

By: Representative Blackmon

To: Judiciary A;
Appropriations

HOUSE BILL NO. 773

1 AN ACT TO ENACT THE MISSISSIPPI UNIFORM PARENTAGE ACT (2000)
2 TO GOVERN THE DETERMINATION OF PATERNITY AND MATERNITY; TO CREATE
3 NEW SECTION 93-9-101, MISSISSIPPI CODE OF 1972, TO ENACT A SHORT
4 TITLE; TO CREATE NEW SECTION 93-9-102, MISSISSIPPI CODE OF 1972,
5 TO ENACT DEFINITIONS; TO CREATE NEW SECTION 93-9-103, MISSISSIPPI
6 CODE OF 1972, TO PROVIDE THE MATTERS COVERED UNDER THE ACT AND
7 PROVIDE FOR CHOICE OF LAW; TO CREATE NEW SECTION 93-9-104,
8 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR JURISDICTION; TO CREATE
9 NEW SECTION 93-9-105, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
10 PROTECTION OF THE PARTIES; TO CREATE NEW SECTION 93-9-106,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DETERMINATION OF
12 MATERNITY IS MADE AS IS DETERMINATION OF PATERNITY; TO CREATE NEW
13 SECTION 93-9-107, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
14 OBLIGATIONS OF A FATHER; TO CREATE NEW SECTION 93-9-201,
15 MISSISSIPPI CODE OF 1972, TO ENACT STANDARDS FOR THE CREATION OF A
16 PARENTAL RELATIONSHIP; TO CREATE NEW SECTION 93-9-202, MISSISSIPPI
17 CODE OF 1972, TO PROHIBIT DISCRIMINATION AGAINST CHILDREN WHOSE
18 PARENTS ARE NOT MARRIED TO EACH OTHER; TO CREATE NEW SECTION
19 93-9-203, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONTINUITY OF
20 AN ESTABLISHED PARENTAL RELATIONSHIP; TO CREATE NEW SECTION
21 93-9-204, MISSISSIPPI CODE OF 1972, TO SPECIFY CIRCUMSTANCES UNDER
22 WHICH PATERNITY IS PRESUMED; TO CREATE NEW SECTIONS 93-9-301,
23 93-9-302, 93-9-303, 93-9-304, 93-9-305, 93-9-306, 93-9-307,
24 93-9-308, 93-9-309, 93-9-310, 93-9-311, 93-9-312, 93-9-313 AND
25 93-9-314, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR VOLUNTARY
26 ACKNOWLEDGMENT OR DENIAL OF PATERNITY AND RESCISSION OF ANY
27 ACKNOWLEDGMENT OR DENIAL, THAT NO FEE SHALL BE CHARGED FOR FILING
28 ACKNOWLEDGMENT OR DENIAL, FOR PROMULGATION OF RULES, AND TO
29 REQUIRE THAT FULL FAITH AND CREDIT BE GIVEN TO OUT-OF-STATE
30 ACKNOWLEDGMENTS OR DENIALS; TO CREATE NEW SECTION 93-9-401,
31 MISSISSIPPI CODE OF 1972, TO ESTABLISH A REGISTRY OF PATERNITY; TO
32 CREATE NEW SECTION 93-9-402, MISSISSIPPI CODE OF 1972, TO ALLOW A
33 FATHER TO REGISTER TO REQUEST NOTIFICATION OF PROCEEDINGS; TO
34 CREATE NEW SECTION 93-9-403, MISSISSIPPI CODE OF 1972, TO REQUIRE
35 NOTICE OF PROCEEDINGS TO BE GIVEN TO ONE WHO HAS REGISTERED; TO
36 CREATE NEW SECTIONS 93-9-404 AND 93-9-405, MISSISSIPPI CODE OF
37 1972, TO PROVIDE FOR TERMINATION OF PARENTAL RIGHTS; TO CREATE NEW
38 SECTION 93-9-411, MISSISSIPPI CODE OF 1972, TO REQUIRE
39 PROMULGATION OF A FORM FOR REGISTRATION WITH THE REGISTRY; TO
40 CREATE NEW SECTION 93-9-412, MISSISSIPPI CODE OF 1972, TO PROVIDE
41 FOR CONFIDENTIALITY; TO CREATE NEW SECTION 93-9-413, MISSISSIPPI
42 CODE OF 1972, TO CREATE A PENALTY FOR UNAUTHORIZED RELEASE OF
43 INFORMATION; TO CREATE NEW SECTION 93-9-414, MISSISSIPPI CODE OF
44 1972, TO ALLOW RESCISSION OF REGISTRATION; TO CREATE NEW SECTION
45 93-9-415, MISSISSIPPI CODE OF 1972, TO INVALIDATE AN UNTIMELY
46 REGISTRATION; TO CREATE NEW SECTION 93-9-416, MISSISSIPPI CODE OF
47 1972, TO ALLOW REASONABLE FEES; TO CREATE NEW SECTION 93-9-421,
48 MISSISSIPPI CODE OF 1972, TO REQUIRE SEARCH OF THE REGISTRY IN
49 ADOPTIONS AND TERMINATIONS; TO CREATE NEW SECTION 93-9-422,
50 MISSISSIPPI CODE OF 1972, TO CREATE A CERTIFICATE OF SEARCH; TO
51 CREATE NEW SECTION 93-9-423, MISSISSIPPI CODE OF 1972, TO PROVIDE
52 FOR ADMISSIBILITY OF REGISTERED INFORMATION; TO CREATE NEW

53 SECTIONS 93-9-501, 93-9-502 AND 93-9-503, MISSISSIPPI CODE OF
54 1972, TO PROVIDE FOR GENETIC TESTING AND TO ENACT STANDARDS; TO
55 CREATE NEW SECTION 93-9-504, MISSISSIPPI CODE OF 1972, TO ENACT
56 STANDARDS FOR GENETIC TESTING REPORTS; TO CREATE NEW SECTION
57 93-9-505, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR REBUTTAL OF
58 GENETIC TEST REPORTS; TO CREATE NEW SECTION 93-9-506, MISSISSIPPI
59 CODE OF 1972, TO REQUIRE ASSESSMENT OF COST OF TESTING; TO CREATE
60 NEW SECTION 93-9-507, MISSISSIPPI CODE OF 1972, TO ALLOW
61 ADDITIONAL TESTING; TO CREATE NEW SECTION 93-9-508, MISSISSIPPI
62 CODE OF 1972, TO PROVIDE FOR TESTING WHEN ALLEGED PARENT IS NOT
63 AVAILABLE; TO CREATE NEW SECTION 93-9-509, MISSISSIPPI CODE OF
64 1972, TO ALLOW TESTING OF A DECEASED PERSON; TO CREATE NEW SECTION
65 93-9-510, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR TESTING OF A
66 PERSON WHO HAS AN IDENTICAL SIBLING; TO CREATE NEW SECTION
67 93-9-511, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONFIDENTIALITY
68 OF GENETIC TEST RESULTS; TO CREATE NEW SECTION 93-9-601,
69 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CIVIL PROCEEDINGS TO
70 ADJUDICATE PARENTAGE; TO CREATE NEW SECTION 93-9-602, MISSISSIPPI
71 CODE OF 1972, TO SPECIFY WHAT PERSONS HAVE STANDING TO MAINTAIN
72 THE ACTION; TO CREATE NEW SECTION 93-9-603, MISSISSIPPI CODE OF
73 1972, TO SPECIFY WHO MUST BE JOINED; TO CREATE NEW SECTION
74 93-9-604, MISSISSIPPI CODE OF 1972, TO SPECIFY THE COURT'S
75 JURISDICTION; TO CREATE NEW SECTION 93-9-605, MISSISSIPPI CODE OF
76 1972, TO PROVIDE FOR VENUE OF ACTIONS; TO CREATE NEW SECTIONS
77 93-9-606 AND 93-9-607, MISSISSIPPI CODE OF 1972, TO PROVIDE A
78 STATUTE OF LIMITATIONS UNDER CERTAIN CIRCUMSTANCES; TO CREATE NEW
79 SECTION 93-9-608, MISSISSIPPI CODE OF 1972, TO ALLOW AUTHORITY TO
80 DENY A MOTION FOR GENETIC TESTING; TO CREATE NEW SECTION 93-9-609,
81 MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL LIMITATIONS ON
82 TIME FOR A CHILD HAVING AN ACKNOWLEDGED OR ADJUDICATED FATHER; TO
83 CREATE NEW SECTION 93-9-610, MISSISSIPPI CODE OF 1972, TO PROVIDE
84 FOR JOINDER; TO CREATE NEW SECTION 93-9-611, MISSISSIPPI CODE OF
85 1972, TO PROVIDE FOR PROCEEDINGS BEFORE BIRTH; TO CREATE NEW
86 SECTION 93-9-612, MISSISSIPPI CODE OF 1972, TO SPECIFY PERMISSIBLE
87 PARTIES; TO CREATE NEW SECTION 93-9-621, MISSISSIPPI CODE OF 1972,
88 TO PROVIDE FOR ADMISSIBILITY OF GENETIC TEST RESULTS AND PAYMENT
89 OF EXPENSES; TO CREATE NEW SECTION 93-9-622, MISSISSIPPI CODE OF
90 1972, TO PROVIDE CONSEQUENCES FOR FAILURE TO SUBMIT TO GENETIC
91 TESTING; TO CREATE NEW SECTION 93-9-623, MISSISSIPPI CODE OF 1972,
92 TO PROVIDE FOR ADMISSION OF PATERNITY; TO CREATE NEW SECTION
93 93-9-624, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A TEMPORARY
94 ORDER; TO CREATE NEW SECTION 93-9-631, MISSISSIPPI CODE OF 1972,
95 TO ENACT RULES FOR ADJUDICATION OF PATERNITY; TO CREATE NEW
96 SECTION 93-9-632, MISSISSIPPI CODE OF 1972, TO REQUIRE TRIAL BY
97 THE COURT SITTING WITHOUT A JURY; TO CREATE NEW SECTION 93-9-633,
98 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CLOSED HEARINGS AND OPEN
99 RECORDS; TO CREATE NEW SECTION 93-9-634, MISSISSIPPI CODE OF 1972,
100 TO PROVIDE FOR ORDER IN EVENT OF DEFAULT; TO CREATE NEW SECTION
101 93-9-635, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR DISMISSAL UNDER
102 CERTAIN CIRCUMSTANCES; TO CREATE NEW SECTION 93-9-636, MISSISSIPPI
103 CODE OF 1972, TO PROVIDE FOR THE ORDER OF PARENTAGE; TO CREATE NEW
104 SECTION 93-9-637, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
105 EFFECT OF THE ORDER; TO CREATE NEW SECTION 93-9-638, MISSISSIPPI
106 CODE OF 1972, TO PROVIDE FOR ENFORCEMENT OF THE ORDER AND THE
107 SURNAME OF THE CHILD IN ABSENCE OF ORDER; TO CREATE NEW SECTION
108 93-9-639, MISSISSIPPI CODE OF 1972, TO ENACT A LIMITATION ON
109 RECOVERY FROM THE FATHER; TO CREATE NEW SECTION 93-9-640,
110 MISSISSIPPI CODE OF 1972, TO ENACT LIMITATION ON RECOVERY FROM THE
111 FATHER'S ESTATE; TO CREATE NEW SECTION 93-9-641, MISSISSIPPI CODE
112 OF 1972, TO ALLOW GIVING OF SECURITY; TO CREATE NEW SECTION
113 93-9-642, MISSISSIPPI CODE OF 1972, TO ALLOW COMMITMENT FOR
114 CONTEMPT UPON DEFAULT; TO CREATE NEW SECTION 93-9-643, MISSISSIPPI
115 CODE OF 1972, TO PROVIDE FOR REQUIREMENT OF SUPPORT BY MOTHER; TO
116 CREATE NEW SECTION 93-9-644, MISSISSIPPI CODE OF 1972, TO PROVIDE
117 PUNISHMENT FOR FALSE DECLARATION; TO CREATE NEW SECTION 93-9-645,
118 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR PROBATION UPON DEFAULT;

119 TO CREATE NEW SECTION 93-9-646, MISSISSIPPI CODE OF 1972, TO
120 PROVIDE A PROCEDURE FOR APPEALS; TO CREATE NEW SECTION 93-9-647,
121 MISSISSIPPI CODE OF 1972, TO SPECIFY THE PROSECUTING OFFICIAL; TO
122 CREATE NEW SECTIONS 93-9-701, 93-9-702, 93-9-703, 93-9-704,
123 93-9-705, 93-9-706 AND 93-9-707, MISSISSIPPI CODE OF 1972, TO
124 PROVIDE FOR THE DETERMINATION OF PARENTAGE OF A CHILD OF ASSISTED
125 REPRODUCTION; TO CREATE NEW SECTION 93-9-801, MISSISSIPPI CODE OF
126 1972, TO AUTHORIZE GESTATIONAL AGREEMENTS; TO CREATE NEW SECTION
127 93-9-802, MISSISSIPPI CODE OF 1972, TO ALLOW COURT VALIDATION OF
128 GESTATIONAL AGREEMENTS; TO CREATE NEW SECTION 93-9-803,
129 MISSISSIPPI CODE OF 1972, TO ALLOW A HEARING; TO CREATE NEW
130 SECTION 93-9-804, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
131 CONFIDENTIALITY OF AGREEMENTS; TO CREATE NEW SECTION 93-9-805,
132 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONTINUING JURISDICTION;
133 TO CREATE NEW SECTION 93-9-806, MISSISSIPPI CODE OF 1972, TO
134 PROVIDE FOR TERMINATION OF GESTATIONAL AGREEMENTS; TO CREATE NEW
135 SECTIONS 93-9-807, 93-9-808 AND 93-9-809, MISSISSIPPI CODE OF
136 1972, TO PROVIDE FOR THE EFFECT OF VALIDATED AND NONVALIDATED
137 GESTATIONAL AGREEMENTS AND THE EFFECT OF MARRIAGE; TO CREATE NEW
138 SECTION 93-9-901, MISSISSIPPI CODE OF 1972, TO REQUIRE UNIFORMITY
139 IN CONSTRUCTION AND APPLICATION OF THE ACT; TO CREATE NEW SECTION
140 93-9-902, MISSISSIPPI CODE OF 1972, TO PROVIDE SEVERABILITY OF THE
141 ACT; TO CREATE NEW SECTION 93-9-903, MISSISSIPPI CODE OF 1972, TO
142 PROVIDE A TRANSITION PERIOD; TO AMEND SECTIONS 41-57-14, 41-57-23
143 AND 93-17-8, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PURPOSES
144 OF THIS ACT; TO REPEAL SECTIONS 93-9-1, 93-9-3, 93-9-5, 93-9-7,
145 93-9-9, 93-9-11, 93-9-13, 93-9-15, 93-9-17, 93-9-19, 93-9-21,
146 93-9-23, 93-9-25, 93-9-27, 93-9-28, 93-9-29, 93-9-30, 93-9-31,
147 93-9-33, 93-9-35, 93-9-37, 93-9-39, 93-9-41, 93-9-43, 93-9-45,
148 93-9-47 AND 93-9-49, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE
149 THE MISSISSIPPI UNIFORM LAW ON PATERNITY, AND SECTIONS 93-9-71,
150 93-9-73 AND 93-9-75, MISSISSIPPI CODE OF 1972, DEALING WITH THE
151 EFFECT ON A PATERNITY PROCEEDING OF THE DEATH OF A MOTHER OR CHILD
152 AND THE ADMISSIBILITY OF A MOTHER'S DYING DECLARATION; AND FOR
153 RELATED PURPOSES.

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

155 **Article 1**

156 **General Provisions**

157 **SECTION 1.** The following shall be codified as Section
158 93-9-101, Mississippi Code of 1972:

159 93-9-101. **Short title.** This chapter may be cited as the
160 Mississippi Uniform Parentage Act (2000).

161 **SECTION 2.** The following shall be codified as Section
162 93-9-102, Mississippi Code of 1972:

163 93-9-102. **Definitions.** In this chapter:

164 (1) "Acknowledged father" means a man who has
165 established a father-child relationship under Article 3.

166 (2) "Adjudicated father" means a man who has been
167 adjudicated by a court of competent jurisdiction to be the father
168 of a child.

169 (3) "Alleged father" means a man who alleges himself to
170 be, or is alleged to be, the genetic father or a possible genetic
171 father of a child, but whose paternity has not been determined.

172 The term does not include:

173 (A) A presumed father;

174 (B) A man whose parental rights have been
175 terminated or declared not to exist; or

176 (C) A male donor.

177 (4) "Assisted reproduction" means a method of causing
178 pregnancy other than sexual intercourse. The term includes:

179 (A) Intrauterine insemination;

180 (B) Donation of eggs;

181 (C) Donation of embryos;

182 (D) In-vitro fertilization and transfer of
183 embryos; and

184 (E) Intracytoplasmic sperm injection.

185 (5) "Child" means an individual of any age whose
186 parentage may be determined under Article 3 or adjudication by the
187 court.

188 (6) "Commence" means to file the initial pleading
189 seeking an adjudication of parentage in the appropriate court of
190 this state.

191 (7) "Determination of parentage" means the
192 establishment of the parent-child relationship by the signing of a
193 valid acknowledgment of paternity under Sections 93-9-301 through
194 93-9-314 or adjudication by the court.

195 (8) "Donor" means an individual who produces eggs or
196 sperm used for assisted reproduction, whether or not for
197 consideration. The term does not include:

198 (A) A husband who provides sperm, or a wife who
199 provides eggs, to be used for assisted reproduction by the wife;

200 (B) A woman who gives birth to a child by means of
201 assisted reproduction, except as otherwise provided in Article 8;
202 or

203 (C) A parent under Article 7 or an intended parent
204 under Article 8.

205 (9) "Ethnic or racial group" means, for purposes of
206 genetic testing, a recognized group that an individual identifies
207 as all or part of the individual's ancestry or that is so
208 identified by other information.

209 (10) "Genetic testing" means an analysis of genetic
210 markers to exclude or identify a man as the father or a woman as
211 the mother of a child. The term includes an analysis of one or a
212 combination of the following:

213 (A) Deoxyribonucleic acid; and

214 (B) Blood-group antigens, red-cell antigens,
215 human-leukocyte antigens, serum enzymes, serum proteins, or
216 red-cell enzymes.

217 (11) "Gestational mother" means an adult woman who
218 gives birth to a child under a gestational agreement.

219 (12) "Man" means a male individual of any age.

220 (13) "Parent" means an individual who has established a
221 parent-child relationship under Section 93-7-201.

222 (14) "Parent-child relationship" means the legal
223 relationship between a child and a parent of the child. The term
224 includes the mother-child relationship and the father-child
225 relationship.

226 (15) "Paternity index" means the likelihood of
227 paternity calculated by computing the ratio between:

228 (A) The likelihood that the tested man is the
229 father, based on the genetic markers of the tested man, mother,
230 and child, conditioned on the hypothesis that the tested man is
231 the father of the child; and

232 (B) The likelihood that the tested man is not the
233 father, based on the genetic markers of the tested man, mother,
234 and child, conditioned on the hypothesis that the tested man is
235 not the father of the child and that the father is of the same
236 ethnic or racial group as the tested man.

237 (16) "Presumed father" means a man who, by operation of
238 law under Section 93-9-204, is recognized as the father of a child
239 until that status is rebutted or confirmed in a judicial
240 proceeding.

241 (17) "Probability of paternity" means the measure, for
242 the ethnic or racial group to which the alleged father belongs, of
243 the probability that the man in question is the father of the
244 child, compared with a random, unrelated man of the same ethnic or
245 racial group, expressed as a percentage incorporating the
246 paternity index and a prior probability.

247 (18) "Record" means information that is inscribed on a
248 tangible medium or that is stored in an electronic or other medium
249 and is retrievable in perceivable form.

250 (19) "Signatory" means an individual who authenticates
251 a record and is bound by its terms.

252 (20) "State" means a state of the United States, the
253 District of Columbia, Puerto Rico, the United States Virgin
254 Islands, or any territory or insular possession subject to the
255 jurisdiction of the United States.

256 (21) "Support-enforcement agency" means a public
257 official or agency authorized to seek:

258 (A) Enforcement of support orders or laws relating
259 to the duty of support;

260 (B) Establishment or modification of child
261 support;

262 (C) Determination of parentage; or

263 (D) Location of child-support obligors and their
264 income and assets.

265 **SECTION 3.** The following shall be codified as Section
266 93-9-103, Mississippi Code of 1972:

267 93-9-103. **Scope of chapter; choice of law.** (a) This
268 chapter applies to determination of parentage in this state.

269 (b) The court shall apply the law of this state to
270 adjudicate the parent-child relationship. The applicable law does
271 not depend on:

272 (1) The place of birth of the child; or

273 (2) The past or present residence of the child.

274 (c) This chapter does not create, enlarge, or diminish
275 parental rights or duties under other law of this state.

276 (d) This chapter does not authorize or prohibit an agreement
277 between a woman and a man and another woman in which the woman
278 relinquishes all rights as a parent of a child conceived by means
279 of assisted reproduction, and which provides that the man and
280 other woman become the parents of the child. If a birth results
281 under such an agreement and the agreement is unenforceable under
282 the law of Mississippi, the parent-child relationship is
283 determined as provided in this chapter.

284 **SECTION 4.** The following shall be codified as Section
285 93-9-104, Mississippi Code of 1972:

286 93-9-104. **Court exercising jurisdiction.** The chancery,
287 youth, circuit, and county courts are authorized to adjudicate
288 parentage under this chapter. Nothing herein contained shall be
289 construed as abridging the power and jurisdiction of the chancery
290 courts of the State of Mississippi exercised over the estates of
291 minors, nor as an abridgment of the power and authority of said
292 chancery courts or the chancellor in vacation or chancery clerk in
293 vacation to appoint guardians for minors. These courts also have
294 jurisdiction of support actions, and all remedies for the
295 enforcement of orders for expenses of pregnancy and confinement
296 for a wife, or for education, necessary support and maintenance,
297 or funeral expenses for legitimate children shall apply. The

298 court has continuing jurisdiction to modify or revoke an order and
299 to increase or decrease amounts fixed by order for future
300 education and necessary support and maintenance. All remedies
301 under the Uniform Interstate Family Support Act, and amendments
302 thereto, are available for enforcement of duties of support and
303 maintenance under this chapter. In all youth court cases, the
304 section of any orders or an abstract of the section containing
305 paternity or support shall be sent to either the chancery or
306 county court for registration, modification, and enforcement.

307 **SECTION 5.** The following shall be codified as Section
308 93-9-105, Mississippi Code of 1972:

309 93-9-105. **Protection of participants.** Proceedings under
310 this chapter are subject to other laws of this state governing the
311 health, safety, privacy, and liberty of a child or other
312 individual who could be jeopardized by disclosure of identifying
313 information, including address, telephone number, place of
314 employment, social security number, and the child's day care
315 facility and school, except as provided by Section 41-57-14.

316 **SECTION 6.** The following shall be codified as Section
317 93-9-106, Mississippi Code of 1972:

318 93-9-106. **Determination of maternity.** Provisions of this
319 chapter relating to determination of paternity apply to
320 determinations of maternity.

321 **SECTION 7.** The following shall be codified as Section
322 93-9-107, Mississippi Code of 1972:

323 93-9-107. **Obligations of father.** The father of a child born
324 outside lawful matrimony is liable to the same extent as the
325 father of a child born of lawful matrimony, whether or not the
326 child is born alive, for the reasonable expense of the mother's
327 pregnancy and confinement, and for the education, necessary
328 support and maintenance, and medical and funeral expenses of the
329 child. A child born outside lawful matrimony also includes a

330 child born to a married woman by a man other than her lawful
331 husband.

332 Article 2

333 Parent-Child Relationship

334 SECTION 8. The following shall be codified as Section
335 93-9-201, Mississippi Code of 1972:

336 93-9-201. **Establishment of parent-child relationship.** (a)

337 The mother-child relationship is established between a woman and a
338 child by:

339 (1) The woman's having given birth to the child, except
340 as otherwise provided in Article 8;

341 (2) An adjudication of the woman's maternity;

342 (3) Adoption of the child by the woman; or

343 (4) An adjudication confirming the woman as a parent of
344 a child born to a gestational mother if the agreement was
345 validated under Article 8 or is enforceable under other law.

346 (b) The father-child relationship is established between a
347 man and a child by:

348 (1) An un rebutted presumption of the man's paternity of
349 the child under Section 93-9-204;

350 (2) An effective acknowledgment of paternity by the man
351 under Article 3, unless the acknowledgment has been rescinded or
352 successfully challenged;

353 (3) An adjudication of the man's paternity;

354 (4) Adoption of the child by the man;

355 (5) The man's having consented to assisted reproduction
356 by a woman under Article 7 which resulted in the birth of the
357 child; or

358 (6) An adjudication confirming the man as a parent of a
359 child born to a gestational mother if the agreement was validated
360 under Article 8 or is enforceable under other law.

361 SECTION 9. The following shall be codified as Section
362 93-9-202, Mississippi Code of 1972:

363 93-9-202. **No discrimination based on marital status.** A
364 child born to parents who are not married to each other has the
365 same rights under the law as a child born to parents who are
366 married to each other.

367 **SECTION 10.** The following shall be codified as Section
368 93-9-203, Mississippi Code of 1972:

369 93-9-203. **Consequences of establishment of parentage.**
370 Unless parental rights are terminated, a parent-child relationship
371 established under this chapter applies for all purposes, except as
372 otherwise specifically provided by other law of this state.

373 **SECTION 11.** The following shall be codified as Section
374 93-9-204, Mississippi Code of 1972:

375 93-9-204. **Presumption of paternity.** (a) A man is presumed
376 to be the father of a child if:

377 (1) He and the mother of the child are married to each
378 other and the child is born during the marriage;

379 (2) He and the mother of the child were married to each
380 other and the child is born within three hundred (300) days after
381 the marriage is terminated by death, annulment, declaration of
382 invalidity, divorce, or entry of a decree of separate maintenance;

383 (3) Before the birth of the child, he and the mother of
384 the child married each other in apparent compliance with law, even
385 if the attempted marriage is or could be declared invalid, and the
386 child is born during the invalid marriage or within three hundred
387 (300) days after its termination by death, annulment, declaration
388 of invalidity, divorce, or entry of a decree of separate
389 maintenance;

390 (4) After the birth of the child, he and the mother of
391 the child married each other in apparent compliance with law,
392 whether or not the marriage is or could be declared invalid, and
393 he voluntarily asserted his paternity of the child, and:

394 (A) The assertion is in a record filed with the
395 Office of Vital Records Registration of the State Department of
396 Health;

397 (B) He agreed to be and is named as the child's
398 father on the child's birth certificate; or

399 (C) He promised in a record to support the child
400 as his own; or

401 (5) For the first two (2) years of the child's life, he
402 resided in the same household with the child and openly held out
403 the child as his own.

404 (b) A presumption of paternity established under this
405 section may be rebutted only by an adjudication under Article 6.

406 **Article 3**

407 **Voluntary Acknowledgement of Paternity**

408 **SECTION 12.** The following shall be codified as Section
409 93-9-301, Mississippi Code of 1972:

410 93-9-301. **Acknowledgment of paternity.** The mother of a
411 child and a man claiming to be the genetic father of the child may
412 sign an acknowledgment of paternity with intent to establish the
413 man's paternity.

414 **SECTION 13.** The following shall be codified as Section
415 93-9-302, Mississippi Code of 1972:

416 93-9-302. **Execution of acknowledgment of paternity.** (a) An
417 acknowledgment of paternity must:

418 (1) Be in a record;

419 (2) Be signed, or otherwise authenticated, under
420 penalty of perjury by the mother and by the man seeking to
421 establish his paternity;

422 (3) State that the child whose paternity is being
423 acknowledged:

424 (A) Does not have a presumed father, or has a
425 presumed father whose full name is stated; and

426 (B) Does not have another acknowledged or
427 adjudicated father;

428 (4) State whether there has been genetic testing and,
429 if so, that the acknowledging man's claim of paternity is
430 consistent with the results of the testing; and

431 (5) State that the signatories understand that the
432 acknowledgment is the equivalent of a judicial adjudication of
433 paternity of the child and that a challenge to the acknowledgment
434 is permitted only under limited circumstances and is barred after
435 two (2) years.

436 (b) An acknowledgment of paternity is void if it:

437 (1) States that another man is a presumed father,
438 unless a denial of paternity signed or otherwise authenticated by
439 the presumed father is filed with the State Board of Health State
440 Registrar of Vital Records;

441 (2) States that another man is an acknowledged or
442 adjudicated father; or

443 (3) Falsely denies the existence of a presumed,
444 acknowledged, or adjudicated father of the child.

445 (c) A presumed father may sign or otherwise authenticate an
446 acknowledgment of paternity.

447 **SECTION 14.** The following shall be codified as Section
448 93-9-303, Mississippi Code of 1972:

449 93-9-303. **Denial of paternity.** A presumed father may sign a
450 denial of his paternity. The denial is valid only if:

451 (1) An acknowledgment of paternity signed, or otherwise
452 authenticated, by another man is filed pursuant to Section
453 93-9-305;

454 (2) The denial is in a record, and is signed, or
455 otherwise authenticated, under penalty of perjury; and

456 (3) The presumed father has not previously:

457 (A) Acknowledged his paternity, unless the
458 previous acknowledgment has been rescinded pursuant to Section

459 93-9-307 or successfully challenged pursuant to Section 93-9-308;
460 or

461 (B) Been adjudicated to be the father of the
462 child.

463 **SECTION 15.** The following shall be codified as Section
464 93-9-304, Mississippi Code of 1972:

465 93-9-304. **Rules for acknowledgment and denial of paternity.**

466 (a) An acknowledgment of paternity and a denial of paternity may
467 be contained in a single document or may be signed in
468 counterparts, and may be filed separately or simultaneously. If
469 the acknowledgement and denial are both necessary, neither is
470 valid until both are filed.

471 (b) An acknowledgment of paternity or a denial of paternity
472 may be signed before the birth of the child.

473 (c) Subject to subsection (a), an acknowledgment of
474 paternity or denial of paternity takes effect on the birth of the
475 child or the filing of the document with the Bureau of Vital
476 Statistics, whichever occurs later.

477 (d) An acknowledgment of paternity or denial of paternity
478 signed by a minor is valid if it is otherwise in compliance with
479 this chapter.

480 **SECTION 16.** The following shall be codified as Section
481 93-9-305, Mississippi Code of 1972:

482 93-9-305. **Effect of acknowledgment or denial of paternity.**

483 (a) Except as otherwise provided in Sections 93-9-307 and
484 93-9-308, a valid acknowledgment of paternity filed with the
485 Bureau of Vital Statistics is equivalent to an adjudication of
486 paternity of a child and confers upon the acknowledged father all
487 of the rights and duties of a parent.

488 (b) Except as otherwise provided in Sections 93-9-307 and
489 93-9-308, a valid denial of paternity by a presumed father filed
490 with the Bureau of Vital Statistics in conjunction with a valid
491 acknowledgment of paternity is equivalent to an adjudication of

492 the nonpaternity of the presumed father and discharges the
493 presumed father from all rights and duties of a parent.

494 **SECTION 17.** The following shall be codified as Section
495 93-9-306, Mississippi Code of 1972:

496 93-9-306. **No filing fee.** The Bureau of Vital Statistics may
497 not charge for filing an acknowledgment of paternity or denial of
498 paternity.

499 **SECTION 18.** The following shall be codified as Section
500 93-9-307, Mississippi Code of 1972:

501 93-9-307. **Proceeding for rescission.** A signatory may
502 rescind an acknowledgment of paternity or denial of paternity by
503 commencing a proceeding to rescind before the earlier of:

504 (1) Sixty (60) days after the effective date of the
505 acknowledgment or denial, as provided in Section 93-9-304; or

506 (2) The date of the first hearing, in a proceeding to
507 which the signatory is a party, before a court to adjudicate an
508 issue relating to the child, including a proceeding that
509 establishes support.

510 **SECTION 19.** The following shall be codified as Section
511 93-9-308, Mississippi Code of 1972:

512 93-9-308. **Challenge after expiration of period for**
513 **rescission.** (a) After the period for rescission under Section
514 93-9-307 has expired, a signatory of an acknowledgment of
515 paternity or denial of paternity may commence a proceeding to
516 challenge the acknowledgment or denial only:

517 (1) On the basis of fraud, duress, or material mistake
518 of fact; and

519 (2) Within two (2) years after the acknowledgment or
520 denial is filed with the Bureau of Vital Statistics.

521 (b) A party challenging an acknowledgment of paternity or
522 denial of paternity has the burden of proof.

523 **SECTION 20.** The following shall be codified as Section
524 93-9-309, Mississippi Code of 1972:

525 93-9-309. **Procedure for rescission or challenge.** (a) Every
526 signatory to an acknowledgment of paternity and any related denial
527 of paternity must be made a party to a proceeding to rescind or
528 challenge the acknowledgment or denial.

529 (b) For the purpose of rescission of, or challenge to, an
530 acknowledgment of paternity or denial of paternity, a signatory
531 submits to personal jurisdiction of this state by signing the
532 acknowledgment or denial, effective upon the filing of the
533 document with the Bureau of Vital Statistics.

534 (c) Except for good cause shown, during the pendency of a
535 proceeding to rescind or challenge an acknowledgment of paternity
536 or denial of paternity, the court may not suspend the legal
537 responsibilities of a signatory arising from the acknowledgment,
538 including the duty to pay child support.

539 (d) A proceeding to rescind or to challenge an
540 acknowledgment of paternity or denial of paternity must be
541 conducted in the same manner as a proceeding to adjudicate
542 parentage under Article 6.

543 (e) At the conclusion of a proceeding to rescind or
544 challenge an acknowledgment of paternity or denial of paternity,
545 the court shall order the Bureau of Vital Statistics to amend the
546 birth record of the child, if appropriate.

547 **SECTION 21.** The following shall be codified as Section
548 93-9-310, Mississippi Code of 1972:

549 93-9-310. **Ratification barred.** A court or administrative
550 agency conducting a judicial or administrative proceeding is not
551 required or permitted to ratify an unchallenged acknowledgment of
552 paternity.

553 **SECTION 22.** The following shall be codified as Section
554 93-9-311, Mississippi Code of 1972:

555 93-9-311. **Full faith and credit.** A court of this state
556 shall give full faith and credit to an acknowledgment of paternity
557 or denial of paternity effective in another state if the

558 acknowledgment or denial has been signed and is otherwise in
559 compliance with the law of the other state.

560 **SECTION 23.** The following shall be codified as Section
561 93-9-312, Mississippi Code of 1972:

562 93-9-312. **Forms for acknowledgment and denial of paternity.**

563 (a) To facilitate compliance with this article, the Bureau of
564 Vital Statistics shall prescribe forms for the acknowledgment of
565 paternity and the denial of paternity.

566 (b) A valid acknowledgment of paternity or denial of
567 paternity is not affected by a later modification of the
568 prescribed form.

569 (c) The Mississippi Department of Health and the Mississippi
570 Department of Human Services shall cooperate to establish
571 procedures to facilitate the voluntary acknowledgement of
572 paternity by both father and mother at the time of the birth of
573 any child born out of wedlock. Such procedures shall establish
574 responsibilities for each of the departments and for hospitals,
575 birthing centers, midwives, or other birth attendants to seek and
576 report voluntary acknowledgements of paternity. In establishing
577 such procedures, the departments shall provide for obtaining the
578 social security account numbers of both the father and mother on
579 voluntary acknowledgements.

580 (d) Upon the birth of a child out of wedlock, the hospital,
581 birthing center, midwife or other birth attendant shall provide an
582 opportunity for the child's mother and natural father to complete
583 an acknowledgement of paternity by giving the mother and natural
584 father the appropriate forms and information developed through the
585 procedures established in subsection (c) of this section. The
586 hospital, birthing center, midwife or other birth attendant shall
587 be responsible for providing printed information, and audio visual
588 material if available, related to the acknowledgement of
589 paternity, and shall be required to provide notary services needed
590 for the completion of acknowledgements of paternity. The

591 information described above shall be provided to the mother and
592 natural father, if present and identifiable, within twenty-four
593 (24) hours of birth or before the mother is released. Such
594 information, including forms, brochures, pamphlets, video tapes
595 and other media, shall be provided at no cost to the hospital,
596 birthing center or midwife by the Mississippi State Department of
597 Health, the Department of Human Services or other appropriate
598 agency.

599 **SECTION 24.** The following shall be codified as Section
600 93-9-313, Mississippi Code of 1972:

601 93-9-313. **Release of information.** The Bureau of Vital
602 Statistics may release information relating to the acknowledgment
603 of paternity or denial of paternity to a signatory of the
604 acknowledgment or denial and to courts, appropriate state agencies
605 of this or another state, or appropriate federal agencies.

606 **SECTION 25.** The following shall be codified as Section
607 93-9-314, Mississippi Code of 1972:

608 93-9-314. **Adoption of rules.** The Office of Vital Records
609 Registration of the State Department of Health may adopt rules to
610 implement this article.

611 **Article 4**

612 **Registry of Paternity**

613 **Part 1**

614 **General Provisions**

615 **SECTION 26.** The following shall be codified as Section
616 93-9-401, Mississippi Code of 1972:

617 93-9-401. **Establishment of registry.** A registry of
618 paternity is established in the Bureau of Vital Statistics.

619 **SECTION 27.** The following shall be codified as Section
620 93-9-402, Mississippi Code of 1972:

621 93-9-402. **Registration for notification.** (a) Except as
622 otherwise provided in subsection (b) or Section 93-9-405, a man
623 who desires to be notified of a proceeding for adoption of, or

624 termination of parental rights regarding, a child that he may have
625 fathered must register in the registry of paternity before the
626 birth of the child or within thirty (30) days after the birth.

627 (b) A man is not required to register if:

628 (1) A father-child relationship between the man and the
629 child has been established under this article or other law; or

630 (2) The man commences a proceeding to adjudicate his
631 paternity before the court has terminated his parental rights.

632 (c) A registrant shall promptly notify the registry in a
633 record of any change in the information registered. The Bureau of
634 Vital Statistics shall incorporate all new information received
635 into its records but need not affirmatively seek to obtain current
636 information for incorporation in the registry.

637 **SECTION 28.** The following shall be codified as Section
638 93-9-403, Mississippi Code of 1972:

639 93-9-403. **Notice of proceeding.** Notice of a proceeding for
640 the adoption of, or termination of parental rights regarding, a
641 child must be given to a registrant who has timely registered.
642 Notice must be given in a manner prescribed for service of process
643 in a civil action.

644 **SECTION 29.** The following shall be codified as Section
645 93-9-404, Mississippi Code of 1972:

646 93-9-404. **Termination of parental rights: child under one**
647 **year of age.** The parental rights of a man who may be the father
648 of a child may be terminated without notice if:

649 (1) The child has not attained one (1) year of age at
650 the time of the termination of parental rights;

651 (2) The man did not register timely with the Bureau of
652 Vital Statistics; and

653 (3) The man is not exempt from registration under
654 Section 93-9-402.

655 **SECTION 30.** The following shall be codified as Section
656 93-9-405, Mississippi Code of 1972:

657 93-9-405. **Termination of parental rights: child at least**
658 **one year of age.** (a) If a child has attained one (1) year of
659 age, notice of a proceeding for adoption of, or termination of
660 parental rights regarding, the child must be given to every
661 alleged father of the child, whether or not he has registered with
662 the Bureau of Vital Statistics.

663 (b) Notice must be given in a manner prescribed for service
664 of process in a civil action.

665 **Part 2**

666 **Operation of Registry**

667 **SECTION 31.** The following shall be codified as Section
668 93-9-411, Mississippi Code of 1972:

669 93-9-411. **Required form.** The Bureau of Vital Statistics
670 shall prepare a form for registering with the agency. The form
671 must require the signature of the registrant. The form must state
672 that the form is signed under penalty of perjury. The form must
673 also state that:

674 (1) A timely registration entitles the registrant to
675 notice of a proceeding for adoption of the child or termination of
676 the registrant's parental rights;

677 (2) A timely registration does not commence a
678 proceeding to establish paternity;

679 (3) The information disclosed on the form may be used
680 against the registrant to establish paternity;

681 (4) Services to assist in establishing paternity are
682 available to the registrant through the support-enforcement
683 agency;

684 (5) The registrant should also register in another
685 state if conception or birth of the child occurred in the other
686 state;

687 (6) Information on registries of other states is
688 available from the Bureau of Vital Statistics; and

689 (7) Procedures exist to rescind the registration of a
690 claim of paternity.

691 **SECTION 32.** The following shall be codified as Section
692 93-9-412, Mississippi Code of 1972:

693 93-9-412. **Furnishing of information; confidentiality.** (a)
694 The Bureau of Vital Statistics need not seek to locate the mother
695 of a child who is the subject of a registration, but the Bureau of
696 Vital Statistics shall send a copy of the notice of registration
697 to a mother if she has provided an address.

698 (b) Information contained in the registry is confidential
699 and may be released on request only to:

700 (1) A court or a person designated by the court;

701 (2) The mother of the child who is the subject of the
702 registration;

703 (3) An agency authorized by other law to receive the
704 information;

705 (4) A licensed child-placing agency;

706 (5) A support-enforcement agency;

707 (6) A party or the party's attorney of record in a
708 proceeding under this chapter or in a proceeding for adoption of,
709 or for termination of parental rights regarding, a child who is
710 the subject of the registration; and

711 (7) The registry of paternity in another state.

712 **SECTION 33.** The following shall be codified as Section
713 93-9-413, Mississippi Code of 1972:

714 93-9-413. **Penalty for releasing information.** An individual
715 commits a misdemeanor if the individual intentionally releases
716 information from the registry to another individual or agency not
717 authorized to receive the information under Section 93-9-412.

718 **SECTION 34.** The following shall be codified as Section
719 93-9-414, Mississippi Code of 1972:

720 93-9-414. **Rescission of registration.** A registrant may
721 rescind his registration at any time by sending to the registry a

722 rescission in a record signed or otherwise authenticated by him,
723 and witnessed or notarized.

724 **SECTION 35.** The following shall be codified as Section
725 93-9-415, Mississippi Code of 1972:

726 93-9-415. **Untimely registration.** If a man registers more
727 than thirty (30) days after the birth of the child, the Bureau of
728 Vital Statistics shall notify the registrant that on its face his
729 registration was not filed timely.

730 **SECTION 36.** The following shall be codified as Section
731 93-9-416, Mississippi Code of 1972:

732 93-9-416. **Fees for registry.** (a) A fee may not be charged
733 for filing a registration or a rescission of registration.

734 (b) Except as otherwise provided in subsection (c), the
735 Bureau of Vital Statistics may charge a reasonable fee for making
736 a search of the registry and for furnishing a certificate.

737 (c) A support-enforcement agency is not required to pay a
738 fee authorized by subsection (b).

739 **Part 3**

740 **Search of Registries**

741 **SECTION 37.** The following shall be codified as Section
742 93-9-421, Mississippi Code of 1972:

743 93-9-421. **Search of appropriate registry.** (a) If a
744 father-child relationship has not been established under this
745 chapter for a child under one (1) year of age, a petitioner for
746 adoption of, or termination of parental rights regarding, the
747 child, must obtain a certificate of search of the registry of
748 paternity.

749 (b) If a petitioner for adoption of, or termination of
750 parental rights regarding, a child has reason to believe that the
751 conception or birth of the child may have occurred in another
752 state, the petitioner must also obtain a certificate of search
753 from the registry of paternity, if any, in that state.

754 **SECTION 38.** The following shall be codified as Section
755 93-9-422, Mississippi Code of 1972:

756 93-9-422. **Certificate of search of registry.** (a) The
757 Bureau of Vital Statistics shall furnish to the requester a
758 certificate of search of the registry on request of an individual,
759 court, or agency identified in Section 93-9-412.

760 (b) A certificate provided by the Bureau of Vital Statistics
761 must be signed on behalf of the bureau and state that:

762 (1) A search has been made of the registry; and

763 (2) A registration containing the information required
764 to identify the registrant:

765 (A) Has been found and is attached to the
766 certificate of search; or

767 (B) Has not been found.

768 (c) A petitioner must file the certificate of search with
769 the court before a proceeding for adoption of, or termination of
770 parental rights regarding, a child may be concluded.

771 **SECTION 39.** The following shall be codified as Section
772 93-9-423, Mississippi Code of 1972:

773 93-9-423. **Admissibility of registered information.** A
774 certificate of search of the registry of paternity in this or
775 another state is admissible in a proceeding for adoption of, or
776 termination of parental rights regarding, a child and, if
777 relevant, in other legal proceedings.

778 **Article 5**

779 **Genetic Testing**

780 **SECTION 40.** The following shall be codified as Section
781 93-9-501, Mississippi Code of 1972:

782 93-9-501. **Scope of article.** This article governs genetic
783 testing of an individual to determine parentage, whether the
784 individual:

785 (1) Voluntarily submits to testing; or

786 (2) Is tested pursuant to an order of the court or a
787 support-enforcement agency.

788 **SECTION 41.** The following shall be codified as Section
789 93-9-502, Mississippi Code of 1972:

790 93-9-502. **Order for testing.** (a) Except as otherwise
791 provided in this article and Article 6, the court shall order the
792 child and other designated individuals to submit to genetic
793 testing if the request for testing is supported by the sworn
794 statement of a party to the proceeding:

795 (1) Alleging paternity and stating facts establishing a
796 reasonable probability of the requisite sexual contact between the
797 individuals; or

798 (2) Denying paternity and stating facts establishing a
799 possibility that sexual contact between the individuals, if any,
800 did not result in the conception of the child.

801 (b) A support-enforcement agency may order genetic testing
802 only if there is no presumed, acknowledged, or adjudicated father.
803 Except as provided in Section 93-9-502, in all cases brought
804 pursuant to Title IV-D of the Social Security Act, upon sworn
805 documentation by the mother, alleged father, or the Department of
806 Human Services alleging paternity, the department may issue an
807 administrative order for paternity testing which requires the
808 mother, alleged father and minor child to submit themselves for
809 paternity testing. The department shall send the alleged father a
810 copy of the Administrative Order and a Notice for Genetic Testing
811 which shall include the date, time and place for collection of the
812 alleged father's genetic sample. The department shall also send
813 the alleged father a Notice and Complaint to Establish Paternity
814 which shall specify the date and time certain of the court hearing
815 by certified mail, restricted delivery, return receipt requested.
816 Notice shall be deemed complete as of the date of delivery as
817 evidenced by the return receipt. The required notice may also be
818 delivered by personal service upon the alleged father in

819 accordance with Rule 4 of the Mississippi Rules of Civil Procedure
820 insofar as service of an administrative order or notice is
821 concerned.

822 (c) If a request for genetic testing of a child is made
823 before birth, the court or support-enforcement agency may not
824 order in-utero testing.

825 (d) If two (2) or more men are subject to court-ordered
826 genetic testing, the testing may be ordered concurrently or
827 sequentially.

828 (e) The court shall ensure that all parties are aware of the
829 right to request genetic tests under this section.

830 **SECTION 42.** The following shall be codified as Section
831 93-9-503, Mississippi Code of 1972:

832 93-9-503. **Requirements for genetic testing.** (a) Genetic
833 testing shall be made by experts qualified as examiners of genetic
834 tests and must be of a type reasonably relied upon by experts in
835 the field of genetic testing and performed in a testing laboratory
836 accredited by:

837 (1) The American Association of Blood Banks, or a
838 successor to its functions;

839 (2) The American Society for Histocompatibility and
840 Immunogenetics, or a successor to its functions; or

841 (3) An accrediting body designated by the federal
842 Secretary of Health and Human Services.

843 (b) A specimen used in genetic testing may consist of one or
844 more samples, or a combination of samples, of blood, buccal cells,
845 bone, hair, or other body tissue or fluid. The specimen used in
846 the testing need not be of the same kind for each individual
847 undergoing genetic testing.

848 (c) Based on the ethnic or racial group of an individual,
849 the testing laboratory shall determine the databases from which to
850 select frequencies for use in calculation of the probability of

851 paternity. If there is disagreement as to the testing
852 laboratory's choice, the following rules apply:

853 (1) The individual objecting may require the testing
854 laboratory, within thirty (30) days after receipt of the report of
855 the test, to recalculate the probability of paternity using an
856 ethnic or racial group different from that used by the laboratory.

857 (2) The individual objecting to the testing
858 laboratory's initial choice shall:

859 (A) If the frequencies are not available to the
860 testing laboratory for the ethnic or racial group requested,
861 provide the requested frequencies compiled in a manner recognized
862 by accrediting bodies; or

863 (B) Engage another testing laboratory to perform
864 the calculations.

865 (3) The testing laboratory may use its own statistical
866 estimate if there is a question regarding which ethnic or racial
867 group is appropriate. If available, the testing laboratory shall
868 calculate the frequencies using statistics for any other ethnic or
869 racial group requested.

870 (d) If, after recalculation using a different ethnic or
871 racial group, genetic testing does not rebuttably identify a man
872 as the father of a child under Section 93-9-505, an individual who
873 has been tested may be required to submit to additional genetic
874 testing.

875 (e) Genetic tests shall be performed by a laboratory
876 selected from the approved list as prepared and maintained by the
877 Department of Human Services.

878 (f) The Department of Human Services shall publicly issue a
879 request for proposals, and such requests for proposals when issued
880 shall contain terms and conditions relating to price, technology
881 and such other matters as are determined by the department to be
882 appropriate for inclusion or required by law. After responses to
883 the request for proposals have been duly received, the department

884 shall select the lowest and best bid or bids on the basis of
885 price, technology and other relevant factors and from such
886 proposals, but not limited to the terms thereof, negotiate and
887 enter into contracts with one or more of the laboratories
888 submitting proposals. The department shall prepare a list of all
889 laboratories with which it has contracted on these terms. The
890 list and any updates thereto shall be distributed to all chancery
891 clerks. To be eligible to appear on the list, a laboratory must
892 meet the following requirements:

893 (1) The laboratory is qualified to do business within
894 the State of Mississippi;

895 (2) The laboratory can provide test results in less
896 than fourteen (14) days; and

897 (3) The laboratory has participated in the competitive
898 procurement process.

899 **SECTION 43.** The following shall be codified as Section
900 93-9-504, Mississippi Code of 1972:

901 93-9-504. **Report of genetic testing.** (a) A report of
902 genetic testing must be in a record and signed under penalty of
903 perjury by a designee of the testing laboratory. The report must
904 state the amount of the fee for performing the test and the
905 procedures performed to obtain the test results. A report made
906 under the requirements of this article is self-authenticating.

907 (b) Documentation from the testing laboratory of the
908 following information is sufficient to establish a reliable chain
909 of custody that allows the results of genetic testing to be
910 admissible without testimony:

911 (1) The names and photographs of the individuals whose
912 specimens have been taken;

913 (2) The names of the individuals who collected the
914 specimens;

915 (3) The places and dates the specimens were collected;

916 (4) The names of the individuals who received the
917 specimens in the testing laboratory; and

918 (5) The dates the specimens were received.

919 **SECTION 44.** The following shall be codified as Section
920 93-9-505, Mississippi Code of 1972:

921 93-9-505. **Genetic testing results; rebuttal.** (a) Under
922 this chapter, a man is rebuttably identified as the father of a
923 child if the genetic testing complies with this article and the
924 results disclose that:

925 (1) The man has at least a ninety-nine percent (99%)
926 probability of paternity, using a prior probability of one-half
927 (0.50), as calculated by using the combined paternity index
928 obtained in the testing; and

929 (2) A combined paternity index of at least one hundred
930 to one (100 to 1).

931 (b) A man identified under subsection (a) as the father of
932 the child may rebut the genetic testing results only by other
933 genetic testing satisfying the requirements of this article which:

934 (1) Excludes the man as a genetic father of the child;
935 or

936 (2) Identifies another man as the possible father of
937 the child.

938 (c) Except as otherwise provided in Section 93-9-510, if
939 more than one man is identified by genetic testing as the possible
940 father of the child, the court shall order them to submit to
941 further genetic testing to identify the genetic father.

942 **SECTION 45.** The following shall be codified as Section
943 93-9-506, Mississippi Code of 1972:

944 93-9-506. **Costs of genetic testing.** (a) Subject to
945 assessment of costs under Article 6, the cost of initial genetic
946 testing must be advanced:

947 (1) By a support-enforcement agency in a proceeding in
948 which the support-enforcement agency is providing services;

949 (2) By the individual who made the request;

950 (3) As agreed by the parties; or

951 (4) As ordered by the court.

952 (b) In cases in which the cost is advanced by the
953 support-enforcement agency, the agency may seek reimbursement from
954 a man who is rebuttably identified as the father.

955 **SECTION 46.** The following shall be codified as Section
956 93-9-507, Mississippi Code of 1972:

957 93-9-507. **Additional genetic testing.** The court or the
958 support-enforcement agency shall order additional genetic testing
959 upon the request of a party who contests the result of the
960 original testing. If the previous genetic testing identified a
961 man as the father of the child under Section 93-9-505, the court
962 or agency may not order additional testing unless the party
963 provides advance payment for the testing.

964 **SECTION 47.** The following shall be codified as Section
965 93-9-508, Mississippi Code of 1972:

966 93-9-508. **Genetic testing when specimens not available.** (a)
967 Subject to subsection (b), if a genetic-testing specimen is not
968 available from a man who may be the father of a child, for good
969 cause and under circumstances the court considers to be just, the
970 court may order the following individuals to submit specimens for
971 genetic testing:

972 (1) The parents of the man;

973 (2) Brothers and sisters of the man;

974 (3) Other children of the man and their mothers; and

975 (4) Other relatives of the man necessary to complete
976 genetic testing.

977 (b) Issuance of an order under this section requires a
978 finding that a need for genetic testing outweighs the legitimate
979 interests of the individual sought to be tested.

980 **SECTION 48.** The following shall be codified as Section
981 93-9-509, Mississippi Code of 1972:

1015 93-9-601. **Proceeding authorized.** (a) A civil proceeding
1016 may be maintained to adjudicate the parentage of a child. The
1017 proceeding is governed by the Mississippi Rules of Civil
1018 Procedure.

1019 (b) In all records, certificates or other papers hereafter
1020 made or executed, other than birth records and certificates or
1021 records of judicial proceedings in which the question of birth out
1022 of wedlock is at issue, requiring a declaration by or notice to
1023 the mother of a child born out of wedlock or otherwise requiring a
1024 reference to the relation of a mother to such a child, it shall be
1025 sufficient for all purposes to refer to the mother as the parent
1026 having the sole custody of the child, and no explicit reference
1027 shall be made to illegitimacy.

1028 **SECTION 52.** The following shall be codified as Section
1029 93-9-602, Mississippi Code of 1972:

1030 93-9-602. **Standing to maintain proceeding.** Subject to
1031 Article 3 and Sections 93-9-607 and 93-9-609, a proceeding to
1032 adjudicate parentage may be maintained by:

1033 (1) The child;

1034 (2) The mother of the child;

1035 (3) A man whose paternity of the child is to be
1036 adjudicated;

1037 (4) The support-enforcement agency or other
1038 governmental agency authorized by other law;

1039 (5) An authorized adoption agency or licensed
1040 child-placing agency;

1041 (6) A representative authorized by law to act for an
1042 individual who would otherwise be entitled to maintain a
1043 proceeding but who is deceased, incapacitated, or a minor; or

1044 (7) An intended parent under Article 8.

1045 **SECTION 53.** The following shall be codified as Section
1046 93-9-603, Mississippi Code of 1972:

1047 93-9-603. **Parties to proceeding.** (a) The following
1048 individuals must be joined as parties in a proceeding to
1049 adjudicate parentage:

1050 (1) The mother of the child; and

1051 (2) A man whose paternity of the child is to be
1052 adjudicated.

1053 (b) The death of the mother shall not abate the paternity
1054 prosecution, if the child be living; but a suggestion of the fact
1055 shall be made, and the name of the child substituted in the
1056 proceedings for that of the mother, and a guardian ad litem shall
1057 be appointed by the court to prosecute the cause, who shall not be
1058 liable for costs; and in such case the testimony of the mother,
1059 taken in writing before the justice, may be read in evidence, and
1060 shall have the same force and effect as if she were living and had
1061 testified to the same in court.

1062 **SECTION 54.** The following shall be codified as Section
1063 93-9-604, Mississippi Code of 1972:

1064 93-9-604. **Personal jurisdiction.** (a) An individual may not
1065 be adjudicated to be a parent unless the court has personal
1066 jurisdiction over the individual.

1067 (b) A court of this state having jurisdiction to adjudicate
1068 parentage may exercise personal jurisdiction over a nonresident
1069 individual, or the guardian or conservator of the individual, if
1070 the conditions prescribed in Section 93-25-9 of the Uniform
1071 Interstate Family Support Act are fulfilled.

1072 (c) Lack of jurisdiction over one (1) individual does not
1073 preclude the court from making an adjudication of parentage
1074 binding on another individual over whom the court has personal
1075 jurisdiction.

1076 **SECTION 55.** The following shall be codified as Section
1077 93-9-605, Mississippi Code of 1972:

1078 93-9-605. **Venue.** (a) Venue for a proceeding to adjudicate
1079 parentage is in the county of this state in which:

1080 (1) The child resides or is found;

1081 (2) The respondent resides or is found if the child
1082 does not reside in this state; or

1083 (3) A proceeding for probate or administration of the
1084 presumed or alleged father's estate has been commenced.

1085 (b) Subsequent to an initial filing in an appropriate court,
1086 any action regarding paternity, support, enforcement or
1087 modification and to which the Department of Human Services is a
1088 party may be heard in any county by a court which would otherwise
1089 have jurisdiction and is a proper venue. Upon written request by
1090 the Department of Human Services, the clerk of the court of the
1091 original county shall transfer a certified copy of the court file
1092 to the clerk of the appropriate transfer county without need for
1093 application to the court. Such written request shall certify that
1094 the Department of Human Services has issued timely notification of
1095 the transfer in writing to all interested parties. Such written
1096 request and notice shall be entered into the court file by the
1097 transferring clerk of the transferring court. The transferred
1098 action shall remain on the docket of the transferred court in
1099 which the action is heard, subject to another such transfer.

1100 **SECTION 56.** The following shall be codified as Section
1101 93-9-606, Mississippi Code of 1972:

1102 93-9-606. **No limitation: child having no presumed,**
1103 **acknowledged, or adjudicated father.** A proceeding to adjudicate
1104 the parentage of a child having no presumed, acknowledged, or
1105 adjudicated father may be commenced at any time, even after:

1106 (1) The child becomes an adult, but only if the child
1107 initiates the proceeding; or

1108 (2) An earlier proceeding to adjudicate paternity has
1109 been dismissed based on the application of a statute of limitation
1110 then in effect.

1111 **SECTION 57.** The following shall be codified as Section
1112 93-9-607, Mississippi Code of 1972:

1113 93-9-607. **Limitation: child having presumed father.** (a)
1114 Except as otherwise provided in subsection (b), a proceeding
1115 brought by a presumed father, the mother, or another individual to
1116 adjudicate the parentage of a child having a presumed father must
1117 be commenced not later than two (2) years after the birth of the
1118 child.

1119 (b) A proceeding seeking to disprove the father-child
1120 relationship between a child and the child's presumed father may
1121 be maintained at any time if the court determines that:

1122 (1) The presumed father and the mother of the child
1123 neither cohabited nor engaged in sexual intercourse with each
1124 other during the probable time of conception; and

1125 (2) The presumed father never openly held out the child
1126 as his own.

1127 **SECTION 58.** The following shall be codified as Section
1128 93-9-608, Mississippi Code of 1972:

1129 93-9-608. **Authority to deny motion for genetic testing.** (a)
1130 In a proceeding to adjudicate the parentage of a child having a
1131 presumed father or to challenge the paternity of a child having an
1132 acknowledged father, the court may deny a motion seeking an order
1133 for genetic testing of the mother, the child, and the presumed or
1134 acknowledged father if the court determines that:

1135 (1) The conduct of the mother or the presumed or
1136 acknowledged father estops that party from denying parentage; and

1137 (2) It would be inequitable to disprove the
1138 father-child relationship between the child and the presumed or
1139 acknowledged father.

1140 (b) In determining whether to deny a motion seeking an order
1141 for genetic testing under this section, the court shall consider
1142 the best interest of the child, including the following factors:

1143 (1) The length of time between the proceeding to
1144 adjudicate parentage and the time that the presumed or

1145 acknowledged father was placed on notice that he might not be the
1146 genetic father;

1147 (2) The length of time during which the presumed or
1148 acknowledged father has assumed the role of father of the child;

1149 (3) The facts surrounding the presumed or acknowledged
1150 father's discovery of his possible nonpaternity;

1151 (4) The nature of the relationship between the child
1152 and the presumed or acknowledged father;

1153 (5) The age of the child;

1154 (6) The harm that may result to the child if presumed
1155 or acknowledged paternity is successfully disproved;

1156 (7) The nature of the relationship between the child
1157 and any alleged father;

1158 (8) The extent to which the passage of time reduces the
1159 chances of establishing the paternity of another man and a
1160 child-support obligation in favor of the child; and

1161 (9) Other factors that may affect the equities arising
1162 from the disruption of the father-child relationship between the
1163 child and the presumed or acknowledged father or the chance of
1164 other harm to the child.

1165 (c) In a proceeding involving the application of this
1166 section, a minor or incapacitated child must be represented by a
1167 guardian ad litem.

1168 (d) Denial of a motion seeking an order for genetic testing
1169 must be based on clear and convincing evidence.

1170 (e) If the court denies a motion seeking an order for
1171 genetic testing, it shall issue an order adjudicating the presumed
1172 or acknowledged father to be the father of the child.

1173 **SECTION 59.** The following shall be codified as Section
1174 93-9-609, Mississippi Code of 1972:

1175 93-9-609. **Limitation: child having acknowledged or**
1176 **adjudicated father.** (a) If a child has an acknowledged father, a
1177 signatory to the acknowledgment of paternity or denial of

1178 paternity may commence a proceeding seeking to rescind the
1179 acknowledgement or denial or challenge the paternity of the child
1180 only within the time allowed under Section 93-9-307 or 93-9-308.

1181 (b) If a child has an acknowledged father or an adjudicated
1182 father, an individual, other than the child, who is neither a
1183 signatory to the acknowledgment of paternity nor a party to the
1184 adjudication and who seeks an adjudication of paternity of the
1185 child must commence a proceeding not later than two (2) years
1186 after the effective date of the acknowledgment or adjudication.

1187 (c) A proceeding under this section is subject to the
1188 application of the principles of estoppel established in Section
1189 93-9-608.

1190 **SECTION 60.** The following shall be codified as Section
1191 93-9-610, Mississippi Code of 1972:

1192 93-9-610. **Joinder of proceedings.** (a) Except as otherwise
1193 provided in subsection (b), a proceeding to adjudicate parentage
1194 may be joined with a proceeding for adoption, termination of
1195 parental rights, child custody or visitation, child support,
1196 divorce, annulment, separate maintenance, probate or
1197 administration of an estate, or other appropriate proceeding.

1198 (b) A respondent may not join a proceeding described in
1199 subsection (a) with a proceeding to adjudicate parentage brought
1200 under the Uniform Interstate Family Support Act.

1201 **SECTION 61.** The following shall be codified as Section
1202 93-9-611, Mississippi Code of 1972:

1203 93-9-611. **Proceeding before birth.** A proceeding to
1204 determine parentage may be commenced before the birth of the
1205 child, but may not be concluded until after the birth of the
1206 child. The following actions may be taken before the birth of the
1207 child:

- 1208 (1) Service of process;
1209 (2) Discovery; and

1210 (3) Except as prohibited by Section 93-9-502,
1211 collection of specimens for genetic testing.

1212 **SECTION 62.** The following shall be codified as Section
1213 93-9-612, Mississippi Code of 1972:

1214 93-9-612. **Child as party; representation.** (a) A minor
1215 child is a permissible party, but is not a necessary party to a
1216 proceeding under this article.

1217 (b) The court shall appoint a guardian ad litem to represent
1218 a minor or incapacitated child if the child is a party or the
1219 court finds that the interests of the child are not adequately
1220 represented.

1221 **Part 2**

1222 **Special Rules for Proceeding to Adjudicate Parentage**

1223 **SECTION 63.** The following shall be codified as Section
1224 93-9-621, Mississippi Code of 1972:

1225 93-9-621. **Admissibility of results of genetic testing;**
1226 **expenses.** (a) Except as otherwise provided in subsection (c), a
1227 record of a genetic-testing expert is admissible as evidence of
1228 the truth of the facts asserted in the report unless a party
1229 objects to its admission within fourteen (14) days after its
1230 receipt by the objecting party and cites specific grounds for
1231 exclusion. The admissibility of the report is not affected by
1232 whether the testing was performed:

1233 (1) Voluntarily or pursuant to an order of the court or
1234 a support-enforcement agency; or

1235 (2) Before or after the commencement of the proceeding.

1236 (b) A party objecting to the results of genetic testing may
1237 call one or more genetic-testing experts to testify in person or
1238 by telephone, videoconference, deposition, or another method
1239 approved by the court. Unless otherwise ordered by the court, the
1240 party offering the testimony bears the expense for the expert
1241 testifying.

1242 (c) If a child has a presumed, acknowledged, or adjudicated
1243 father, the results of genetic testing are inadmissible to
1244 adjudicate parentage unless performed:

1245 (1) With the consent of both the mother and the
1246 presumed, acknowledged, or adjudicated father; or

1247 (2) Pursuant to an order of the court under Section
1248 93-9-502.

1249 (d) Copies of bills for genetic testing and for prenatal and
1250 postnatal health care for the mother and child which are furnished
1251 to the adverse party not less than ten (10) days before the date
1252 of a hearing are admissible to establish:

1253 (1) The amount of the charges billed; and

1254 (2) That the charges were reasonable, necessary, and
1255 customary.

1256 **SECTION 64.** The following shall be codified as Section
1257 93-9-622, Mississippi Code of 1972:

1258 93-9-622. **Consequences of declining genetic testing.** (a)
1259 An order for genetic testing is enforceable by proceedings for
1260 contempt.

1261 (b) If an individual whose paternity is being determined
1262 declines to submit to genetic testing ordered by the court, the
1263 court for that reason may adjudicate parentage contrary to the
1264 position of that individual.

1265 (c) Genetic testing of the mother of a child is not a
1266 condition precedent to testing the child and a man whose paternity
1267 is being determined. If the mother is unavailable or declines to
1268 submit to genetic testing, the court may order the testing of the
1269 child and every man whose paternity is being adjudicated.

1270 **SECTION 65.** The following shall be codified as Section
1271 93-9-623, Mississippi Code of 1972:

1272 93-9-623. **Admission of paternity authorized.** (a) A
1273 respondent in a proceeding to adjudicate parentage may admit to
1274 the paternity of a child by filing a pleading to that effect or by

1275 admitting paternity under penalty of perjury when making an
1276 appearance or during a hearing.

1277 (b) If the court finds that the admission of paternity
1278 satisfies the requirements of this section and finds that there is
1279 no reason to question the admission, the court shall issue an
1280 order adjudicating the child to be the child of the man admitting
1281 paternity.

1282 **SECTION 66.** The following shall be codified as Section
1283 93-9-624, Mississippi Code of 1972:

1284 93-9-624. **Temporary order.** (a) In a proceeding under this
1285 article, the court shall issue a temporary order for support of a
1286 child if the order is appropriate and the individual ordered to
1287 pay support is:

1288 (1) A presumed father of the child;

1289 (2) Petitioning to have his paternity adjudicated;

1290 (3) Identified as the father through genetic testing
1291 under Section 93-9-505;

1292 (4) An alleged father who has declined to submit to
1293 genetic testing;

1294 (5) Shown by clear and convincing evidence to be the
1295 father of the child; or

1296 (6) The mother of the child.

1297 (b) A temporary order may include provisions for custody and
1298 visitation as provided by other law of this state.

1299 **Part 3**

1300 **Hearings and Adjudication**

1301 **SECTION 67.** The following shall be codified as Section
1302 93-9-631, Mississippi Code of 1972:

1303 93-9-631. **Rules for adjudication of paternity.** The court
1304 shall apply the following rules to adjudicate the paternity of a
1305 child:

1306 (1) The paternity of a child having a presumed,
1307 acknowledged, or adjudicated father may be disproved only by

1308 admissible results of genetic testing excluding that man as the
1309 father of the child or identifying another man as the father of
1310 the child.

1311 (2) Unless the results of genetic testing are admitted
1312 to rebut other results of genetic testing, a man identified as the
1313 father of a child under Section 93-9-505 must be adjudicated the
1314 father of the child.

1315 (3) If the court finds that genetic testing under
1316 Section 93-9-505 neither identifies nor excludes a man as the
1317 father of a child, the court may not dismiss the proceeding. In
1318 that event, the results of genetic testing, and other evidence,
1319 are admissible to adjudicate the issue of paternity.

1320 (4) Unless the results of genetic testing are admitted
1321 to rebut other results of genetic testing, a man excluded as the
1322 father of a child by genetic testing must be adjudicated not to be
1323 the father of the child.

1324 **SECTION 68.** The following shall be codified as Section
1325 93-9-632, Mississippi Code of 1972:

1326 93-9-632. **Jury prohibited.** The court, sitting without a
1327 jury, shall adjudicate paternity of a child.

1328 **SECTION 69.** The following shall be codified as Section
1329 93-9-633, Mississippi Code of 1972:

1330 93-9-633. **Hearings; inspection of records.** (a) On request
1331 of a party and for good cause shown, the court may close a
1332 proceeding under this article.

1333 (b) A final order in a proceeding under this article is
1334 available for public inspection. Other papers and records are
1335 available only with the consent of the parties or on order of the
1336 court for good cause.

1337 (c) Any party calling a witness for the purpose of
1338 testifying to sexual intercourse with the mother at any possible
1339 time of conception of the child whose paternity is in question
1340 shall provide all other parties with the name and address of the

1341 witness at least twenty (20) days before the trial. If a witness
1342 is produced at the hearing for the purpose provided in this
1343 subsection but the party calling the witness failed to provide the
1344 twenty-day notice, the court may adjourn the proceeding for the
1345 purpose of taking a genetic test of the witness before hearing the
1346 testimony of the witness if the court finds that the party calling
1347 the witness acted in good faith.

1348 **SECTION 70.** The following shall be codified as Section
1349 93-9-634, Mississippi Code of 1972:

1350 93-9-634. **Order on default.** The court shall issue an order
1351 adjudicating the paternity of a man who:

- 1352 (1) After service of process, is in default; and
1353 (2) Is found by the court to be the father of a child.

1354 **SECTION 71.** The following shall be codified as Section
1355 93-9-635, Mississippi Code of 1972:

1356 93-9-635. **Dismissal for want of prosecution.** The court may
1357 issue an order dismissing a proceeding commenced under this
1358 chapter for want of prosecution only without prejudice. An order
1359 of dismissal for want of prosecution purportedly with prejudice is
1360 void and has only the effect of a dismissal without prejudice.

1361 **SECTION 72.** The following shall be codified as Section
1362 93-9-636, Mississippi Code of 1972:

1363 93-9-636. **Order adjudicating parentage.** (a) The court
1364 shall issue an order adjudicating whether a man alleged or
1365 claiming to be the father is the parent of the child.

1366 (b) An order adjudicating parentage must identify the child
1367 by name and date of birth and provide for the support and
1368 education of the child.

1369 (1) The order shall specify child support to be paid
1370 weekly or otherwise. In addition to providing for the support and
1371 education, the order shall also provide for the funeral expenses
1372 if the child has died; for the support of the child prior to the
1373 date of the order; and such other expenses as the court may deem

1374 proper. In the event the adjudicated parent has health insurance
1375 available through an employer or organization that may extend
1376 benefits to the dependents of the parent, the order may require
1377 the parent to exercise the option of additional coverage in favor
1378 of the child.

1379 (2) The court may require the payment to be made to the
1380 mother, or to some person or corporation to be designated by the
1381 court as trustee, but if the child is or is likely to become a
1382 public charge on a county or the state, the human services agent
1383 of that county shall be made the trustee. The payment shall be
1384 directed to be made to a trustee if the mother does not reside
1385 within the jurisdiction of the court. The trustee shall report to
1386 the court annually, or oftener as directed by the court, the
1387 amounts received and paid over.

1388 (c) Except as otherwise provided in subsection (d), the
1389 court may assess filing fees, reasonable attorney's fees, fees for
1390 genetic testing, other costs, and necessary travel and other
1391 reasonable expenses incurred in a proceeding under this article.
1392 The court may award attorney's fees, which may be paid directly to
1393 the attorney, who may enforce the order in the attorney's own
1394 name.

1395 (d) The court may not assess fees, costs, or expenses
1396 against the support-enforcement agency of this state or another
1397 state, except as provided by other law.

1398 (e) On request of a party and for good cause shown, the
1399 court may order that the name of the child be changed.

1400 (f) If the order of the court is at variance with the
1401 child's birth certificate, the court shall order the Bureau of
1402 Vital Statistics to issue an amended birth registration even if
1403 the requirements of Section 41-57-23 have not been met.

1404 **SECTION 73.** The following shall be codified as Section
1405 93-9-637, Mississippi Code of 1972:

1406 93-9-637. **Binding effect of determination of parentage.** (a)

1407 Except as otherwise provided in subsection (b), a determination of
1408 parentage is binding on:

1409 (1) All signatories to an acknowledgement or denial of
1410 paternity as provided in Article 3; and

1411 (2) All parties to an adjudication by a court acting
1412 under circumstances that satisfy the jurisdictional requirements
1413 of Section 93-25-11 of the Uniform Interstate Family Support Act.

1414 (b) A child is not bound by a determination of parentage
1415 under this chapter unless:

1416 (1) The determination was based on an unrescinded
1417 acknowledgment of paternity and the acknowledgement is consistent
1418 with the results of genetic testing;

1419 (2) The adjudication of parentage was based on a
1420 finding consistent with the results of genetic testing and the
1421 consistency is declared in the determination or is otherwise
1422 shown; or

1423 (3) The child was a party or was represented in the
1424 proceeding determining parentage by a guardian ad litem.

1425 (c) In a proceeding to dissolve a marriage, the court is
1426 deemed to have made an adjudication of the parentage of a child if
1427 the court acts under circumstances that satisfy the jurisdictional
1428 requirements of Section 93-25-9 of the Uniform Interstate Family
1429 Support Act, and the final order:

1430 (1) Expressly identifies a child as a "child of the
1431 marriage," "issue of the marriage," or similar words indicating
1432 that the husband is the father of the child; or

1433 (2) Provides for support of the child by the husband
1434 unless paternity is specifically disclaimed in the order.

1435 (d) Except as otherwise provided in subsection (b), a
1436 determination of parentage may be a defense in a subsequent
1437 proceeding seeking to adjudicate parentage by an individual who
1438 was not a party to the earlier proceeding.

1439 (e) A party to an adjudication of paternity may challenge
1440 the adjudication only under laws of this state relating to appeal,
1441 vacation of judgments, or other judicial review.

1442 **Part 4**

1443 **Additional Special Rules**

1444 **SECTION 74.** The following shall be codified as Section
1445 93-9-638, Mississippi Code of 1972:

1446 93-9-638. **Enforcement; surname of child.** If paternity has
1447 been lawfully determined, or has been acknowledged in writing
1448 according to the laws of this state, the liabilities of the
1449 noncustodial parent may be enforced in the same or other
1450 proceedings by the custodial parent, the child, or any public
1451 authority which has furnished or may furnish the reasonable
1452 expenses of pregnancy, confinement, education, necessary support
1453 and maintenance, and medical or funeral expenses for the custodial
1454 parent or the child. The court shall receive without the need for
1455 third-party foundation testimony certified, attested or sworn
1456 documentation as evidence of (1) childbirth records; (2) cost of
1457 filing fees; (3) court costs; (4) services of process fees; (5)
1458 mailing cost; (6) genetic tests and testing fees; (7) the
1459 Department of Human Services' attorney's fees; (8) in cases where
1460 the state or any of its entities or divisions have provided
1461 medical services to the child or the child's mother, all costs of
1462 prenatal care, birthing, postnatal care and any other medical
1463 expenses incurred by the child or by the mother as a consequence
1464 of the mother's pregnancy or delivery; and (9) funeral expenses.
1465 All costs and fees shall be ordered paid to the Department of
1466 Human Services in all cases successfully prosecuted with a minimum
1467 of Two Hundred Fifty Dollars (\$250.00) in attorney's fees or an
1468 amount determined by the court without submitting an affidavit.
1469 In court-determined paternity, the surname of the child shall be
1470 that of the father, unless the judgment specifies otherwise.

1471 **SECTION 75.** The following shall be codified as Section
1472 93-9-639, Mississippi Code of 1972:

1473 93-9-639. **Limitation on recovery from father.** The father's
1474 liabilities for past education and necessary support and
1475 maintenance and other expenses are limited to a period of one (1)
1476 year next preceding the commencement of an action.

1477 **SECTION 76.** The following shall be codified as Section
1478 93-9-640, Mississippi Code of 1972:

1479 93-9-640. **Limitation on recovery from father's estate.** The
1480 obligation of the estate of the father for liabilities under
1481 Section 93-9-638 is limited to amounts accrued prior to his death.
1482 However, in order to hold the estate of the father liable under
1483 Section 93-9-638, the action must be filed within one (1) year
1484 after the death of the father or within ninety (90) days after the
1485 first publication of notice to creditors to present their claims,
1486 whichever is less.

1487 **SECTION 77.** The following shall be codified as Section
1488 93-9-641, Mississippi Code of 1972:

1489 93-9-641. **Security; commitment; probation.** (a) The court
1490 may require the father to give security by bond or other security,
1491 with sufficient sureties approved by the court, for the payment of
1492 the order of paternity. Such security, when required, shall not
1493 exceed three (3) times the total periodic sum the father shall be
1494 required to pay under the terms of the order of paternity in any
1495 one (1) calendar year. When bond or security is required in cases
1496 where the action has been instituted by a human services official,
1497 the defendant shall also be required to give security that he will
1498 indemnify the state and the county where the child was or may be
1499 born and every other county against any expense for the support
1500 and education of the child; this undertaking shall also require
1501 that all arrears shall be paid by the principal and sureties. In
1502 default of security, when required, the court may commit him to
1503 jail, or put him on probation. At any time within one (1) year he

1504 may be discharged from jail, but his liability to pay the judgment
1505 shall not be thereby affected.

1506 (b) Whenever any order of paternity has been made, but no
1507 bond or other security has been required for payment of support of
1508 the child, and whenever such payments as have become due remain
1509 unpaid for a period of at least thirty (30) days, the court may,
1510 upon petition of the person to whom such payments are due, or that
1511 person's legal representative, enter an order requiring that bond
1512 or other security be given by the father in accordance with and
1513 under such terms and conditions as provided in subsection (a) of
1514 this section. The father, as in other civil actions, shall be
1515 served with process and shall be entitled to a hearing in the
1516 case.

1517 (c) Where security is given and default is made in any
1518 payment, the court shall cite the parties bound by the security
1519 requiring them to show cause why judgment should not be given
1520 against them and execution issued thereon. If the amount due and
1521 unpaid is not paid before the return day of the citation, and no
1522 cause be shown to the contrary, judgment shall be rendered against
1523 those served with the citation for the amount due and unpaid
1524 together with costs, and execution shall issue therefor, saving
1525 all remedies upon the bond for future default. The judgment is a
1526 lien on real estate and in other respects enforceable as other
1527 judgments. The amount collected on the judgment or such sums as
1528 may have been deposited as collateral in lieu of bond, when
1529 forfeited, may be used for the benefit of the child, as provided
1530 in the order of paternity.

1531 (d) If at any time after an order of paternity is made and
1532 an undertaking given thereon in accordance with the provisions of
1533 this chapter, if the undertaking is not complied with, a recovery
1534 thereon cannot be had, the original undertaking has been complied
1535 with and the sureties discharged therefrom, or if money were
1536 deposited in lieu of bail but exhausted, and the natural child

1537 still needs support, the human services official of any county
1538 where the natural child for whose support the order of paternity
1539 was made shall be at the time, or the Executive Director of the
1540 Department of Human Services upon giving proof of the making of
1541 the order of paternity, the giving of the undertaking and the
1542 noncompliance therewith, that the sureties have been discharged
1543 from their liability, or that for any reason a recovery cannot be
1544 had on the undertaking, may apply to the court in the county
1545 having jurisdiction for a warrant for the arrest of the defendant
1546 against whom the order of paternity was made, and the warrant
1547 shall be executed in the manner provided in criminal procedure for
1548 the execution of the warrant; upon the arrest and arraignment of
1549 the defendant, and upon proof of the making of the order of
1550 paternity, the giving of the above-mentioned undertaking, and the
1551 noncompliance therewith, or that for any reason a recovery cannot
1552 be had on such undertaking, the court shall make an order
1553 requiring him to give a new undertaking, which shall also require
1554 that all arrears shall be paid by the principal and sureties, or
1555 upon his failure to give such new undertaking, shall commit him to
1556 jail, or put him on probation.

1557 (e) If the child and mother die, or the father and mother be
1558 legally married to each other, the court in which such security is
1559 filed, on proof of such fact, may cause the security to be marked
1560 "cancelled" and be surrendered to the obligors.

1561 **SECTION 78.** The following shall be codified as Section
1562 93-9-642, Mississippi Code of 1972:

1563 93-9-642. **Commitment for contempt.** The court also has power
1564 on default to adjudge the father in contempt and to order him
1565 committed to jail in the same manner and with the same powers as
1566 in case of commitment for default in giving security. The
1567 commitment of the father shall not operate to stay execution upon
1568 the judgment of the bond.

1569 **SECTION 79.** The following shall be codified as Section
1570 93-9-643, Mississippi Code of 1972:

1571 93-9-643. **Support by mother.** (a) If a mother of a natural
1572 child is possessed of property and fails to support and educate
1573 her child, upon application of the guardian or next friend of the
1574 child or, if the child shall receive Temporary Assistance for
1575 Needy Families (TANF) benefits or other financial assistance, of
1576 the county human services agent or youth counselor, the court
1577 having jurisdiction may examine the matter, and after hearing may
1578 make an order charging the mother with the payment of money,
1579 weekly or otherwise, for the support and education of the child.

1580 (b) The court may require the mother to give security, by
1581 bond or other security, with sufficient sureties approved by the
1582 court, for the payment of the order. In default of security, when
1583 required, the court may commit her to jail, or put her on
1584 probation. At any time within one (1) year she may be discharged
1585 from jail, but her liability to pay the judgment shall not be
1586 thereby affected.

1587 (c) Nothing in this section shall be deemed to relieve the
1588 father from liability for support and education of the child in
1589 accordance with the provisions of this chapter.

1590 **SECTION 80.** The following shall be codified as Section
1591 93-9-644, Mississippi Code of 1972:

1592 93-9-644. **False declaration of identity.** The making of a
1593 false complaint as to the identity of the father, or the aiding or
1594 abetting therein, shall be punishable as for perjury.

1595 **SECTION 81.** The following shall be codified as Section
1596 93-9-645, Mississippi Code of 1972:

1597 93-9-645. **Probation.** Upon a failure to give security as
1598 provided herein, the court, instead of imposing sentence or of
1599 committing the parent to jail, or as a condition of release from
1600 jail, may place the parent on probation, upon such terms as to
1601 payment of support to or on behalf of the child, and as to

1602 personal reports, as the court may direct. Upon violation of the
1603 terms imposed, the court may proceed to impose the sentence and
1604 commit or recommit to jail in accordance with the sentence.

1605 **SECTION 82.** The following shall be codified as Section
1606 93-9-646, Mississippi Code of 1972:

1607 93-9-646. **Appeals.** Appeal from any final order or judgment
1608 of parentage may be taken directly to the Supreme Court within
1609 thirty (30) days after the entry of the order, by the defendant,
1610 by a guardian ad litem appointed by the court for the child, by
1611 the mother or her personal representative, or by the human
1612 services official.

1613 The appeal shall operate as a stay of execution unless the
1614 defendant gives the security provided in this part, and further
1615 security to pay the costs of such appeal. If the appeal is taken
1616 by a guardian ad litem appointed for the child by the court, the
1617 court in its discretion may allow payment for the actual
1618 disbursements made by the guardian ad litem for taking appeal.
1619 When allowed by the judge and duly audited, the disbursement shall
1620 become a county charge and shall be paid by the county.

1621 **SECTION 83.** The following shall be codified as Section
1622 93-9-647, Mississippi Code of 1972:

1623 93-9-647. **Prosecuting official.** It shall be the duty of the
1624 county attorney in the county in which the petition is filed, in
1625 counties having a county attorney, to prosecute all cases relating
1626 to natural children where the complainant is a state or county
1627 human services official. He shall receive as compensation for his
1628 services, when and if performed, not to exceed the sum of One
1629 Hundred Dollars (\$100.00) for any one (1) month, in addition to
1630 compensation provided otherwise, out of the county treasury upon
1631 an order of the county, circuit, or chancery judge. In counties
1632 not having a county attorney, the complaint shall be prosecuted by
1633 the district attorney, or by an attorney representing the state or

1634 county human services official as the petitioner, who shall
1635 receive the same compensation as provided for the county attorney.

1636 **Article 7**

1637 **Child of Assisted Reproduction**

1638 **SECTION 84.** The following shall be codified as Section
1639 93-9-701, Mississippi Code of 1972:

1640 93-9-701. **Scope of article.** This article does not apply to
1641 the birth of a child conceived by means of sexual intercourse or
1642 as the result of a gestational agreement as provided in Article 8.

1643 **SECTION 85.** The following shall be codified as Section
1644 93-9-702, Mississippi Code of 1972:

1645 93-9-702. **Parental status of donor.** A donor is not a parent
1646 of a child conceived by means of assisted reproduction.

1647 **SECTION 86.** The following shall be codified as Section
1648 93-9-703, Mississippi Code of 1972:

1649 93-9-703. **Paternity of child of assisted reproduction.** A
1650 man who provides sperm for, or consents to, assisted reproduction
1651 by a woman as provided in Section 93-9-704 with the intent to be
1652 the parent of her child, is a parent of the resulting child.

1653 **SECTION 87.** The following shall be codified as Section
1654 93-9-704, Mississippi Code of 1972:

1655 93-9-704. **Consent to assisted reproduction.** (a) Consent by
1656 a woman, and a man who intends to be a parent of a child born to
1657 the woman by assisted reproduction, must be in a record signed by
1658 the woman and the man. This requirement does not apply to a
1659 donor.

1660 (b) Failure of a man to sign a consent required by
1661 subsection (a), before or after birth of the child, does not
1662 preclude a finding of paternity if the woman and the man, during
1663 the first two (2) years of the child's life resided together in
1664 the same household with the child and openly held out the child as
1665 their own.

1666 **SECTION 88.** The following shall be codified as Section
1667 93-9-705, Mississippi Code of 1972:

1668 93-9-705. **Limitation on husband's dispute of paternity.** (a)
1669 Except as otherwise provided in subsection (b), the husband of a
1670 wife who gives birth to a child by means of assisted reproduction
1671 may not challenge his paternity of the child unless:

1672 (1) Within two (2) years after learning of the birth of
1673 the child he commences a proceeding to adjudicate his paternity;
1674 and

1675 (2) The court finds that he did not consent to the
1676 assisted reproduction, before or after birth of the child.

1677 (b) A proceeding to adjudicate paternity may be maintained
1678 at any time if the court determines that:

1679 (1) The husband did not provide sperm for, or before or
1680 after the birth of the child consent to, assisted reproduction by
1681 his wife;

1682 (2) The husband and the mother of the child have not
1683 cohabited since the probable time of assisted reproduction; and

1684 (3) The husband never openly held out the child as his
1685 own.

1686 (c) The limitation provided in this section applies to a
1687 marriage declared invalid after assisted reproduction.

1688 **SECTION 89.** The following shall be codified as Section
1689 93-9-706, Mississippi Code of 1972:

1690 93-9-706. **Effect of dissolution of marriage or withdrawal of**
1691 **consent.** (a) If a marriage is dissolved before placement of
1692 eggs, sperm, or embryos, the former spouse is not a parent of the
1693 resulting child unless the former spouse consented in a record
1694 that if assisted reproduction were to occur after a divorce, the
1695 former spouse would be a parent of the child.

1696 (b) The consent of a woman or a man to assisted reproduction
1697 may be withdrawn by that individual in a record at any time before

1698 placement of eggs, sperm, or embryos. An individual who withdraws
1699 consent under this section is not a parent of the resulting child.

1700 **SECTION 90.** The following shall be codified as Section
1701 93-9-707, Mississippi Code of 1972:

1702 93-9-707. **Parental status of deceased individual.** If an
1703 individual who consented in a record to be a parent by assisted
1704 reproduction dies before placement of eggs, sperm, or embryos, the
1705 deceased individual is not a parent of the resulting child unless
1706 the deceased spouse consented in a record that if assisted
1707 reproduction were to occur after death, the deceased individual
1708 would be a parent of the child.

1709 **Article 8**

1710 **Gestational Agreement**

1711 **SECTION 91.** The following shall be codified as Section
1712 93-9-801, Mississippi Code of 1972:

1713 93-9-801. **Gestational agreement authorized.** (a) A
1714 prospective gestational mother, her husband if she is married, a
1715 donor or the donors, and the intended parents may enter into a
1716 written agreement providing that:

1717 (1) The prospective gestational mother agrees to
1718 pregnancy by means of assisted reproduction;

1719 (2) The prospective gestational mother, her husband if
1720 she is married, and the donors relinquish all rights and duties as
1721 the parents of a child conceived through assisted reproduction;
1722 and

1723 (3) The intended parents become the parents of the
1724 child.

1725 (b) The man and the woman who are the intended parents must
1726 both be parties to the gestational agreement.

1727 (c) A gestational agreement is enforceable only if validated
1728 as provided in Section 93-9-803.

1729 (d) A gestational agreement does not apply to the birth of a
1730 child conceived by means of sexual intercourse.

1731 (e) A gestational agreement may provide for payment of
1732 consideration.

1733 (f) A gestational agreement may not limit the right of the
1734 gestational mother to make decisions to safeguard her health or
1735 that of the embryos or fetus.

1736 **SECTION 92.** The following shall be codified as Section
1737 93-9-802, Mississippi Code of 1972:

1738 93-9-802. **Requirements of petition.** (a) The intended
1739 parents and the prospective gestational mother may commence a
1740 proceeding in the chancery or county court to validate a
1741 gestational agreement.

1742 (b) A proceeding to validate a gestational agreement may not
1743 be maintained unless:

1744 (1) The mother or the intended parents have been
1745 residents of this state for at least ninety (90) days;

1746 (2) The prospective gestational mother's husband, if
1747 she is married, is joined in the proceeding; and

1748 (3) A copy of the gestational agreement is attached to
1749 the petition.

1750 **SECTION 93.** The following shall be codified as Section
1751 93-9-803, Mississippi Code of 1972:

1752 93-9-803. **Hearing to validate gestational agreement.** (a)
1753 If the requirements of subsection (b) are satisfied, a court may
1754 issue an order validating the gestational agreement and declaring
1755 that the intended parents will be the parents of a child born
1756 during the term of the agreement.

1757 (b) The court may issue an order under subsection (a) only
1758 on finding that:

1759 (1) The residence requirements of Section 93-9-802 have
1760 been satisfied and the parties have submitted to the jurisdiction
1761 of the court under the jurisdictional standards of this chapter;

1762 (2) Unless waived by the court, the Mississippi
1763 Department of Human Services has made a home study of the intended

1764 parents and the intended parents meet the standards of suitability
1765 applicable to adoptive parents;

1766 (3) All parties have voluntarily entered into the
1767 agreement and understand its terms;

1768 (4) Adequate provision has been made for all reasonable
1769 health care expense associated with the gestational agreement
1770 until the birth of the child, including responsibility for those
1771 expenses if the agreement is terminated; and

1772 (5) The consideration, if any, paid to the prospective
1773 gestational mother is reasonable.

1774 **SECTION 94.** The following shall be codified as Section
1775 93-9-804, Mississippi Code of 1972:

1776 93-9-804. **Inspection of records.** The proceedings, records,
1777 and identities of the individual parties to a gestational
1778 agreement under this article are subject to inspection under the
1779 standards of confidentiality applicable to adoptions as provided
1780 under other laws of this state.

1781 **SECTION 95.** The following shall be codified as Section
1782 93-9-805, Mississippi Code of 1972:

1783 93-9-805. **Exclusive, continuing jurisdiction.** Subject to
1784 the jurisdictional standards of the Uniform Child Custody
1785 Jurisdiction and Enforcement Act, the court conducting a
1786 proceeding under this section has exclusive, continuing
1787 jurisdiction of all matters arising out of the gestational
1788 agreement until a child born to the gestational mother during the
1789 period governed by the agreement attains the age of one hundred
1790 eighty (180) days.

1791 **SECTION 96.** The following shall be codified as Section
1792 93-9-806, Mississippi Code of 1972:

1793 93-9-806. **Termination of gestational agreement.** (a) After
1794 issuance of an order under this chapter, but before the
1795 prospective gestational mother becomes pregnant by means of
1796 assisted reproduction, the prospective gestational mother, her

1797 husband, or either of the intended parents may terminate the
1798 gestational agreement by giving written notice of termination to
1799 all other parties.

1800 (b) The court for good cause shown may terminate the
1801 gestational agreement.

1802 (c) An individual who terminates a gestational agreement
1803 shall file notice of the termination with the court. On receipt
1804 of the notice, the court shall vacate the order issued under this
1805 section. An individual who does not notify the court of the
1806 termination of the agreement is subject to appropriate sanctions.

1807 (d) Neither a prospective gestational mother nor her
1808 husband, if any, is liable to the intended parents for terminating
1809 a gestational agreement pursuant to this section.

1810 **SECTION 97.** The following shall be codified as Section
1811 93-9-807, Mississippi Code of 1972:

1812 93-9-807. **Parentage under validated gestational agreement.**

1813 (a) Upon birth of a child to a gestational mother, the intended
1814 parents shall file notice with the court that a child has been
1815 born to the gestational mother within three hundred (300) days
1816 after assisted reproduction. Thereupon, the court shall issue an
1817 order:

1818 (1) Confirming that the intended parents are the
1819 parents of the child;

1820 (2) If necessary, ordering that the child be
1821 surrendered to the intended parents; and

1822 (3) Directing the Office of Vital Records Registration
1823 of the State Department of Health to issue a birth certificate
1824 naming the intended parents as parents of the child even if the
1825 requirements of Section 41-57-23 have not been met.

1826 (b) If the parentage of a child born to a gestational mother
1827 is alleged not to be the result of assisted reproduction, the
1828 court shall order genetic testing to determine the parentage of
1829 the child.

1830 (c) If the intended parents fail to file notice required
1831 under subsection (a), the gestational mother or the appropriate
1832 state agency may file notice with the court that a child has been
1833 born to the gestational mother within three hundred (300) days
1834 after assisted reproduction. Upon proof of a court order issued
1835 pursuant to Section 93-9-803 validating the gestational agreement,
1836 the court shall order the intended parents are the parents of the
1837 child and are financially responsible for the child.

1838 **SECTION 98.** The following shall be codified as Section
1839 93-9-808, Mississippi Code of 1972:

1840 93-9-808. **Gestational agreement: effect of subsequent**
1841 **marriage.** After the issuance of an order under this article,
1842 subsequent marriage of the gestational mother does not affect the
1843 validity of a gestational agreement, her husband's consent to the
1844 agreement is not required, and her husband is not a presumed
1845 father of the resulting child.

1846 **SECTION 99.** The following shall be codified as Section
1847 93-9-809, Mississippi Code of 1972:

1848 93-9-809. **Effect of nonvalidated gestational agreement.** (a)
1849 A gestational agreement, whether in a record or not, that is not
1850 judicially validated is not enforceable.

1851 (b) If a birth results under a gestational agreement that is
1852 not judicially validated as provided in this section, the
1853 parent-child relationship is determined as provided in Sections
1854 93-9-201 and 93-9-204.

1855 (c) Individuals who are parties to a nonvalidated
1856 gestational agreement as intended parents may be held liable for
1857 support of the resulting child, even if the agreement is otherwise
1858 unenforceable. The liability under this subsection includes
1859 assessing all expenses and fees as provided in Section 93-9-636.

1860 **Article 9**

1861 **Miscellaneous Provisions**

1862 **SECTION 100.** The following shall be codified as Section
1863 93-9-901, Mississippi Code of 1972:

1864 93-9-901. **Uniformity of application and construction.** In
1865 applying and construing this chapter, consideration must be given
1866 to the need to promote uniformity of the law with respect to its
1867 subject matter among states that enact it.

1868 **SECTION 101.** The following shall be codified as Section
1869 93-9-902, Mississippi Code of 1972:

1870 93-9-902. **Severability clause.** If any provision of this
1871 chapter or its application to an individual or circumstance is
1872 held invalid, the invalidity does not affect other provisions or
1873 applications of this chapter which can be given effect without the
1874 invalid provision or application, and to this end the provisions
1875 of this chapter are severable.

1876 **SECTION 102.** The following shall be codified as Section
1877 93-9-903, Mississippi Code of 1972:

1878 93-9-903. **Transitional provision.** A proceeding to
1879 adjudicate parentage which was commenced before the effective date
1880 of this chapter is governed by the law in effect at the time the
1881 proceeding was commenced.

1882 **SECTION 103.** Section 41-57-14, Mississippi Code of 1972, is
1883 amended as follows:

1884 41-57-14. (1) If the mother was married at the time of
1885 either conception or birth, or at any time between conception and
1886 birth, the name of the husband shall be entered on the certificate
1887 of birth as the father of the child. The social security number
1888 of each parent of a child born within this state shall be
1889 furnished to the local registrar of vital records at the time of
1890 filing the certificate of birth, but such information shall not
1891 appear on the portion of the certificate to be issued as a
1892 certified copy. Such information shall be sent to the Office of
1893 Vital Records Registration of the State Department of Health along
1894 with the certificate of birth and shall be retained by the office.

1895 The information shall not be disclosed to any person except as
1896 authorized by subsection (2) of this section or as allowed by
1897 Section 41-57-2.

1898 (2) The Office of Vital Records Registration shall make
1899 available to the Division of Child Support Enforcement of the
1900 Mississippi Department of Human Services information concerning
1901 the names and social security numbers of the parents obtained
1902 under the requirements of subsection (1) in an electronic format
1903 for the use in establishing paternity or enforcing child support
1904 obligations. Information obtained by the Division of Child
1905 Support Enforcement under this section may be used in any action
1906 or proceeding before any court, administrative tribunal, or other
1907 proceeding for the purpose of establishing paternity, establishing
1908 a child support obligation, collecting child support or locating
1909 persons owing such an obligation.

1910 **SECTION 104.** Section 41-57-23, Mississippi Code of 1972, is
1911 amended as follows:

1912 41-57-23. * * * Any petition, bill of complaint or other
1913 proceeding filed in the chancery court to: (a) change the date of
1914 birth by two (2) or more days, (b) change the surname of a child,
1915 (c) change the surname of either or both parents, (d) change the
1916 birthplace of the child because of an error or omission of such
1917 information as originally recorded or (e) make any changes or
1918 additions to a birth certificate resulting from a legitimation,
1919 paternity or any changes not specifically authorized elsewhere by
1920 statute, shall be filed in the county of residence of the
1921 petitioner or filed in any chancery court district of the state if
1922 the petitioner be a nonresident petitioner. In all such
1923 proceedings, the State Board of Health shall be made a respondent
1924 therein, and a certified copy of the petition, bill of complaint
1925 or other proceeding shall be forwarded to the State Board of
1926 Health. Process may be served upon the State Registrar of Vital
1927 Records. The State Board of Health shall file an answer to all

1928 such proceedings within the time as provided by general law. The
1929 provisions of this section shall not apply to adoption proceedings
1930 or to orders rendered under Section 93-9-636 or 93-9-807. Upon
1931 receipt of a certified copy of a decree, which authorizes and
1932 directs the State Board of Health to alter the certificate, it
1933 shall comply with all of the provisions of such decree.

1934 * * *

1935 **SECTION 105.** Section 93-17-8, Mississippi Code of 1972, is
1936 amended as follows:

1937 93-17-8. (1) Whenever an adoption becomes a contested
1938 matter, whether after a hearing on a petition for determination of
1939 rights under Section 93-17-6 or otherwise, the court:

1940 (a) * * * On motion of any party or on its own motion,
1941 shall issue an order for immediate blood or tissue sampling in
1942 accordance with the provisions of Title 93, Chapter 9, Article 5,
1943 if paternity is at issue. The court shall order an expedited
1944 report of such testing and shall hold the hearing resolving this
1945 matter at the earliest time possible.

1946 (b) Shall appoint a guardian ad litem to represent the
1947 child. Such guardian ad litem shall be an attorney; however, his
1948 duties are as guardian ad litem and not as attorney for the child.
1949 The reasonable costs of the guardian ad litem shall be taxed as
1950 costs of court. Neither the child nor anyone purporting to act on
1951 his behalf may waive the appointment of a guardian ad litem.

1952 (c) Shall determine first whether or not the objecting
1953 parent is entitled to so object under the criteria of Section
1954 93-17-7 and then shall determine the custody of the child in
1955 accord with the best interests of the child and the rights of the
1956 parties as established by the hearings and judgments.

1957 (d) Shall schedule all hearings concerning the
1958 contested adoption as expeditiously as possible for prompt
1959 conclusion of the matter.

1960 (2) In determining the custody of the child after a finding
1961 that the adoption will not be granted, the fact of the surrender
1962 of the child for adoption by a parent shall not be taken as any
1963 evidence of that parent's abandonment or desertion of the child or
1964 of that parent's unfitness as a parent.

1965 (3) In contested adoptions arising through petitions for
1966 determination of rights where the prospective adopting parents
1967 were not parties to that proceeding, they need not be made parties
1968 to the contested adoption until there has been a ruling that the
1969 objecting parent is not entitled to enter a valid objection to the
1970 adoption. At that point the prospective adopting parents shall be
1971 made parties by joinder which shall show their suitability to be
1972 adopting parents as would a petition for adoption. The identity
1973 and suitability of the prospective adopting parents shall be made
1974 known to the court and the guardian ad litem, but shall not be
1975 made known to other parties to the proceeding unless the court
1976 determines that the interests of justice or the best interests of
1977 the child require it.

1978 (4) No birth parent or alleged parent shall be permitted to
1979 contradict statements given in a proceeding for the adoption of
1980 his or her child in any other proceeding concerning that child or
1981 his ancestry.

1982 (5) Appointment of a guardian ad litem is not required in
1983 any proceeding under this chapter except as provided in subsection
1984 (1)(b) of this section and except for the guardian ad litem needed
1985 for an abandoned child. It shall not be necessary for a guardian
1986 ad litem to be appointed where the chancery judge presiding in the
1987 adoption proceeding deems it unnecessary and no adoption agency is
1988 involved in the proceeding. No final decree of adoption
1989 heretofore granted shall be set aside or modified because a
1990 guardian ad litem was not appointed unless as the result of a
1991 direct appeal not now barred.

1992 (6) The provisions of Chapter 15 of this Title 93 are not
1993 applicable to proceedings under this chapter except as
1994 specifically provided by reference herein.

1995 (7) The court may order a child's birth father, identified
1996 as such in the proceedings, to reimburse the Department of Human
1997 Services, the foster parents, the adopting parents, the home, any
1998 other agency or person who has assumed liability for such child,
1999 all or part of the costs of the medical expenses incurred for the
2000 mother and the child in connection with the birth of the child, as
2001 well as reasonable support for the child after his birth.

2002 **SECTION 106.** Sections 93-9-1, 93-9-3, 93-9-5, 93-9-7,
2003 93-9-9, 93-9-11, 93-9-13, 93-9-15, 93-9-17, 93-9-19, 93-9-21,
2004 93-9-23, 93-9-25, 93-9-27, 93-9-28, 93-9-29, 93-9-30, 93-9-31,
2005 93-9-33, 93-9-35, 93-9-37, 93-9-39, 93-9-41, 93-9-43, 93-9-45,
2006 93-9-47 and 93-9-49, Mississippi Code of 1972, which constitute
2007 the Mississippi Uniform Law on Paternity, and Sections 93-9-71,
2008 93-9-73 and 93-9-75, Mississippi Code of 1972, dealing with the
2009 effect on a paternity proceeding of the death of a mother or child
2010 and the admissibility of the mother's dying declaration, are
2011 repealed.

2012 **SECTION 107.** This act shall take effect and be in force from
2013 and after July 1, 2005.