

By: Representative Anthony

To: Youth and Family Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1513

1 AN ACT TO CREATE THE "BOARD OF TRUSTEES OF THE MISSISSIPPI
2 ADOPTION LICENSURE AUTHORITY"; TO CREATE "THE MISSISSIPPI ADOPTION
3 RELIEF FUND"; TO AMEND SECTION 43-15-103, MISSISSIPPI CODE OF
4 1972, TO REVISE THE DEFINITIONS OF THE ADOPTION AGENCY
5 REGULATIONS; TO AMEND SECTION 43-15-105, MISSISSIPPI CODE OF 1972,
6 TO PROVIDE THAT THE BOARD OF TRUSTEES OF THE ADOPTION LICENSURE
7 AUTHORITY SHALL BE THE LICENSING AGENCY FOR ADOPTIONS; TO AMEND
8 SECTIONS 43-15-107, 43-15-109 AND 43-15-111, MISSISSIPPI CODE OF
9 1972, TO REVISE THE APPLICATION PROCESS FOR ADOPTION LICENSES; TO
10 AMEND SECTION 43-15-113, MISSISSIPPI CODE OF 1972, TO ADD
11 CONDITIONS FOR GRANTING NEW LICENSES AFTER REVOCATION OF LICENSES;
12 TO AMEND SECTION 43-15-117, MISSISSIPPI CODE OF 1972, TO PROHIBIT
13 AN ATTORNEY FROM SHARING ANY FEES PROVIDED FOR ADOPTION SERVICES;
14 TO AMEND SECTION 43-15-115, MISSISSIPPI CODE OF 1972, TO REGULATE
15 DISBURSEMENT OF MONIES BETWEEN ADOPTION AGENCIES AND ATTORNEYS; TO
16 AMEND SECTION 43-15-119, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
17 THE DIVISION TO ENLIST THE BOARD UNDER CERTAIN CIRCUMSTANCES; TO
18 AMEND SECTIONS 43-15-123 AND 43-15-125, MISSISSIPPI CODE OF 1972,
19 TO CONFORM TO THE PRECEDING AMENDMENT; TO AMEND SECTION 49-7-27,
20 MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSION ON WILDLIFE,
21 FISHERIES AND PARKS TO SUSPEND THE LICENSE OF ANY PERSON WHO HAS
22 NOT PAID CHILD SUPPORT; TO AMEND SECTION 93-11-155, MISSISSIPPI
23 CODE OF 1972, TO ALLOW ANY PARTY TO SUBMIT PROOF OF ARREARAGE FOR
24 CHILD SUPPORT; TO BRING FORWARD SECTIONS 93-11-157 AND 93-11-163,
25 MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE PROCEDURE FOR
26 NOTIFICATION OF LICENSEES WHO HAVE NOT PAID CHILD SUPPORT; AND FOR
27 RELATED PURPOSES.

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



SECTION 1.

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

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

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

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

(2) (a) The persons initially appointed by the Commissioner of the Department of Child Protection Services and the persons initially appointed by the residential child-caring agencies shall serve terms ending June 30, 2029. The persons initially appointed by the adoption agencies shall serve a term ending June 30, 2028.

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

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



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

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

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

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

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

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



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

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

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

90 (3) From and after July 1, 2025, the expenses of the fund
91 shall be defrayed by appropriation from the State General Fund and
92 all user charges and fees authorized under this section shall be
93 deposited into the State General Fund as authorized by law and as
94 determined by the State Fiscal Officer.

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

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

98 * * *

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

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



(i) Finding a person to adopt the child;
(ii) Placing the child temporarily or permanently
in a home for adoption;
(iii) Solicit money or other assistance for
adoption;
(iv) Assisting a parent in identifying or locating
a person interested in adopting the parent's child, or in
identifying or locating a child to be adopted;
(v) Adoptions;
(vi) Adoption counseling;
(vii) Financial aid for adoption;
(viii) Advertising in the media markets in
Mississippi seeking birth mothers or their children for adoption
purposes; or
(ix) Payment of fees for medical, legal or other
services rendered in connection with the care of a mother,
delivery and care of a child including, but not limited to, the
mother's living expenses, or counseling for the parents and/or the
child, and for the legal proceedings related to lawful adoption
proceedings.
(x) Adoption service shall not include services
provided by MDCPS.

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



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

(* * *e) "Child placing" means receiving, accepting or providing custody or care for any child under eighteen (18) years of age, temporarily or permanently, for the purpose of:

(i) Finding a person to adopt the child;

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

(iii) Placing a child in a foster home or residential child-caring agency.

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

(* * *g) "Department" means the Mississippi Department of Child Protection Services.

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

(* * *i) "Group care home" means any place or facility operated by any entity or person which provides residential child



care for at least seven (7) children but not more than twelve (12) children who are not related to the primary caregivers.

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

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

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

(* * *m) "Related" means children, step-children, grandchildren, step-grandchildren, siblings of the whole or



half-blood, step-siblings, nieces or nephews of the primary care provider.

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

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

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

43-15-105. (1) The Department of Child Protection Services shall be the licensing authority under this article, and is vested with all the powers, duties and responsibilities described in this article. The department shall make and establish rules and regulations regarding:



202 (a) Approving, extending, denying, suspending and
203 revoking licenses for foster homes, residential child-caring
204 agencies and child-placing agencies;
205 (b) Conditional licenses, variances from department
206 rules and exclusions;
207 (c) Basic health and safety standards for licensees;
208 and
209 (d) Minimum administration and financial requirements
210 for licensees.
211 (2) The department shall:
212 (a) Define information that shall be submitted to the
213 department with an application for a license;
214 (b) Establish guidelines for the administration and
215 maintenance of client and service records, including staff
216 qualifications, staff to client ratios;
217 (c) Issue licenses in accordance with this article;
218 (d) Conduct surveys and inspections of licensees and
219 facilities;
220 (e) Establish and collect licensure fees;
221 (f) Investigate complaints regarding any licensee or
222 facility;
223 (g) Have access to all records, correspondence and
224 financial data required to be maintained by a licensee or
225 facility;



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

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

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

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

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

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

(d) Minimum administration and financial requirements for licensees.

(4) The board shall:

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



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

(c) Recommend licensure in accordance with this article;

(d) Establish and collect licensure fees;

(e) Investigate complaints regarding any licensee or facility;

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

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

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

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

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

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

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

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



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

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

278 (h) Hire a third-party entity to assist with creating
279 licensure standards and process applications according to those
280 standards;

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

284 (j) Require adoption agencies to be Mississippi
285 nonprofit organizations.

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

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

293 43-15-107. (1) Except as provided in Section 43-15-111, no
294 person, agency, firm, corporation, association or other entity,
295 acting individually or jointly with any other person or entity,
296 may establish, conduct or maintain foster homes, residential
297 child-caring agencies and child-placing agencies or facility



and/or engage in child placing in this state without a valid and current license issued by and under the authority of the department as provided by this article and the rules of the department. No person, agency, firm, corporation, association or other entity, acting individually or jointly with any other person or entity, whether or not they possess a child-placing agency license, may perform adoption services as defined in this article without possessing a license to perform adoption services recommended by the board and issued by the division. Any out-of-state child-placing agency that provides a full range of services, including, but not limited to, * * * adoption services, foster family homes, adoption counseling services or financial aid, in this state must be licensed by the department under this article.

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

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

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



323 (* * *5) (a) Except as otherwise provided in paragraph (b)
324 of this subsection, each license issued under this article expires
325 at midnight (Central Standard Time) twelve (12) months from the
326 date of issuance unless it has been:

327 (i) Previously revoked by the department; or
328 (ii) Voluntarily returned to the department by the
329 licensee.

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

335 1. Previously revoked by the department; or
336 2. Voluntarily returned to the department by
337 the licensee.

338 (ii) Any child-placing agency whose license is
339 governed by this paragraph (b) shall submit the following
340 information to the department annually:

341 1. A copy of an audit report and IRS Form 990
342 for the agency;

343 2. The agency's fee schedule; and

344 3. The agency's client list.

345 (c) A license may be renewed upon application and
346 payment of the applicable fee, provided that the licensee meets



the license requirements established by this article and the rules and regulations of the department.

(* * *6) Any licensee or facility which is in operation at the time rules are made in accordance with this article shall be given a reasonable time for compliance as determined by the rules of the department. In the case of an adoption agency, the reasonable time for compliance shall be determined by the division as recommended by the board.

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

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

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

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



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

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

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

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

(d) Any Mississippi residential child-caring agency and/or child-placing agency operated or conducted under the auspices of a religious institution and meeting the requirements or conditions of this section shall be exempt from the licensure requirements of this article under the following conditions: (i) such religious institution must have a tax-exempt status as a nonprofit religious institution in accordance with Section 501(c) of the Internal Revenue Code of 1954, as amended, or the real property owned and exclusively occupied by the religious institution must be exempt from location taxation, and (ii) the agency or institution must be in compliance with the requirements



of the Child Residential Home Notification Act, Section 43-16-1 et seq., Mississippi Code of 1972, and must not be in violation of Section 43-16-21(c) regarding the abuse and/or neglect of any child served by such home who has been adjudicated by the youth court as an abused and/or neglected child and (iii) must have a physical office in the State of Mississippi. Nothing in this paragraph shall prohibit a residential child-caring agency or child-placing agency operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this article.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

452 **SECTION 9.** Section 43-15-117, Mississippi Code of 1972, is
453 amended as follows:

454 43-15-117. (1) Except as provided in this article, no
455 person, agency, firm, corporation, association or group children's
456 home may engage in adoption services, child placing, or solicit
457 money or other assistance for child placing, without a valid
458 license issued by the department. No out-of-state adoption agency
459 and/or child-placing agency that provides a full range of
460 services, including, but not limited to, adoptions, foster family
461 homes, adoption counseling services or financial aid, may operate
462 in this state without a valid license issued by the department.
463 No adoption agency, child-placing agency or any other person or
464 entity shall advertise in the media markets in Mississippi seeking
465 birth mothers or their children for adoption purposes unless the
466 agency holds a valid and current license issued either by the
467 department or the authorized governmental licensing agency of
468 another state that regulates child-placing agencies. Any adoption
469 agency, child-placing agency, physician or attorney who advertises



for child placing or adoption services in Mississippi shall be required by the department to show their principal office location on all media advertising for adoption services.

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

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

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

(* * *4) An attorney, physician or other person may assist a parent in identifying or locating a person interested in



adopting the parent's child, or in identifying or locating a child to be adopted. However, no payment, charge, fee, reimbursement of expense, or exchange of value of any kind, or promise or agreement to make the same, may be made for that assistance.

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

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

(* * *7) The department shall promulgate rules under the Administrative Procedures Law, Title 25, Chapter 43, Mississippi



Code of 1972, to require that all licensed * * * adoption agencies provide written disclosures to all prospective adoptive parents of any fees or other charges for each service performed by the agency or person, and file an annual report with the department that states the fees and charges for those services, and to require them to inform the department in writing thirty (30) days in advance of any proposed changes to the fees or charges for those services.

(* * *8) The department is specifically authorized to disclose to prospective adoptive parents or other interested persons any fees charged by any licensed child-placing agency, attorney or counseling service or counselor for all legal and counseling services provided by that licensed child-placing agency, attorney or counseling service or counselor.

SECTION 10. Section 43-15-115, Mississippi Code of 1972, is amended as follows:

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

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

(a) Give proper identification;

(b) Request to see the applicable license;



(c) Describe the nature and purpose of the inspection;
and

(d) If necessary, explain the authority of the
department to conduct the inspection and the penalty for refusing
to permit the inspection.

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

(a) Inspect the physical facilities;

(b) Inspect records and documents;

(c) Interview directors, employees, clients, family
members of clients and others; and

(d) Observe the licensee in operation.

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

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

(6) The provisions of this section apply to on-site
inspections and do not restrict the department from contacting
family members, neighbors or other individuals, or from seeking
information from other sources to determine compliance with the
provisions of this article.

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



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

571 43-15-119. (1) If the department finds that a violation has
572 occurred under this article or the rules and regulations of the
573 department, it may:

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

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

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

590 (3) In the event that the licensed agency is an adoption
591 agency or other person or entity licensed to perform adoption
592 services in this state, then the division may enlist the board to
593 determine whether or not the licensed adoption agency or other



person or entity licensed to perform adoption services in this
state is in violation of the rules and regulations of this article
and may enlist the board to respond in accordance with the action
listed above.

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

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

(2) Any person, agency, association, corporation,
institution, society or other organization violating the
provisions of this article regarding adoption and/or adoption
services shall be guilty of illegal placement of children and
shall be punished by a fine not to exceed Fifty Thousand Dollars
(\$50,000.00) or by imprisonment not more than five (5) years, or
both such fine and imprisonment.

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

43-15-125. The department and/or its officers, employees,
attorneys and representatives and/or the board shall not be held



618 civilly liable for any findings, recommendations or actions taken
619 pursuant to this article.

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

622 49-7-27. (1) The commission may revoke any hunting,
623 trapping, or fishing privileges, license or deny any person the
624 right to secure such license if the person has been convicted of
625 the violation of any of the provisions of this chapter or any
626 regulation thereunder. The revocation of the privilege, license
627 or refusal to grant license shall be for a period of one (1) year.
628 However, before the revocation of the privilege or license shall
629 become effective, the executive director shall send by registered
630 mail notice to the person or licensee, who shall have the right to
631 a hearing or representation before the commission at the next
632 regular meeting or a special meeting. The notice shall set out
633 fully the ground or complaint upon which revocation of, or refusal
634 to grant, the privilege or license is sought.

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



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

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

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

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



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

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

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

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



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

(2) Any * * * party to whom support is due either with or without the assistance of a licensed attorney, may submit to the division the name and record of accounting showing an arrearage of an individual who is out of compliance with an order for support which is not being enforced by the division under Title IV-D, and the division shall submit the name of such individual to the



licensing entities who will match the name with their records in the same manner as provided in subsection (1) to provide the party or his or her attorney with necessary information regarding licensees. The party or his or her attorney applying for such information shall pay a fee not to exceed Twenty-five Dollars (\$25.00) for such service.

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

93-11-157. (1) The division shall review the information received under Section 93-11-155 and any other information available to the division, and shall determine if a licensee is out of compliance with an order for support. If a licensee is out of compliance with the order for support, the division shall notify the licensee by first class mail that ninety (90) days after the licensee receives the notice of being out of compliance with the order, the licensing entity will be notified to immediately suspend the licensee's license unless the licensee pays the arrearage owing, according to the accounting records of the Mississippi Department of Human Services or the attorney representing the party to whom support is due, as the case may be, or enters into a stipulated agreement and agreed judgment establishing a schedule for the payment of the arrearage. The licensee shall be presumed to have received the notice five (5) days after it is deposited in the mail.



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

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

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

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

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



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

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

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



entity shall immediately reinstate the suspended license upon the division's notification of the licensing entities in writing that the licensee no longer has an arrearage or that the licensee has entered into a stipulated agreement and agreed judgment.

(8) Within thirty (30) days after a licensing entity suspends the licensee's license at the direction of the division under subsection (7) of this section, the licensee may appeal the license suspension to the chancery court of the county in which the licensee resides or to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon giving bond with sufficient sureties in the amount of Two Hundred Dollars (\$200.00), approved by the clerk of the chancery court and conditioned to pay any costs that may be adjudged against the licensee. Notice of appeal shall be filed in the office of the clerk of the chancery court. If there is an appeal, the appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas of the license suspension. The department shall be the appellee in the appeal, and the licensing entity shall not be a party in the appeal. The chancery court shall dispose of the appeal and enter its decision within thirty (30) days of the filing of the appeal. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. The decision of the chancery court may be appealed to the Supreme Court in the manner provided by the rules of the Supreme Court. In the discretion of and on motion to the chancery court, no person shall



814 be allowed to practice any business, occupation or profession or
815 take any other action under the authority of any license the
816 suspension of which has been affirmed by the chancery court while
817 an appeal to the Supreme Court from the decision of the chancery
818 court is pending.

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



839 (10) Nothing in this section prohibits a licensee from
840 filing a motion for the modification of an order for support or
841 for any other applicable relief. However, no such action shall
842 stay the license suspension procedure, except as may be allowed
843 under subsection (8) of this section.

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

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

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



specified in the general licensing and disciplinary provisions applicable to the licensing entity. If there is any conflict between any provision of this section and any provision of the general licensing and disciplinary provisions applicable to a licensing entity, the provisions of this section shall control.

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

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

SECTION 17. Section 93-11-163, Mississippi Code of 1972, is amended as follows:

93-11-163. In addition to the procedures in Section 93-11-157, the court may, upon a finding that a defendant is delinquent for being out of compliance with an order for support, order the licensing entity as defined in Section 93-11-153(a) to suspend the license of the defendant. In its discretion, the court may stay such an order for a reasonable time to allow the defendant to purge himself of the delinquency. If a license is suspended under this section, the court may also order the



889 licensing entity to reinstate the license when it is satisfied
890 that the defendant has purged himself of the delinquency.
891 Licensing entities shall treat a suspension under this section the
892 same as a suspension under Section 93-11-157. Defendants whose
893 license is suspended under this section shall be subject to any
894 administrative fees established for reinstatement under Section
895 93-11-159.

896 **SECTION 18.** This act shall take effect and be in force from
897 and after July 1, 2025 and shall be repealed from and after June
898 30, 2025.

