

Serial: 148535

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99006-SCT

IN RE: UNIFORM CHANCERY COURT RULES

ORDER

This matter is before the Court en banc on the petition for amendment of Rule 8.06 of the Uniform Chancery Court Rules filed on behalf of the Chancery Judges' Conference.

Having considered the petition, the Court finds that the amendment will promote the fair and efficient administration of justice and that the petition should be granted.

IT IS THEREFORE ORDERED that the petition for amendment of Rule 8.06 of the Uniform Chancery Court Rules is hereby granted. The Rule is amended as set forth in Exhibit A to this Order.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and that a true certified copy be forwarded forthwith to West Publishing Company for publication in *Southern Reporter Second (Mississippi Edition)* and the *Mississippi Rules of Court*.

SO ORDERED, this the 8th day of July, 2008.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., PRESIDING JUSTICE

TO GRANT: ALL JUSTICES.

Exhibit A

UNIFORM CHANCERY COURT RULES

RULE 8.06 CHANGE OF ADDRESS OF CHILDREN

(a) In all domestic cases involving custody or visitation of minors and even though no order for custody or visitation may have been entered, each party shall keep the other informed of his/her full address, including state, city, street, house number, and telephone number, if available, unless excused in writing by the Court.

(b) Within five days of a party subject to this rule changing his/her address, he/she shall, so long as the child or children remain minors, notify in writing the Clerk of the Court which has entered the order providing for custody and visitation, of his/her full new address and shall furnish the other party a copy of such notice. The notice shall include the Court file number. The Clerk shall docket and file such notice in the cause.

(c) In the event of a threat, disaster, or other emergency, such as a hurricane, which causes an emergency evacuation, any party who has custody of a minor child (physical custody or while exercising visitation) has a duty to notify the other parent of the location and well being of the minor(s) as soon as reasonably possible.

(d) Every order respecting custody or visitation should contain a provision incorporating the terms and requirements of sub-paragraphs (a), ~~and~~ (b) and (c) above.

(e) The purpose of this rule is to prevent a parent from concealing from others the address and whereabouts of children. Willful failure to comply with this rule may be treated as a contempt. Failure to file with the Clerk the notice required by this rule shall create a rebuttable presumption that written notice was not given to the other party.

[Adopted effective February 18, 1991; amended effective July 17, 2008 to provide notification of parent in case of emergency evacuation.]