

By: Howell

To: Judiciary A

HOUSE BILL NO. 49

1 AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT ADOPTION BY SAME SEX COUPLES; AND FOR RELATED PURPOSES.

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

4 SECTION 1. Section 93-17-3, Mississippi Code of 1972, is
5 amended as follows:

6 93-17-3. (1) Any person may be adopted in accordance with
7 the provisions of this chapter in termtime or in vacation by an
8 unmarried adult or by a married person whose spouse joins in the
9 petition, provided that the petitioner or petitioners shall have
10 resided in this state for ninety (90) days preceding the filing of
11 the petition. However, if (a) the petitioner or petitioners, or
12 one (1) of them, be related to the child within the third degree
13 according to civil law, or if (b) the adoption is presented to the
14 court by an adoption agency licensed by the State of Mississippi,
15 said residence restriction shall not apply. Such adoption shall
16 be by sworn petition filed in the chancery court of the county in
17 which the adopting petitioner or petitioners reside or in which
18 the child to be adopted resides or was born, or was found when it
19 was abandoned or deserted, or in which the home is located to
20 which the child shall have been surrendered by a person authorized
21 to so do. The petition shall be accompanied by a doctor's

22 certificate showing the physical and mental condition of the child
23 to be adopted and a sworn statement of all property, if any owned
24 by the child. Should the doctor's certificate indicate any
25 abnormal mental or physical condition or defect, such condition or
26 defect shall not in the discretion of the chancellor bar the
27 adoption of the child if the adopting parent or parents shall file
28 an affidavit stating full and complete knowledge of such condition
29 or defect and stating a desire to adopt the child, notwithstanding
30 such condition or defect. The court shall have the power to
31 change the name of the child as a part of the adoption
32 proceedings. The word "child" herein shall be construed to refer
33 to the person to be adopted, though an adult.

34 (2) Adoption by couples of the same gender is prohibited.
35 Any adoption by couples of the same gender that is valid in
36 another jurisdiction does not constitute a legal or valid adoption
37 in Mississippi.

38 SECTION 2. This act shall take effect and be in force from
39 and after July 1, 2000.