

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

IN THE MATTER OF THE PETITION
OF _____
AND _____
FOR THE ADOPTION OF THE
MINOR CHILD NAMED HEREIN

_____ and _____ PETITIONERS

ADOPTION CAUSE NO. _____

PETITION FOR ADOPTION

TO THE HONORABLE CHANCERY COURT OF _____ COUNTY:

COMES NOW, Petitioners, _____ and _____, by and through
counsel, joined by _____, of the Mississippi Department of Child
Protection Services, as the next friend of the minor child named herein, respectfully petitioning
this Court for entry of a Final Decree of Adoption of the Minor Child,
_____, stating as follows:

JURISDICTION AND VENUE

1. Petitioners are married adult resident citizens of _____ County, Mississippi,
who reside at _____. Petitioners
have been residents of this state for more than six months preceding the commencement of this

proceeding, having lived at this address for _____ years. This Court has jurisdiction over the parties and subject matter of this proceeding, and venue is proper in this County. Miss. Code Ann. § 93-17-3(1) & (4) (West 2022).

STATEMENT OF FACTS

2. Petitioners desire to adopt the minor child, who is **[state familial relation, if any – otherwise end at name]**. The minor child was born on _____. A true and correct copy of the State of Mississippi Certificate of Live Birth for the minor child is attached as **Exhibit A**, _____ (child’s name), Mississippi Birth Certificate No. _____. [may be another state]

3. The minor child was taken into protective custody by the _____ County Department of Child Protection Services (formerly the Department of Family and Children’s Services) in a proceeding in the Youth Court of _____ County, Mississippi on or about _____.

4. Pursuant to an agreement with the _____ County Department of Child Protection Services, Petitioners have had continuous physical custody of the minor child from _____ to the present. During this time, Petitioners have treated the minor child in all respects as if he/she were their own biological child, and Petitioners have come to love the minor child as if he/she were their own biological child.

5. Petitioners respectfully submit that it is their desire to adopt the minor child as allowed under the laws of this State. Petitioners further assert that if this adoption is approved, they will thereafter love and care for the child as though he/she were their own biological child. Petitioners will also confer upon the minor child all of the rights of inheritance from Petitioners and their other children and family members, just as if the minor child were the

Petitioners' biological child and natural heir at law. Petitioners also request that after the adoption is approved, they and their other family members should be deemed entitled to inherit from this minor child, as provided under Miss. Code Ann. §§ 93-17-13(2) and 11-7-13 (West 2022). Petitioner also requests that the natural parents be precluded from inheriting from the child, as provided under Mississippi law, although the minor child will still be entitled to inherit from the natural parents.

6. The minor child owns no property, either real, personal or mixed within or without the State of Mississippi, save and except personal clothing and other minor items of necessity, as shown in the sworn Affidavit of _____, of the Mississippi Department of Child Protection Services, which is attached as **Exhibit B**.

7. The parental rights of the minor child's biological mother and [biological father/legal father/unknown putative father] have been terminated in regard to the minor child, by Order entered on _____ in the Chancery Court of _____ County, Mississippi in Cause No. _____. A copy of that Order is attached as **Exhibit C**.

8. After the termination of the parental rights of the biological parents of the minor child, the Mississippi Department of Child Protection Services was granted full custody and care of the minor child by the Order entered by the Chancery Court of _____ County, Mississippi in Cause No. _____ on _____. [Copy attached as **Exhibit C**.] That Order vested custody of the minor child in the _____ County Department of Child Protection Services for placement in a foster home and for adoption.

9. The _____ County Department of Child Protection Services placed the minor child with Petitioners, _____, as foster parents. The _____ County Department of Child Protection Services has consented to the adoption of the minor child

by Petitioners as evidenced by the sworn Affidavit of _____, of the Mississippi Department of Child Protection Services, which is attached as **Exhibit D**.

10. Petitioners respectfully submit that the best interests and welfare of the minor child would be best served if this Court allows Petitioners to adopt the minor child. Petitioners further request that this Court exercise its discretion by waiving and dispensing with the necessity of an Interlocutory Decree of Adoption, and the usual additional six month waiting period, due to the fact that the minor child has been in the home of Petitioners for more than six months preceding the filing of this Petition. Miss. Code Ann. § 93-17-13(1) (West 2022). Petitioners respectfully submit that the immediate entry of a Final Decree of Adoption would be in the best interests of the minor child.

11. As required by Miss. Code Ann. § 93-17-3(8) (West 2022), Petitioners respectfully submit that the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., do not apply in this case.

12. A home study has been conducted in this case by the Mississippi Department of Child Protection Services, as required by Miss. Code Ann. § 93-17-11 (West 2022), and a copy is attached as **Exhibit E**.

13. Petitioners have executed their affidavits verifying the facts alleged in the complaint, that they desire to adopt the minor child, that they have knowledge of the medical condition and assets of the child, that ICWA does not apply, and that there are no other legal proceedings pending concerning custody of this child. The Affidavit of Petitioner _____ is marked as **Exhibit F**, and the Affidavit of Petitioner _____ is marked as **Exhibit G**, both of which are attached to the Petition.

14. Petitioners are fully aware of the minor child’s medical condition, as shown by the Certificate of Attending Physician, which is required under Miss. Code Ann. § 93-17-3(4) (West 2022) and is marked as **Exhibit H** and which will be filed separately, and by their affidavits, which are **Exhibit F** and **Exhibit G**.

15. Pursuant to Miss. Code Ann. § 93-17-13(2) (West 2022), Petitioners further request that this Court authorize and direct the Registrar of Vital Records of the Mississippi State Board of Health to record and issue to Petitioners a new Mississippi Certificate of Live Birth for the minor child, identifying and recording Petitioner _____ as the mother of the minor child and Petitioner _____, as the father of the child, and changing the legal name of the minor child to “_____.”

16. Pursuant to Miss. Code Ann. § 93-17-8(5) (West 2022), Petitioners respectfully request that this Court waive the usual requirement of appointment of a Guardian ad Litem in this case, as the GAL was involved in the termination of parental rights proceeding in Cause No. _____ in the Chancery Court of _____ County, Mississippi.

17. **WHEREFORE, PREMISES CONSIDERED**, Petitioners pray that their Petition for Adoption be received and filed, and that this Court grant the following relief:

A. Enter a FINAL DECREE authorizing the adoption of the minor child, _____, by the Petitioners, _____ and _____;

B. Exercise this Court’s discretion pursuant to Miss. Code Ann. § 93-17-13(1) (West 2022) by waiving and dispensing with the necessity of an additional six month waiting period and the entry of an Interlocutory Decree of Adoption, by entering a Final Decree that grants and finalizes this Adoption;

C. Authorize and direct the Department of Vital Records of the Mississippi State Board of Health to record and issue to Petitioners a new Mississippi Certificate of Live Birth for the minor child, _____, identifying and recording Petitioner, _____ as the mother of said child and Petitioner _____ as the father of said child, and changing the minor child's legal name to "_____"; and

D. Decree that, after the adoption, the minor child shall be afforded full and complete rights of inheritance from and through Petitioners as his/her adoptive mother and father, and from and through Petitioners' other family members, and vesting in the minor child and in the adoptive parents and their family members, all mutual rights of inheritance arising and existing under and by virtue of Miss. Code Ann. §§ 93-17-13(2) and 11-7-13 (West 2022), and the laws of the State of Mississippi.

E. Further, Petitioners pray for any general relief, which the Court may deem appropriate in the premises.

Respectfully submitted, this the _____ day of _____, 20_____.

_____, Petitioners

BY:

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LIST OF EXHIBITS

- Exhibit A** _____ (child's name), Mississippi Birth Certificate No. _____ . [may be another state]
- Exhibit B** Affidavit of _____, of the Mississippi Department of Child Protection Services, Minor Child has no assets
- Exhibit C** Order Terminating Parental Rights, Chancery Court of _____ County, Mississippi, Cause No. _____ .
- Exhibit D** Affidavit of _____, of the Mississippi Department of Child Protection Services, Consent to Adoption
- Exhibit E** Home study conducted by the Mississippi Department of Child Protection Services, Miss. Code Ann. § 93-17-11 (West 2022)
- Exhibit F** Affidavit of Adoptive parent
- Exhibit G** Affidavit of Adoptive parent
- Exhibit H** Certificate of Attending Physician, Miss. Code Ann. § 93-17-3(4) (West 2022)