agencies of this
492 state which the commission deems necessary for the development of
493 its reports.

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

496 93-15-107. (1) (a) Involuntary termination of parental
497 rights proceedings are commenced upon the filing of a petition
498 under this chapter. The petition may be filed by any interested
499 person, or any agency, institution or person holding custody of
500 the child. The simultaneous filing of a petition for adoption is
501 not a prerequisite for filing a petition under this chapter.

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



507 publication that complies with the Mississippi Rules of Civil
508 Procedure.

509 (c) Necessary parties to a termination of parental
510 rights action shall include the mother of the child, the legal
511 father of the child, the putative father of the child when known,
512 and any agency, institution or person holding custody of the
513 child. The absence of a necessary party who has been properly
514 served does not preclude the court from conducting the hearing or
515 rendering a final judgment.

516 (d) A guardian ad litem shall be appointed to protect
517 the best interest of the child, except that the court, in its
518 discretion, may waive this requirement when a parent executes a
519 written voluntary release to terminate parental rights. The
520 guardian ad litem fees shall be determined and assessed in the
521 discretion of the court.

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

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

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

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



531 immediately notified by the clerk when a case is filed in order to
532 provide for expedited proceedings.

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

535 93-17-3. (1) Except as otherwise provided in this section,
536 a court of this state has jurisdiction over a proceeding for the
537 adoption or readoption of a minor commenced under this chapter if:

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

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

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



554 (i) The minor and the minor's parents, or the
555 minor and the prospective adoptive parent, have a significant
556 connection with this state; and

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

559 (d) The minor and the prospective adoptive parent or
560 parents are physically present in this state and the minor has
561 been abandoned or it is necessary in an emergency to protect the
562 minor because the minor has been subjected to or threatened with
563 mistreatment or abuse or is otherwise neglected, and the
564 prospective adoptive parent or parents, if not residing in
565 Mississippi, have completed and provided the court with a
566 satisfactory Interstate Compact for Placement of Children (ICPC)
567 home study and accompanying forms, unless the court determines
568 that the home study is not necessary in the case of an adoption by
569 a stepparent or a relative or in the case of an adoption in a
570 foster-to-adopt placement;

571 (e) It appears that no other state would have
572 jurisdiction under prerequisites substantially in accordance with
573 paragraphs (a) through (d), or another state has declined to
574 exercise jurisdiction on the ground that this state is the more
575 appropriate forum to hear a petition for adoption of the minor,
576 and it is in the best interest of the minor that a court of this
577 state assume jurisdiction; or



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

582 (2) A court of this state may not exercise jurisdiction over
583 a proceeding for adoption of a minor if, at the time the petition
584 for adoption is filed, a proceeding concerning the custody or
585 adoption of the minor is pending in a court of another state
586 exercising jurisdiction substantially in conformity with the
587 Uniform Child Custody Jurisdiction Act or this section unless the
588 proceeding is stayed by the court of the other state.

589 (3) If a court of another state has issued a decree or order
590 concerning the custody of a minor who may be the subject of a
591 proceeding for adoption in this state, a court of this state may
592 not exercise jurisdiction over a proceeding for adoption of the
593 minor unless:

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

596 (i) Does not have continuing jurisdiction to
597 modify the decree or order under jurisdictional prerequisites
598 substantially in accordance with the Uniform Child Custody
599 Jurisdiction Act or has declined to assume jurisdiction to modify
600 the decree or order; or

601 (ii) Does not have jurisdiction over a proceeding
602 for adoption substantially in conformity with subsection (1)(a)



603 through (d) or has declined to assume jurisdiction over a
604 proceeding for adoption; and

605 (b) The court of this state has jurisdiction over the
606 proceeding.

607 (4) Any person may be adopted in accordance with the
608 provisions of this chapter in term time or in vacation by an
609 unmarried adult, by a married person whose spouse joins in the
610 petition, by a married person whose spouse does not join in the
611 petition because such spouse does not cohabit or reside with the
612 petitioning spouse, and in any circumstances determined by the
613 court that the adoption is in the best interest of the child.
614 Only the consenting adult will be a legal parent of the child. In
615 those adoption proceedings where the chancery court has
616 jurisdiction, the adoption shall be by sworn petition filed in the
617 chancery court of the county in which the adopting petitioner or
618 petitioners reside or in which the child to be adopted resides or
619 was born, or was found when it was abandoned or deserted, or in
620 which the home is located to which the child has been surrendered
621 by a person authorized to so do. In those adoption proceedings
622 where the county court sitting as a youth court has jurisdiction,
623 the adoption shall be by sworn petition filed in that youth court
624 of the county court under seal. If the youth court finds that the
625 best interest of the child would be served by a different venue,
626 the youth court may transfer any contested adoption proceeding to
627 the appropriate chancery court. The petition shall be accompanied



628 by a doctor's or nurse practitioner's certificate showing the
629 physical and mental condition of the child to be adopted and a
630 sworn statement of all property, if any, owned by the child. In
631 addition, the petition shall be accompanied by affidavits of the
632 petitioner or petitioners stating the amount of the service fees
633 charged by any adoption agencies or adoption facilitators used by
634 the petitioner or petitioners and any other expenses paid by the
635 petitioner or petitioners in the adoption process as of the time
636 of filing the petition. If the doctor's or nurse practitioner's
637 certificate indicates any abnormal mental or physical condition or
638 defect, the condition or defect shall not, in the discretion of
639 the chancellor or county court sitting as a youth court, bar the
640 adoption of the child if the adopting parent or parents file an
641 affidavit stating full and complete knowledge of the condition or
642 defect and stating a desire to adopt the child, notwithstanding
643 the condition or defect. The court shall have the power to change
644 the name of the child as a part of the adoption proceedings. The
645 word "child" in this section shall be construed to refer to the
646 person to be adopted, though an adult.

647 (5) No person may be placed in the home of or adopted by the
648 prospective adopting parties before a court-ordered or voluntary
649 home study is satisfactorily completed by a licensed adoption
650 agency, a licensed, experienced social worker approved by the
651 chancery court, a court-appointed guardian ad litem that has
652 knowledge or training in conducting home studies if so directed by



653 the court, or by the Department of * * * Child Protection Services
654 on the prospective adoptive parties if required by Section
655 93-17-11, unless the court determines that the home study is not
656 necessary in the case of an adoption by a stepparent or a relative
657 or in the case of an adoption in a foster-to-adopt placement.

658 (6) No person may be adopted by a person or persons who
659 reside outside the State of Mississippi unless the provisions of
660 the Interstate Compact for Placement of Children (Section 43-18-1
661 et seq.) have been complied with. In such cases Forms 100A, 100B
662 (if applicable) and evidence of Interstate Compact for Placement
663 of Children approval shall be added to the permanent adoption
664 record file within one (1) month of the placement, and a minimum
665 of two (2) post-placement reports conducted by a licensed
666 child-placing agency shall be provided to the Mississippi
667 Department of Child Protection Services Interstate Compact for
668 Placement of Children office.

669 (7) No person may be adopted unless the provisions of the
670 Indian Child Welfare Act (ICWA) have been complied with, if
671 applicable. When applicable, proof of compliance shall be
672 included in the court adoption file prior to finalization of the
673 adoption. If not applicable, a written statement or paragraph in
674 the petition for adoption shall be included in the adoption
675 petition stating that the provisions of ICWA do not apply before
676 finalization.



677 (8) The readoption of a child who has automatically acquired
678 United States citizenship following an adoption in a foreign
679 country and who possesses a Certificate of Citizenship in
680 accordance with the Child Citizenship Act, CAA, Public Law
681 106-395, may be given full force and effect in a readoption
682 proceeding conducted by a court of competent jurisdiction in this
683 state by compliance with the Mississippi Registration of Foreign
684 Adoptions Act, Article 9 of this chapter.

685 (9) For adult adoptees who consent to the adoption, a
686 chancellor may waive any of the petition requirements and
687 procedural requirements within subsections (4), (5), (6) and (7)
688 of this section.

689 (10) For proceedings filed under this chapter, the chancery
690 court has original exclusive jurisdiction over all adoption
691 proceedings except when a county court sitting as a youth court
692 has acquired jurisdiction of a child in an abuse or neglect
693 proceeding. In such case, the county court shall have original
694 exclusive jurisdiction to hear a petition for adoption of that
695 child pursuant to the procedures of this chapter. If the youth
696 court finds that the best interest of the child would be served by
697 a different venue, the youth court may transfer any contested
698 adoption proceeding to the appropriate chancery court.

699 (11) The clerk shall docket cases seeking relief under this
700 chapter as priority cases. The assigned judge shall be



701 immediately notified by the clerk when a case is filed in order to
702 provide for expedited proceedings.

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

705 93-17-11. (1) At any time after the filing of the petition
706 for adoption and completion of process thereon, and before the
707 entering of a final decree, the court may, in its discretion, of
708 its own motion or on motion of any party to the proceeding,
709 require an investigation and report to the court to be made by any
710 person, officer or home as the court may designate and direct
711 concerning the child, and shall require in adoptions except as
712 provided in subsection (4) of this section, other than those in
713 which the petitioner or petitioners are a relative or stepparent
714 of the child, that a home study be performed of the petitioner or
715 petitioners by a licensed adoption agency or by the Department of
716 Human Services, at the petitioner's or petitioners' sole expense
717 and at no cost to the state or county. The investigation and
718 report shall give the material facts upon which the court may
719 determine whether the child is a proper subject for adoption,
720 whether the petitioner or petitioners are suitable parents for the
721 child, whether the adoption is to its best interest, and any other
722 facts or circumstances that may be material to the proposed
723 adoption. The home study shall be considered by the court in
724 determining whether the petitioner or petitioners are suitable
725 parents for the child. The court, when an investigation and



726 report are required by the court or by this section, shall stay
727 the proceedings in the cause for such reasonable time as may be
728 necessary or required in the opinion of the court for the
729 completion of the investigation and report by the person, officer
730 or home designated and authorized to make the same.

731 (2) Upon the filing of that consent or the completion of the
732 process and the filing of the investigation and report, if
733 required by the court or by this section, and the presentation of
734 such other evidence as may be desired by the court, if the court
735 determines that it is to the best interests of the child that an
736 interlocutory decree of adoption be entered, the court may
737 thereupon enter an interlocutory decree upon such terms and
738 conditions as may be determined by the court, in its discretion,
739 but including therein that the complete care, custody and control
740 of the child shall be vested in the petitioner or petitioners
741 until further orders of the court and that during such time the
742 child shall be and remain a ward of the court. If the court
743 determines by decree at any time during the pendency of the
744 proceeding that it is not to the best interests of the child that
745 the adoption proceed, the petitioners shall be entitled to at
746 least five (5) days' notice upon their attorneys of record and a
747 hearing with the right of appeal as provided by law from a
748 dismissal of the petition; however, the bond perfecting the appeal
749 shall be filed within ten (10) days from the entry of the decree
750 of dismissal and the bond shall be in such amount as the



751 chancellor may determine and supersedeas may be granted by the
752 chancellor or as otherwise provided by law for appeal from final
753 decrees.

754 (3) After the entry of the interlocutory decree and before
755 entry of the final decree, the court may require such further and
756 additional investigation and reports as it may deem proper. The
757 rights of the parties filing the consent or served with process
758 shall be subject to the decree but shall not be divested until
759 entry of the final decree.

760 (4) The court may determine that a home study in an adoption
761 is not necessary in the case of an adoption by a stepparent or a
762 relative or in the case of an adoption in a foster-to-adopt
763 placement.

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

766 93-17-25. All proceedings under this chapter shall be
767 confidential and shall be held in closed court without admittance
768 of any person other than the interested parties, except upon order
769 of the court. All pleadings, reports, files, testimony, exhibits
770 and records pertaining to * * * adoption proceedings shall be
771 confidential and shall not be public records and shall be withheld
772 from inspection or examination by any person, and shall not be
773 disclosed by any person except upon order of the court in which
774 the proceeding was had on good cause shown.



775 Upon motion of any interested person, the files of adoption
776 proceedings, heretofore had may be placed in the confidential
777 files upon order of the court or chancellor and shall be subject
778 to the provisions of this chapter.

779 Provided, however, that notwithstanding the confidential
780 nature of said proceedings, said record shall be available for use
781 in any court or administrative proceedings under a subpoena duces
782 tecum addressed to the custodian of said records and portions of
783 such record may be released pursuant to Sections 93-17-201 through
784 93-17-223.

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

789 **SECTION 15.** Once the petition for termination of parental
790 rights is filed with the court of competent jurisdiction, the
791 court shall hold a hearing on the petition within one hundred
792 twenty (120) calendar days of the date of the petition is filed.
793 For purposes of this section, the one hundred twenty (120)
794 calendar day time period will commence when perfected service is
795 made on the parents.

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



799 **SECTION 17.** This act shall take effect and be in force from
800 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 IN A NEWSPAPER OF GENERAL
27 CIRCULATION AND SEND A NEWS RELEASE TO BROADCAST AND PRINT MEDIA;
28 TO PROVIDE THAT THE NEWS RELEASE AND PUBLICATION MUST STATE THAT
29 ANY PERSON WISHING TO ASSERT PARENTAL RIGHTS IN REGARD TO THE
30 INFANT MUST DO SO AT THE HEARING TO BE HELD; TO CREATE NEW SECTION
31 43-15-204, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN AN
32 INFANT IS RELINQUISHED UNDER THIS ARTICLE, THERE IS A REBUTTABLE
33 PRESUMPTION THAT THE YOUTH COURT CASE SHALL PROCEED UNDER SECTION
34 43-21-603(7); TO AMEND SECTION 43-21-201, MISSISSIPPI CODE OF
35 1972, TO PROVIDE THAT THE CHILD ALLEGED TO HAVE BEEN ABUSED OR
36 NEGLECTED SHALL BE A PARTY AND SHALL BE REPRESENTED BY COUNSEL; TO
37 PROVIDE THAT A PARTY'S RIGHT TO REPRESENTATION SHALL EXTEND TO
38 SHELTER HEARINGS; TO PROVIDE THAT THE DEPARTMENT OF CHILD
39 PROTECTION SERVICES SHALL BE A NECESSARY PARTY AT ALL STAGES OF
40 THE PROCEEDINGS INVOLVING A CHILD FOR WHOM THE DEPARTMENT HAS



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

