

By: Representative Owen

To: Judiciary B

HOUSE BILL NO. 1335

1 AN ACT TO AMEND SECTION 93-15-107, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT THAT THE COURT APPOINT AN ATTORNEY, IN
3 ADDITION TO THE REQUIRED GUARDIAN AD LITEM, FOR A MINOR CHILD WHO
4 IS UNREPRESENTED DURING AN INVOLUNTARY TERMINATION OF PARENTAL
5 RIGHTS PROCEEDING; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 93-15-107, Mississippi Code of 1972, is
8 amended as follows:

9 93-15-107. (1) (a) Involuntary termination of parental
10 rights proceedings are commenced upon the filing of a petition
11 under this chapter. The petition may be filed by any interested
12 person, or any agency, institution or person holding custody of
13 the child. The simultaneous filing of a petition for adoption is
14 not a prerequisite for filing a petition under this chapter.

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



20 publication that complies with the Mississippi Rules of Civil
21 Procedure.

22 (c) Necessary parties to a termination of parental
23 rights action shall include the mother of the child, the legal
24 father of the child, the putative father of the child when known,
25 and any agency, institution or person holding custody of the
26 child. If the child is twelve (12) years or older at the time of
27 the hearing, a summons must be issued and served upon the minor
28 child, together with a copy of the petition, not less than seven
29 (7) days before the hearing. The minor child shall be represented
30 by counsel throughout the proceedings. * * * If the child is
31 fourteen (14) years or older at the time of the hearing, the
32 child's preferences, if any, regarding the termination of parental
33 rights shall be considered by the court. The absence of a
34 necessary party who has been properly served does not preclude the
35 court from conducting the hearing or rendering a final judgment.

36 (d) A guardian ad litem shall be appointed to protect
37 the best interest of the child, except that the court, in its
38 discretion, may waive this requirement when a parent executes a
39 written voluntary release to terminate parental rights. The
40 guardian ad litem fees shall be determined and assessed in the
41 discretion of the court.

42 (e) The style of the case shall not include the child's
43 name when the child is not the party plaintiff or petitioner.



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

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

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

51 (5) The clerk shall docket cases seeking relief under this
52 chapter as priority cases. The assigned judge shall be
53 immediately notified when a case is filed in order to provide for
54 expedited proceedings.

55 (6) (a) Once the petition for termination of parental
56 rights is filed with the court of competent jurisdiction, the
57 court shall hold a hearing on the petition within ninety (90)
58 calendar days of the date the petition is filed, absent
59 extraordinary circumstances.

60 (b) For purposes of this subsection, the
61 ninety-calendar-day time period will commence when perfected
62 service is made on the parents.

63 (c) For purposes of this subsection, extraordinary
64 circumstances include:

65 (i) The Mississippi Supreme Court orders the
66 suspension of in-person court proceedings; or

67 (ii) One (1) of the following has occurred:



68 1. The President of the United States has
69 declared a national emergency; or

70 2. The Governor has declared a state of
71 emergency or a statewide public health emergency; or

72 (iii) If the best interest of the child is served
73 and the chancellor makes specific findings of such.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2025.

