

By: Senator(s) DeBar

To: Judiciary, Division A

SENATE BILL NO. 2255

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



35 DEFINITION OF THE TERM "MINOR PARENT" IN THE TERMINATION OF
36 PARENTAL RIGHTS LAW; TO AMEND SECTION 93-17-5, MISSISSIPPI CODE OF
37 1972, TO CONFORM AS TO THE AGE OF PARENTS IN AN ADOPTION; TO AMEND
38 SECTION 93-17-205, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS
39 CONCERNING ADOPTION RECORDS TO CONFORM; TO AMEND SECTION
40 93-17-215, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO A PERSON'S
41 AUTHORITY TO REQUEST CERTAIN INFORMATION CONCERNING ADOPTION; TO
42 AMEND SECTION 93-20-102, MISSISSIPPI CODE OF 1972, TO REVISE THE
43 AGE OF MAJORITY UNDER GUARDIANSHIP AND CONSERVATORSHIP LAW TO
44 CONFORM; TO AMEND SECTION 97-33-23, MISSISSIPPI CODE OF 1972, TO
45 CONFORM THE PENALTY FOR GAMBLING WITH A KNOWN MINOR; TO AMEND
46 SECTION 99-3-45, MISSISSIPPI CODE OF 1972, TO CONFORM AS TO WHICH
47 PERSONS MUST BE GIVEN CERTAIN NOTICE UPON RELEASE FROM ARREST; TO
48 REPEAL SECTION 35-7-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
49 FOR THE REMOVAL OF THE DISABILITIES OF MINORITY OF CERTAIN
50 VETERANS; TO REPEAL SECTION 91-7-37, MISSISSIPPI CODE OF 1972,
51 WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF MINORITY FOR
52 CERTAIN EXECUTORS, EXECUTRIXES, ADMINISTRATORS OR
53 ADMINISTRATRIXES; TO REPEAL SECTION 93-3-11, MISSISSIPPI CODE OF
54 1972, WHICH PROVIDES FOR THE REMOVAL OF THE DISABILITIES OF
55 MINORITY OF CERTAIN MARRIED PERSONS WITH RESPECT TO HOMESTEAD
56 TRANSACTIONS; TO REPEAL SECTION 93-19-13, MISSISSIPPI CODE OF
57 1972, WHICH PROVIDES THAT ALL PERSONS 18 YEARS OF AGE OR OLDER, IF
58 NOT OTHERWISE DISQUALIFIED, SHALL HAVE THE CAPACITY TO ENTER INTO
59 BINDING CONTRACTUAL RELATIONSHIPS AFFECTING PERSONAL PROPERTY AND
60 THAT AN 18-YEAR-OLD MAY SUE AND BE SUED IN HIS OWN NAME AS AN
61 ADULT AND BE SERVED WITH PROCESS AS AN ADULT; AND FOR RELATED
62 PURPOSES.

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

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

66 1-3-21. The term "infant," when used in any statute, shall
67 include any person, male or female, under * * * eighteen (18)
68 years of age, except where another section specifically provides
69 otherwise.

70 **SECTION 2.** Section 1-3-27, Mississippi Code of 1972, is
71 amended as follows:

72 1-3-27. The term "minor," when used in statute, except as
73 otherwise provided by law, shall include any person, male or



74 female, under * * * eighteen (18) years of age, except where
75 another section provides otherwise. * * *

76 **SECTION 3.** Section 11-46-11, Mississippi Code of 1972, is
77 amended as follows:

78 11-46-11. (1) After all procedures within a governmental
79 entity have been exhausted, any person having a claim under this
80 chapter shall proceed as he might in any action at law or in
81 equity, except that at least ninety (90) days before instituting
82 suit, the person must file a notice of claim with the chief
83 executive officer of the governmental entity.

84 (2) (a) Service of notice of claim shall be made as
85 follows:

86 (i) For local governments:

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

89 2. If the governmental entity is a
90 municipality, then upon the city clerk.

91 (ii) If the governmental entity to be sued is a
92 state entity as defined in Section 11-46-1(j), or is a political
93 subdivision other than a county or municipality, service of notice
94 of claim shall be had only upon that entity's or political
95 subdivision's chief executive officer. The chief executive
96 officer of a governmental entity participating in a plan
97 administered by the board pursuant to Section 11-46-7(3) shall



98 notify the board of any claims filed within five (5) days after
99 receipt thereof.

100 (b) Every notice of claim shall:

101 (i) Be in writing;

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

104 (iii) Contain a short and plain statement of the
105 facts upon which the claim is based, including the circumstances
106 which brought about the injury, the extent of the injury, the time
107 and place the injury occurred, the names of all persons known to
108 be involved, the amount of money damages sought, and the residence
109 of the person making the claim at the time of the injury and at
110 the time of filing the notice.

111 (3) (a) All actions brought under this chapter shall be
112 commenced within one (1) year next after the date of the tortious,
113 wrongful or otherwise actionable conduct on which the liability
114 phase of the action is based, and not after, except that filing a
115 notice of claim within the required one-year period will toll the
116 statute of limitations for ninety-five (95) days from the date the
117 chief executive officer of the state entity or the chief executive
118 officer or other statutorily designated official of a political
119 subdivision receives the notice of claim.

120 (b) No action whatsoever may be maintained by the
121 claimant until the claimant receives a notice of denial of claim
122 or the tolling period expires, whichever comes first, after which



123 the claimant has an additional ninety (90) days to file suit;
124 failure to file within the time allowed is an absolute bar to any
125 further proceedings under this chapter.

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

129 (d) (i) To determine the running of limitations
130 periods under this chapter, service of any notice of claim or
131 notice of denial of claim is effective upon delivery by the
132 methods statutorily designated in this chapter.

133 (ii) The limitations period provided in this
134 section controls and shall be exclusive in all actions subject to
135 and brought under the provisions of this chapter, notwithstanding
136 the nature of the claim, the label or other characterization the
137 claimant may use to describe it, or the provisions of any other
138 statute of limitations that would otherwise govern the type of
139 claim or legal theory if it were not subject to or brought under
140 the provisions of this chapter.

141 (4) * * * If any person entitled to bring any action under
142 this chapter shall, at the time at which the cause of action
143 accrued, be under the disability of infancy or unsoundness of
144 mind, he may bring the action within the time allowed in this
145 section after his disability shall be removed as provided by law.
146 The savings in favor of persons under disability of unsoundness of
147 mind shall never extend longer than * * * eighteen (18) years.



148 **SECTION 4.** Section 13-5-1, Mississippi Code of 1972, is
149 amended as follows:

150 13-5-1. Every citizen not under the age of * * * eighteen
151 (18) years, who is either a qualified elector, or a resident
152 freeholder of the county for more than one (1) year, is able to
153 read and write, and has not been convicted of an infamous crime,
154 or the unlawful sale of intoxicating liquors within a period of
155 five (5) years and who is not a common gambler or habitual
156 drunkard, is a competent juror. No person who is or has been
157 within twelve (12) months the overseer of a public road or road
158 contractor shall, however, be competent to serve as a grand juror.
159 The lack of any such qualifications on the part of one or more
160 jurors shall not, however, vitiate an indictment or verdict.
161 Moreover, no talesman or tales juror shall be qualified who has
162 served as such talesman or tales juror in the last preceding two
163 (2) years, and no juror shall serve on any jury who has served as
164 such for the last preceding two (2) years. No juror shall serve
165 who has a case of his own pending in that court, provided there
166 are sufficient qualified jurors in the district, and for trial at
167 that term.

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



- 172 "1. Your name _____ last _____ first _____ middle
173 initial_.
- 174 2. Your home address _____.
- 175 3. Your occupation _____.
- 176 4. Your age _____.
- 177 5. Your telephone number _____. If none, write none.
- 178 6. If you live outside the county seat, the number of miles
179 you live from the courthouse _____ miles_.

180

181

Sign your name"

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

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

189 **SECTION 5.** Section 13-5-12, Mississippi Code of 1972, is
190 amended as follows:

191 13-5-12. Unless all the names on the master list are to be
192 placed in the jury wheel pursuant to Section 13-5-10, the names or
193 identifying numbers of prospective jurors to be placed in the jury
194 wheel shall be selected by the jury commission at random from the
195 master list in the following manner: The total number of names on
196 the master list shall be divided by the number of names to be



197 placed in the jury wheel; the whole number nearest the quotient
198 shall be the "key number," except that the key number shall never
199 be less than two (2). A "starting number" for making the
200 selection shall then be determined by a random method from the
201 number from one (1) to the key number, both inclusive. The
202 required number of names shall then be selected from the master
203 list by taking in order the first name on the master list
204 corresponding to the starting number and then successively the
205 names appearing in the master list at intervals equal to the key
206 number, recommencing if necessary at the start of the list until
207 the required number of names has been selected. The name of any
208 person who is under the age of * * * eighteen (18) years and the
209 name of any person who has been permanently excused from jury
210 service pursuant to Section 13-5-23(4) shall be passed over
211 without interrupting the sequence of selection. Any person who
212 has been excluded from the master list for jury service may be
213 reinstated to the master list after one (1) year by requesting
214 that the circuit clerk reinstate him to the master list. Upon
215 recommencing at the start of the list, names previously selected
216 from the master list shall be disregarded in selecting the
217 additional names. The jury commission may use an electronic or
218 mechanical system or device in carrying out its duties.

219 **SECTION 6.** Section 15-1-27, Mississippi Code of 1972, is
220 amended as follows:



221 15-1-27. All actions against a guardian and the sureties on
222 his bond, or either of them, by the ward, shall be commenced
223 within five (5) years next after the ward shall have arrived at
224 the age of * * * eighteen (18) years, and not after.

225 **SECTION 7.** Section 15-1-59, Mississippi Code of 1972, is
226 amended as follows:

227 15-1-59. If any person entitled to bring any of the personal
228 actions mentioned shall, at the time at which the cause of action
229 accrued, be under the disability of infancy or unsoundness of
230 mind, he may bring the actions within the times in this chapter
231 respectively limited, after his disability shall be removed as
232 provided by law. However, the saving in favor of persons under
233 disability of unsoundness of mind shall never extend longer
234 than * * * eighteen (18) years.

235 **SECTION 8.** Section 21-15-13, Mississippi Code of 1972, is
236 amended as follows:

237 21-15-13. The mayor is authorized to call on every male
238 inhabitant of the municipality over * * * eighteen (18) years of
239 age and under sixty (60) years to aid in enforcing the laws.

240 **SECTION 9.** Section 25-4-3, Mississippi Code of 1972, is
241 amended as follows:

242 25-4-3. As used in this chapter, unless the context requires
243 otherwise:

244 (a) "Advisory boards or commissions" means committees
245 created solely to provide technical or professional knowledge or



246 expertise to a parent organization, and whose members exercise no
247 direct authority to expend public funds other than reimbursement
248 for personal expenses incurred as a result of a member's service
249 on the advisory board;

250 (b) "Business" means any corporation, partnership, sole
251 proprietorship, firm, enterprise, franchise, association,
252 organization, holding company, self-employed individual,
253 joint-stock company, receivership, trust or other legal entity or
254 undertaking organized for economic gain or a nonprofit corporation
255 or other such entity, association or organization receiving public
256 funds;

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

264 (d) "Commission" means the Mississippi Ethics
265 Commission;

266 (e) "Compensation" means money or thing of value
267 received, or to be received, from any person for services rendered
268 or to be rendered;

269 (f) "Household member" means:

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



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

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

278 (h) "Person" means any individual, firm, business,
279 corporation, association, partnership, union or other legal
280 entity;

281 (i) "Public employee" means any individual who receives
282 a salary, per diem or expenses paid in whole or in part out of
283 funds authorized to be expended by the Mississippi State
284 Legislature or by the governing body of any political subdivision
285 thereof, or any other body politic within the State of
286 Mississippi;

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

289 (k) "Public official" means:

290 (i) Any elected official of the State of
291 Mississippi or any political subdivision thereof or any other body
292 politic within the State of Mississippi; or

293 (ii) Any member, officer, director, commissioner,
294 supervisor, chief, head, agent or employee of the State of
295 Mississippi, or any agency thereof, of any political subdivision



296 of the State of Mississippi, of any body politic within the State
297 of Mississippi, or of any public entity created by or under the
298 laws of the State of Mississippi or by executive order of the
299 Governor of the state, any of which is funded by public funds or
300 which expends, authorizes or recommends the use of public funds;

301 (1) "Public servant" means:

302 (i) Any elected or appointed official of the
303 government;

304 (ii) Any officer, director, commissioner,
305 supervisor, chief, head, agent or employee of the government or
306 any agency thereof, or of any public entity created by or under
307 the laws of the State of Mississippi or created by an agency or
308 governmental entity thereof, any of which is funded by public
309 funds or which expends, authorizes or recommends the use of public
310 funds; or

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

314 **SECTION 10.** Section 41-29-145, Mississippi Code of 1972, is
315 amended as follows:

316 41-29-145. Any person * * * eighteen (18) years of age or
317 over who violates subsections (a) and (b) of Section 41-29-139
318 with reference to a controlled substance listed in Schedules I,
319 II, III, IV and V as set out in Sections 41-29-113 through
320 41-29-121, inclusive, to a person under * * * eighteen (18) years



321 of age may be punished by the fine authorized by Section
322 41-29-139, or by a term of imprisonment or confinement up to twice
323 that authorized by said Section 41-29-139, or both, or he may be
324 punished as provided in Section 41-29-142.

325 **SECTION 11.** Section 43-19-33, Mississippi Code of 1972, is
326 amended as follows:

327 43-19-33. (1) In lieu of legal proceedings instituted to
328 obtain support for a dependent child from the responsible parent,
329 a written stipulated agreement to support said child by periodic
330 payments executed by the responsible parent when acknowledged
331 before a clerk of the court having jurisdiction over such matters
332 or a notary public and filed with and approved by the judge of the
333 court having jurisdiction over such matters shall have the same
334 force and effect, retroactively and prospectively, in accordance
335 with the terms of said agreement as an order of support entered by
336 the court, and shall be enforceable and subject to modification in
337 the same manner as is provided by law for orders of the court in
338 such cases.

339 (2) In lieu of legal proceedings instituted to establish
340 paternity, a written admission of paternity containing a
341 stipulated agreement of support executed by the putative father of
342 the dependent child, when accompanied by a written declaration in
343 support of establishing paternity provided under penalty of
344 perjury to the best of her knowledge, information and belief by
345 the mother of the dependent child, when acknowledged by the



346 putative father before a clerk of the court having jurisdiction
347 over such matters or a notary public and filed with and approved
348 by the judge of the court having jurisdiction over such matters,
349 shall have the same force and effect, retroactively and
350 prospectively, in accordance with the terms of said agreement, as
351 an order of filiation and support entered by the court, and shall
352 be enforceable and subject to modification in the same manner as
353 is provided by law for orders of the court in such cases.

354 (3) At any time after filing with the court having
355 continuing jurisdiction of such matters of an acknowledgment of
356 paternity in which a provision of support has not been entered,
357 upon notice the defendant shall be required to appear in court at
358 any time and place named therein, to show cause, if any he can,
359 why the court should not enter an order for the support of the
360 child by periodic payments. The order may include provisions for
361 reimbursement for medical expenses incident to the pregnancy and
362 the birth of the child, accrued maintenance and reasonable
363 expenses of the action under this subsection on the acknowledgment
364 of paternity previously filed with said court. Notice by the
365 department to the defendant shall be given by certified mail,
366 restricted delivery, return receipt requested at his last known
367 mailing address and without the requirement of a summons being
368 issued, and shall be deemed complete as of the date of delivery as
369 evidenced by the return receipt. The required notice may also be
370 delivered by personal service in accordance with Rule 4 of the



371 Mississippi Rules of Civil Procedure insofar as service of an
372 administrative order or notice is concerned. Provided, that in
373 the case of a child who, upon reaching the age of * * * eighteen
374 (18) years, is mentally or physically incapable of self-support
375 and is no longer attending high school, the putative father shall
376 not be relieved of the duty of support unless said child is a
377 long-term patient in a facility owned or operated by the State of
378 Mississippi. The prior judgment as to paternity shall be res
379 judicata as to that issue and shall not be reconsidered by the
380 court.

381 (4) Such agreements of support, acknowledgments,
382 declarations and affirmations of paternity and support shall be
383 binding on the person executing the same whether he be an adult or
384 a minor and may include provisions for the reimbursement of
385 medical expenses incident to the pregnancy and birth of the child,
386 accrued maintenance and reasonable expenses of any action
387 previously filed before the court.

388 (5) In lieu of legal proceedings instituted to enforce an
389 order for support, a written stipulated agreement for the
390 provision of periodic payments towards an arrearage executed by
391 the defendant when acknowledged before a clerk of the court having
392 jurisdiction over such matters or a notary public and filed with
393 and approved by the judge of the court having jurisdiction over
394 such matters shall have the same force and effect, retroactively
395 and prospectively, in accordance with the terms of said agreement



396 as a judgment for overdue support entered by the court, and shall
397 be enforceable and subject to modification in the same manner as
398 is provided by law for orders of the court in such cases.

399 (6) All agreements entered into under the provisions as set
400 forth hereinabove shall be filed by the clerk of the court having
401 jurisdiction over such matters in the county in which they are
402 entered and filing fees shall be taxed to the responsible parent.

403 **SECTION 12.** Section 91-5-3, Mississippi Code of 1972, is
404 amended as follows:

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



421 to the bequests made in the last will and testament in case of the
422 death of such child before marriage, or without issue capable of
423 inheriting, and under the age of * * * eighteen (18) years. When
424 a testator shall leave children born and his wife enceinte, the
425 posthumous child or children, if unprovided for by settlement and
426 neither provided for nor disinherited, but only pretermitted, by
427 the last will and testament, shall succeed to the same portion of
428 the father's estate as such child or children would have been
429 entitled to if the father had died intestate, towards raising
430 which portion the devisees and legatees shall contribute
431 proportionably out of the parts devised and bequeathed to them by
432 the same will and testament.

433 **SECTION 13.** Section 91-7-293, Mississippi Code of 1972, is
434 amended as follows:

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



446 **SECTION 14.** Section 93-1-5, Mississippi Code of 1972, is
447 amended as follows:

448 93-1-5. (1) Every male who is at least seventeen (17) years
449 old and every female who is at least fifteen (15) years old shall
450 be capable in law of contracting marriage. However, males and
451 females under the age of * * * eighteen (18) years must furnish
452 the circuit clerk satisfactory evidence of consent to the marriage
453 by the parents or guardians of the parties. It shall be unlawful
454 for the circuit court clerk to issue a marriage license until the
455 following conditions precedent have been complied with:

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

460 (i) The names, ages and addresses of the parties
461 applying;

462 (ii) The names and addresses of the parents of the
463 applicants, and, for applicants under the age of * * * eighteen
464 (18), if no parents, then names and addresses of the guardian or
465 next of kin;

466 (iii) The signatures of witnesses; and

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

469 (b) Proof of age shall be presented to the circuit
470 court clerk in the form of either a birth certificate, baptismal



471 record, armed service discharge, armed service identification
472 card, life insurance policy, insurance certificate, school record,
473 driver's license, tribal identification card or other official
474 document evidencing age. The document substantiating age and date
475 of birth shall be examined by the circuit court clerk before whom
476 application is made, and the circuit court clerk shall retain in
477 his file with the application the document or a certified or
478 photostatic copy of the document.

479 (c) Applicants under the age of * * * eighteen (18)
480 must submit affidavits showing the age of both applying parties
481 made by either the father, mother, guardian or next of kin of each
482 of the contracting parties and filed with the clerk of the circuit
483 court along with the application.

484 (d) If the male applicant is under seventeen (17) years
485 of age or the female is under fifteen (15) years of age, and
486 satisfactory proof is furnished to the judge of any circuit,
487 chancery or county court that sufficient reasons exist and that
488 the parties desire to be married to each other and that the
489 parents or other person in loco parentis of the person or persons
490 so under age consent to the marriage, then the judge of any such
491 court in the county where either of the parties resides may waive
492 the minimum age requirement and by written instrument authorize
493 the clerk of the court to issue the marriage license to the
494 parties if they are otherwise qualified by law. Authorization
495 shall be a part of the confidential files of the clerk of the



496 court, subject to inspection only by written permission of the
497 judge.

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

501 (i) Intoxicated; or

502 (ii) Suffering from a mental illness or an
503 intellectual disability to the extent that the clerk believes that
504 the person does not understand the nature and consequences of the
505 application for a marriage license.

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

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

513 **SECTION 15.** Section 93-9-9, Mississippi Code of 1972, is
514 amended as follows:

515 93-9-9. (1) Paternity may be determined upon the petition
516 of the mother, or father, the child or any public authority
517 chargeable by law with the support of the child; provided that
518 such an adjudication after the death of the defendant must be made
519 only upon clear and convincing evidence. If paternity has been
520 lawfully determined, or has been acknowledged in writing according



521 to the laws of this state, the liabilities of the noncustodial
522 parent may be enforced in the same or other proceedings by the
523 custodial parent, the child, or any public authority which has
524 furnished or may furnish the reasonable expenses of pregnancy,
525 confinement, education, necessary support and maintenance, and
526 medical or funeral expenses for the custodial parent or the child.
527 The trier of fact shall receive without the need for third-party
528 foundation testimony certified, attested or sworn documentation as
529 evidence of (a) childbirth records; (b) cost of filing fees; (c)
530 court costs; (d) services of process fees; (e) mailing cost; (f)
531 genetic tests and testing fees; (g) the department's attorney's
532 fees; (h) in cases where the state or any of its entities or
533 divisions have provided medical services to the child or the
534 child's mother, all costs of prenatal care, birthing, postnatal
535 care and any other medical expenses incurred by the child or by
536 the mother as a consequence of the mother's pregnancy or delivery;
537 and (i) funeral expenses. All costs and fees shall be ordered
538 paid to the Department of Human Services in all cases successfully
539 prosecuted with a minimum of Two Hundred Fifty Dollars (\$250.00)
540 in attorney's fees or an amount determined by the court without
541 submitting an affidavit. Proceedings may be instituted at any
542 time until such child attains the age of * * * eighteen (18) years
543 unless the child has been emancipated as provided in Section
544 93-5-23 and Section 93-11-65. In the event of court-determined



545 paternity, the surname of the child shall be that of the father,
546 unless the judgment specifies otherwise.

547 (2) If the alleged father in an action to determine
548 paternity to which the Department of Human Services is a party
549 fails to appear for a scheduled hearing after having been served
550 with process or subsequent notice consistent with the Rules of
551 Civil Procedure, his paternity of the child(ren) shall be
552 established by the court if a written declaration in support of
553 establishing paternity made under penalty of perjury to the best
554 of her knowledge, information and belief by the mother averring
555 the alleged father's paternity of the child has accompanied the
556 complaint to determine paternity. The written declaration shall
557 constitute sufficient grounds for the court's finding of the
558 alleged father's paternity without the necessity of the presence
559 or testimony of the mother at the said hearing. The court shall,
560 upon motion by the Department of Human Services, enter a judgment
561 of paternity. Any person who shall willfully and knowingly file a
562 false affidavit or who shall willfully, intentionally and
563 knowingly file a false written declaration under penalty of
564 perjury shall be subject to a fine of not more than One Thousand
565 Dollars (\$1,000.00).

566 (3) Upon application of both parents to the State Board of
567 Health and receipt by the State Board of Health of a sworn
568 acknowledgement of paternity executed by both parents subsequent
569 to the birth of a child born out of wedlock, the birth certificate



570 of the child shall be amended to show such paternity if paternity
571 is not shown on the birth certificate. Upon request of the
572 parents for the legitimization of a child under this section, the
573 surname of the child shall be changed on the certificate to that
574 of the father.

575 (4) (a) A signed voluntary acknowledgment of paternity is
576 subject to the right of any signatory to rescind the
577 acknowledgment within the earlier of:

578 (i) One (1) year; or

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

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

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



594 (d) The one-year time limit, specified in subsection
595 (4) (a) (i) of this section, for the right of the alleged father to
596 rescind the signed voluntary acknowledgement of paternity shall be
597 tolled from the date the alleged father files his formal
598 application for genetic testing with the Department of Human
599 Services until the date the test results are revealed to the
600 alleged father by the department. After the one-year time period
601 has expired, not including any period of time tolled for the
602 purpose of acquiring genetic testing through the department, the
603 provisions of subsection (4) (b) of this section shall apply.

604 **SECTION 16.** Section 93-11-65, Mississippi Code of 1972, is
605 amended as follows:

606 93-11-65. (1) (a) In addition to the right to proceed
607 under Section 93-5-23, Mississippi Code of 1972, and in addition
608 to the remedy of habeas corpus in proper cases, and other existing
609 remedies, the chancery court of the proper county shall have
610 jurisdiction to entertain suits for the custody, care, support and
611 maintenance of minor children and to hear and determine all such
612 matters, and shall, if need be, require bond, sureties or other
613 guarantee to secure any order for periodic payments for the
614 maintenance or support of a child. In the event a legally
615 responsible parent has health insurance available to him or her
616 through an employer or organization that may extend benefits to
617 the dependents of such parent, any order of support issued against
618 such parent may require him or her to exercise the option of



619 additional coverage in favor of such children as he or she is
620 legally responsible to support. Proceedings may be brought by or
621 against a resident or nonresident of the State of Mississippi,
622 whether or not having the actual custody of minor children, for
623 the purpose of judicially determining the legal custody of a
624 child. All actions herein authorized may be brought in the county
625 where the child is actually residing, or in the county of the
626 residence of the party who has actual custody, or of the residence
627 of the defendant. Process shall be had upon the parties as
628 provided by law for process in person or by publication, if they
629 be nonresidents of the state or residents of another jurisdiction
630 or are not found therein after diligent search and inquiry or are
631 unknown after diligent search and inquiry; provided that the court
632 or chancellor in vacation may fix a date in termtime or in
633 vacation to which process may be returnable and shall have power
634 to proceed in termtime or vacation. Provided, however, that if
635 the court shall find that both parties are fit and proper persons
636 to have custody of the children, and that either party is able to
637 adequately provide for the care and maintenance of the children,
638 the chancellor may consider the preference of a child of twelve
639 (12) years of age or older as to the parent with whom the child
640 would prefer to live in determining what would be in the best
641 interest and welfare of the child. The chancellor shall place on
642 the record the reason or reasons for which the award of custody



643 was made and explain in detail why the wishes of any child were or
644 were not honored.

645 (b) An order of child support shall specify the sum to
646 be paid weekly or otherwise. In addition to providing for support
647 and education, the order shall also provide for the support of the
648 child prior to the making of the order for child support, and such
649 other expenses as the court may deem proper.

650 (c) The court may require the payment to be made to the
651 custodial parent, or to some person or corporation to be
652 designated by the court as trustee, but if the child or custodial
653 parent is receiving public assistance, the Department of Human
654 Services shall be made the trustee.

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

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

663 (3) Whenever the court has ordered a party to make periodic
664 payments for the maintenance or support of a child, but no bond,
665 sureties or other guarantee has been required to secure such
666 payments, and whenever such payments as have become due remain
667 unpaid for a period of at least thirty (30) days, the court may,



668 upon petition of the person to whom such payments are owing, or
669 such person's legal representative, enter an order requiring that
670 bond, sureties or other security be given by the person obligated
671 to make such payments, the amount and sufficiency of which shall
672 be approved by the court. The obligor shall, as in other civil
673 actions, be served with process and shall be entitled to a hearing
674 in such case.

675 (4) When a charge of abuse or neglect of a child first
676 arises in the course of a custody or maintenance action pending in
677 the chancery court pursuant to this section, the chancery court
678 may proceed with the investigation, hearing and determination of
679 such abuse or neglect charge as a part of its hearing and
680 determination of the custody or maintenance issue as between the
681 parents, as provided in Section 43-21-151, notwithstanding the
682 other provisions of the Youth Court Law. The proceedings in
683 chancery court on the abuse or neglect charge shall be
684 confidential in the same manner as provided in youth court
685 proceedings, and the chancery court shall appoint a guardian ad
686 litem in such cases, as provided under Section 43-21-121 for youth
687 court proceedings, who shall be an attorney. In determining
688 whether any portion of a guardian ad litem's fee shall be assessed
689 against any party or parties as a cost of court for reimbursement
690 to the county, the court shall consider each party's individual
691 ability to pay. Unless the chancery court's jurisdiction has been
692 terminated, all disposition orders in such cases for placement



693 with the Department of Human Services shall be reviewed by the
694 court or designated authority at least annually to determine if
695 continued placement with the department is in the best interest of
696 the child or the public.

697 (5) Each party to a paternity or child support proceeding
698 shall notify the other within five (5) days after any change of
699 address. In addition, the noncustodial and custodial parent shall
700 file and update, with the court and with the state case registry,
701 information on that party's location and identity, including
702 social security number, residential and mailing addresses,
703 telephone numbers, photograph, driver's license number, and name,
704 address and telephone number of the party's employer. This
705 information shall be required upon entry of an order or within
706 five (5) days of a change of address.

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

710 (7) In any subsequent child support enforcement action
711 between the parties, upon sufficient showing that diligent effort
712 has been made to ascertain the location of a party, due process
713 requirements for notice and service of process shall be deemed to
714 be met with respect to the party upon delivery of written notice
715 to the most recent residential or employer address filed with the
716 state case registry.



717 (8) (a) The duty of support of a child terminates upon the
718 emancipation of the child. Unless otherwise provided for in the
719 underlying child support judgment, emancipation shall occur when
720 the child:

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

723 (ii) Marries, or

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

726 (iv) Is convicted of a felony and is sentenced to
727 incarceration of two (2) or more years for committing such
728 felony; * * *

729 (b) Unless otherwise provided for in the underlying
730 child support judgment, the court may determine that emancipation
731 has occurred and no other support obligation exists when the
732 child:

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

736 (ii) Voluntarily moves from the home of the
737 custodial parent or guardian, establishes independent living
738 arrangements, obtains full-time employment and discontinues
739 educational endeavors prior to attaining the age of * * * eighteen
740 (18) years, or



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

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

746 (9) A determination of emancipation does not terminate any
747 obligation of the noncustodial parent to satisfy arrearage
748 existing as of the date of emancipation; the total amount of
749 periodic support due prior to the emancipation plus any periodic
750 amounts ordered paid toward the arrearage shall continue to be
751 owed until satisfaction of the arrearage in full, in addition to
752 the right of the person for whom the obligation is owed to execute
753 for collection as may be provided by law.

754 (10) Upon motion of a party requesting temporary child
755 support pending a determination of parentage, temporary support
756 shall be ordered if there is clear and convincing evidence of
757 paternity on the basis of genetic tests or other evidence, unless
758 the court makes written findings of fact on the record that the
759 award of temporary support would be unjust or inappropriate in a
760 particular case.

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

763 **SECTION 17.** Section 93-14-102, Mississippi Code of 1972, is
764 amended as follows:

765 93-14-102. In this chapter:



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

769 (2) "Conservator" means a person appointed by the court
770 to administer the property of an adult, including a person
771 appointed under Article 4 of Title 93, Chapter 20, Mississippi
772 Code of 1972.

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

776 (4) "Guardianship order" means an order appointing a
777 guardian.

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

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

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

786 (8) "Person," except in the term incapacitated person
787 or protected person, means an individual, corporation, business
788 trust, estate, trust, partnership, limited liability company,
789 association, joint venture, public corporation, government or



790 governmental subdivision, agency, or instrumentality, or any other
791 legal or commercial entity.

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

794 (10) "Protective order" means an order appointing a
795 conservator or other order related to management of an adult's
796 property.

797 (11) "Protective proceeding" means a judicial
798 proceeding in which a protective order is sought or has been
799 issued.

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

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

805 (14) "State" means a state of the United States, the
806 District of Columbia, Puerto Rico, the United States Virgin
807 Islands, a federally recognized Indian tribe, or any territory or
808 insular possession subject to the jurisdiction of the United
809 States.

810 **SECTION 18.** Section 93-15-103, Mississippi Code of 1972, is
811 amended as follows:

812 93-15-103. For purposes of this chapter, unless a different
813 meaning is plainly expressed by the context, the following
814 definitions apply:



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

820 (i) For a child who is under three (3) years of
821 age on the date that the petition for termination of parental
822 rights was filed, that the parent has deliberately made no contact
823 with the child for six (6) months;

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

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

832 (iv) If the parent gives possession of the child
833 to an emergency medical services provider pursuant to Sections
834 43-15-201 et seq.

835 (b) "Child" means a person under eighteen (18) years of
836 age.

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

839 (d) "Desertion" means:



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

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

846 (e) "Home" means any charitable or religious
847 corporation or organization or the superintendent or head of the
848 charitable or religious corporation or organization organized
849 under the laws of the State of Mississippi, any public authority
850 to which has been granted the power to provide care for or procure
851 the adoption of children by any Mississippi statute, and any
852 association or institution engaged in placing children for
853 adoption on July 1, 1955.

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

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

861 (h) "Parent" means a natural or adoptive parent of the
862 child.

863 (i) "Permanency outcome" means achieving a permanent or
864 long-term custodial arrangement for the custody and care of the



865 child that ends the supervision of the Department of Child
866 Protection Services.

867 (j) "Qualified health professional" means a licensed or
868 certified professional who is engaged in the delivery of health
869 services and who meets all applicable federal or state
870 requirements to provide professional services.

871 (k) "Qualified mental health professional" means a
872 person with at least a master's degree in mental health or a
873 related field and who has either a professional license or a
874 Department of Mental Health credential as a mental health
875 therapist.

876 (l) "Reunification" means the restoration of the
877 parent's custodial rights in providing for the safety and welfare
878 of the child which ends the supervision of the Department of Child
879 Protection Services.

880 **SECTION 19.** Section 93-17-5, Mississippi Code of 1972, is
881 amended as follows:

882 93-17-5. (1) There shall be made parties to the proceeding
883 by process or by the filing therein of a consent to the adoption
884 proposed in the petition, which consent shall be duly sworn to or
885 acknowledged and executed only by the following persons, but not
886 before seventy-two (72) hours after the birth of the child:

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



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

893 (c) The guardian ad litem of an abandoned child, upon
894 petition showing that the names of the parents of the child are
895 unknown after diligent search and inquiry by the petitioners. In
896 addition to the above, there shall be made parties to any
897 proceeding to adopt a child, either by process or by the filing of
898 a consent to the adoption proposed in the petition, the following:

899 (i) Those persons having physical custody of the
900 child, except persons who are acting as foster parents as a result
901 of placement with them by the Department of Child Protection
902 Services of the State of Mississippi.

903 (ii) Any person to whom custody of the child may
904 have been awarded by a court of competent jurisdiction of the
905 State of Mississippi.

906 (iii) The agent of the Department of Child
907 Protection Services of the State of Mississippi that has placed a
908 child in foster care, either by agreement or by court order.

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



913 (3) If consent is not filed, process shall be had upon the
914 parties as provided by law for process in person or by
915 publication, if they are nonresidents of the state or are not
916 found therein after diligent search and inquiry, the court or
917 chancellor in vacation may fix a date in termtime or in vacation
918 to which process may be returnable and shall have power to proceed
919 in termtime or vacation. In any event, if the child is more than
920 fourteen (14) years of age, a consent to the adoption, sworn to or
921 acknowledged by the child, shall also be required or personal
922 service of process shall be had upon the child in the same manner
923 and in the same effect as if the child were an adult.

924 **SECTION 20.** Section 93-17-205, Mississippi Code of 1972, is
925 amended as follows:

926 93-17-205. (1) The bureau shall maintain a centralized
927 adoption records file for all adoptions performed in this state
928 after July 1, 2005, which shall contain the following information:

929 (a) The medical and social history of the birth
930 parents, including information regarding genetically inheritable
931 diseases or illnesses and any similar information furnished by the
932 birth parents about the adoptee's grandparents, aunts, uncles,
933 brothers and sisters if known;

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



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

939 (d) The medical and social history of the adoptee,
940 including information regarding genetically inheritable diseases
941 or illnesses, and any other relevant medical, social and genetic
942 information if available; and

943 (e) Forms 100A, 100B (if applicable) and evidence of
944 Interstate Compact for Placement of Children approval (if
945 applicable).

946 The Administrative Office of Courts shall assist the bureau
947 in the maintenance of its centralized adoption record by compiling
948 the number of finalized adoptions in each chancery court district
949 on a monthly basis, and submitting this information to the bureau.
950 The bureau shall include these statistics in its centralized
951 adoption record. The information in this report shall include the
952 number of adoptions in this state where the adopting parent is a
953 blood relative of the adoptee and the number of adoptions in this
954 state where the adopting parent is not a blood relative of the
955 adoptee. The report shall not include any individual identifying
956 information. This information shall be updated annually and made
957 available to the public upon request for a reasonable fee.

958 (2) Any birth parent may file with the bureau at any time
959 any relevant supplemental nonidentifying information about the
960 adoptee or the adoptee's birth parents, and the bureau shall



961 maintain this information in the centralized adoption records
962 file.

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

965 (a) The name, date of birth, social security number
966 (both original and revised, where applicable) and birth
967 certificate (both original and revised) of the adoptee;

968 (b) The names, current addresses and social security
969 numbers of the adoptee's birth parents, guardian and legal
970 custodian;

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

973 (4) Any birth parent may file with the bureau at any time an
974 affidavit authorizing the bureau to provide the adoptee with his
975 or her original birth certificate and with any other available
976 information about the birth parent's identity and location, or an
977 affidavit expressly prohibiting the bureau from providing the
978 adoptee with any information about such birth parent's identity
979 and location, and prohibiting any licensed adoption agency from
980 conducting a search for such birth parent under the terms of
981 Sections 93-17-201 through 93-17-223. An affidavit filed under
982 this section may be revoked at any time by written notification to
983 the bureau from the birth parent.

984 (5) Counsel for the adoptive parents in the adoption
985 finalization proceeding shall provide the bureau with the



986 information required in subsections (1) and (3) of this section,
987 and he shall also make such information a part of the adoption
988 records of the court in which the final decree of adoption is
989 rendered. This information shall be provided on forms prepared by
990 the bureau.

991 (6) (a) If an agency receives a report from a physician
992 stating that a birth parent or another child of the birth parent
993 has acquired or may have a genetically transferable disease or
994 illness, the agency shall notify the bureau and the appropriate
995 licensed adoption agency, and the latter agency shall notify the
996 adoptee of the existence of the disease or illness, if he or she
997 is * * * eighteen (18) years of age or over, or notify the
998 adoptee's guardian, custodian or adoptive parent if the adoptee is
999 under age * * * eighteen (18).

1000 (b) If an agency receives a report from a physician
1001 that an adoptee has acquired or may have a genetically
1002 transferable disease or illness, the agency shall notify the
1003 bureau and the appropriate licensed agency, and the latter agency
1004 shall notify the adoptee's birth parent of the existence of the
1005 disease or illness.

1006 (7) Compliance with the provisions of this section may be
1007 waived by the court, in its discretion, in any chancery court
1008 proceeding in which one or more of the petitioners for adoption is
1009 the natural mother or father of the adoptee.



1010 **SECTION 21.** Section 93-17-215, Mississippi Code of 1972, is
1011 amended as follows:

1012 93-17-215. Any person * * * eighteen (18) years of age or
1013 over who has been adopted in this state may request the bureau
1014 through a licensed adoption agency providing post-adoption
1015 services to obtain and provide the identifying information
1016 regarding either or both of his or her birth parents maintained as
1017 provided in Section 93-17-205, unless that birth parent has
1018 executed an affidavit prohibiting the release of such information.

1019 **SECTION 22.** Section 93-20-102, Mississippi Code of 1972, is
1020 amended as follows:

1021 93-20-102. In this chapter:

1022 (a) "Adult" means an individual at least * * * eighteen
1023 (18) years of age or an emancipated individual under * * *
1024 eighteen (18) years of age.

1025 (b) "Claim" includes a claim against an individual or
1026 conservatorship estate, whether arising in contract, tort, or
1027 otherwise.

1028 (c) "Conservator" means a person appointed by a court
1029 to make decisions with respect to the property or financial
1030 affairs of a ward. The term includes a co-conservator.

1031 (d) "Conservatorship estate" means the property subject
1032 to conservatorship under this chapter.

1033 (e) "Full conservatorship" means a conservatorship that
1034 grants the conservator all powers available under this chapter.



1035 (f) "Full guardianship" means a guardianship that
1036 grants the guardian all powers available under this chapter.

1037 (g) "Guardian" means a person appointed by the court to
1038 make decisions with respect to the personal affairs of the ward.
1039 The term includes a co-guardian but does not include a guardian ad
1040 litem.

1041 (h) "Guardian ad litem" means a qualified person
1042 appointed by the court to inform the court about the ward, to
1043 protect the best interests of the ward, and to make
1044 recommendations to the court in the best interests of the ward.

1045 (i) "Less restrictive alternative" means an approach to
1046 meeting an individual's needs which restricts fewer rights of the
1047 individual than would the appointment of a guardian or conservator
1048 in the discretion of the court.

1049 (j) "Letters of guardianship or conservatorship" means
1050 a record issued by a court certifying a guardian's or
1051 conservator's authority to act.

1052 (k) "Limited conservatorship" means a conservatorship
1053 that grants the conservator less than all powers available under
1054 this chapter, grants powers over only certain property, or
1055 otherwise restricts the powers of the conservator.

1056 (l) "Limited guardianship" means a guardianship that
1057 grants the guardian less than all powers available under this
1058 chapter or otherwise restricts the powers of the guardian.



1059 (m) "Minor" means an unemancipated individual
1060 under * * * eighteen (18) years of age.

1061 (n) "Notice" means any notice as provided by Rule 5 of
1062 the Mississippi Rules of Civil Procedure.

1063 (o) "Parent" does not include an individual whose
1064 parental rights have been terminated.

1065 (p) "Person" means an individual, estate, business or
1066 nonprofit entity, public corporation, government or governmental
1067 subdivision, agency, or instrumentality, or other legal entity.

1068 (q) "Property" includes tangible and intangible
1069 property.

1070 (r) "Record," used as a noun, means information that is
1071 inscribed on a tangible medium or that is stored in an electronic
1072 or other medium and is retrievable in perceivable form.

1073 (s) "Respondent" means an individual for whom
1074 appointment of a guardian or conservator is sought.

1075 (t) "Sign" means, with present intent to authenticate
1076 or adopt a record:

1077 (i) To execute or adopt a tangible symbol; or
1078 (ii) To attach to or logically associate with the
1079 record an electronic symbol, sound, or process.

1080 (u) "State" means a state of the United States, the
1081 District of Columbia, Puerto Rico, the United States Virgin
1082 Islands, or any territory or insular possession subject to the



1083 jurisdiction of the United States. The term includes a federally
1084 recognized Indian tribe.

1085 (v) "Summons" means any properly issued summons as
1086 provided by the Mississippi Rules of Civil Procedure.

1087 (w) "Ward" means an adult or minor for whom a guardian
1088 or conservator has been appointed under this chapter.

1089 **SECTION 23.** Section 97-33-23, Mississippi Code of 1972, is
1090 amended as follows:

1091 97-33-23. Any person of full age who shall bet any money or
1092 thing of value with a minor, knowing such minor to be under the
1093 age of * * * eighteen (18), or allowing any such minor to bet at
1094 any game or games, or at any gaming table exhibited by him, or in
1095 which he is interested or in any manner concerned, on conviction
1096 thereof, shall be punished by imprisonment in the Penitentiary not
1097 exceeding two (2) years.

1098 This section shall apply to minors under the age of * * *
1099 eighteen (18) as it might apply to the operation of any game or
1100 lottery authorized by Chapter 115, Title 27.

1101 **SECTION 24.** Section 99-3-45, Mississippi Code of 1972, is
1102 amended as follows:

1103 99-3-45. A person under the age of * * * eighteen (18) who
1104 is released under either Section 99-3-17 or 99-3-18 following
1105 arrest must be given notice:



1106 (a) That the person is allowed to call a parent,
1107 guardian or custodian in addition to any other opportunity to call
1108 that has been afforded to such person; and

1109 (b) That Intervention Court and other pretrial
1110 diversion programs may be available for many offenses.

1111 **SECTION 25.** Section 35-7-43, Mississippi Code of 1972, which
1112 provides for the removal of the disabilities of minority of
1113 certain veterans, is repealed.

1114 **SECTION 26.** Section 91-7-37, Mississippi Code of 1972, which
1115 provides for the removal of the disabilities of minority for
1116 certain executors, executrixes, administrators or
1117 administratrixes, is repealed.

1118 **SECTION 27.** Section 93-19-13, Mississippi Code of 1972,
1119 which provides that all persons eighteen (18) years of age or
1120 older, if not otherwise disqualified, shall have the capacity to
1121 enter into binding contractual relationships affecting personal
1122 property and that an eighteen-year-old may sue in his own name as
1123 an adult and be sued in his own name as an adult and be served
1124 with process as an adult, is repealed.

1125 **SECTION 28.** This act shall take effect and be in force from
1126 and after July 1, 2025.

