

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Committee Sub. for SB NO. 2629

By Senator(s) Ross

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

- 7 **SECTION 1.** Section 93-15-105, Mississippi Code of 1972, is
8 amended as follows:
- 9 93-15-105. (1) Any person, agency or institution may file
10 for termination of parental rights in the chancery court or the
11 family or county court sitting as the youth court of the county in
12 which a defendant or the child resides, or in the county where an
13 agency or institution holding custody of the child is located.
14 The chancery court, or the chancellor in vacation, or the family
15 court, or the family court judge in vacation, or the county court
16 when sitting as the youth court, or such county court judge in
17 vacation, may set the cause for hearing in termtime or in
18 vacation. The petition shall be triable either in termtime or in
19 vacation, after personal service of process for thirty (30) days,
20 and in case of nonresident defendants, or defendants whose
21 addresses are unknown after diligent search, thirty (30) days
22 after completion of publication; such publication to be otherwise
23 as provided in the Mississippi Rules of Civil Procedure.
- 24 (2) In all cases involving termination of parental rights,
25 minor parents may be served with process as an adult.
- 26 (3) In the event that one (1) parent voluntarily releases

27 his child for adoption a copy of the summons served on the child
28 shall not be required to be served on the releasing parent.

29 (4) In an appropriate case, determination of the rights of
30 the father of a child born out of wedlock may be made in
31 proceedings pursuant to a petition for determination of rights as
32 provided in Section 93-17-6.

33 **SECTION 2.** Section 93-15-103, Mississippi Code of 1972, is
34 amended as follows:

35 93-15-103. (1) When a child has been removed from the home
36 of its natural parents and cannot be returned to the home of his
37 natural parents within a reasonable length of time because
38 returning to the home would be damaging to the child or the parent
39 is unable or unwilling to care for the child, relatives are not
40 appropriate or are unavailable, and when adoption is in the best
41 interest of the child, taking into account whether the adoption is
42 needed to secure a stable placement for the child and the strength
43 of the child's bonds to his natural parents and the effect of
44 future contacts between them, the grounds listed in subsections
45 (2) and (3) of this section shall be considered as grounds for the
46 termination of parental rights. The grounds may apply singly or
47 in combination in any given case.

48 (2) The rights of a parent with reference to a child,
49 including parental rights to control or withhold consent to an
50 adoption, and the right to receive notice of a hearing on a
51 petition for adoption, may be relinquished and the relationship of
52 the parent and child terminated by the execution of a written
53 voluntary release, signed by the parent, regardless of the age of
54 the parent.

55 (3) Grounds for termination of parental rights shall be
56 based on one or more of the following factors:

57 (a) A parent has deserted without means of
58 identification or abandoned a child as defined in Section 97-5-1,
59 or

60 (b) A parent has made no contact with a child under the
61 age of three (3) for six (6) months or a child three (3) years of

62 age or older for a period of one (1) year; or

63 (c) A parent has been responsible for a series of
64 abusive incidents concerning one or more children; or

65 (d) When the child has been in the care and custody of
66 a licensed child caring agency or the Department of Human Services
67 for at least one (1) year, that agency or the department has made
68 diligent efforts to develop and implement a plan for return of the
69 child to its parents, and:

70 (i) The parent has failed to exercise reasonable
71 available visitation with the child; or

72 (ii) The parent, having agreed to a plan to effect
73 placement of the child with the parent, fails to implement the
74 plan so that the child caring agency is unable to return the child
75 to said parent; or

76 (e) The parent exhibits ongoing behavior which would
77 make it impossible to return the child to the parent's care and
78 custody:

79 (i) Because the parent has a diagnosable condition
80 unlikely to change within a reasonable time such as alcohol or
81 drug addiction, severe mental deficiencies or mental illness, or
82 extreme physical incapacitation, which condition makes the parent
83 unable to assume minimally, acceptable care of the child; or

84 (ii) Because the parent fails to eliminate
85 behavior, identified by the child caring agency or the court,
86 which prevents placement of said child with the parent in spite of
87 diligent efforts of the child caring agency to assist the parent;
88 or

89 (f) When there is an extreme and deep-seated antipathy
90 by the child toward the parent or when there is some other
91 substantial erosion of the relationship between the parent and
92 child which was caused at least in part by the parent's serious
93 neglect, abuse, prolonged and unreasonable absence, unreasonable
94 failure to visit or communicate, or prolonged imprisonment; or

95 (g) When a parent has been convicted of any of the
96 following offenses against any child: (i) rape of a child under

97 the provisions of Section 97-3-65, (ii) sexual battery of a child
98 under the provisions of Section 97-3-95(c), (iii) touching a child
99 for lustful purposes under the provisions of Section 97-5-23, (iv)
100 exploitation of a child under the provisions of Section 97-5-31,
101 (v) felonious abuse or battery of a child under the provisions of
102 Section 97-5-39(2), (vi) carnal knowledge of a step or adopted
103 child or a child of a cohabitating partner under the provisions of
104 Section 97-5-41, or (vii) murder of another child of such parent,
105 voluntary manslaughter of another child of such parent, aided or
106 abetted, attempted, conspired or solicited to commit such murder
107 or voluntary manslaughter, or a felony assault that results in the
108 serious bodily injury to the surviving child or another child of
109 such parent; or

110 (h) The child has been adjudicated to have been abused
111 or neglected and custody has been transferred from the child's
112 parent(s) for placement pursuant to Section 43-15-13, and a court
113 of competent jurisdiction has determined that reunification shall
114 not be in the child's best interest.

115 (4) Legal custody and guardianship by persons other than the
116 parent as well as other permanent alternatives which end the
117 supervision by the Department of Human Services should be
118 considered as alternatives to the termination of parental rights,
119 and these alternatives should be selected when, in the best
120 interest of the child, parental contacts are desirable and it is
121 possible to secure such placement without termination of parental
122 rights.

123 (5) When a parent has been convicted of rape of a child
124 under the provisions of Section 97-3-65, sexual battery of a child
125 under the provisions of Section 97-3-95(c), touching a child for
126 lustful purposes under the provisions of Section 97-5-23,
127 exploitation of a child under the provisions of Section 97-5-31,
128 felonious abuse or battery of a child under the provisions of
129 Section 97-5-39(2), or carnal knowledge of a step or adopted child
130 or a child of a cohabitating partner under the provisions of
131 Section 97-5-41, notice of the conviction shall be forwarded by

132 the circuit clerk of the county in which the conviction occurred
133 to the Mississippi Department of Human Services, Division of
134 Social Services.

135 (6) In any case where a child has been removed from the
136 parent's home due to sexual abuse or serious bodily injury to the
137 child, the court shall treat such case for termination of parental
138 rights as a preference case to be determined with all reasonable
139 expedition.

140 **SECTION 3.** This act shall take effect and be in force from
141 and after July 1, 2003.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 93-15-105, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE PROCEDURE FOR TERMINATION OF PARENTAL RIGHTS IN
3 CERTAIN CASES; TO AMEND SECTION 93-15-103, MISSISSIPPI CODE OF
4 1972, TO REVISE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS IN
5 CASES INVOLVING CHILD ABUSE; AND FOR RELATED PURPOSES.