

By: Representative Clark

To: Judiciary A

HOUSE BILL NO. 536

1 AN ACT TO LOWER THE AGE OF MAJORITY FROM TWENTY-ONE TO
2 EIGHTEEN; TO AMEND SECTION 1-3-21, MISSISSIPPI CODE OF 1972, TO
3 CONFORM THE DEFINITION OF INFANT; TO AMEND SECTION 11-46-11,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE SAVINGS CLAUSE OF THE TORT
5 CLAIMS ACT TO CONFORM; TO AMEND SECTIONS 13-5-1 AND 13-5-12,
6 MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF JURY SERVICE; TO
7 AMEND SECTION 15-1-27, MISSISSIPPI CODE OF 1972, TO CONFORM THE
8 LIMITATIONS APPLICABLE TO AN ACTION BY A WARD AGAINST A GUARDIAN
9 OR SURETY; TO AMEND SECTION 15-1-59, MISSISSIPPI CODE OF 1972, TO
10 CONFORM THE SAVING IN FAVOR OF PERSONS UNDER DISABILITY OF
11 UNSOUNDNESS OF MIND WITHIN THE CHAPTER ADDRESSING THE LIMITATIONS
12 OF CIVIL ACTIONS; TO AMEND SECTION 21-15-13, MISSISSIPPI CODE OF
13 1972, TO REVISE THE MILITIA POWER OF THE MAYOR TO CONFORM; TO
14 AMEND SECTION 25-4-3, MISSISSIPPI CODE OF 1972, TO REVISE THE
15 DEFINITION OF "HOUSEHOLD MEMBER" WITHIN THE ARTICLE ESTABLISHING
16 THE MISSISSIPPI ETHICS COMMISSION TO CONFORM; TO AMEND SECTION
17 41-29-145, MISSISSIPPI CODE OF 1972, TO REVISE THE PUNISHMENT OF
18 THE DISTRIBUTION OF CONTROLLED SUBSTANCES TO MINORS TO CONFORM; TO
19 AMEND SECTION 43-19-33, MISSISSIPPI CODE OF 1972, TO CONFORM THE
20 AGE OF MANDATORY SUPPORT IN AN ORDER OF FILIATION; TO AMEND
21 SECTION 91-5-3, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO AGE OF
22 ISSUE CAPABLE OF INHERITING; TO AMEND SECTION 91-7-293,
23 MISSISSIPPI CODE OF 1972, TO CONFORM AS TO FINAL ACCOUNTING BY THE
24 HEIRS OF AN ESTATE; TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF
25 1972, TO CONFORM THE AGE FOR ISSUANCE OF A MARRIAGE LICENSE; TO
26 AMEND SECTION 93-9-9, MISSISSIPPI CODE OF 1972, TO CONFORM
27 PROVISIONS AS TO AGE FOR THE TERMS OF A DECREE FOR REMOVAL OF THE
28 DISABILITY OF A MINOR; TO AMEND SECTION 93-11-65, MISSISSIPPI CODE
29 OF 1972, TO REVISE THE AGE OF EMANCIPATION; TO AMEND SECTION
30 93-14-102, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITION OF
31 THE TERM "ADULT" FOR THE PURPOSES OF THE UNIFORM ADULT
32 GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT; TO AMEND
33 SECTION 93-15-103, MISSISSIPPI CODE OF 1972, TO CONFORM THE
34 DEFINITION OF THE TERM "MINOR PARENT" IN THE TERMINATION OF



PARENTAL RIGHTS LAW; TO AMEND SECTION 93-17-5, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO THE AGE OF PARENTS IN AN ADOPTION; TO AMEND SECTION 93-17-205, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS CONCERNING ADOPTION RECORDS TO CONFORM; TO AMEND SECTION 93-17-215, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO A PERSON'S AUTHORITY TO REQUEST CERTAIN INFORMATION CONCERNING ADOPTION; TO AMEND SECTION 93-20-102, MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF MAJORITY UNDER GUARDIANSHIP AND CONSERVATORSHIP LAW TO CONFORM; TO AMEND SECTION 97-33-23, MISSISSIPPI CODE OF 1972, TO CONFORM THE PENALTY FOR GAMBLING WITH A KNOWN MINOR; TO AMEND SECTION 99-3-45, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO WHICH PERSONS MUST BE GIVEN CERTAIN NOTICE UPON RELEASE FROM ARREST; TO REPEAL SECTION 35-7-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF MINORITY OF CERTAIN VETERANS; TO REPEAL SECTION 91-7-37, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF MINORITY FOR CERTAIN EXECUTORS, EXECUTRIXES, ADMINISTRATORS OR ADMINISTRATRIXES; TO BRING FORWARD SECTION 93-19-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT ALL PERSONS EIGHTEEN YEARS OF AGE OR OLDER, IF NOT OTHERWISE DISQUALIFIED, SHALL HAVE THE CAPACITY TO ENTER INTO BINDING CONTRACTUAL RELATIONSHIPS AFFECTING PERSONAL PROPERTY AND THAT AN EIGHTEEN-YEAR-OLD MAY SUE AND BE SUED IN HIS OWN NAME AS AN ADULT AND BE SERVED WITH PROCESS AS AN ADULT, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

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

1-3-21. The term "infant," when used in any statute, shall include any person, male or female, under * * * eighteen (18) years of age, except where another section specifically provides otherwise.

SECTION 2. Section 11-46-11, Mississippi Code of 1972, is amended as follows:

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



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

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

(i) For local governments:

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

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

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

(b) Every notice of claim shall:

(i) Be in writing;

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

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



97 and place the injury occurred, the names of all persons known to
98 be involved, the amount of money damages sought, and the residence
99 of the person making the claim at the time of the injury and at
100 the time of filing the notice.

101 (3) (a) All actions brought under this chapter shall be
102 commenced within one (1) year next after the date of the tortious,
103 wrongful or otherwise actionable conduct on which the liability
104 phase of the action is based, and not after, except that filing a
105 notice of claim within the required one-year period will toll the
106 statute of limitations for ninety-five (95) days from the date the
107 chief executive officer of the state entity or the chief executive
108 officer or other statutorily designated official of a political
109 subdivision receives the notice of claim.

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

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

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



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

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

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

SECTION 3. Section 13-5-1, Mississippi Code of 1972, is amended as follows:

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



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

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

"1. Your name _____ last _____ first _____ middle initial.

2. Your home address _____.

3. Your occupation _____.

4. Your age _____.

5. Your telephone number _____. If none, write none.

6. If you live outside the county seat, the number of miles you live from the courthouse _____ miles.



Sign your name"

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

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

SECTION 4. Section 13-5-12, Mississippi Code of 1972, is amended as follows:

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



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

SECTION 5. Section 15-1-27, Mississippi Code of 1972, is amended as follows:

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

SECTION 6. Section 15-1-59, Mississippi Code of 1972, is amended as follows:

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



221 respectively limited, after his disability shall be removed as
222 provided by law. However, the saving in favor of persons under
223 disability of unsoundness of mind shall never extend longer
224 than * * * eighteen (18) years.

225 **SECTION 7.** Section 21-15-13, Mississippi Code of 1972, is
226 amended as follows:

227 21-15-13. The mayor is authorized to call on every male
228 inhabitant of the municipality over * * * eighteen (18) years of
229 age and under sixty (60) years to aid in enforcing the laws.

230 **SECTION 8.** Section 25-4-3, Mississippi Code of 1972, is
231 amended as follows:

232 25-4-3. As used in this chapter, unless the context requires
233 otherwise:

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

240 (b) "Business" means any corporation, partnership, sole
241 proprietorship, firm, enterprise, franchise, association,
242 organization, holding company, self-employed individual,
243 joint-stock company, receivership, trust or other legal entity or
244 undertaking organized for economic gain or a nonprofit corporation



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

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

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

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

(f) "Household member" means:

(i) The spouse of the public servant; or

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

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



268 (h) "Person" means any individual, firm, business,
269 corporation, association, partnership, union or other legal
270 entity;

271 (i) "Public employee" means any individual who receives
272 a salary, per diem or expenses paid in whole or in part out of
273 funds authorized to be expended by the Mississippi State
274 Legislature or by the governing body of any political subdivision
275 thereof, or any other body politic within the State of
276 Mississippi;

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

279 (k) "Public official" means:

280 (i) Any elected official of the State of
281 Mississippi or any political subdivision thereof or any other body
282 politic within the State of Mississippi; or

283 (ii) Any member, officer, director, commissioner,
284 supervisor, chief, head, agent or employee of the State of
285 Mississippi, or any agency thereof, of any political subdivision
286 of the State of Mississippi, of any body politic within the State
287 of Mississippi, or of any public entity created by or under the
288 laws of the State of Mississippi or by executive order of the
289 Governor of the state, any of which is funded by public funds or
290 which expends, authorizes or recommends the use of public funds;

291 (l) "Public servant" means:



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

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

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

SECTION 9. Section 41-29-145, Mississippi Code of 1972, is amended as follows:

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

SECTION 10. Section 43-19-33, Mississippi Code of 1972, is amended as follows:



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

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



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

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



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

371 (4) Such agreements of support, acknowledgments,
372 declarations and affirmations of paternity and support shall be
373 binding on the person executing the same whether he be an adult or
374 a minor and may include provisions for the reimbursement of
375 medical expenses incident to the pregnancy and birth of the child,
376 accrued maintenance and reasonable expenses of any action
377 previously filed before the court.

378 (5) In lieu of legal proceedings instituted to enforce an
379 order for support, a written stipulated agreement for the
380 provision of periodic payments towards an arrearage executed by
381 the defendant when acknowledged before a clerk of the court having
382 jurisdiction over such matters or a notary public and filed with
383 and approved by the judge of the court having jurisdiction over
384 such matters shall have the same force and effect, retroactively
385 and prospectively, in accordance with the terms of said agreement
386 as a judgment for overdue support entered by the court, and shall
387 be enforceable and subject to modification in the same manner as
388 is provided by law for orders of the court in such cases.

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



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

SECTION 11. Section 91-5-3, Mississippi Code of 1972, is amended as follows:

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



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

SECTION 12. Section 91-7-293, Mississippi Code of 1972, is amended as follows:

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

SECTION 13. Section 93-1-5, Mississippi Code of 1972, is amended as follows:

93-1-5. (1) Every male who is at least seventeen (17) years old and every female who is at least fifteen (15) years old shall be capable in law of contracting marriage. However, males and



females under the age of * * * eighteen (18) years must furnish the circuit clerk satisfactory evidence of consent to the marriage by the parents or guardians of the parties. It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with:

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

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

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

(iii) The signatures of witnesses; and

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

(b) Proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, tribal identification card or other official document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom



466 application is made, and the circuit court clerk shall retain in
467 his file with the application the document or a certified or
468 photostatic copy of the document.

469 (c) Applicants under the age of * * * eighteen (18)
470 must submit affidavits showing the age of both applying parties
471 made by either the father, mother, guardian or next of kin of each
472 of the contracting parties and filed with the clerk of the circuit
473 court along with the application.

474 (d) If the male applicant is under seventeen (17) years
475 of age or the female is under fifteen (15) years of age, and
476 satisfactory proof is furnished to the judge of any circuit,
477 chancery or county court that sufficient reasons exist and that
478 the parties desire to be married to each other and that the
479 parents or other person in loco parentis of the person or persons
480 so under age consent to the marriage, then the judge of any such
481 court in the county where either of the parties resides may waive
482 the minimum age requirement and by written instrument authorize
483 the clerk of the court to issue the marriage license to the
484 parties if they are otherwise qualified by law. Authorization
485 shall be a part of the confidential files of the clerk of the
486 court, subject to inspection only by written permission of the
487 judge.

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



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

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

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

SECTION 14. Section 93-9-9, Mississippi Code of 1972, is amended as follows:

93-9-9. (1) Paternity may be determined upon the petition of the mother, or father, the child or any public authority chargeable by law with the support of the child; provided that such an adjudication after the death of the defendant must be made only upon clear and convincing evidence. If paternity has been lawfully determined, or has been acknowledged in writing according to the laws of this state, the liabilities of the noncustodial parent may be enforced in the same or other proceedings by the custodial parent, the child, or any public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support and maintenance, and



516 medical or funeral expenses for the custodial parent or the child.
517 The trier of fact shall receive without the need for third-party
518 foundation testimony certified, attested or sworn documentation as
519 evidence of (a) childbirth records; (b) cost of filing fees; (c)
520 court costs; (d) services of process fees; (e) mailing cost; (f)
521 genetic tests and testing fees; (g) the department's attorney's
522 fees; (h) in cases where the state or any of its entities or
523 divisions have provided medical services to the child or the
524 child's mother, all costs of prenatal care, birthing, postnatal
525 care and any other medical expenses incurred by the child or by
526 the mother as a consequence of the mother's pregnancy or delivery;
527 and (i) funeral expenses. All costs and fees shall be ordered
528 paid to the Department of Human Services in all cases successfully
529 prosecuted with a minimum of Two Hundred Fifty Dollars (\$250.00)
530 in attorney's fees or an amount determined by the court without
531 submitting an affidavit. Proceedings may be instituted at any
532 time until such child attains the age of * * * eighteen (18) years
533 unless the child has been emancipated as provided in Section
534 93-5-23 and Section 93-11-65. In the event of court-determined
535 paternity, the surname of the child shall be that of the father,
536 unless the judgment specifies otherwise.

537 (2) If the alleged father in an action to determine
538 paternity to which the Department of Human Services is a party
539 fails to appear for a scheduled hearing after having been served
540 with process or subsequent notice consistent with the Rules of



Civil Procedure, his paternity of the child(ren) shall be established by the court if a written declaration in support of establishing paternity made under penalty of perjury to the best of her knowledge, information and belief by the mother averring the alleged father's paternity of the child has accompanied the complaint to determine paternity. The written declaration shall constitute sufficient grounds for the court's finding of the alleged father's paternity without the necessity of the presence or testimony of the mother at the said hearing. The court shall, upon motion by the Department of Human Services, enter a judgment of paternity. Any person who shall willfully and knowingly file a false affidavit or who shall willfully, intentionally and knowingly file a false written declaration under penalty of perjury shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00).

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



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

(i) One (1) year; or

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

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

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

(d) The one-year time limit, specified in subsection (4) (a) (i) of this section, for the right of the alleged father to rescind the signed voluntary acknowledgement of paternity shall be tolled from the date the alleged father files his formal application for genetic testing with the Department of Human Services until the date the test results are revealed to the



alleged father by the department. After the one-year time period has expired, not including any period of time tolled for the purpose of acquiring genetic testing through the department, the provisions of subsection (4)(b) of this section shall apply.

SECTION 15. Section 93-11-65, Mississippi Code of 1972, is amended as follows:

93-11-65. (1) (a) In addition to the right to proceed under Section 93-5-23, Mississippi Code of 1972, and in addition to the remedy of habeas corpus in proper cases, and other existing remedies, the chancery court of the proper county shall have jurisdiction to entertain suits for the custody, care, support and maintenance of minor children and to hear and determine all such matters, and shall, if need be, require bond, sureties or other guarantee to secure any order for periodic payments for the maintenance or support of a child. In the event a legally responsible parent has health insurance available to him or her through an employer or organization that may extend benefits to the dependents of such parent, any order of support issued against such parent may require him or her to exercise the option of additional coverage in favor of such children as he or she is legally responsible to support. Proceedings may be brought by or against a resident or nonresident of the State of Mississippi, whether or not having the actual custody of minor children, for the purpose of judicially determining the legal custody of a child. All actions herein authorized may be brought in the county



615 where the child is actually residing, or in the county of the
616 residence of the party who has actual custody, or of the residence
617 of the defendant. Process shall be had upon the parties as
618 provided by law for process in person or by publication, if they
619 be nonresidents of the state or residents of another jurisdiction
620 or are not found therein after diligent search and inquiry or are
621 unknown after diligent search and inquiry; provided that the court
622 or chancellor in vacation may fix a date in termtime or in
623 vacation to which process may be returnable and shall have power
624 to proceed in termtime or vacation. Provided, however, that if
625 the court shall find that both parties are fit and proper persons
626 to have custody of the children, and that either party is able to
627 adequately provide for the care and maintenance of the children,
628 the chancellor may consider the preference of a child of twelve
629 (12) years of age or older as to the parent with whom the child
630 would prefer to live in determining what would be in the best
631 interest and welfare of the child. The chancellor shall place on
632 the record the reason or reasons for which the award of custody
633 was made and explain in detail why the wishes of any child were or
634 were not honored.

635 (b) An order of child support shall specify the sum to
636 be paid weekly or otherwise. In addition to providing for support
637 and education, the order shall also provide for the support of the
638 child prior to the making of the order for child support, and such
639 other expenses as the court may deem proper.



640 (c) The court may require the payment to be made to the
641 custodial parent, or to some person or corporation to be
642 designated by the court as trustee, but if the child or custodial
643 parent is receiving public assistance, the Department of Human
644 Services shall be made the trustee.

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

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

653 (3) Whenever the court has ordered a party to make periodic
654 payments for the maintenance or support of a child, but no bond,
655 sureties or other guarantee has been required to secure such
656 payments, and whenever such payments as have become due remain
657 unpaid for a period of at least thirty (30) days, the court may,
658 upon petition of the person to whom such payments are owing, or
659 such person's legal representative, enter an order requiring that
660 bond, sureties or other security be given by the person obligated
661 to make such payments, the amount and sufficiency of which shall
662 be approved by the court. The obligor shall, as in other civil
663 actions, be served with process and shall be entitled to a hearing
664 in such case.



665 (4) When a charge of abuse or neglect of a child first
666 arises in the course of a custody or maintenance action pending in
667 the chancery court pursuant to this section, the chancery court
668 may proceed with the investigation, hearing and determination of
669 such abuse or neglect charge as a part of its hearing and
670 determination of the custody or maintenance issue as between the
671 parents, as provided in Section 43-21-151, notwithstanding the
672 other provisions of the Youth Court Law. The proceedings in
673 chancery court on the abuse or neglect charge shall be
674 confidential in the same manner as provided in youth court
675 proceedings, and the chancery court shall appoint a guardian ad
676 litem in such cases, as provided under Section 43-21-121 for youth
677 court proceedings, who shall be an attorney. In determining
678 whether any portion of a guardian ad litem's fee shall be assessed
679 against any party or parties as a cost of court for reimbursement
680 to the county, the court shall consider each party's individual
681 ability to pay. Unless the chancery court's jurisdiction has been
682 terminated, all disposition orders in such cases for placement
683 with the Department of Human Services shall be reviewed by the
684 court or designated authority at least annually to determine if
685 continued placement with the department is in the best interest of
686 the child or the public.

687 (5) Each party to a paternity or child support proceeding
688 shall notify the other within five (5) days after any change of
689 address. In addition, the noncustodial and custodial parent shall



690 file and update, with the court and with the state case registry,
691 information on that party's location and identity, including
692 social security number, residential and mailing addresses,
693 telephone numbers, photograph, driver's license number, and name,
694 address and telephone number of the party's employer. This
695 information shall be required upon entry of an order or within
696 five (5) days of a change of address.

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

700 (7) In any subsequent child support enforcement action
701 between the parties, upon sufficient showing that diligent effort
702 has been made to ascertain the location of a party, due process
703 requirements for notice and service of process shall be deemed to
704 be met with respect to the party upon delivery of written notice
705 to the most recent residential or employer address filed with the
706 state case registry.

707 (8) (a) The duty of support of a child terminates upon the
708 emancipation of the child. Unless otherwise provided for in the
709 underlying child support judgment, emancipation shall occur when
710 the child:

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

713 (ii) Marries, or



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

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

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

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

(ii) Voluntarily moves from the home of the custodial parent or guardian, establishes independent living arrangements, obtains full-time employment and discontinues educational endeavors prior to attaining the age of * * * eighteen (18) years, or

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

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

(9) A determination of emancipation does not terminate any obligation of the noncustodial parent to satisfy arrearage existing as of the date of emancipation; the total amount of



739 periodic support due prior to the emancipation plus any periodic
740 amounts ordered paid toward the arrearage shall continue to be
741 owed until satisfaction of the arrearage in full, in addition to
742 the right of the person for whom the obligation is owed to execute
743 for collection as may be provided by law.

744 (10) Upon motion of a party requesting temporary child
745 support pending a determination of parentage, temporary support
746 shall be ordered if there is clear and convincing evidence of
747 paternity on the basis of genetic tests or other evidence, unless
748 the court makes written findings of fact on the record that the
749 award of temporary support would be unjust or inappropriate in a
750 particular case.

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

753 **SECTION 16.** Section 93-14-102, Mississippi Code of 1972, is
754 amended as follows:

755 93-14-102. In this chapter:

756 (1) "Adult" means an individual who has attained * * *
757 eighteen (18) years of age as long as the individual is no longer
758 attending high school.

759 (2) "Conservator" means a person appointed by the court
760 to administer the property of an adult, including a person
761 appointed under Article 4 of Title 93, Chapter 20, Mississippi
762 Code of 1972.



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

766 (4) "Guardianship order" means an order appointing a
767 guardian.

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

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

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

776 (8) "Person," except in the term incapacitated person
777 or protected person, means an individual, corporation, business
778 trust, estate, trust, partnership, limited liability company,
779 association, joint venture, public corporation, government or
780 governmental subdivision, agency, or instrumentality, or any other
781 legal or commercial entity.

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

784 (10) "Protective order" means an order appointing a
785 conservator or other order related to management of an adult's
786 property.



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

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

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

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

SECTION 17. Section 93-15-103, Mississippi Code of 1972, is amended as follows:

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

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

(i) For a child who is under three (3) years of age on the date that the petition for termination of parental



rights was filed, that the parent has deliberately made no contact with the child for six (6) months;

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

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

(iv) If the parent gives possession of the child to an emergency medical services provider pursuant to Sections 43-15-201 et seq.

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

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

(d) "Desertion" means:

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

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



836 (e) "Home" means any charitable or religious
837 corporation or organization or the superintendent or head of the
838 charitable or religious corporation or organization organized
839 under the laws of the State of Mississippi, any public authority
840 to which has been granted the power to provide care for or procure
841 the adoption of children by any Mississippi statute, and any
842 association or institution engaged in placing children for
843 adoption on July 1, 1955.

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

849 (g) "Minor parent" means any parent under * * *
850 eighteen (18) years of age.

851 (h) "Parent" means a natural or adoptive parent of the
852 child.

853 (i) "Permanency outcome" means achieving a permanent or
854 long-term custodial arrangement for the custody and care of the
855 child that ends the supervision of the Department of Child
856 Protection Services.

857 (j) "Qualified health professional" means a licensed or
858 certified professional who is engaged in the delivery of health
859 services and who meets all applicable federal or state
860 requirements to provide professional services.



861 (k) "Qualified mental health professional" means a
862 person with at least a master's degree in mental health or a
863 related field and who has either a professional license or a
864 Department of Mental Health credential as a mental health
865 therapist.

866 (l) "Reunification" means the restoration of the
867 parent's custodial rights in providing for the safety and welfare
868 of the child which ends the supervision of the Department of Child
869 Protection Services.

870 **SECTION 18.** Section 93-17-5, Mississippi Code of 1972, is
871 amended as follows:

872 93-17-5. (1) There shall be made parties to the proceeding
873 by process or by the filing therein of a consent to the adoption
874 proposed in the petition, which consent shall be duly sworn to or
875 acknowledged and executed only by the following persons, but not
876 before seventy-two (72) hours after the birth of the child:

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

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

883 (c) The guardian ad litem of an abandoned child, upon
884 petition showing that the names of the parents of the child are
885 unknown after diligent search and inquiry by the petitioners. In



addition to the above, there shall be made parties to any proceeding to adopt a child, either by process or by the filing of a consent to the adoption proposed in the petition, the following:

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

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

(iii) The agent of the Department of Child Protection Services of the State of Mississippi that has placed a child in foster care, either by agreement or by court order.

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

(3) If consent is not filed, process shall be had upon the parties as provided by law for process in person or by publication, if they are nonresidents of the state or are not found therein after diligent search and inquiry, the court or chancellor in vacation may fix a date in termtime or in vacation to which process may be returnable and shall have power to proceed in termtime or vacation. In any event, if the child is more than fourteen (14) years of age, a consent to the adoption, sworn to or



acknowledged by the child, shall also be required or personal service of process shall be had upon the child in the same manner and in the same effect as if the child were an adult.

SECTION 19. Section 93-17-205, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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



936 The Administrative Office of Courts shall assist the bureau
937 in the maintenance of its centralized adoption record by compiling
938 the number of finalized adoptions in each chancery court district
939 on a monthly basis, and submitting this information to the bureau.
940 The bureau shall include these statistics in its centralized
941 adoption record. The information in this report shall include the
942 number of adoptions in this state where the adopting parent is a
943 blood relative of the adoptee and the number of adoptions in this
944 state where the adopting parent is not a blood relative of the
945 adoptee. The report shall not include any individual identifying
946 information. This information shall be updated annually and made
947 available to the public upon request for a reasonable fee.

948 (2) Any birth parent may file with the bureau at any time
949 any relevant supplemental nonidentifying information about the
950 adoptee or the adoptee's birth parents, and the bureau shall
951 maintain this information in the centralized adoption records
952 file.

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

955 (a) The name, date of birth, social security number
956 (both original and revised, where applicable) and birth
957 certificate (both original and revised) of the adoptee;

958 (b) The names, current addresses and social security
959 numbers of the adoptee's birth parents, guardian and legal
960 custodian;



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

963 (4) Any birth parent may file with the bureau at any time an
964 affidavit authorizing the bureau to provide the adoptee with his
965 or her original birth certificate and with any other available
966 information about the birth parent's identity and location, or an
967 affidavit expressly prohibiting the bureau from providing the
968 adoptee with any information about such birth parent's identity
969 and location, and prohibiting any licensed adoption agency from
970 conducting a search for such birth parent under the terms of
971 Sections 93-17-201 through 93-17-223. An affidavit filed under
972 this section may be revoked at any time by written notification to
973 the bureau from the birth parent.

974 (5) Counsel for the adoptive parents in the adoption
975 finalization proceeding shall provide the bureau with the
976 information required in subsections (1) and (3) of this section,
977 and he shall also make such information a part of the adoption
978 records of the court in which the final decree of adoption is
979 rendered. This information shall be provided on forms prepared by
980 the bureau.

981 (6) (a) If an agency receives a report from a physician
982 stating that a birth parent or another child of the birth parent
983 has acquired or may have a genetically transferable disease or
984 illness, the agency shall notify the bureau and the appropriate
985 licensed adoption agency, and the latter agency shall notify the



986 adoptee of the existence of the disease or illness, if he or she
987 is * * * eighteen (18) years of age or over, or notify the
988 adoptee's guardian, custodian or adoptive parent if the adoptee is
989 under age * * * eighteen (18).

990 (b) If an agency receives a report from a physician
991 that an adoptee has acquired or may have a genetically
992 transferable disease or illness, the agency shall notify the
993 bureau and the appropriate licensed agency, and the latter agency
994 shall notify the adoptee's birth parent of the existence of the
995 disease or illness.

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

1000 **SECTION 20.** Section 93-17-215, Mississippi Code of 1972, is
1001 amended as follows:

1002 93-17-215. Any person * * * under the age of eighteen (18)
1003 who has been adopted in this state may request the bureau through
1004 a licensed adoption agency providing post-adoption services to
1005 obtain and provide the identifying information regarding either or
1006 both of his or her birth parents maintained as provided in Section
1007 93-17-205, unless that birth parent has executed an affidavit
1008 prohibiting the release of such information.

1009 **SECTION 21.** Section 93-20-102, Mississippi Code of 1972, is
1010 amended as follows:



1011 93-20-102. In this chapter:

1012 (a) "Adult" means an individual at least * * * eighteen
1013 (18) years of age or an emancipated individual under * * *
1014 eighteen (18) years of age.

1015 (b) "Claim" includes a claim against an individual or
1016 conservatorship estate, whether arising in contract, tort, or
1017 otherwise.

1018 (c) "Conservator" means a person appointed by a court
1019 to make decisions with respect to the property or financial
1020 affairs of a ward. The term includes a co-conservator.

1021 (d) "Conservatorship estate" means the property subject
1022 to conservatorship under this chapter.

1023 (e) "Full conservatorship" means a conservatorship that
1024 grants the conservator all powers available under this chapter.

1025 (f) "Full guardianship" means a guardianship that
1026 grants the guardian all powers available under this chapter.

1027 (g) "Guardian" means a person appointed by the court to
1028 make decisions with respect to the personal affairs of the ward.
1029 The term includes a co-guardian but does not include a guardian ad
1030 litem.

1031 (h) "Guardian ad litem" means a qualified person
1032 appointed by the court to inform the court about the ward, to
1033 protect the best interests of the ward, and to make
1034 recommendations to the court in the best interests of the ward.



1035 (i) "Less restrictive alternative" means an approach to
1036 meeting an individual's needs which restricts fewer rights of the
1037 individual than would the appointment of a guardian or conservator
1038 in the discretion of the court.

1039 (j) "Letters of guardianship or conservatorship" means
1040 a record issued by a court certifying a guardian's or
1041 conservator's authority to act.

1042 (k) "Limited conservatorship" means a conservatorship
1043 that grants the conservator less than all powers available under
1044 this chapter, grants powers over only certain property, or
1045 otherwise restricts the powers of the conservator.

1046 (l) "Limited guardianship" means a guardianship that
1047 grants the guardian less than all powers available under this
1048 chapter or otherwise restricts the powers of the guardian.

1049 (m) "Minor" means an unemancipated individual
1050 under * * * eighteen (18) years of age.

1051 (n) "Notice" means any notice as provided by Rule 5 of
1052 the Mississippi Rules of Civil Procedure.

1053 (o) "Parent" does not include an individual whose
1054 parental rights have been terminated.

1055 (p) "Person" means an individual, estate, business or
1056 nonprofit entity, public corporation, government or governmental
1057 subdivision, agency, or instrumentality, or other legal entity.

1058 (q) "Property" includes tangible and intangible
1059 property.



1060 (r) "Record," used as a noun, means information that is
1061 inscribed on a tangible medium or that is stored in an electronic
1062 or other medium and is retrievable in perceivable form.

1063 (s) "Respondent" means an individual for whom
1064 appointment of a guardian or conservator is sought.

1065 (t) "Sign" means, with present intent to authenticate
1066 or adopt a record:

1067 (i) To execute or adopt a tangible symbol; or

1068 (ii) To attach to or logically associate with the
1069 record an electronic symbol, sound, or process.

1070 (u) "State" means a state of the United States, the
1071 District of Columbia, Puerto Rico, the United States Virgin
1072 Islands, or any territory or insular possession subject to the
1073 jurisdiction of the United States. The term includes a federally
1074 recognized Indian tribe.

1075 (v) "Summons" means any properly issued summons as
1076 provided by the Mississippi Rules of Civil Procedure.

1077 (w) "Ward" means an adult or minor for whom a guardian
1078 or conservator has been appointed under this chapter.

1079 **SECTION 22.** Section 97-33-23, Mississippi Code of 1972, is
1080 amended as follows:

1081 97-33-23. Any person of full age who shall bet any money or
1082 thing of value with a minor, knowing such minor to be under the
1083 age of * * * eighteen (18), or allowing any such minor to bet at
1084 any game or games, or at any gaming table exhibited by him, or in



1085 which he is interested or in any manner concerned, on conviction
1086 thereof, shall be punished by imprisonment in the Penitentiary not
1087 exceeding two (2) years.

1088 This section shall apply to minors under the age of * * *
1089 eighteen (18) as it might apply to the operation of any game or
1090 lottery authorized by Chapter 115, Title 27.

1091 **SECTION 23.** Section 99-3-45, Mississippi Code of 1972, is
1092 amended as follows:

1093 99-3-45. A person under the age of * * * eighteen (18) who
1094 is released under either Section 99-3-17 or 99-3-18 following
1095 arrest must be given notice:

1096 (a) That the person is allowed to call a parent,
1097 guardian or custodian in addition to any other opportunity to call
1098 that has been afforded to such person; and

1099 (b) That Intervention Court and other pretrial
1100 diversion programs may be available for many offenses.

1101 **SECTION 24.** Section 35-7-43, Mississippi Code of 1972, which
1102 provides for the removal of the disabilities of minority of
1103 certain veterans, is repealed.

1104 **SECTION 25.** Section 91-7-37, Mississippi Code of 1972, which
1105 provides for the removal of the disabilities of minority for
1106 certain executors, executrixes, administrators or
1107 administratrixes, is repealed.

1108 **SECTION 26.** Section 93-19-13, Mississippi Code of 1972, is
1109 brought forward as follows:



1110 93-19-13. (1) All persons eighteen (18) years of age or
1111 older, if not otherwise disqualified, or prohibited by law, shall
1112 have the capacity to enter into binding contractual relationships
1113 affecting personal property, mortgages and real property. In
1114 addition, all persons eighteen (18) years of age or older shall
1115 have the capacity to enter into binding contractual relationships
1116 for the purpose of investing in mutual funds, stocks, bonds and
1117 any other publicly traded equities. Nothing in this section shall
1118 be construed to affect any contracts entered into prior to July 1,
1119 1976.

1120 (2) Any person who, upon attaining eighteen (18) years of
1121 age, but not having reached the age of majority, if not otherwise
1122 disqualified or prohibited by law, shall have the capacity to
1123 enter into binding agreements to lease real property to be
1124 occupied by the person as the actual place of residence, and to
1125 secure the necessary utility services necessary to make such place
1126 of residence habitable, including, but not limited to,
1127 electricity, natural gas, propane, water, sewage, garbage disposal
1128 and Internet services.

1129 (3) In any legal action founded on a contract entered into
1130 by a person eighteen (18) years of age or older, the said person
1131 may sue in his own name as an adult and be sued in his own name as
1132 an adult and be served with process as an adult.

1133 **SECTION 27.** This act shall take effect and be in force from
1134 and after July 1, 2025.

