

By: Representative Ketchings

To: Judiciary A

HOUSE BILL NO. 396

1 AN ACT TO PROVIDE FOR THE FRIEND OF THE COURT TO ASSIST IN
2 THE ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS, CHILD CUSTODY AND
3 VISITATION; TO PROVIDE FOR THE USE OF NONJUDICIAL EFFORTS TO
4 IMPROVE COMPLIANCE WITH A COURT ORDER; TO PROVIDE FOR REPORTING;
5 TO AUTHORIZE THE USE OF ELECTRONIC MEANS OF ACCESS TO RECORDS; TO
6 PROVIDE FOR COMPENSATION; AND FOR RELATED PURPOSES.

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

8 SECTION 1. (1) After an order for child support or
9 possession of or access to a child has been rendered, a court may
10 appoint a friend of the court on:

11 (a) The request of a person alleging that the order has
12 been violated; or

13 (b) Its own motion.

14 (2) A court may appoint a friend of the court in a
15 proceeding under Part D of Title IV of the federal Social Security
16 Act (42 USCS 651 et seq.) only if the Title IV-D agency agrees in
17 writing to the appointment.

18 (3) The duration of the appointment of a friend of the court
19 is as determined by the court.

20 (4) In the appointment of a friend of the court, the court
21 shall give preference to:

22 (a) Local domestic relations office;

23 (b) A local child support collection office; or

24 (c) An attorney on good standing with the Mississippi
25 Bar.

26 (5) In the execution of a friend of the court's duties under
27 this act, a friend of the court shall represent the court to
28 ensure compliance with the court's order.

29 SECTION 2. A friend of the court may coordinate nonjudicial
30 efforts to improve compliance with a court order relating to a
31 child support or possession of or access to a child by use of:

32 (a) Telephone communication;
33 (b) Written communication;
34 (c) One or more volunteer advocates;
35 (d) Informal pretrial consultation;
36 (e) One or more of the alternate dispute resolution
37 methods;

38 (f) A certified social worker;
39 (g) A family mediator; and
40 (h) Employment agencies, retraining programs, and any
41 similar resources to ensure that both parents can meet their
42 financial obligations to the child.

43 (2) A friend of the court, not later than the fifteenth day
44 of the month following the reporting month, shall:

45 (a) Report to the court or monitor reports made to the
46 court on:

47 (i) The amount of child support collected as a
48 percentage of the amount ordered; and

49 (ii) Efforts to ensure compliance with orders
50 relating to possession of or access to a child; and

51 (b) File an action to enforce, clarify, or modify a
52 court order relating to child support or possession of or access
53 to a child.

54 (3) A friend of the court may file a notice of delinquency
55 and a request for a writ of income withholding in order to enforce
56 a child support order.

57 SECTION 3. A local domestic relations office, a local
58 registry, or a court official designated to receive child support
59 under a court order shall, if ordered by the court, report to the
60 court or a friend of the court on a monthly basis:

61 (a) Any delinquency and arrearage in child support

62 payments; and

63 (b) Any violation of an order relating to possession of
64 or access to a child.

65 SECTION 4. A friend of the court may arrange access to child
66 support payment records by electronic means if the records are
67 computerized.

68 SECTION 5. (1) A friend of the court is entitled to
69 compensation for services rendered and for expenses incurred in
70 rendering the services.

71 (2) The court may assess the amount that the friend of the
72 court receives in compensation against a party to the suit in the
73 same manner as the court awards costs.

74 SECTION 6. The provisions of this act shall be supplemental
75 to any other provisions of law.

76 SECTION 7. This act shall take effect and be in force from
77 and after July 1, 1999.