

By: Representative Ford (73rd)

To: Judiciary A

## HOUSE BILL NO. 1539

1       AN ACT TO AMEND SECTION 43-15-203, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE PROCEDURES TO REGULATE CUSTODY FOR BABIES WHO ARE  
3 DROPPED OFF WITH ADOPTION AGENCIES AND HOSPITALS; TO PROVIDE THE  
4 DUTIES OF THE CUSTODY HOLDER OF THE BABY; AND FOR RELATED  
5 PURPOSES.

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

7       **SECTION 1.** Section 43-15-203, Mississippi Code of 1972, is  
8 amended as follows:

9       43-15-203. (1) \* \* \* If a child is relinquished to an  
10 adoption agency licensed pursuant to 43-15-105 and the adoption  
11 agency has the ability and desire to take custody of the child and  
12 to place the child for adoption, the adoption agency shall, as an  
13 emergency medical services provider under this chapter, do the  
14 following:

15           (a) Immediately transport the child or arrange for the  
16 child to be transported to a hospital for a physical examination.

17           (b) Immediately call the department to inform it that a  
18 child has been left with the adoption agency, of the location of  
19 the hospital where the adoption agency transported the child or



20       arranged for the child to be transported, and that the adoption  
21       agency will take custody of the child after the hospital completes  
22       the physical examination.

23               (c)    Take custody of the child from the hospital within  
24       forty-eight (48) hours after the hospital completes the physical  
25       examination.

26               (2)    \* \* \*   If a child is relinquished to an adoption agency  
27       licensed pursuant to 43-15-105 and the adoption agency does not  
28       have the ability or desire to take custody of the child and  
29       place the child for adoption, the adoption agency shall do the  
30       following:

31               (a)    Immediately transport the child or arrange for the  
32       child to be transported to a hospital for a physical examination.

33               (b)    Immediately call the department to inform it that a  
34       child has been left with the adoption agency as an emergency  
35       medical services provider under this article, of the location of  
36       the hospital where the adoption agency transported the child or  
37       arranged for the child to be transported, and that the adoption  
38       agency will not take custody of the child after the hospital  
39       completes the physical examination.

40               (3)    If a child is relinquished to a licensed hospital, the  
41       staff of the facility shall do the following:

42               (a)    Immediately complete a physical examination.

43               (b)    Immediately call the department to inform it that a  
44       child has been relinquished at the facility.

45                   (4) If a child is relinquished to an emergency medical  
46 services provider other than an adoption agency or licensed  
47 hospital, the staff of the facility shall do the following:

48                   (a) Immediately transfer the child to a hospital for a  
49 physical examination.

50                   (b) Immediately call the department to inform it that a  
51 child has been relinquished at the facility and of the location of  
52 the hospital where the emergency medical services provider  
53 transported the child.

54                   (5) Within eight (8) hours after the department is contacted  
55 pursuant to subsections (2), (3) or (4) of this section, the  
56 department shall contact the next licensed adoption agency on a  
57 rotating list maintained by the department until the department  
58 contacts an adoption agency that agrees to take custody of the  
59 child. The adoption agency must take custody of the child from  
60 the hospital within forty-eight (48) hours after the hospital  
61 completes the physical examination.

62                   (6) If no adoption agency takes custody of the child  
63 pursuant to this section within forty-eight (48) hours after the  
64 hospital completes the physical examination, the department shall  
65 take custody of the child.

66                   (7) Notwithstanding any other law, before a licensed  
67 adoption agency or the department takes custody of a child  
68 pursuant to this section, a licensed hospital may make health care  
69 treatment decisions for the child. A licensed hospital which



70        makes a good faith medical decision pursuant to this subsection is  
71        immune from liability.

72            ( \* \* \*<sup>8</sup>)    (a)    \* \* \* A hospital which receives a child for a  
73        physical examination under this section shall immediately contact  
74        the local law enforcement agency in the municipality or county in  
75        which the infant was surrendered and the Department of Public  
76        Safety to determine whether the infant is a missing child in this  
77        state or another state. If the department determines that the  
78        infant is a missing child, then the department shall perform its  
79        due diligence to reunite the infant with his or her family.

80            (b)    A law enforcement agency that is contacted under  
81        the provisions of this subsection shall investigate whether the  
82        child is reported as missing.

83            (c)    For purposes of this subsection (3), the term  
84        "missing child" means person under the age of eighteen (18)  
85        reported to police or by police as someone whose whereabouts are  
86        unknown for any reason.

87            (9)    The entity or individual that ultimately takes custody  
88        of the child shall be responsible for all medical and other costs  
89        associated with the child and shall reimburse the hospital for any  
90        costs incurred prior to the child being placed in the care of the  
91        entity or individual.

92            (10)    An adoption agency that takes custody of the child must  
93        comply with all state and federal laws regarding adoption and  
94        placement of children.



95                   (11) The department shall inform an adoption agency when it  
96 has rotated to the top of the contact list and inform it that the  
97 department will notify it the next time a child is relinquished to  
98 an emergency medical services provider under this section. An  
99 adoption agency may contact the department to be placed on the  
100 rotating list maintained by the department pursuant to this  
101 section if it is licensed pursuant to 45-15-105.

102                   (12) The protocols prescribed in this section apply only to  
103 an unharmed child who is forty-five (45) days of age or younger  
104 and who is not alleged to have been neglected or abused. If a  
105 child who is transported to a hospital is older than forty-five  
106 (45) days or has been harmed, the hospital shall contact the  
107 department, and the department shall take custody of the child.

108                   (13) For purposes of this section, "custody" means the legal  
109 authority to act on behalf of a child including the following:

110                   (a) The duty and authority to make decisions that  
111 affect the child, including medical decisions.

112                   (b) The authority to file a petition for termination of  
113 parental rights.

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

