

Senate Amendments to House Bill No. 1036

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

11 **SECTION 1.** Section 93-17-11, Mississippi Code of 1972, is
12 amended as follows:
13 93-17-11. At any time after the filing of the petition for
14 adoption and completion of process thereon, and before the
15 entering of a final decree, the court shall * * * require * * * a
16 home study by a duly qualified licensed person, as determined by
17 the court, at the petitioner's or petitioners' sole expense and at
18 no cost to the state or county. * * * The person shall report to
19 the court concerning the child, giving the material facts upon
20 which the court may determine whether the child is a proper
21 subject for adoption, whether the petitioners or petitioner are
22 suitable parents for the child, whether the adoption is to the
23 child's best interest, and any other facts or circumstances that
24 may be material to the proposed adoption. The court may waive the
25 requirement for a home study in the following circumstances: if
26 the adoptive parent or parents have had a home study completed in
27 Mississippi for adoption purposes within the past two (2) years;
28 if the adoptive parent or parents were designated by the child's
29 parents as guardian or guardians in the event of the death of the
30 parents; or if the adoptive parent is the spouse of a natural
31 parent of the child. The court, when a home study is
32 required * * *, shall stay the proceedings in the cause for such
33 reasonable time as may be necessary or required in the opinion of
34 the court for the completion of the home study by the person * * *
35 designated and authorized to make the same.

36 Upon the filing of that consent or the completion of the
37 process and the filing of the home study, if required by the court
38 or by this section, and the presentation of such other evidence as
39 may be desired by the court, if the court determines that it is to
40 the best interests of the child that an interlocutory decree of
41 adoption be entered, the court may thereupon enter an
42 interlocutory decree upon such terms and conditions as may be
43 determined by the court, in its discretion, but including therein
44 that the complete care, custody and control of the child shall be
45 vested in the petitioner or petitioners until further orders of
46 the court and that during such time the child shall be and remain
47 a ward of the court. If the court determines by decree at any
48 time during the pendency of the proceeding that it is not to the
49 best interests of the child that the adoption proceed, the
50 petitioners shall be entitled to at least five (5) days' notice
51 upon their attorneys of record and a hearing with the right of
52 appeal as provided by law from a dismissal of the petition;
53 however, the bond perfecting the appeal shall be filed within ten
54 (10) days from the entry of the decree of dismissal and the bond
55 shall be in such amount as the chancellor may determine and
56 supersedeas may be granted by the chancellor or as otherwise
57 provided by law for appeal from final decrees.

58 After the entry of the interlocutory decree and before entry
59 of the final decree, the court may require such further and
60 additional investigation and reports as it may deem proper. The
61 rights of the parties filing the consent or served with process
62 shall be subject to the decree but shall not be divested until
63 entry of the final decree.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2005.

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

1 AN ACT TO AMEND SECTION 93-17-11, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT IN ALL ADOPTIONS OTHER THAN FAMILY ADOPTIONS,
3 ADOPTIONS WHERE A RECENT HOME STUDY HAS BEEN PERFORMED, OR
4 ADOPTIONS WHERE THE ADOPTIVE PARENTS ARE NAMED GUARDIANS OF THE

5 CHILD DUE TO THE DEATH OF THE CHILD'S PARENT, THE COURT SHALL
6 REQUIRE THAT A HOME STUDY BE PERFORMED BEFORE A FINAL DECREE IS
7 ENTERED IN THE PROCEEDING, AT THE PETITIONERS' SOLE EXPENSE, TO
8 DETERMINE WHETHER THE PETITIONERS ARE SUITABLE PARENTS FOR THE
9 CHILD; AND FOR RELATED PURPOSES.

SS02\HB1036A.J

John O. Gilbert
Secretary of the Senate