

By: Representative Montgomery

To: Judiciary A

HOUSE BILL NO. 93

1 AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT PERSONS DELINQUENT IN CHILD SUPPORT OBLIGATIONS MAY  
3 NOT ADOPT A CHILD; TO AUTHORIZE BACKGROUND CHECKS TO VERIFY ANY  
4 DELINQUENCY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-17-3, Mississippi Code of 1972, is  
7 amended as follows:

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

29 abnormal mental or physical condition or defect, such condition or  
30 defect shall not in the discretion of the chancellor bar the  
31 adoption of the child if the adopting parent or parents shall file  
32 an affidavit stating full and complete knowledge of such condition  
33 or defect and stating a desire to adopt the child, notwithstanding  
34 such condition or defect. The court shall have the power to  
35 change the name of the child as a part of the adoption  
36 proceedings. The word "child" herein shall be construed to refer  
37 to the person to be adopted, though an adult.

38 (2) Adoption by couples of the same gender is prohibited.

39 (3) Any person who wishes to adopt a child shall not be  
40 delinquent in any child support. The court may order a background  
41 check to determine if the petitioners are delinquent in any child  
42 support. If it is determined that the petitioners are delinquent  
43 in child support, an adoption order may not be granted.

44 **SECTION 2.** This act shall take effect and be in force from  
45 and after July 1, 2004.