

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2013-IA-00950-SCT

BRIAN BRADLEY BRONK

v.

MARGARET SAMANTHA GADDIS HOBSON

DATE OF JUDGMENT: 05/28/2013
TRIAL JUDGE: HON. FRANKLIN M. COLEMAN
TRIAL COURT ATTORNEYS: MICHAEL CHAD MOORE
LINDSEY ALEXANDRA BOYD
COURT FROM WHICH APPEALED: COUNTY COURT OF LAUDERDALE
COUNTY
ATTORNEYS FOR APPELLANT: JOHN WILLIAM NISBETT
MICHAEL A. HEILMAN
LINDSEY ALEXANDRA BOYD
ATTORNEY FOR APPELLEE: MICHAEL CHAD MOORE
NATURE OF THE CASE: CIVIL - CUSTODY
DISPOSITION: REVERSED AND REMANDED - 12/04/2014
MOTION FOR REHEARING FILED:
MANDATE ISSUED:

EN BANC.

KITCHENS, JUSTICE, FOR THE COURT:

¶1. Today we are called upon to determine whether a county court had jurisdiction to determine child custody in a paternity action in 1999. We hold that it did not, and that county courts do not have jurisdiction to make child custody determinations *ab initio*. Accordingly, we must reverse the custody determination of the County Court of Lauderdale County and remand the case to the county court with instructions to transfer the proceedings to chancery court.

BACKGROUND AND ANALYSIS

¶2. In 1999 the County Court of Lauderdale County determined that Brian Bronk was the natural father of Margaret Hobson’s minor child. In that same judgment, the county court granted sole custody to Hobson. Soon after the child’s birth, the county court entered a judgment ordering Bronk to pay child support to Hobson in the amount of \$400 per month. In 2013, Bronk presented an *ore tenus* motion in which he contended that all of the orders and judgments related to child custody were invalid because the county court never had jurisdiction to determine custody in the first place. The county court denied the motion, and Bronk filed a petition for interlocutory appeal with this Court, which we granted.

¶3. The sole issue Bronk raises on appeal is whether the county court had jurisdiction to make child custody determinations in this case. As this Court sits in the same position as the trial court when it reviews questions of jurisdiction, the standard of review for jurisdictional issues is *de novo*. *City of Cherokee v. Parsons*, 944 So. 2d 886, 888 (¶ 6) (Miss. 2006). “Jurisdiction is decided based on the existing facts at the time the action is commenced.” *Joshua Properties, LLC v. D1 Sports Holdings, LLC*, 130 So. 3d 1089, 1092 (¶ 8) (Miss. 2014).

¶4. To determine whether county courts and chancery courts share original jurisdiction over custody matters, we must analyze their respective sources of jurisdiction. The Mississippi Constitution granted full jurisdiction to chancery courts in matters of equity, divorce and alimony, minors’ business, and any other types of cases in which chancery courts retained jurisdiction when the Constitution was promulgated. Miss. Const. art. 6, § 159. Bronk argues that granting *full* jurisdiction to the chancery courts in matters of equity and

minors’ business grants *exclusive* jurisdiction over custody matters, and relies on this Court’s statement that “[u]nder Mississippi law, chancery court has continuous *and exclusive* jurisdiction over custody proceedings.” *Helmert v. Biffany*, 842 So. 2d 1287, 1291 (¶ 20) (Miss. 2003) (emphasis added). According to Bronk, this clear language settles the issue.

¶5. It is not that simple, however. This Court has made it clear that “full” jurisdiction and “exclusive” jurisdiction have two very different meanings. In fact, “[t]his Court has rejected the assertion that Article 6, Section 159 of the Mississippi Constitution conferred *exclusive jurisdiction* in all matters of equity when it conferred *full jurisdiction* over such matters.” *Germany v. Germany*, 123 So. 3d 423, 427 (¶ 9) (Miss. 2013) (citing *W. Horace Williams Co. v. Fed. Credit Co.*, 198 Miss. 111, 21 So. 2d 582, 583 (1945)). In that sense, full jurisdiction is that which may be shared with “such inferior courts as” the Legislature, in its constitutional prerogative, deems necessary. *See* Miss. Const. art. 6, § 172. Exclusive jurisdiction, on the other hand, is ironclad, and may not be removed from or shared by those courts to which the Constitution has granted it.

¶6. Accordingly, the full grant of equitable jurisdiction to chancery courts may be shared with such inferior courts as the Legislature deems necessary. The county court is one such court; and, as it is a creature of statute, its jurisdiction is prescribed exclusively by the Legislature.

¶7. While a statute unequivocally grants county courts jurisdiction over paternity determinations,¹ no such specific statute exists regarding child custody. Accordingly, we

¹“The county court, the circuit court, or the chancery court has jurisdiction of an action under Sections 93-9-1 through 93-9-49. . . .” Miss. Code Ann. § 93-9-15 (Rev. 2013).

must analyze the general grant of county court jurisdiction found in Mississippi Code Section 9-9-21. For our purposes, the relevant part of the statute states that the county court “shall have jurisdiction concurrent with the circuit and chancery courts in all matters of law and equity wherein the amount of value of the thing in controversy shall not exceed, exclusive of costs and interest, the sum of Two Hundred Thousand Dollars (\$200,000.00). . . .” Miss. Code Ann. § 9-9-21 (Rev. 2014). Accordingly, if the value of the thing in controversy is \$200,000 or less, the county court has jurisdiction. Our task is to decide whether that grant of jurisdiction brings the determination of child custody under the ambit of the county court.

¶8. The problem immediately presented is that the value of the custody of a child is incalculable, i.e., it cannot be expressed in terms of pecuniary value. None other than Chief Justice John Marshall of the United States Supreme Court wrote that the Court over which he presided was without jurisdiction to hear a guardianship dispute, as the matter in controversy in federal court at the time had to exceed \$2,000 and “[t]he office of guardian is of no value. . . .” *Ritchie v. Mauro*, 27 U.S. 243, 244, 7 L. Ed. 411 (1829). The Supreme Court later held that it was without jurisdiction to hear a child custody dispute, as “no test of money value [could] be applied[,]” and the case therefore did not meet the jurisdictional requirement of \$2,000. *Barry v. Mercein*, 46 U.S. 103, 120, 12 L. Ed. 70 (1847). Therefore, it is fair to say that the value of child custody is neither less nor more than any dollar amount, but, rather, it is outside the bounds of monetary value altogether. Historically, America’s federal courts did not assume jurisdiction over such matters because they had been granted jurisdiction only in cases in which a monetary value could be determined, and our judicial

forebears reasoned that there are some areas of the law in which a monetary value test for jurisdiction has no utility, and that the custody of children is one of them.

¶9. Here, the jurisdiction of county courts is defined inversely from the jurisdiction of the federal courts. Instead of being granted jurisdiction when the amount in controversy is greater than some threshold value, county courts retain jurisdiction when the amount in controversy is not greater than \$200,000. Thus, it can be argued that the value of child custody, which is incalculable, technically does not exceed the value of \$200,000, since it has no monetary value.² This would mean that child custody is a matter within the jurisdiction of county courts.

¶10. We are not persuaded by that logic, however. The more reasonable holding is that the language of the statute grants jurisdiction to county courts only in the context of matters in which the things in controversy have values which can be determined. The custody of a human child does not fit into that definition. Although the value of the custody of a child cannot exceed the \$200,000 limit, neither can it be within the \$200,000 limit. Custody simply is a different type of legal commodity that cannot be defined in dollars and cents. Indeed, for most people, the value of the custody of their child is incalculable precisely because no amount of money could ever satisfy it. Put another way, when jurisdiction is defined by the

²However, as its value is not monetary, but something else altogether, child custody cannot be said to be worth less than \$200,000 either. To say that child custody does not exceed a dollar amount is like saying that an inch does not exceed an ounce. The two metrics have nothing to do with each other: length does not contemplate weight, nor does weight contemplate length. In that same sense, it could be said that money does not contemplate love, nor love money. Any grant of jurisdiction in terms of one has nothing to do with the other.

dollar value of the thing in controversy, jurisdiction has not been granted where the thing in controversy has no dollar value, or cannot be expressed in terms of financial value.

¶11. Accordingly, we find that Section 9-9-21 grants county courts jurisdiction over all matters in law and equity wherein the value of the thing in controversy is capable of being expressed in terms of monetary value, and that value does not exceed \$200,000. Absent explicit statutory language to the contrary, this does not include child custody determinations. The Legislature is free to grant, affirmatively and clearly, jurisdiction over child custody matters to county courts, but it has not done so.

¶12. However, Hobson argues that a 2013 amendment to Section 93-9-15 unequivocally brought child custody into the jurisdiction of the county courts. Section 93-9-15, which granted jurisdiction to county courts to adjudicate paternity, was amended by Senate Bill 2010 in 2013, which was titled “AN ACT TO AMEND SECTION 93-9-15, . . . TO CLARIFY THE JURISDICTION OF THE COURT OVER THE AWARD OF CUSTODY IN THE COURSE OF A PATERNITY PROCEEDING AND TO AUTHORIZE REIMBURSEMENT TO MEDICAID FOR EXPENSES OF PREGNANCY AND CONFINEMENT; AND FOR RELATED PURPOSES.” S.B. 2010, 2013 Leg., Reg. Sess. (Miss. 2013). As amended, the statute states, in pertinent part, “The county court, the circuit court, or the chancery court has jurisdiction of an action under Sections 93-9-1 through 93-9-49, and all remedies for the *enforcement of orders awarding custody* or for expenses of pregnancy and confinement for a wife. . . .” Miss. Code Ann. § 93-9-15 (Rev. 2013) (amendment emphasized).

¶13. Bronk argues that the amendment simply clarified the jurisdiction of county courts with regard to their ability to *enforce* custody orders and determinations, not make them. Hobson contends that the amendment clarifies that the county court may hear child custody issues in the course of a paternity proceeding. She also argues that, as it is a clarification of existing law, the Legislature intended the bill to apply retroactively.

¶14. The bill states that it “shall take effect and be in force from and after its passage.” S.B. 2010, 2013 Leg., Reg. Sess. (Miss. 2013). Accordingly, the bill was effective on the date of its passage, April 24, 2013, and it does not apply retroactively. Further, our determinations of jurisdiction are “decided based on the existing facts at the time the action is commenced.” *Joshua Properties*, 130 So. 3d at 1092 (¶ 8). Senate Bill 2010 is not applicable to this dispute.

CONCLUSION

¶15. Although chancery courts do not have exclusive jurisdiction over child custody matters, the Legislature has not granted the chancery courts’ full jurisdiction over custody matters to the county courts. Section 9-9-21 grants county courts concurrent jurisdiction with chancery courts “in all matters of law and equity” only where the thing in controversy has a value that can be determined, and where that value does not exceed \$200,000. The value of child custody is incalculable and therefore is not a subject that was included in the Legislature’s grant of chancery jurisdiction to the county courts of this State. Senate Bill 2010 is inapplicable to this case, as it has only prospective application, and it did not expand the jurisdiction of the county courts in any case.

¶16. “If the court is without jurisdiction—subject matter or personal—no one is bound by anything the court may say regarding the (de)merits of the case.” *Petters v. Petters*, 560 So. 2d 722, 723 (Miss. 1990). The County Court of Lauderdale County was without jurisdiction to adjudicate custody in this case. Accordingly, its original child custody determination, as well as any and all subsequent custody decisions or modifications, are void and are hereby vacated. We remand this case to County Court of Lauderdale County with instructions to transfer it to the Chancery Court of Lauderdale County for a custody determination.

¶17. **REVERSED AND REMANDED.**

RANDOLPH, P.J., LAMAR, CHANDLER AND PIERCE, JJ., CONCUR. COLEMAN, J., DISSENTS WITH SEPARATE WRITTEN OPINION JOINED BY DICKINSON, P.J., AND KING, J. WALLER, C.J., CONCURS IN PART AND DISSENTS IN PART WITH SEPARATE WRITTEN OPINION JOINED BY KING, J.; DICKINSON, P.J., AND COLEMAN, J., JOIN IN PART.

COLEMAN, JUSTICE, DISSENTING:

¶18. The majority concludes that Section 9-9-21 grants county court jurisdiction only where the thing in controversy has a dollar value between zero and \$200,000. The jurisdictional statute in question requires an affirmative showing that the value of the thing in controversy exceeds \$200,000 before the county court does not have jurisdiction. The value of child custody is a nullity; therefore, under the plain language of Section 9-9-21 it simply cannot be said to exceed \$200,000. Accordingly, I respectfully dissent.

¶19. As the majority notes, the United States Supreme Court previously has held that child custody determinations are of no ascertainable pecuniary value. *Barry v. Mercein*, 46 U.S.103, 118 (1847) (citing *Ritchie v. Mauro*, 27 U.S. 243, 244 (1829)). In *Ritchie*, the Court stated, “The office of guardian [of a minor child] is of no value.” *Ritchie*, 27 U.S. at

244. Later, in *Barry*, the Court relied on *Ritchie* in holding that “no test of money value can be applied” for custody disputes. *Barry*, 46 U.S. at 120. Thus, custody has no value because its value cannot be ascertained. For legal controversy purposes, the amount of value of custody is nothing. However, by “nothing,” the *Barry* and *Ritchie* Courts did not mean the value was equal to zero. Rather, the value defies any calculation whatsoever and is a nullity. The majority characterizes the value of custody as “outside the bounds of monetary value altogether,” (Maj. Op. ¶ 8) and I agree. The majority concludes that, because the value is outside the bounds of monetary value, child custody is not within the jurisdiction of county courts. Here, I disagree. The majority’s conclusion ignores the plain language of the statute.

¶20. Section 9-9-21 states in pertinent part, “[T]he county court shall be as follows: . . . it shall have jurisdiction concurrent with the circuit and chancery courts in all matters of law and equity” Miss. Code Ann. § 9-9-21 (Rev. 2014). I am of the opinion that if the statute stopped here, the county court would have broad, concurrent jurisdiction in all matters of law and equity or, in other words, in everything. However, the Legislature added one contingency, stating, “[W]herein the amount of value of the thing in controversy *shall not exceed*, exclusive of costs and interest, the sum of Two Hundred Thousand Dollars (\$200,000.00). . . .” Miss. Code Ann. § 9-9-21 (emphasis added). By limiting the amount in controversy to *not* exceed \$200,000, the Legislature gave county courts the whole universe of jurisdiction with the sole exception being where the thing in controversy exceeds \$200,000.

¶21. Section 9-9-21 notably differs from 28 U.S.C.A. Section 1332, defining federal diversity jurisdiction, and the difference helps illuminate my disagreement with the majority.

Section 1332 states: “The district court shall have original jurisdiction . . . where the matter in controversy *exceeds* the sum or value of \$75,000” 28 U.S.C.A. § 1332 (Supp. 2014) (emphasis added). Under Section 1332, the value of the matter in controversy *must* exceed \$75,000. Whereas, under Section 9-9-21, the value *must not* exceed \$200,000. If the Legislature had chosen to draft Section 9-9-21 in a manner similar to Congress’s wording of Section 1332, then the majority would be correct, but it did not.

¶22. Drawing comparison between Section 1332 and the statutes at issue in *Barry* and *Ritchie* highlights the effect of the “must exceed” language on the jurisdictional limit. In *Ritchie*, the Court held that where the amount in controversy must exceed \$2,000, the Court did not have jurisdiction because “the value in controversy [was] not . . . sufficient to entitle the party by law to claim an appeal.” *Richie*, 27 U.S. at 244. Similarly, in *Barry*, the Court applied the Judiciary Act of 1789, Chapter 20, Section 22 and found no jurisdiction because the matter in dispute must exceed the value of \$2,000, and when the matter is of no calculable value, the Court lacks jurisdiction. *Barry*, 46 U.S. at 119-20 (citing Judiciary Act, ch. 20, § 22, 1 Stat. 73, 84-85 (1789)).

¶23. The above-described federal jurisdictional statutes contain positive requirements that the amount in controversy be greater than X. The value of child custody defies calculation and is a nullity. Therefore, it cannot be greater than X. Ergo, under a positive requirement jurisdictional statute, there can be no jurisdiction. On the other hand, Mississippi’s county court jurisdictional statute contains a *negative* requirement that the amount in controversy not be greater than Y. Stated differently, the value of the thing in controversy must exceed Y for the county court *not* to have jurisdiction. The value of child custody defies calculation

and is a nullity. Therefore, it cannot be greater than Y. Ergo, under the negative requirement jurisdictional statute, the county court *does* have jurisdiction. In other words, a thing in controversy of no calculable value shall fall within the jurisdiction of the county court because the value cannot be said to exceed \$200,000, which it must in order to deprive the county court of jurisdiction under the statute.

¶24. As a final note, the Court has, as Bronk points out, included language in some of our opinions that is fairly read to give chancery courts exclusive jurisdiction over all child custody matters. However, given the opportunity to review the Court’s pronouncements, I note that they result from pronouncements in *Ladner v. Ladner*, 206 So. 2d 620 (Miss. 1968), *abrogated on other grounds by Bubac v. Boston*, 600 So. 2d 951, 954 (Miss. 1992), which, over time, have been inadvertently broadened by the Court to hold that chancery court has exclusive jurisdiction over any child custody matter. *Ladner* held that, once a court has exercised jurisdiction over a case, that court then retains continuing, exclusive jurisdiction over it. *Ladner*, 206 So. 2d at 624-25. The *Ladner* Court explained:

It seems to be clear now, however, that the general rule – supported by the great weight of authority, as stated in or inferable from the cases involving the questions – that juvenile jurisdiction acquired by a court in divorce proceedings over the subject of the custody and maintenance of the child or children of the parties to the divorce suit is not only continuing, but is also exclusive and precludes any other court in the same state or sovereignty from thereafter acquiring or exercising jurisdiction over the same subject.

Id. The *Ladner* Court went on to state that, because the action in that case was first filed in the Hinds County Chancery Court, that court “had the exclusive jurisdiction of the custody of the children here involved, as between Mr. and Mrs. Ladner. This does not mean, however, that the child could not be tried in the juvenile court or even in a criminal court if

the facts warranted it.” *Id.* at 625. Because *Ladner* was in the context of a chancery court’s child custody determination, the statements have, over time, been misinterpreted as simply declaring that the chancery court has exclusive jurisdiction over child custody, which, in my opinion, unless we ignore or judicially amend the county court jurisdictional statute, is not the case.

¶25. I am of the opinion that a thing in controversy incapable of valuation cannot be said to have a value in excess of 200,000 dollars. I would hold that, under Section 9-9-21, county court does have jurisdiction over child custody matters following a paternity action.

DICKINSON, P.J., AND KING, J., JOIN THIS OPINION.

WALLER, CHIEF JUSTICE, CONCURRING IN PART AND DISSENTING IN PART:

¶26. The fundamental issue before the court today is whether county courts have the jurisdiction to award child custody. The majority finds county courts have no such jurisdiction because, in the majority’s opinion, the value of child custody is incalculable. I disagree.

¶27. It must be first noted that this action arose as a paternity suit in the county court. County courts have been authorized to determine paternity in this state since the passage of the Uniform Act on Paternity in 1962 . Miss. Code § 383-05 (1942) (predecessor to Miss. Code Ann. § 93-9-15 (Rev. 2013), which grants county court jurisdiction over paternity matters found in Sections 93-9-1 through 93-9-49). It is nonsensical and contrary to the intent of Mississippi Code Section 9-9-21, to recognize the authority of a county court to determine paternity and yet not confer to that same court the authority to decide the

concomitant issues of custody and child support. *See* Miss. Code Ann. § 9-9-21 (Rev. 2014). To say a county court may not take such action totally compromises the concept of judicial economy and the fair and efficient administration of justice and especially burdens those who can least afford to litigate.

¶28. As the majority notes, county courts are a creation of the Legislature. Therefore, to resolve this matter, we must look to the statute that grants the county courts jurisdiction. Mississippi Code Section 9-9-21 states, in pertinent part, that the county court “shall have jurisdiction concurrent with the circuit and chancery courts in all matters of law and equity wherein the amount of value of the thing in controversy shall not exceed, exclusive of costs and interest, the sum of Two Hundred Thousand Dollars (\$200,000.00)” Miss. Code Ann. § 9-9-21 (Rev. 2014). The plain language of the statute clearly indicates that the Legislature intended the county courts to have concurrent jurisdiction with the chancery courts in *all* equity matters up to the \$200,000 limit.

¶29. The majority reads this \$200,000 limit to say that county courts lack jurisdiction in custody matters because county courts can exercise jurisdiction only over a thing with a value that can be calculated. Of course, nowhere in the statute does it say this. The more logical conclusion, and what is more in line with the statutory language, is that county courts have jurisdiction over all equity matters, unless there is some thing in controversy with a determined value more than \$200,000. *See* Miss. Code Ann. § 9-9-21 (Rev. 2014). And because a precise calculation of the value of child custody currently eludes our courts – or as the majority would prefer, has “no calculable value” – there is nothing in such a case with

a determined value exceeding \$200,000.³ See Miss. Code Ann. § 9-9-2. Therefore, I would find the county courts have jurisdiction over child-custody matters, notwithstanding the \$200,000 limit. See *id.*

¶30. Further, in part because the dollar value of custody eludes easy calculation, I would find that the jurisdictional dollar-amount limitation in Section 9-9-21 is inapplicable in custody matters. See *Barry v. Mercein*, 46 U.S. (5 How.) 103, 118, 12 L. Ed. 70 (1847). Determinations of child custody are squarely within the county court's equitable power and need not involve a monetary determination of the value of custody. Miss. Code Ann. § 9-9-21 (Rev. 2014); *Germany v. Germany*, 123 So. 3d 423, 428 (Miss. 2013) (determining

³ I disagree that the value of child custody is incalculable, but I do acknowledge that it is not something easily calculated by courts. See Margaret F. Brining & Michael V. Alexeev, *Trading at Divorce: Preferences, Legal Rules and Transaction Costs*, 8 Ohio St. J. On Disp. Resol. 279 (1993); *Ritchie v. Mauro*, 27 U.S. (2 Pet.) 243, 244, 7 L. Ed. 411 (1829); *Barry v. Mercein*, 46 U.S. (5 How.) 103, 118, 12 L. Ed. 70 (1847). Furthermore, to hold that child custody defies calculation, in my opinion, would ignore significant advances in the field of economics since the times of Chief Justice John Marshall. See e.g. Gary S. Becker, *A Treatise on the Family* (Harvard University Press ed. 1993); Richard A. Posner, *Economic Analysis of Law* (8th ed. 2011). A reasonable calculation would involve numerous factors including the cost of raising the child, the value the parent places on custody (measured perhaps by the amount parties are willing to spend on litigating child custody, among other things), the negative impact on earnings on a custodial parent and the associated opportunity costs (e.g., working fewer hours in order to raise the child and the subsequent reduction in potential earnings and investment returns), the potential amount of child support, the monetary value of any services the child provides the parent, any income the child earned, just to name a few. See Mark Lino, *Expenditures on Children by Families, 2013*, U.S. Department of Agriculture, Center for Nutrition Policy and Promotion. Miscellaneous Publication No. 1528-2013, available at http://www.cnpp.usda.gov/sites/default/files/expenditures_on_children_by_families/crc2013.pdf (last visited Dec. 2, 2014) (estimating the cost of raising a child born in 2013 to be \$245,000, excluding college expenses).

whether a claim is at law or in equity, “one must look at . . . the nature of the controversy and the relief sought.”); *see also Wade v. Lee*, 471 So. 2d 1213 (Miss. 1985).

¶31. In *Wade*, for example, we recognized a county court’s jurisdiction to enter temporary child-custody modifications in habeas corpus proceedings. *Id.* at 1217. The opinion in *Wade* contained no discussion of the amount in controversy, which does not seem to have been raised in that case. In *Wade*, the county court’s jurisdiction derived from Mississippi Code Section 9-9-23, which grants county-court judges authority to hear habeas corpus matters. *Id.* This Court has long held that this authority includes questions of child custody. *Id.* It is therefore a logical conclusion that it has been the long-held view of the state Legislature and this Court that county courts have jurisdiction over child-custody matters, irrespective of the \$200,000 limit in Section 9-9-21. *See id.*; Miss. Code Ann. § 93-9-15 (Rev. 2013).

¶32. Furthermore, this Court previously has held that Section 159 of the Mississippi Constitution does not bestow exclusive jurisdiction over all matters in equity to the chancery court; rather the state Constitution grants the chancery court full jurisdiction. *Germany*, 123 So. 3d at 427. Therefore, Section 9-9-21 is not in conflict with the Mississippi Constitution.

¶33. In sum, based on the language in Sections 93-9-15, 9-9-21, and 9-9-23, and the holdings in the cases cited above, I would find that our able and competent county courts have jurisdiction over child-custody matters arising from paternity actions, and the \$200,000 jurisdictional limit is inapplicable. *See* Miss. Code Ann. §§ 9-9-21 -23 (Rev. 2014); *Barry*, 46 U.S. at 118; *Wade*, 471 So. 2d at 1217.

Senate Bill 2010

¶34. I do agree with the majority that Senate Bill 2010 does not apply retroactively. *See Mladinich v. Kohn*, 186 So. 2d 481, 483 (Miss. 1966) (finding that statutes apply retroactively only when the language of the statute specifically indicates such intent). I would therefore find that any discussion of that bill in the instant case is moot.

Conclusion

¶35. For the reasons provided above, I would affirm all of the Lauderdale County Court orders and judgments regarding child custody in the current case and remand for further proceedings. Therefore, I respectfully concur in part and dissent in part.

KING, J., JOINS THIS OPINION. DICKINSON, P.J., AND COLEMAN, J., JOIN THIS OPINION IN PART.