

By: Representative Clark

To: Judiciary A

HOUSE BILL NO. 1054

1 AN ACT TO LOWER THE AGE OF MAJORITY FROM TWENTY-ONE TO
2 EIGHTEEN; TO AMEND SECTION 1-3-21, MISSISSIPPI CODE OF 1972, TO
3 CONFORM THE DEFINITION OF INFANT; TO AMEND SECTION 11-46-11,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE SAVINGS CLAUSE OF THE TORT
5 CLAIMS ACT TO CONFORM; TO AMEND SECTIONS 13-5-1 AND 13-5-12,
6 MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF JURY SERVICE; TO
7 AMEND SECTION 15-1-27, MISSISSIPPI CODE OF 1972, TO CONFORM THE
8 LIMITATIONS APPLICABLE TO AN ACTION BY A WARD AGAINST A GUARDIAN
9 OR SURETY; TO AMEND SECTION 15-1-59, MISSISSIPPI CODE OF 1972, TO
10 CONFORM THE SAVING IN FAVOR OF PERSONS UNDER DISABILITY OF
11 UNSOUNDNESS OF MIND WITHIN THE CHAPTER ADDRESSING THE LIMITATIONS
12 OF CIVIL ACTIONS; TO AMEND SECTION 21-15-13, MISSISSIPPI CODE OF
13 1972, TO REVISE THE MILITIA POWER OF THE MAYOR TO CONFORM; TO
14 AMEND SECTION 25-4-3, MISSISSIPPI CODE OF 1972, TO REVISE THE
15 DEFINITION OF "HOUSEHOLD MEMBER" WITHIN THE ARTICLE ESTABLISHING
16 THE MISSISSIPPI ETHICS COMMISSION TO CONFORM; TO AMEND SECTION
17 41-29-145, MISSISSIPPI CODE OF 1972, TO REVISE THE PUNISHMENT OF
18 THE DISTRIBUTION OF CONTROLLED SUBSTANCES TO MINORS TO CONFORM; TO
19 AMEND SECTION 43-19-33, MISSISSIPPI CODE OF 1972, TO CONFORM THE
20 AGE OF MANDATORY SUPPORT IN AN ORDER OF FILIATION; TO AMEND
21 SECTION 91-5-3, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO AGE OF
22 ISSUE CAPABLE OF INHERITING; TO AMEND SECTION 91-7-293,
23 MISSISSIPPI CODE OF 1972, TO CONFORM AS TO FINAL ACCOUNTING BY THE
24 HEIRS OF AN ESTATE; TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF
25 1972, TO CONFORM THE AGE FOR ISSUANCE OF A MARRIAGE LICENSE; TO
26 AMEND SECTION 93-9-9, MISSISSIPPI CODE OF 1972, TO CONFORM
27 PROVISIONS AS TO AGE FOR THE TERMS OF A DECREE FOR REMOVAL OF THE
28 DISABILITY OF A MINOR; TO AMEND SECTION 93-11-65, MISSISSIPPI CODE
29 OF 1972, TO REVISE THE AGE OF EMANCIPATION; TO AMEND SECTION
30 93-14-102, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITION OF
31 THE TERM "ADULT" FOR THE PURPOSES OF THE UNIFORM ADULT
32 GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT; TO AMEND
33 SECTION 93-15-103, MISSISSIPPI CODE OF 1972, TO CONFORM THE
34 DEFINITION OF THE TERM "MINOR PARENT" IN THE TERMINATION OF



35 PARENTAL RIGHTS LAW; TO AMEND SECTION 93-17-5, MISSISSIPPI CODE OF
36 1972, TO CONFORM AS TO THE AGE OF PARENTS IN AN ADOPTION; TO AMEND
37 SECTION 93-17-205, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS
38 CONCERNING ADOPTION RECORDS TO CONFORM; TO AMEND SECTION
39 93-17-215, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO A PERSON'S
40 AUTHORITY TO REQUEST CERTAIN INFORMATION CONCERNING ADOPTION; TO
41 AMEND SECTION 93-20-102, MISSISSIPPI CODE OF 1972, TO REVISE THE
42 AGE OF MAJORITY UNDER GUARDIANSHIP AND CONSERVATORSHIP LAW TO
43 CONFORM; TO AMEND SECTION 97-33-23, MISSISSIPPI CODE OF 1972, TO
44 CONFORM THE PENALTY FOR GAMBLING WITH A KNOWN MINOR; TO AMEND
45 SECTION 99-3-45, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO WHICH
46 PERSONS MUST BE GIVEN CERTAIN NOTICE UPON RELEASE FROM ARREST; TO
47 REPEAL SECTION 35-7-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
48 FOR THE REMOVAL OF THE DISABILITIES OF MINORITY OF CERTAIN
49 VETERANS; TO REPEAL SECTION 91-7-37, MISSISSIPPI CODE OF 1972,
50 WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF MINORITY FOR
51 CERTAIN EXECUTORS, EXECUTRIXES, ADMINISTRATORS OR
52 ADMINISTRATRIXES; TO BRING FORWARD SECTION 93-19-13, MISSISSIPPI
53 CODE OF 1972, WHICH PROVIDES THAT ALL PERSONS EIGHTEEN YEARS OF
54 AGE OR OLDER, IF NOT OTHERWISE DISQUALIFIED, SHALL HAVE THE
55 CAPACITY TO ENTER INTO BINDING CONTRACTUAL RELATIONSHIPS AFFECTING
56 PERSONAL PROPERTY AND THAT AN EIGHTEEN-YEAR-OLD MAY SUE AND BE
57 SUED IN HIS OWN NAME AS AN ADULT AND BE SERVED WITH PROCESS AS AN
58 ADULT, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

60 **SECTION 1.** Section 1-3-21, Mississippi Code of 1972, is
61 amended as follows:

62 1-3-21. The term "infant," when used in any statute, shall
63 include any person, male or female, under * * * eighteen (18)
64 years of age, except where another section specifically provides
65 otherwise.

66 **SECTION 2.** Section 11-46-11, Mississippi Code of 1972, is
67 amended as follows:

68 11-46-11. (1) After all procedures within a governmental
69 entity have been exhausted, any person having a claim under this
70 chapter shall proceed as he might in any action at law or in
71 equity, except that at least ninety (90) days before instituting



72 suit, the person must file a notice of claim with the chief
73 executive officer of the governmental entity.

74 (2) (a) Service of notice of claim shall be made as
75 follows:

76 (i) For local governments:

77 1. If the governmental entity is a county,
78 then upon the chancery clerk of the county sued;

79 2. If the governmental entity is a
80 municipality, then upon the city clerk.

81 (ii) If the governmental entity to be sued is a
82 state entity as defined in Section 11-46-1(j), or is a political
83 subdivision other than a county or municipality, service of notice
84 of claim shall be had only upon that entity's or political
85 subdivision's chief executive officer. The chief executive
86 officer of a governmental entity participating in a plan
87 administered by the board pursuant to Section 11-46-7(3) shall
88 notify the board of any claims filed within five (5) days after
89 receipt thereof.

90 (b) Every notice of claim shall:

91 (i) Be in writing;

92 (ii) Be delivered in person or by registered or
93 certified United States mail; and

94 (iii) Contain a short and plain statement of the
95 facts upon which the claim is based, including the circumstances
96 which brought about the injury, the extent of the injury, the time



97 and place the injury occurred, the names of all persons known to
98 be involved, the amount of money damages sought, and the residence
99 of the person making the claim at the time of the injury and at
100 the time of filing the notice.

101 (3) (a) All actions brought under this chapter shall be
102 commenced within one (1) year next after the date of the tortious,
103 wrongful or otherwise actionable conduct on which the liability
104 phase of the action is based, and not after, except that filing a
105 notice of claim within the required one-year period will toll the
106 statute of limitations for ninety-five (95) days from the date the
107 chief executive officer of the state entity or the chief executive
108 officer or other statutorily designated official of a political
109 subdivision receives the notice of claim.

110 (b) No action whatsoever may be maintained by the
111 claimant until the claimant receives a notice of denial of claim
112 or the tolling period expires, whichever comes first, after which
113 the claimant has an additional ninety (90) days to file suit;
114 failure to file within the time allowed is an absolute bar to any
115 further proceedings under this chapter.

116 (c) All notices of denial of claim shall be served by
117 governmental entities upon claimants by certified mail, return
118 receipt requested, only.

119 (d) (i) To determine the running of limitations
120 periods under this chapter, service of any notice of claim or



121 notice of denial of claim is effective upon delivery by the
122 methods statutorily designated in this chapter.

123 (ii) The limitations period provided in this
124 section controls and shall be exclusive in all actions subject to
125 and brought under the provisions of this chapter, notwithstanding
126 the nature of the claim, the label or other characterization the
127 claimant may use to describe it, or the provisions of any other
128 statute of limitations that would otherwise govern the type of
129 claim or legal theory if it were not subject to or brought under
130 the provisions of this chapter.

131 (4) * * * If any person entitled to bring any action under
132 this chapter shall, at the time at which the cause of action
133 accrued, be under the disability of infancy or unsoundness of
134 mind, he may bring the action within the time allowed in this
135 section after his disability shall be removed as provided by law.
136 The savings in favor of persons under disability of unsoundness of
137 mind shall never extend longer than * * * eighteen (18) years.

138 **SECTION 3.** Section 13-5-1, Mississippi Code of 1972, is
139 amended as follows:

140 13-5-1. Every citizen not under the age of * * * eighteen
141 (18) years, who is either a qualified elector, or a resident
142 freeholder of the county for more than one (1) year, is able to
143 read and write, and has not been convicted of an infamous crime,
144 or the unlawful sale of intoxicating liquors within a period of
145 five (5) years and who is not a common gambler or habitual



146 drunkard, is a competent juror. No person who is or has been
147 within twelve (12) months the overseer of a public road or road
148 contractor shall, however, be competent to serve as a grand juror.
149 The lack of any such qualifications on the part of one or more
150 jurors shall not, however, vitiate an indictment or verdict.
151 Moreover, no talesman or tales juror shall be qualified who has
152 served as such talesman or tales juror in the last preceding two
153 (2) years, and no juror shall serve on any jury who has served as
154 such for the last preceding two (2) years. No juror shall serve
155 who has a case of his own pending in that court, provided there
156 are sufficient qualified jurors in the district, and for trial at
157 that term.

158 In order to determine that prospective jurors can read and
159 write, the presiding judge shall, with the assistance of the
160 clerk, distribute to the jury panel a form to be completed
161 personally by each juror prior to being empaneled as follows:

162 "1. Your name _____ last _____ first _____ middle
163 initial.

164 2. Your home address _____.

165 3. Your occupation _____.

166 4. Your age _____.

167 5. Your telephone number _____. If none, write none.

168 6. If you live outside the county seat, the number of miles
169 you live from the courthouse _____ miles.

170



171 Sign your name"

172 The judge shall personally examine the answers of each juror
173 prior to empaneling the jury and each juror who cannot complete
174 the above form shall be disqualified as a juror and discharged.

175 A list of any jurors disqualified for jury duty by reason of
176 inability to complete the form shall be kept by the circuit clerk
177 and their names shall not be placed in the jury box thereafter
178 until such person can qualify as above provided.

179 **SECTION 4.** Section 13-5-12, Mississippi Code of 1972, is
180 amended as follows:

181 13-5-12. Unless all the names on the master list are to be
182 placed in the jury wheel pursuant to Section 13-5-10, the names or
183 identifying numbers of prospective jurors to be placed in the jury
184 wheel shall be selected by the jury commission at random from the
185 master list in the following manner: The total number of names on
186 the master list shall be divided by the number of names to be
187 placed in the jury wheel; the whole number nearest the quotient
188 shall be the "key number," except that the key number shall never
189 be less than two (2). A "starting number" for making the
190 selection shall then be determined by a random method from the
191 number from one (1) to the key number, both inclusive. The
192 required number of names shall then be selected from the master
193 list by taking in order the first name on the master list
194 corresponding to the starting number and then successively the
195 names appearing in the master list at intervals equal to the key



196 number, recommencing if necessary at the start of the list until
197 the required number of names has been selected. The name of any
198 person who is under the age of * * * eighteen (18) years and the
199 name of any person who has been permanently excused from jury
200 service pursuant to Section 13-5-23(4) shall be passed over
201 without interrupting the sequence of selection. Any person who
202 has been excluded from the master list for jury service may be
203 reinstated to the master list after one (1) year by requesting
204 that the circuit clerk reinstate him to the master list. Upon
205 recommencing at the start of the list, names previously selected
206 from the master list shall be disregarded in selecting the
207 additional names. The jury commission may use an electronic or
208 mechanical system or device in carrying out its duties.

209 **SECTION 5.** Section 15-1-27, Mississippi Code of 1972, is
210 amended as follows:

211 15-1-27. All actions against a guardian and the sureties on
212 his bond, or either of them, by the ward, shall be commenced
213 within five (5) years * * * after the ward shall have arrived at
214 the age of * * * eighteen (18) years, and not after.

215 **SECTION 6.** Section 15-1-59, Mississippi Code of 1972, is
216 amended as follows:

217 15-1-59. If any person entitled to bring any of the personal
218 actions mentioned shall, at the time at which the cause of action
219 accrued, be under the disability of infancy or unsoundness of
220 mind, he may bring the actions within the times in this chapter



221 respectively limited, after his disability shall be removed as
222 provided by law. However, the saving in favor of persons under
223 disability of unsoundness of mind shall never extend longer
224 than * * * eighteen (18) years.

225 **SECTION 7.** Section 21-15-13, Mississippi Code of 1972, is
226 amended as follows:

227 21-15-13. The mayor is authorized to call on every male
228 inhabitant of the municipality over * * * eighteen (18) years of
229 age and under sixty (60) years to aid in enforcing the laws.

230 **SECTION 8.** Section 25-4-3, Mississippi Code of 1972, is
231 amended as follows:

232 25-4-3. As used in this chapter, unless the context requires
233 otherwise:

234 (a) "Advisory boards or commissions" means committees
235 created solely to provide technical or professional knowledge or
236 expertise to a parent organization, and whose members exercise no
237 direct authority to expend public funds other than reimbursement
238 for personal expenses incurred as a result of a member's service
239 on the advisory board;

240 (b) "Business" means any corporation, partnership, sole
241 proprietorship, firm, enterprise, franchise, association,
242 organization, holding company, self-employed individual,
243 joint-stock company, receivership, trust or other legal entity or
244 undertaking organized for economic gain or a nonprofit corporation



245 or other such entity, association or organization receiving public
246 funds;

247 (c) "Candidate for public office" means an individual
248 who has filed the necessary documents or papers to appear as a
249 candidate for nomination for election or election to any elective
250 office existing under the laws of the State of Mississippi,
251 including primary, special or general elections. The term
252 "candidate" does not include any person within the meaning of
253 Section 301(b) of the Federal Election Campaign Act of 1971;

254 (d) "Commission" means the Mississippi Ethics
255 Commission;

256 (e) "Compensation" means money or thing of value
257 received, or to be received, from any person for services rendered
258 or to be rendered;

259 (f) "Household member" means:

260 (i) The spouse of the public servant; or

261 (ii) Any person over the age of * * * eighteen
262 (18) who resided in the public servant's household during the
263 entire reporting period.

264 (g) "Income" means money or thing of value received, or
265 to be received, from any source, including, but not limited to,
266 any salary, wage, advance, payment, dividend, interest, rent,
267 forgiveness of debt, fee, royalty or any combination thereof;



268 (h) "Person" means any individual, firm, business,
269 corporation, association, partnership, union or other legal
270 entity;

271 (i) "Public employee" means any individual who receives
272 a salary, per diem or expenses paid in whole or in part out of
273 funds authorized to be expended by the Mississippi State
274 Legislature or by the governing body of any political subdivision
275 thereof, or any other body politic within the State of
276 Mississippi;

277 (j) "Public funds" means all monies, whether federal,
278 state, district or local;

279 (k) "Public official" means:

280 (i) Any elected official of the State of
281 Mississippi or any political subdivision thereof or any other body
282 politic within the State of Mississippi; or

283 (ii) Any member, officer, director, commissioner,
284 supervisor, chief, head, agent or employee of the State of
285 Mississippi, or any agency thereof, of any political subdivision
286 of the State of Mississippi, of any body politic within the State
287 of Mississippi, or of any public entity created by or under the
288 laws of the State of Mississippi or by executive order of the
289 Governor of the state, any of which is funded by public funds or
290 which expends, authorizes or recommends the use of public funds;

291 (l) "Public servant" means:



292 (i) Any elected or appointed official of the
293 government;

294 (ii) Any officer, director, commissioner,
295 supervisor, chief, head, agent or employee of the government or
296 any agency thereof, or of any public entity created by or under
297 the laws of the State of Mississippi or created by an agency or
298 governmental entity thereof, any of which is funded by public
299 funds or which expends, authorizes or recommends the use of public
300 funds; or

301 (iii) Any individual who receives a salary, per
302 diem or expenses paid in whole or in part out of funds authorized
303 to be expended by the government.

304 **SECTION 9.** Section 41-29-145, Mississippi Code of 1972, is
305 amended as follows:

306 41-29-145. Any person * * * eighteen (18) years of age or
307 over who violates subsections (a) and (b) of Section 41-29-139
308 with reference to a controlled substance listed in Schedules I,
309 II, III, IV and V as set out in Sections 41-29-113 through
310 41-29-121, inclusive, to a person under * * * eighteen (18) years
311 of age may be punished by the fine authorized by Section
312 41-29-139, or by a term of imprisonment or confinement up to twice
313 that authorized by said Section 41-29-139, or both, or he may be
314 punished as provided in Section 41-29-142.

315 **SECTION 10.** Section 43-19-33, Mississippi Code of 1972, is
316 amended as follows:



317 43-19-33. (1) In lieu of legal proceedings instituted to
318 obtain support for a dependent child from the responsible parent,
319 a written stipulated agreement to support said child by periodic
320 payments executed by the responsible parent when acknowledged
321 before a clerk of the court having jurisdiction over such matters
322 or a notary public and filed with and approved by the judge of the
323 court having jurisdiction over such matters shall have the same
324 force and effect, retroactively and prospectively, in accordance
325 with the terms of said agreement as an order of support entered by
326 the court, and shall be enforceable and subject to modification in
327 the same manner as is provided by law for orders of the court in
328 such cases.

329 (2) In lieu of legal proceedings instituted to establish
330 paternity, a written admission of paternity containing a
331 stipulated agreement of support executed by the putative father of
332 the dependent child, when accompanied by a written declaration in
333 support of establishing paternity provided under penalty of
334 perjury to the best of her knowledge, information and belief by
335 the mother of the dependent child, when acknowledged by the
336 putative father before a clerk of the court having jurisdiction
337 over such matters or a notary public and filed with and approved
338 by the judge of the court having jurisdiction over such matters,
339 shall have the same force and effect, retroactively and
340 prospectively, in accordance with the terms of said agreement, as
341 an order of filiation and support entered by the court, and shall



342 be enforceable and subject to modification in the same manner as
343 is provided by law for orders of the court in such cases.

344 (3) At any time after filing with the court having
345 continuing jurisdiction of such matters of an acknowledgment of
346 paternity in which a provision of support has not been entered,
347 upon notice the defendant shall be required to appear in court at
348 any time and place named therein, to show cause, if any he can,
349 why the court should not enter an order for the support of the
350 child by periodic payments. The order may include provisions for
351 reimbursement for medical expenses incident to the pregnancy and
352 the birth of the child, accrued maintenance and reasonable
353 expenses of the action under this subsection on the acknowledgment
354 of paternity previously filed with said court. Notice by the
355 department to the defendant shall be given by certified mail,
356 restricted delivery, return receipt requested at his last known
357 mailing address and without the requirement of a summons being
358 issued, and shall be deemed complete as of the date of delivery as
359 evidenced by the return receipt. The required notice may also be
360 delivered by personal service in accordance with Rule 4 of the
361 Mississippi Rules of Civil Procedure insofar as service of an
362 administrative order or notice is concerned. Provided, that in
363 the case of a child who, upon reaching the age of * * * eighteen
364 (18) years, is mentally or physically incapable of self-support
365 and is no longer attending high school, the putative father shall
366 not be relieved of the duty of support unless said child is a



367 long-term patient in a facility owned or operated by the State of
368 Mississippi. The prior judgment as to paternity shall be res
369 judicata as to that issue and shall not be reconsidered by the
370 court.

371 (4) Such agreements of support, acknowledgments,
372 declarations and affirmations of paternity and support shall be
373 binding on the person executing the same whether he be an adult or
374 a minor and may include provisions for the reimbursement of
375 medical expenses incident to the pregnancy and birth of the child,
376 accrued maintenance and reasonable expenses of any action
377 previously filed before the court.

378 (5) In lieu of legal proceedings instituted to enforce an
379 order for support, a written stipulated agreement for the
380 provision of periodic payments towards an arrearage executed by
381 the defendant when acknowledged before a clerk of the court having
382 jurisdiction over such matters or a notary public and filed with
383 and approved by the judge of the court having jurisdiction over
384 such matters shall have the same force and effect, retroactively
385 and prospectively, in accordance with the terms of said agreement
386 as a judgment for overdue support entered by the court, and shall
387 be enforceable and subject to modification in the same manner as
388 is provided by law for orders of the court in such cases.

389 (6) All agreements entered into under the provisions as set
390 forth hereinabove shall be filed by the clerk of the court having



391 jurisdiction over such matters in the county in which they are
392 entered and filing fees shall be taxed to the responsible parent.

393 **SECTION 11.** Section 91-5-3, Mississippi Code of 1972, is
394 amended as follows:

395 91-5-3. A devise so made, or any clause thereof, shall not
396 be revocable but by the testator or testatrix destroying,
397 canceling, or obliterating the same, or causing it to be done in
398 his or her presence, or by subsequent will, codicil, or
399 declaration, in writing, made and executed. Every last will and
400 testament made when the testator or testatrix had no child living,
401 wherein any child he or she might have is not provided for or not
402 mentioned, if at the time of his or her death he or she have a
403 child, or if the testator leave his wife enceinte of a child who
404 shall be born, shall have no effect during the life of any such
405 after-born child and shall be void unless the child die without
406 having been married, or without leaving issue capable of
407 inheriting, and before he or she shall have attained * * *
408 eighteen (18) years. The estate, both real and personal, so
409 devised shall descend to such child in the same manner as if the
410 testator or testatrix had died intestate, subject, nevertheless,
411 to the bequests made in the last will and testament in case of the
412 death of such child before marriage, or without issue capable of
413 inheriting, and under the age of * * * eighteen (18) years. When
414 a testator shall leave children born and his wife enceinte, the
415 posthumous child or children, if unprovided for by settlement and



416 neither provided for nor disinherited, but only pretermitted, by
417 the last will and testament, shall succeed to the same portion of
418 the father's estate as such child or children would have been
419 entitled to if the father had died intestate, towards raising
420 which portion the devisees and legatees shall contribute
421 proportionably out of the parts devised and bequeathed to them by
422 the same will and testament.

423 **SECTION 12.** Section 91-7-293, Mississippi Code of 1972, is
424 amended as follows:

425 91-7-293. The executor or administrator shall file with his
426 final account a written statement, under oath, of the names of the
427 heirs or devisees and legatees of the estate, so far as known,
428 specifying particularly which, if any, are under the age of * * *
429 eighteen (18) years, of unsound mind, or convict of felony; the
430 places of residence of each and their post-office address if they
431 be nonresidents or, if the post-office address be unknown, the
432 statement must aver that diligent inquiry has been made to learn
433 the same without avail and giving the names and places of
434 residence of the guardians of all who have guardians, so far as
435 known.

436 **SECTION 13.** Section 93-1-5, Mississippi Code of 1972, is
437 amended as follows:

438 93-1-5. (1) Every male who is at least seventeen (17) years
439 old and every female who is at least fifteen (15) years old shall
440 be capable in law of contracting marriage. However, males and



441 females under the age of * * * eighteen (18) years must furnish
442 the circuit clerk satisfactory evidence of consent to the marriage
443 by the parents or guardians of the parties. It shall be unlawful
444 for the circuit court clerk to issue a marriage license until the
445 following conditions precedent have been complied with:

446 (a) Application for the license is to be made in
447 writing to the clerk of the circuit court of any county in the
448 State of Mississippi. The application shall be sworn to by both
449 applicants and shall include:

450 (i) The names, ages and addresses of the parties
451 applying;

452 (ii) The names and addresses of the parents of the
453 applicants, and, for applicants under the age of * * * eighteen
454 (18), if no parents, then names and addresses of the guardian or
455 next of kin;

456 (iii) The signatures of witnesses; and

457 (iv) Any other data that may be required by law or
458 the State Board of Health.

459 (b) Proof of age shall be presented to the circuit
460 court clerk in the form of either a birth certificate, baptismal
461 record, armed service discharge, armed service identification
462 card, life insurance policy, insurance certificate, school record,
463 driver's license, tribal identification card or other official
464 document evidencing age. The document substantiating age and date
465 of birth shall be examined by the circuit court clerk before whom



466 application is made, and the circuit court clerk shall retain in
467 his file with the application the document or a certified or
468 photostatic copy of the document.

469 (c) Applicants under the age of * * * eighteen (18)
470 must submit affidavits showing the age of both applying parties
471 made by either the father, mother, guardian or next of kin of each
472 of the contracting parties and filed with the clerk of the circuit
473 court along with the application.

474 (d) If the male applicant is under seventeen (17) years
475 of age or the female is under fifteen (15) years of age, and
476 satisfactory proof is furnished to the judge of any circuit,
477 chancery or county court that sufficient reasons exist and that
478 the parties desire to be married to each other and that the
479 parents or other person in loco parentis of the person or persons
480 so under age consent to the marriage, then the judge of any such
481 court in the county where either of the parties resides may waive
482 the minimum age requirement and by written instrument authorize
483 the clerk of the court to issue the marriage license to the
484 parties if they are otherwise qualified by law. Authorization
485 shall be a part of the confidential files of the clerk of the
486 court, subject to inspection only by written permission of the
487 judge.

488 (e) In no event shall a license be issued by the
489 circuit court clerk when it appears to the circuit court clerk
490 that the applicants are, or either of them is:



491 (i) Intoxicated; or
492 (ii) Suffering from a mental illness or an
493 intellectual disability to the extent that the clerk believes that
494 the person does not understand the nature and consequences of the
495 application for a marriage license.

496 (2) Any circuit clerk shall be liable under his official
497 bond because of noncompliance with the provisions of this section.

498 (3) Any circuit court clerk who issues a marriage license
499 without complying with the provisions of this section shall be
500 guilty of a misdemeanor and, upon conviction, shall be punished by
501 a fine of not less than Fifty Dollars (\$50.00) and not more than
502 Five Hundred Dollars (\$500.00).

503 **SECTION 14.** Section 93-9-9, Mississippi Code of 1972, is
504 amended as follows:

505 93-9-9. (1) Paternity may be determined upon the petition
506 of the mother, or father, the child or any public authority
507 chargeable by law with the support of the child; provided that
508 such an adjudication after the death of the defendant must be made
509 only upon clear and convincing evidence. If paternity has been
510 lawfully determined, or has been acknowledged in writing according
511 to the laws of this state, the liabilities of the noncustodial
512 parent may be enforced in the same or other proceedings by the
513 custodial parent, the child, or any public authority which has
514 furnished or may furnish the reasonable expenses of pregnancy,
515 confinement, education, necessary support and maintenance, and



516 medical or funeral expenses for the custodial parent or the child.
517 The trier of fact shall receive without the need for third-party
518 foundation testimony certified, attested or sworn documentation as
519 evidence of (a) childbirth records; (b) cost of filing fees; (c)
520 court costs; (d) services of process fees; (e) mailing cost; (f)
521 genetic tests and testing fees; (g) the department's attorney's
522 fees; (h) in cases where the state or any of its entities or
523 divisions have provided medical services to the child or the
524 child's mother, all costs of prenatal care, birthing, postnatal
525 care and any other medical expenses incurred by the child or by
526 the mother as a consequence of the mother's pregnancy or delivery;
527 and (i) funeral expenses. All costs and fees shall be ordered
528 paid to the Department of Human Services in all cases successfully
529 prosecuted with a minimum of Two Hundred Fifty Dollars (\$250.00)
530 in attorney's fees or an amount determined by the court without
531 submitting an affidavit. Proceedings may be instituted at any
532 time until such child attains the age of * * * eighteen (18) years
533 unless the child has been emancipated as provided in Section
534 93-5-23 and Section 93-11-65. In the event of court-determined
535 paternity, the surname of the child shall be that of the father,
536 unless the judgment specifies otherwise.

537 (2) If the alleged father in an action to determine
538 paternity to which the Department of Human Services is a party
539 fails to appear for a scheduled hearing after having been served
540 with process or subsequent notice consistent with the Rules of



541 Civil Procedure, his paternity of the child(ren) shall be
542 established by the court if a written declaration in support of
543 establishing paternity made under penalty of perjury to the best
544 of her knowledge, information and belief by the mother averring
545 the alleged father's paternity of the child has accompanied the
546 complaint to determine paternity. The written declaration shall
547 constitute sufficient grounds for the court's finding of the
548 alleged father's paternity without the necessity of the presence
549 or testimony of the mother at the said hearing. The court shall,
550 upon motion by the Department of Human Services, enter a judgment
551 of paternity. Any person who shall willfully and knowingly file a
552 false affidavit or who shall willfully, intentionally and
553 knowingly file a false written declaration under penalty of
554 perjury shall be subject to a fine of not more than One Thousand
555 Dollars (\$1,000.00).

556 (3) Upon application of both parents to the State Board of
557 Health and receipt by the State Board of Health of a sworn
558 acknowledgement of paternity executed by both parents subsequent
559 to the birth of a child born out of wedlock, the birth certificate
560 of the child shall be amended to show such paternity if paternity
561 is not shown on the birth certificate. Upon request of the
562 parents for the legitimization of a child under this section, the
563 surname of the child shall be changed on the certificate to that
564 of the father.



565 (4) (a) A signed voluntary acknowledgment of paternity is
566 subject to the right of any signatory to rescind the
567 acknowledgment within the earlier of:

568 (i) One (1) year; or

569 (ii) The date of a judicial proceeding relating to
570 the child, including a proceeding to establish a support order, in
571 which the signatory is a party.

572 (b) After the expiration of the one-year period
573 specified in subsection (4) (a) (i) of this section, a signed
574 voluntary acknowledgment of paternity may be challenged in court
575 only on the basis of fraud, duress or material mistake of fact,
576 with the burden of proof upon the challenger; the legal
577 responsibilities, including child support obligations, of any
578 signatory arising from the acknowledgment may not be suspended
579 during the pendency of the challenge, except for good cause shown.

580 (c) During the one-year time period specified in
581 subsection (4) (a) (i) of this section, the alleged father may
582 request genetic testing through the Department of Human Services
583 in accordance with the provisions of Section 93-9-21.

584 (d) The one-year time limit, specified in subsection
585 (4) (a) (i) of this section, for the right of the alleged father to
586 rescind the signed voluntary acknowledgement of paternity shall be
587 tolled from the date the alleged father files his formal
588 application for genetic testing with the Department of Human
589 Services until the date the test results are revealed to the



590 alleged father by the department. After the one-year time period
591 has expired, not including any period of time tolled for the
592 purpose of acquiring genetic testing through the department, the
593 provisions of subsection (4)(b) of this section shall apply.

594 **SECTION 15.** Section 93-11-65, Mississippi Code of 1972, is
595 amended as follows:

596 93-11-65. (1) (a) In addition to the right to proceed
597 under Section 93-5-23, Mississippi Code of 1972, and in addition
598 to the remedy of habeas corpus in proper cases, and other existing
599 remedies, the chancery court of the proper county shall have
600 jurisdiction to entertain suits for the custody, care, support and
601 maintenance of minor children and to hear and determine all such
602 matters, and shall, if need be, require bond, sureties or other
603 guarantee to secure any order for periodic payments for the
604 maintenance or support of a child. In the event a legally
605 responsible parent has health insurance available to him or her
606 through an employer or organization that may extend benefits to
607 the dependents of such parent, any order of support issued against
608 such parent may require him or her to exercise the option of
609 additional coverage in favor of such children as he or she is
610 legally responsible to support. Proceedings may be brought by or
611 against a resident or nonresident of the State of Mississippi,
612 whether or not having the actual custody of minor children, for
613 the purpose of judicially determining the legal custody of a
614 child. All actions herein authorized may be brought in the county



615 where the child is actually residing, or in the county of the
616 residence of the party who has actual custody, or of the residence
617 of the defendant. Process shall be had upon the parties as
618 provided by law for process in person or by publication, if they
619 be nonresidents of the state or residents of another jurisdiction
620 or are not found therein after diligent search and inquiry or are
621 unknown after diligent search and inquiry; provided that the court
622 or chancellor in vacation may fix a date in termtime or in
623 vacation to which process may be returnable and shall have power
624 to proceed in termtime or vacation. Provided, however, that if
625 the court shall find that both parties are fit and proper persons
626 to have custody of the children, and that either party is able to
627 adequately provide for the care and maintenance of the children,
628 the chancellor may consider the preference of a child of twelve
629 (12) years of age or older as to the parent with whom the child
630 would prefer to live in determining what would be in the best
631 interest and welfare of the child. The chancellor shall place on
632 the record the reason or reasons for which the award of custody
633 was made and explain in detail why the wishes of any child were or
634 were not honored.

635 (b) An order of child support shall specify the sum to
636 be paid weekly or otherwise. In addition to providing for support
637 and education, the order shall also provide for the support of the
638 child prior to the making of the order for child support, and such
639 other expenses as the court may deem proper.



640 (c) The court may require the payment to be made to the
641 custodial parent, or to some person or corporation to be
642 designated by the court as trustee, but if the child or custodial
643 parent is receiving public assistance, the Department of Human
644 Services shall be made the trustee.

645 (d) The noncustodial parent's liabilities for past
646 education and necessary support and maintenance and other expenses
647 are limited to a period of one (1) year next preceding the
648 commencement of an action.

649 (2) Provided further, that where the proof shows that both
650 parents have separate incomes or estates, the court may require
651 that each parent contribute to the support and maintenance of the
652 children in proportion to the relative financial ability of each.

653 (3) Whenever the court has ordered a party to make periodic
654 payments for the maintenance or support of a child, but no bond,
655 sureties or other guarantee has been required to secure such
656 payments, and whenever such payments as have become due remain
657 unpaid for a period of at least thirty (30) days, the court may,
658 upon petition of the person to whom such payments are owing, or
659 such person's legal representative, enter an order requiring that
660 bond, sureties or other security be given by the person obligated
661 to make such payments, the amount and sufficiency of which shall
662 be approved by the court. The obligor shall, as in other civil
663 actions, be served with process and shall be entitled to a hearing
664 in such case.



665 (4) When a charge of abuse or neglect of a child first
666 arises in the course of a custody or maintenance action pending in
667 the chancery court pursuant to this section, the chancery court
668 may proceed with the investigation, hearing and determination of
669 such abuse or neglect charge as a part of its hearing and
670 determination of the custody or maintenance issue as between the
671 parents, as provided in Section 43-21-151, notwithstanding the
672 other provisions of the Youth Court Law. The proceedings in
673 chancery court on the abuse or neglect charge shall be
674 confidential in the same manner as provided in youth court
675 proceedings, and the chancery court shall appoint a guardian ad
676 litem in such cases, as provided under Section 43-21-121 for youth
677 court proceedings, who shall be an attorney. In determining
678 whether any portion of a guardian ad litem's fee shall be assessed
679 against any party or parties as a cost of court for reimbursement
680 to the county, the court shall consider each party's individual
681 ability to pay. Unless the chancery court's jurisdiction has been
682 terminated, all disposition orders in such cases for placement
683 with the Department of Human Services shall be reviewed by the
684 court or designated authority at least annually to determine if
685 continued placement with the department is in the best interest of
686 the child or the public.

687 (5) Each party to a paternity or child support proceeding
688 shall notify the other within five (5) days after any change of
689 address. In addition, the noncustodial and custodial parent shall



690 file and update, with the court and with the state case registry,
691 information on that party's location and identity, including
692 social security number, residential and mailing addresses,
693 telephone numbers, photograph, driver's license number, and name,
694 address and telephone number of the party's employer. This
695 information shall be required upon entry of an order or within
696 five (5) days of a change of address.

697 (6) In any case subsequently enforced by the Department of
698 Human Services pursuant to Title IV-D of the Social Security Act,
699 the court shall have continuing jurisdiction.

700 (7) In any subsequent child support enforcement action
701 between the parties, upon sufficient showing that diligent effort
702 has been made to ascertain the location of a party, due process
703 requirements for notice and service of process shall be deemed to
704 be met with respect to the party upon delivery of written notice
705 to the most recent residential or employer address filed with the
706 state case registry.

707 (8) (a) The duty of support of a child terminates upon the
708 emancipation of the child. Unless otherwise provided for in the
709 underlying child support judgment, emancipation shall occur when
710 the child:

711 (i) Attains the age of * * * eighteen (18) years
712 as long as the child is no longer attending high school, or

713 (ii) Marries, or



714 (iii) Joins the military and serves on a full-time
715 basis, or

716 (iv) Is convicted of a felony and is sentenced to
717 incarceration of two (2) or more years for committing such
718 felony; * * *

719 (b) Unless otherwise provided for in the underlying
720 child support judgment, the court may determine that emancipation
721 has occurred and no other support obligation exists when the
722 child:

723 (i) Discontinues full-time enrollment in school
724 having attained the age of eighteen (18) years, unless the child
725 is disabled, or

726 (ii) Voluntarily moves from the home of the
727 custodial parent or guardian, establishes independent living
728 arrangements, obtains full-time employment and discontinues
729 educational endeavors prior to attaining the age of * * * eighteen
730 (18) years, or

731 (iii) Cohabits with another person without the
732 approval of the parent obligated to pay support; * * *

733 (c) The duty of support of a child who is incarcerated
734 but not emancipated shall be suspended for the period of the
735 child's incarceration.

736 (9) A determination of emancipation does not terminate any
737 obligation of the noncustodial parent to satisfy arrearage
738 existing as of the date of emancipation; the total amount of



739 periodic support due prior to the emancipation plus any periodic
740 amounts ordered paid toward the arrearage shall continue to be
741 owed until satisfaction of the arrearage in full, in addition to
742 the right of the person for whom the obligation is owed to execute
743 for collection as may be provided by law.

744 (10) Upon motion of a party requesting temporary child
745 support pending a determination of parentage, temporary support
746 shall be ordered if there is clear and convincing evidence of
747 paternity on the basis of genetic tests or other evidence, unless
748 the court makes written findings of fact on the record that the
749 award of temporary support would be unjust or inappropriate in a
750 particular case.

751 (11) Custody and visitation upon military temporary duty,
752 deployment or mobilization shall be governed by Section 93-5-34.

753 **SECTION 16.** Section 93-14-102, Mississippi Code of 1972, is
754 amended as follows:

755 93-14-102. In this chapter:

756 (1) "Adult" means an individual who has attained * * *
757 eighteen (18) years of age as long as the individual is no longer
758 attending high school.

759 (2) "Conservator" means a person appointed by the court
760 to administer the property of an adult, including a person
761 appointed under Article 4 of Title 93, Chapter 20, Mississippi
762 Code of 1972.



763 (3) "Guardian" means a person appointed by the court to
764 make decisions regarding the person of an adult, including a
765 person appointed under Article 2 or 3 of Chapter 20, Title 93.

766 (4) "Guardianship order" means an order appointing a
767 guardian.

768 (5) "Guardianship proceeding" means a judicial
769 proceeding in which an order for the appointment of a guardian is
770 sought or has been issued.

771 (6) "Incapacitated person" means an adult for whom a
772 guardian has been appointed.

773 (7) "Party" means the respondent, petitioner, guardian,
774 conservator, or any other person allowed by the court to
775 participate in a guardianship or protective proceeding.

776 (8) "Person," except in the term incapacitated person
777 or protected person, means an individual, corporation, business
778 trust, estate, trust, partnership, limited liability company,
779 association, joint venture, public corporation, government or
780 governmental subdivision, agency, or instrumentality, or any other
781 legal or commercial entity.

782 (9) "Protected person" means an adult for whom a
783 protective order has been issued.

784 (10) "Protective order" means an order appointing a
785 conservator or other order related to management of an adult's
786 property.



787 (11) "Protective proceeding" means a judicial
788 proceeding in which a protective order is sought or has been
789 issued.

790 (12) "Record" means information that is inscribed on a
791 tangible medium or that is stored in an electronic or other medium
792 and is retrievable in perceivable form.

793 (13) "Respondent" means an adult for whom a protective
794 order or the appointment of a guardian is sought.

795 (14) "State" means a state of the United States, the
796 District of Columbia, Puerto Rico, the United States Virgin
797 Islands, a federally recognized Indian tribe, or any territory or
798 insular possession subject to the jurisdiction of the United
799 States.

800 **SECTION 17.** Section 93-15-103, Mississippi Code of 1972, is
801 amended as follows:

802 93-15-103. For purposes of this chapter, unless a different
803 meaning is plainly expressed by the context, the following
804 definitions apply:

805 (a) "Abandonment" means any conduct by the parent,
806 whether consisting of a single incident or actions over an
807 extended period of time, that evinces a settled purpose to
808 relinquish all parental claims and responsibilities to the child.
809 Abandonment may be established by showing:

810 (i) For a child who is under three (3) years of
811 age on the date that the petition for termination of parental



812 rights was filed, that the parent has deliberately made no contact
813 with the child for six (6) months;

814 (ii) For a child who is three (3) years of age or
815 older on the date that the petition for termination of parental
816 rights was filed, that the parent has deliberately made no contact
817 with the child for at least one (1) year;

818 (iii) If the child is under six (6) years of age,
819 that the parent has exposed the child in any highway, street,
820 field, outhouse, or elsewhere with the intent to wholly abandon
821 the child; or

822 (iv) If the parent gives possession of the child
823 to an emergency medical services provider pursuant to Sections
824 43-15-201 et seq.

825 (b) "Child" means a person under eighteen (18) years of
826 age.

827 (c) "Court" means the court having jurisdiction under
828 the Mississippi Termination of Parental Rights Law.

829 (d) "Desertion" means:

830 (i) Any conduct by the parent over an extended
831 period of time that demonstrates a willful neglect or refusal to
832 provide for the support and maintenance of the child; or

833 (ii) That the parent has not demonstrated, within
834 a reasonable period of time after the birth of the child, a full
835 commitment to the responsibilities of parenthood.



836 (e) "Home" means any charitable or religious
837 corporation or organization or the superintendent or head of the
838 charitable or religious corporation or organization organized
839 under the laws of the State of Mississippi, any public authority
840 to which has been granted the power to provide care for or procure
841 the adoption of children by any Mississippi statute, and any
842 association or institution engaged in placing children for
843 adoption on July 1, 1955.

844 (f) "Interested person" means any person related to the
845 child by consanguinity or affinity, a custodian or legal guardian
846 of the child, a guardian ad litem representing the child's best
847 interests, or an attorney representing the child's preferences
848 under Rule 13 of the Uniform Rules of Youth Court Practice.

849 (g) "Minor parent" means any parent under
850 * * * eighteen (18) years of age.

851 (h) "Parent" means a natural or adoptive parent of the
852 child.

853 (i) "Permanency outcome" means achieving a permanent or
854 long-term custodial arrangement for the custody and care of the
855 child that ends the supervision of the Department of Child
856 Protection Services.

857 (j) "Qualified health professional" means a licensed or
858 certified professional who is engaged in the delivery of health
859 services and who meets all applicable federal or state
860 requirements to provide professional services.



861 (k) "Qualified mental health professional" means a
862 person with at least a master's degree in mental health or a
863 related field and who has either a professional license or a
864 Department of Mental Health credential as a mental health
865 therapist.

866 (l) "Reunification" means the restoration of the
867 parent's custodial rights in providing for the safety and welfare
868 of the child which ends the supervision of the Department of Child
869 Protection Services.

870 **SECTION 18.** Section 93-17-5, Mississippi Code of 1972, is
871 amended as follows:

872 93-17-5. (1) There shall be made parties to the proceeding
873 by process or by the filing therein of a consent to the adoption
874 proposed in the petition, which consent shall be duly sworn to or
875 acknowledged and executed only by the following persons, but not
876 before seventy-two (72) hours after the birth of the child:

877 (a) The parents, or parent, if only one (1) parent,
878 though either be under the age of * * * eighteen (18) years;

879 (b) If both parents are dead, then any two (2) adult
880 kin of the child within the third degree computed according to the
881 civil law; if one of such kin is in possession of the child, he or
882 she shall join in the petition or be made a party to the suit; or

883 (c) The guardian ad litem of an abandoned child, upon
884 petition showing that the names of the parents of the child are
885 unknown after diligent search and inquiry by the petitioners. In



886 addition to the above, there shall be made parties to any
887 proceeding to adopt a child, either by process or by the filing of
888 a consent to the adoption proposed in the petition, the following:

889 (i) Those persons having physical custody of the
890 child, except persons who are acting as foster parents as a result
891 of placement with them by the Department of Human Services of the
892 State of Mississippi.

893 (ii) Any person to whom custody of the child may
894 have been awarded by a court of competent jurisdiction of the
895 State of Mississippi.

896 (iii) The agent of the county Department of Human
897 Services of the State of Mississippi that has placed a child in
898 foster care, either by agreement or by court order.

899 (2) The consent may also be executed and filed by the duly
900 authorized officer or representative of a home to whose care the
901 child has been delivered. The child shall join the petition by
902 the child's next friend.

903 (3) If consent is not filed, process shall be had upon the
904 parties as provided by law for process in person or by
905 publication, if they are nonresidents of the state or are not
906 found therein after diligent search and inquiry, the court or
907 chancellor in vacation may fix a date in termtime or in vacation
908 to which process may be returnable and shall have power to proceed
909 in termtime or vacation. In any event, if the child is more than
910 fourteen (14) years of age, a consent to the adoption, sworn to or



911 acknowledged by the child, shall also be required or personal
912 service of process shall be had upon the child in the same manner
913 and in the same effect as if the child were an adult.

914 **SECTION 19.** Section 93-17-205, Mississippi Code of 1972, is
915 amended as follows:

916 93-17-205. (1) The bureau shall maintain a centralized
917 adoption records file for all adoptions performed in this state
918 after July 1, 2005, which shall contain the following information:

919 (a) The medical and social history of the birth
920 parents, including information regarding genetically inheritable
921 diseases or illnesses and any similar information furnished by the
922 birth parents about the adoptee's grandparents, aunts, uncles,
923 brothers and sisters if known;

924 (b) A report of any medical examination which either
925 birth parent had within one (1) year before the date of the
926 petition for adoption, if available and known;

927 (c) A report describing the adoptee's prenatal care and
928 medical condition at birth, if available and known;

929 (d) The medical and social history of the adoptee,
930 including information regarding genetically inheritable diseases
931 or illnesses, and any other relevant medical, social and genetic
932 information if available; and

933 (e) Forms 100A, 100B (if applicable) and evidence of
934 Interstate Compact for Placement of Children approval (if
935 applicable).



936 The Administrative Office of Courts shall assist the bureau
937 in the maintenance of its centralized adoption record by compiling
938 the number of finalized adoptions in each chancery court district
939 on a monthly basis, and submitting this information to the bureau.
940 The bureau shall include these statistics in its centralized
941 adoption record. The information in this report shall include the
942 number of adoptions in this state where the adopting parent is a
943 blood relative of the adoptee and the number of adoptions in this
944 state where the adopting parent is not a blood relative of the
945 adoptee. The report shall not include any individual identifying
946 information. This information shall be updated annually and made
947 available to the public upon request for a reasonable fee.

948 (2) Any birth parent may file with the bureau at any time
949 any relevant supplemental nonidentifying information about the
950 adoptee or the adoptee's birth parents, and the bureau shall
951 maintain this information in the centralized adoption records
952 file.

953 (3) The bureau shall also maintain as part of the
954 centralized adoption records file the following:

955 (a) The name, date of birth, social security number
956 (both original and revised, where applicable) and birth
957 certificate (both original and revised) of the adoptee;

958 (b) The names, current addresses and social security
959 numbers of the adoptee's birth parents, guardian and legal
960 custodian;



961 (c) Any other available information about the birth
962 parent's identity and location.

963 (4) Any birth parent may file with the bureau at any time an
964 affidavit authorizing the bureau to provide the adoptee with his
965 or her original birth certificate and with any other available
966 information about the birth parent's identity and location, or an
967 affidavit expressly prohibiting the bureau from providing the
968 adoptee with any information about such birth parent's identity
969 and location, and prohibiting any licensed adoption agency from
970 conducting a search for such birth parent under the terms of
971 Sections 93-17-201 through 93-17-223. An affidavit filed under
972 this section may be revoked at any time by written notification to
973 the bureau from the birth parent.

974 (5) Counsel for the adoptive parents in the adoption
975 finalization proceeding shall provide the bureau with the
976 information required in subsections (1) and (3) of this section,
977 and he shall also make such information a part of the adoption
978 records of the court in which the final decree of adoption is
979 rendered. This information shall be provided on forms prepared by
980 the bureau.

981 (6) (a) If an agency receives a report from a physician
982 stating that a birth parent or another child of the birth parent
983 has acquired or may have a genetically transferable disease or
984 illness, the agency shall notify the bureau and the appropriate
985 licensed adoption agency, and the latter agency shall notify the



986 adoptee of the existence of the disease or illness, if he or she
987 is * * * eighteen (18) years of age or over, or notify the
988 adoptee's guardian, custodian or adoptive parent if the adoptee is
989 under age * * * eighteen (18).

990 (b) If an agency receives a report from a physician
991 that an adoptee has acquired or may have a genetically
992 transferable disease or illness, the agency shall notify the
993 bureau and the appropriate licensed agency, and the latter agency
994 shall notify the adoptee's birth parent of the existence of the
995 disease or illness.

996 (7) Compliance with the provisions of this section may be
997 waived by the court, in its discretion, in any chancery court
998 proceeding in which one or more of the petitioners for adoption is
999 the natural mother or father of the adoptee.

1000 **SECTION 20.** Section 93-17-215, Mississippi Code of 1972, is
1001 amended as follows:

1002 93-17-215. Any person * * * under the age of eighteen (18)
1003 who has been adopted in this state may request the bureau through
1004 a licensed adoption agency providing post-adoption services to
1005 obtain and provide the identifying information regarding either or
1006 both of his or her birth parents maintained as provided in Section
1007 93-17-205, unless that birth parent has executed an affidavit
1008 prohibiting the release of such information.

1009 **SECTION 21.** Section 93-20-102, Mississippi Code of 1972, is
1010 amended as follows:



1011 93-20-102. In this chapter:

1012 (a) "Adult" means an individual at least * * * eighteen
1013 (18) years of age or an emancipated individual under * * *
1014 eighteen (18) years of age.

1015 (b) "Claim" includes a claim against an individual or
1016 conservatorship estate, whether arising in contract, tort, or
1017 otherwise.

1018 (c) "Conservator" means a person appointed by a court
1019 to make decisions with respect to the property or financial
1020 affairs of a ward. The term includes a co-conservator.

1021 (d) "Conservatorship estate" means the property subject
1022 to conservatorship under this chapter.

1023 (e) "Full conservatorship" means a conservatorship that
1024 grants the conservator all powers available under this chapter.

1025 (f) "Full guardianship" means a guardianship that
1026 grants the guardian all powers available under this chapter.

1027 (g) "Guardian" means a person appointed by the court to
1028 make decisions with respect to the personal affairs of the ward.
1029 The term includes a co-guardian but does not include a guardian ad
1030 litem.

1031 (h) "Guardian ad litem" means a qualified person
1032 appointed by the court to inform the court about the ward, to
1033 protect the best interests of the ward, and to make
1034 recommendations to the court in the best interests of the ward.



1035 (i) "Less restrictive alternative" means an approach to
1036 meeting an individual's needs which restricts fewer rights of the
1037 individual than would the appointment of a guardian or conservator
1038 in the discretion of the court.

1039 (j) "Letters of guardianship or conservatorship" means
1040 a record issued by a court certifying a guardian's or
1041 conservator's authority to act.

1042 (k) "Limited conservatorship" means a conservatorship
1043 that grants the conservator less than all powers available under
1044 this chapter, grants powers over only certain property, or
1045 otherwise restricts the powers of the conservator.

1046 (l) "Limited guardianship" means a guardianship that
1047 grants the guardian less than all powers available under this
1048 chapter or otherwise restricts the powers of the guardian.

1049 (m) "Minor" means an unemancipated individual
1050 under * * * eighteen (18) years of age.

1051 (n) "Notice" means any notice as provided by Rule 5 of
1052 the Mississippi Rules of Civil Procedure.

1053 (o) "Parent" does not include an individual whose
1054 parental rights have been terminated.

1055 (p) "Person" means an individual, estate, business or
1056 nonprofit entity, public corporation, government or governmental
1057 subdivision, agency, or instrumentality, or other legal entity.

1058 (q) "Property" includes tangible and intangible
1059 property.



1060 (r) "Record," used as a noun, means information that is
1061 inscribed on a tangible medium or that is stored in an electronic
1062 or other medium and is retrievable in perceivable form.

1063 (s) "Respondent" means an individual for whom
1064 appointment of a guardian or conservator is sought.

1065 (t) "Sign" means, with present intent to authenticate
1066 or adopt a record:

1067 (i) To execute or adopt a tangible symbol; or

1068 (ii) To attach to or logically associate with the
1069 record an electronic symbol, sound, or process.

1070 (u) "State" means a state of the United States, the
1071 District of Columbia, Puerto Rico, the United States Virgin
1072 Islands, or any territory or insular possession subject to the
1073 jurisdiction of the United States. The term includes a federally
1074 recognized Indian tribe.

1075 (v) "Summons" means any properly issued summons as
1076 provided by the Mississippi Rules of Civil Procedure.

1077 (w) "Ward" means an adult or minor for whom a guardian
1078 or conservator has been appointed under this chapter.

1079 **SECTION 22.** Section 97-33-23, Mississippi Code of 1972, is
1080 amended as follows:

1081 97-33-23. Any person of full age who shall bet any money or
1082 thing of value with a minor, knowing such minor to be under the
1083 age of * * * eighteen (18), or allowing any such minor to bet at
1084 any game or games, or at any gaming table exhibited by him, or in



1085 which he is interested or in any manner concerned, on conviction
1086 thereof, shall be punished by imprisonment in the Penitentiary not
1087 exceeding two (2) years.

1088 This section shall apply to minors under the age of * * *
1089 eighteen (18) as it might apply to the operation of any game or
1090 lottery authorized by Chapter 115, Title 27.

1091 **SECTION 23.** Section 99-3-45, Mississippi Code of 1972, is
1092 amended as follows:

1093 99-3-45. A person under the age of * * * eighteen (18) who
1094 is released under either Section 99-3-17 or 99-3-18 following
1095 arrest must be given notice:

1096 (a) That the person is allowed to call a parent,
1097 guardian or custodian in addition to any other opportunity to call
1098 that has been afforded to such person; and

1099 (b) That Intervention Court and other pretrial
1100 diversion programs may be available for many offenses.

1101 **SECTION 24.** Section 35-7-43, Mississippi Code of 1972, which
1102 provides for the removal of the disabilities of minority of
1103 certain veterans, is repealed.

1104 **SECTION 25.** Section 91-7-37, Mississippi Code of 1972, which
1105 provides for the removal of the disabilities of minority for
1106 certain executors, executrixes, administrators or
1107 administratrixes, is repealed.

1108 **SECTION 26.** Section 93-19-13, Mississippi Code of 1972, is
1109 brought forward as follows:



1110 93-19-13. (1) All persons eighteen (18) years of age or
1111 older, if not otherwise disqualified, or prohibited by law, shall
1112 have the capacity to enter into binding contractual relationships
1113 affecting personal property, mortgages and real property. In
1114 addition, all persons eighteen (18) years of age or older shall
1115 have the capacity to enter into binding contractual relationships
1116 for the purpose of investing in mutual funds, stocks, bonds and
1117 any other publicly traded equities. Nothing in this section shall
1118 be construed to affect any contracts entered into prior to July 1,
1119 1976.

1120 (2) Any person who, upon attaining eighteen (18) years of
1121 age, but not having reached the age of majority, if not otherwise
1122 disqualified or prohibited by law, shall have the capacity to
1123 enter into binding agreements to lease real property to be
1124 occupied by the person as the actual place of residence, and to
1125 secure the necessary utility services necessary to make such place
1126 of residence habitable, including, but not limited to,
1127 electricity, natural gas, propane, water, sewage, garbage disposal
1128 and Internet services.

1129 (3) In any legal action founded on a contract entered into
1130 by a person eighteen (18) years of age or older, the said person
1131 may sue in his own name as an adult and be sued in his own name as
1132 an adult and be served with process as an adult.

1133 **SECTION 27.** This act shall take effect and be in force from
1134 and after July 1, 2025.

