

By: Representatives Moody, Perry

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 852

1 AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT; TO AMEND
2 SECTION 43-19-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CHILD
3 SUPPORT UNIT OF THE DEPARTMENT OF HUMAN SERVICES TO MAINTAIN
4 CERTAIN INFORMATION WITH RESPECT TO THE CHILD SUPPORT CASE
5 REGISTRY, TO TAKE CERTAIN ADMINISTRATIVE ACTIONS RELATING TO
6 GENETIC TESTING, MODIFICATION, INCOME WITHHOLDING, LIENS AND
7 SUBPOENAS WITHOUT THE NECESSITY OF COURT ORDER AND TO USE
8 HIGH-VOLUME AUTOMATED ENFORCEMENT IN INTERSTATE CASES IN RESPONSE
9 TO REQUESTS FROM OTHER STATES; TO AMEND SECTIONS 93-9-21 AND
10 93-9-23, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CHILD SUPPORT
11 UNIT TO ORDER GENETIC TESTING OF ALL PARTIES AND TO PREPARE
12 CERTAIN ORDERS IN PATERNITY ACTIONS; TO AMEND SECTIONS 93-11-153,
13 93-11-155, 93-11-157, 93-11-159 AND 93-11-163, MISSISSIPPI CODE OF
14 1972, TO AUTHORIZE THE CHILD SUPPORT UNIT TO SUSPEND THE
15 NONCUSTODIAL PARENT'S LICENSE WHEN HE OR SHE FAILS TO ANSWER A
16 SUBPOENA OR RESPOND TO A SUMMONS, TO DELETE THE REQUIREMENT THAT A
17 CONTEMPT CITATION BE OBTAINED BEFORE LICENSE SUSPENSION IS ORDERED
18 AND TO DELETE THE REQUIREMENT FOR INTERAGENCY AGREEMENTS FOR
19 LICENSE SUSPENSION ENFORCEMENT PURPOSES; TO AMEND SECTIONS
20 41-57-23, 93-9-9 AND 93-9-28, MISSISSIPPI CODE OF 1972, TO ALLOW
21 THE FATHER 60 DAYS TO RESCIND THE SWORN ACKNOWLEDGMENT OF
22 PATERNITY RECEIVED BY THE STATE BOARD OF HEALTH, AND TO DELETE THE
23 TWO-YEAR LIMITATION FOR FILING A VOLUNTARY ACKNOWLEDGMENT OF
24 PATERNITY; TO CODIFY SECTION 43-19-34, MISSISSIPPI CODE OF 1972,
25 TO AUTHORIZE THE CHILD SUPPORT UNIT TO SEND A MOTION AND NOTICE OF
26 INTENT TO MODIFY A CHILD SUPPORT ORDER, SUBJECT TO THE STIPULATION
27 OF ALL PARTIES AND SUBJECT TO REVIEW AND APPROVAL BY THE COURT; TO
28 AMEND SECTION 43-19-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
29 CUSTODIAL AND NONCUSTODIAL PARENTS TO SIGN AN AGREEMENT MODIFYING
30 THE CHILD SUPPORT ORDER THROUGH STIPULATION FOR ARREARS; TO CODIFY
31 SECTION 43-19-44, MISSISSIPPI CODE OF 1972, TO DIRECT THE
32 DEPARTMENT OF HUMAN SERVICES TO SAFEGUARD PERSONAL DATA IF THERE
33 IS REASONABLE EVIDENCE OF A RISK OF HARM, TO PROVIDE A DEFINITION
34 OF REASONABLE EVIDENCE OF A RISK OF HARM TO THE PARENT OR CHILD IN
35 SUPPORT CASES, TO REQUIRE THE DEPARTMENT TO NOTIFY THE FEDERAL
36 PARENT LOCATOR SERVICE IN SUCH CASES, TO PROVIDE FOR A PETITION TO
37 THE COURT FOR THE RELEASE OF INFORMATION IN CASES WHERE IT HAS
38 BEEN DETERMINED THAT THERE IS A REASONABLE RISK OF HARM AND TO
39 PROVIDE ALTERNATIVE ORDERS BY THE COURT IN SUCH CASES; TO AMEND
40 SECTION 93-11-65, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
41 NONCUSTODIAL AND CUSTODIAL PARENT IN PATERNITY OR CHILD SUPPORT
42 PROCEEDINGS TO REGISTER CERTAIN INFORMATION AND TO UPDATE THIS
43 INFORMATION AS IT CHANGES AND TO PROVIDE THAT DUE PROCESS
44 REQUIREMENTS FOR NOTICE AND SERVICE SHALL BE MET BY NOTICE TO THE
45 MOST RECENT RESIDENTIAL OR EMPLOYER ADDRESS FILED; TO AMEND
46 SECTION 93-11-71, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CHILD
47 SUPPORT UNIT TO IMPOSE LIENS ON REAL AND CERTAIN PERSONAL PROPERTY
48 WITHOUT OBTAINING A JUDGMENT IN CIRCUIT COURT FOR CHILD SUPPORT
49 PAYMENTS WHICH REMAIN UNPAID FOR OVER 30 DAYS AND TO AFFORD FULL
50 FAITH AND CREDIT TO ANY SUCH LIENS ARISING IN OTHER STATES; TO
51 CODIFY SECTION 93-11-105, MISSISSIPPI CODE OF 1972, AND TO AMEND
52 SECTION 93-11-103, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE

53 CHILD SUPPORT UNIT TO BE THE DESIGNATED STATE AGENCY TO RECEIVE
54 INCOME WITHHOLDING PAYMENTS AND TO DELETE CERTAIN EXCEPTIONS TO
55 INCOME WITHHOLDING IN CASES ENFORCED BY THE CHILD SUPPORT UNIT; TO
56 CODIFY SECTION 43-19-59, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
57 THE CHILD SUPPORT UNIT TO USE HIGH-VOLUME AUTOMATED ADMINISTRATIVE
58 ENFORCEMENT IN RESPONSE TO A REQUEST FROM ANOTHER STATE FOR THE
59 ENFORCEMENT OF CHILD SUPPORT ORDERS WITHOUT THE NECESSITY OF COURT
60 ORDER; AND FOR RELATED PURPOSES.

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

62 SECTION 1. Section 43-19-31, Mississippi Code of 1972, is
63 amended as follows:

64 43-19-31. The Department of Human Services is hereby
65 authorized and empowered to establish a single and separate Child
66 Support Unit for the following purposes:

67 (a) To develop and implement a nonsupport and paternity
68 program and institute proceedings in the name of the Department of
69 Human Services or in the name of the recipient in any court of
70 competent jurisdiction in any county where the mother of the child
71 resides or is found, in the county where the father resides or is
72 found, or in the county where the child resides or is found;

73 (b) To secure and collect support by any method
74 authorized under state law and establish paternity for any child
75 or children receiving aid from the department, from a parent or
76 any other person legally liable for such support who has either
77 failed or refused to provide support, deserted, neglected or
78 abandoned the child or children, including cooperating with other
79 states in establishing paternity, locating absent parents and
80 securing compliance with court orders for support of Temporary
81 Assistance for Needy Families (TANF) children; the department may
82 petition the court for the inclusion of health insurance as part
83 of any child support order on behalf of any child receiving aid
84 from the department unless good cause for noncooperation, as
85 defined by the Social Security Act or the Mississippi Department
86 of Human Services, is established;

87 (c) To initiate support or paternity actions in behalf
88 of nonrelated Temporary Assistance for Needy Families (TANF)
89 families, and to secure and collect child support in such cases by

any method authorized under state law; the department may petition the court for the inclusion of health insurance as part of any child support order on behalf of such nonrelated Temporary Assistance for Needy Families (TANF) families unless good cause for noncooperation, as defined by the Social Security Act or the Mississippi Department of Human Services, is established;

(d) The department shall seek to recover from the individual who owes a support obligation to a nonrelated Temporary Assistance for Needy Families (TANF) family on whose behalf the department is providing services, upon judicial proceedings conducted thereon after advance notice to such obligor, reasonable attorney's fees and court costs, in excess of any administrative fees collected and in excess of amounts of current support owed by the obligor, which the department incurs in recovering and collecting the support obligation, such costs as the department recovers to be deposited in the General Fund of the State Treasury;

(e) To initiate contempt of court proceedings or any other remedial proceedings necessary to enforce (i) any order or decree of court relating to child support, and (ii) any order or decree of court relating to the maintenance and/or alimony of a parent where support collection services on his or her child's behalf are being provided by the department;

(f) To secure and collect by any method authorized under state law any maintenance and/or alimony on behalf of a parent whose child or children's support is being collected by the department. The department shall collect only such maintenance and/or alimony as is ordered or decreed by the court, and only in the event that the minor child and parent to whom such maintenance and/or alimony has been ordered are living in the same household;

(g) To obtain restitution of monies expended for public assistance from a parent or any other person legally liable for the support of any child or children receiving aid from the department; said action for restitution shall arise from the

124 payment of public assistance for the dependent child or children
125 and shall be for the amount of the public assistance paid. Said
126 action for restitution shall not arise against the parent or other
127 person legally responsible who receives public assistance for the
128 benefit of any dependent child or children. When a court order of
129 support has been issued, the amount recoverable shall be limited
130 to the amount of the court order;

131 (h) Setting off against a debtor's income tax refund or
132 rebate any debt which is in the form of a liquidated sum due and
133 owing for the care, support or maintenance of a child;

134 (i) To have full responsibility in the aforementioned
135 cases for initiating actions under the Uniform Interstate Family
136 Support Act and for responding to the actions of other
137 jurisdictions under said law when Mississippi is the responding
138 state; however, this shall not impair private litigants' rights to
139 proceed under any applicable interstate enforcement mechanisms;

140 (j) To enter into contracts for the purpose of
141 performing any test which the department may from time to time
142 require;

143 (k) To maintain a Central Receipting and Disbursement
144 Unit to which all payments required by withholding orders and
145 orders for support in all actions to which the Department of Human
146 Services is a party shall be forwarded, and from which child
147 support payments ordered by the court in actions to which the
148 Department of Human Services is a party shall be disbursed to the
149 custodial parent or other such party as may be designated by the
150 court order. The Central Receipting and Disbursement Unit shall
151 be operated by the Department of Human Services or any financial
152 institution having operations and qualified to do business in
153 Mississippi, whose deposits are insured by the Federal Deposit
154 Insurance Corporation. The department shall conduct cost-benefit
155 analyses to determine and utilize the more cost efficient manner
156 of operating the unit;

157 (l) To maintain a Mississippi Department of Human

Services Case Registry containing records with respect to:

(i) Each case in which services are being provided by the department under this section; and

(ii) Each support order established or modified in Mississippi on or after October 1, 1998; and

(iii) The Administrative Office of Courts, as established by Section 9-21-1, Mississippi Code of 1972, in consultation with the Mississippi Department of Human Services, shall devise, promulgate and require the use of a Uniform Child Support Order Tracking System.

(A) Information collected from case filing forms shall be furnished to the Mississippi Department of Human Services, Division of Child Support Enforcement, in order that compliance with court-ordered obligations of support may be tracked with specificity throughout the duration of said obligations and any subsequent proceedings.

(B) Such tracking system shall include: 1. the names, residential and mailing address, telephone numbers, Social Security numbers, driver's license numbers and dates of birth of each child and parent named in or subject to the court order; 2. the court cause number of the action; * * * 3. name, address and telephone number of employer; 4. any restraining or protective order indicating domestic violence; and 5. any other information which may be used for the purpose of identifying any person named in or subject to the order or for the purposes of establishing, enforcing or modifying a child support order; and

(m) To have the authority to take administrative actions relating to genetic testing, modification, income withholding, liens and subpoenas without the necessity of obtaining an order from any other judicial or administrative tribunal.

(n) To have the authority to use high-volume automated administrative enforcement in interstate cases to the same extent as used for intrastate cases, in response to a request made by

192 another state to enforce support orders.

193 (o) To provide any child support enforcement or other
194 service as may be required by the United States of America,
195 Department of Health and Human Services, Family Support
196 Administration, Office of Child Support Enforcement or their
197 successor pursuant to federal law or regulation.

198 SECTION 2. Section 93-9-21, Mississippi Code of 1972, is
199 amended as follows:

200 93-9-21. (1) (a) In all cases brought pursuant to Title
201 IV-D of the Social Security Act, upon sworn documentation by the
202 mother, putative father, or the Department of Human Services
203 alleging paternity, the department may issue an administrative
204 order for paternity testing which requires the mother, putative
205 father and minor child to submit themselves for paternity testing.
206 The department shall then send the putative father the following
207 notices by registered mail, restricted delivery: a copy of the
208 Administrative Order and a Notice for Genetic Testing which shall
209 include the date, time and place for collection of the putative
210 father's genetic sample, and a Notice and Complaint to Establish
211 Paternity which shall specify the date and time certain of the
212 hearing.

213 (b) In the event that the putative father does not
214 submit to genetic testing, the court shall, without further
215 notice, on the date and time previously set through the notice for
216 hearing, review the documentation of the refusal to submit to
217 genetic testing and make a determination as to whether the
218 complaint to establish paternity should be granted. The refusal
219 to submit to such testing shall create a presumption of an
220 admission to paternity by the putative father.

221 (c) In any case in which the Department of Human
222 Services orders genetic testing, the department is required to
223 advance costs of such tests subject to recoupment from the alleged
224 father if paternity is established. If either party challenges
225 the original test results, the department shall order additional

testing at the expense of the challenging party. Such challenge must be made within ten (10) days from the date of mailing of the results.

(2) The court, on its own motion or on motion of the plaintiff or the defendant, shall order the mother, the alleged father and the child or children to submit to genetic tests and any other tests which reasonably prove or disprove the probability of paternity.

If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interest of justice so require.

(3) Any party calling a witness or witnesses for the purpose of testifying that they had sexual intercourse with the mother at any possible time of conception shall provide all other parties with the name and address of the witness twenty (20) days before the trial. If a witness is produced at the hearing for the purpose stated in this subsection but the party calling the witness failed to provide the twenty-day notice, the court may adjourn the proceeding for the purpose of taking a genetic test of the witness prior to hearing the testimony of the witness if the court finds that the party calling the witness acted in good faith.

(4) The court shall ensure that all parties are aware of their right to request genetic tests under this section.

(5) (a) Genetic tests shall be performed by a laboratory selected from the approved list as prepared and maintained by the Department of Human Services.

(b) The Department of Human Services * * * shall publicly issue a request for proposals, and such requests for proposals when issued shall contain terms and conditions relating to price, technology and such other matters as are determined by the department to be appropriate for inclusion or required by law.

After responses to the request for proposals have been duly

received, the department shall select the lowest and best bid(s) on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contract(s) with one or more of the laboratories submitting proposals. The department shall prepare a list of all laboratories with which it has contracted on these terms. The list and any updates thereto shall be distributed to all chancery clerks. To be eligible to appear on the list, a laboratory must meet the following requirements:

(i) The laboratory is qualified to do business within the State of Mississippi;

(ii) The laboratory can provide test results in less than fourteen (14) days; and

(iii) The laboratory must have participated in the competitive procurement process.

SECTION 3. Section 93-9-23, Mississippi Code of 1972, is amended as follows:

93-9-23. (1) Genetic testing shall be made by experts qualified as examiners of genetic tests who shall be appointed by the court pursuant to Section 93-9-21(5). The expert shall attach to the report of the test results an affidavit stating in substance: (a) that the affiant has been appointed by the court to administer the test and shall give his name, address, telephone number, qualifications, education and experience; (b) how the mother, child and alleged father were identified when the samples were obtained; (c) who obtained the samples and how, when and where obtained; (d) the chain of custody of the samples from the time obtained until the tests were completed; (e) the results of the test and the probability of paternity as calculated by an expert based on the test results; (f) the amount of the fee for performing the test; and (g) the procedures performed to obtain the test results. In cases initiated or enforced by the Department of Human Services pursuant to Title IV-D of the Social Security Act the Department of Human Services shall be responsible

for paying the costs of any genetic testing when such testing is required by law to establish paternity, subject to recoupment from the defendant if paternity is established.

(2) The expert or laboratory shall send all parties or the attorney of record if represented by counsel a copy of the report by first class mail. The expert or laboratory shall file the original report with the clerk of the court along with proof of mailing to the parties. A party may challenge the testing procedure within thirty (30) days of the date of mailing of the results. If either party challenges the original test results, the court shall order additional testing at the expense of the challenging party.

(3) If the court, in its discretion, finds cause to order additional testing, then it may do so using the same or another laboratory or expert. If there is no timely challenge to the original test results or if the court finds no cause to order additional testing, then the certified report shall be admitted as evidence in the proceeding as prima facie proof of its contents.

(4) Upon request or motion of any party to the proceeding, the court may require persons making any analysis to appear as a witness and be subject to cross-examination, provided that the request or motion is made at least ten (10) days prior to a hearing. The court may require the party making the request or motion to pay the costs and/or fees for the expert witness' appearance.

SECTION 4. Section 93-11-153, Mississippi Code of 1972, is amended as follows:

93-11-153. As used in Sections 93-11-151 through 93-11-163, the following words and terms shall have the meanings ascribed herein:

(a) "Licensing entity" or "entity" means any entity specified in Title 73, Professions and Vocations, of the Mississippi Code, and includes the Mississippi Department of Public Safety with respect to driver's licenses, the Mississippi

State Tax Commission with respect to licenses for the sale of alcoholic beverages and other licenses or registration authorizing a person to engage in a business, the Mississippi Department of Wildlife, Fisheries and Parks with respect to hunting and fishing licenses, and any other state agency that issues a license authorizing a person to engage in a business, occupation or profession. For the purposes of this article, the Supreme Court shall be considered to be the licensing entity for attorneys.

(b) "License" means a license, certificate, permit, credential, registration, or any other authorization issued by a licensing entity that allows a person to engage in a business, occupation or profession, to operate a motor vehicle, to sell alcoholic beverages, or to hunt and fish.

(c) "Licensee" means any person holding a license issued by a licensing entity.

(d) "Order for support" means any judgment or order that provides for periodic payments of funds for the support of a child, whether it is temporary or final, and includes, but is not limited to, an order for reimbursement for public assistance or an order for making periodic payments on a support arrearage.

(e) "Out of compliance with an order for support" means that the obligor * * * is more than two (2) months in arrears or delinquent in making payments in full for current support, or in making periodic payments on a support arrearage.

(f) "Department" means the Mississippi Department of Human Services.

(g) "Division" means the division within the department that is charged with the state administration of Title IV-D of the Social Security Act.

(h) "Delinquency" means any payments that are ordered by any court to be paid by a noncustodial parent for the support of a child that have remained unpaid for at least thirty (30) days after payment is due. Delinquency shall also include payments that are ordered by any court to be paid for maintenance of a

362 spouse.

363 SECTION 5. Section 93-11-155, Mississippi Code of 1972, is
364 amended as follows:

365 93-11-155. (1) In the manner and form prescribed by the
366 division, all licensing entities shall provide to the division, on
367 at least a quarterly basis, information on licensees for use in
368 the establishment, enforcement and collection of child support
369 obligations including, but not limited to: name, address, Social
370 Security number, sex, date of birth, employer's name and address,
371 type of license, effective date of the license, expiration date of
372 the license, and active or inactive license status. Whenever
373 technologically feasible, the department and licensing entities
374 shall seek to reach agreements to provide the information required
375 by this section by way of electronic data media, including, but
376 not limited to, on-line access and records on magnetic/optical
377 disk or tape. In lieu of providing the licensing information to
378 the division as outlined above and in the discretion of the
379 licensing entity, the division shall provide the identity of the
380 individual who is delinquent in support payments to the licensing
381 entity who will then match that information with their records and
382 provide the division with all necessary information for those
383 individuals licensed by that entity.

384 (2) Any licensed attorney representing the party to whom
385 support was ordered may submit to the division the name and record
386 of accounting showing an arrears of an individual who is out of
387 compliance with an order for support which is not being enforced
388 by the division under Title IV-D, and the division shall submit
389 the name of such individual to the licensing entities who will
390 match the name with their records in the same manner as provided
391 in subsection (1) to provide the attorney with necessary
392 information regarding licensees. The attorney applying for such
393 information shall pay a fee not to exceed Twenty-five Dollars
394 (\$25.00) for such service.

395 SECTION 6. Section 93-11-157, Mississippi Code of 1972, is

amended as follows:

93-11-157. (1) The division shall review the information received under Section 93-11-155 and any other information available to the division, and shall determine if a licensee is out of compliance with an order for support. If a licensee is out of compliance with the order for support, the division shall notify the licensee by first class mail that ninety (90) days after the licensee receives the notice of being out of compliance with the order, the licensing entity will be notified to immediately suspend the licensee's license unless the licensee pays the arrearage owing, according to the accounting records of the Mississippi Department of Human Services or enters into a stipulated agreement and agreed judgment establishing a schedule for the payment of the arrearage. The licensee shall be presumed to have received the notice five (5) days after it is deposited in the mail.

(2) Upon receiving the notice provided for in subsection (1) of this section the licensee may:

(a) Request a review with the division; however, the issues the licensee may raise at the review are limited to whether the licensee is the person required to pay under the order for support and whether the licensee is out of compliance with the order for support; or

(b) Request to participate in negotiations with the division for the purpose of establishing a payment schedule for the arrearage.

(3) The division director or the designees of the division director may and, upon request of a licensee, shall negotiate with a licensee to establish a payment schedule for the arrearage. Payments made under the payment schedule shall be in addition to the licensee's ongoing obligation under the latest entered periodic order for support.

(4) Should the division and the licensee reach an agreement on a payment schedule for the arrearage, the division director

430 shall submit to the court the stipulated agreement and agreed
431 judgment containing the payment schedule which, upon the court's
432 approval, is enforceable as any order of the court. If the court
433 does not approve the stipulated agreement and agreed judgment, the
434 court may require a hearing on a case-by-case basis for the
435 judicial review of the payment schedule agreement.

436 (5) If the licensee and the division do not reach an
437 agreement on a payment schedule for the arrearage, the licensee
438 may move the court to establish a payment schedule. However, this
439 action does not stay the license suspension.

440 (6) The notice given to a licensee that the licensee's
441 license will be suspended in ninety (90) days must clearly state
442 the remedies and procedures that are available to a licensee under
443 this section.

444 (7) If at the end of the ninety (90) days the licensee has
445 an arrearage according to the accounting records of the
446 Mississippi Department of Human Services and the licensee has not
447 entered into a stipulated agreement and agreed judgment
448 establishing a payment schedule for the arrearage, the division
449 shall immediately notify all applicable licensing entities in
450 writing to suspend the licensee's license, and the licensing
451 entities shall immediately suspend the license and shall within
452 three (3) business days notify the licensee and the licensee's
453 employer, where known, of the license suspension and the date of
454 such suspension by certified mail return receipt requested. A
455 licensing entity shall immediately reinstate the suspended license
456 upon the division's notification of the licensing entities in
457 writing that the licensee no longer has an arrearage or that the
458 licensee has entered into a stipulated agreement and agreed
459 judgment.

460 (8) Within thirty (30) days after a licensing entity
461 suspends the licensee's license at the direction of the division
462 under subsection (7) of this section, the licensee may appeal the
463 license suspension to the chancery court of the county in which

the licensee resides or to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon giving bond with sufficient sureties in the amount of Two Hundred Dollars (\$200.00), approved by the clerk of the chancery court and conditioned to pay any costs that may be adjudged against the licensee. Notice of appeal shall be filed in the office of the clerk of the chancery court. If there is an appeal, the appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas of the license suspension. The department shall be the appellee in the appeal, and the licensing entity shall not be a party in the appeal. The chancery court shall dispose of the appeal and enter its decision within thirty (30) days of the filing of the appeal. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. The decision of the chancery court may be appealed to the Supreme Court in the manner provided by the rules of the Supreme Court. In the discretion of and on motion to the chancery court, no person shall be allowed to practice any business, occupation or profession or take any other action under the authority of any license the suspension of which has been affirmed by the chancery court while an appeal to the Supreme Court from the decision of the chancery court is pending.

(9) If a licensee who has entered a stipulated agreement and agreed judgment for the payment of an arrearage under this section subsequently is out of compliance with an order for support, the division shall immediately notify the licensing entity to suspend the licensee's license, and the licensing entity shall immediately suspend the license without a hearing and shall within three (3) business days notify the licensee in writing of the license suspension. In the case of a license suspension under the provisions of this subsection, the procedures provided for under subsections (1) and (2) of this section are not required; however, the appeal provisions of subsection (8) of this section still apply. After suspension of the license, if the licensee

subsequently enters into a stipulated agreement and agreed judgment or the licensee otherwise informs the division of compliance with the order for support, the division shall within seven (7) days notify in writing the licensing entity that the licensee is in compliance. Upon receipt of that notice from the division, a licensing entity shall immediately reinstate the license of the licensee and shall within three (3) business days notify the licensee of the reinstatement.

(10) Nothing in this section prohibits a licensee from filing a motion for the modification of an order for support or for any other applicable relief. However, no such action shall stay the license suspension procedure, except as may be allowed under subsection (8) of this section.

(11) If a license is suspended under the provisions of this section, the licensing entity is not required to refund any fees paid by a licensee in connection with obtaining or renewing a license.

(12) The requirement of a licensing entity to suspend a license under this section does not affect the power of the licensing entity to deny, suspend, revoke or terminate a license for any other reason.

(13) The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by this section and not by the general licensing and disciplinary provisions applicable to a licensing entity. Actions taken by a licensing entity in suspending a license when required by this section are not actions from which an appeal may be taken under the general licensing and disciplinary provisions applicable to the licensing entity. Any appeal of a license suspension that is required by this section shall be taken in accordance with the appeal procedure specified in subsection (8) of this section rather than any procedure specified in the general licensing and disciplinary provisions

applicable to the licensing entity. If there is any conflict between any provision of this section and any provision of the general licensing and disciplinary provisions applicable to a licensing entity, the provisions of this section shall control.

(14) No license shall be suspended under this section until ninety (90) days after July 1, 1996. This ninety-day period shall be a one-time amnesty period in which any person who may be subject to license suspension under this article may comply with an order of support in order to avoid the suspension of any license.

(15) Any individual who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving appropriate notice may be subject to a suspension or the withholding of an issuance of a license under this section.

SECTION 7. Section 93-11-159, Mississippi Code of 1972, is amended as follows:

93-11-159. * * * The licensing entities subject to Sections 93-11-151 through 93-11-161 may establish an additional administrative fee not to exceed Twenty-five Dollars (\$25.00) to be paid by licensees who are out of compliance with an order of support and who are subject to the provisions of Sections 93-11-151 through 93-11-161 for the purpose of recovering costs of the licensing entities associated with the implementation of Sections 93-11-151 through 93-11-161.

SECTION 8. Section 93-11-163, Mississippi Code of 1972, is amended as follows:

93-11-163. In addition to the procedures in Section 93-11-157, the court may, upon a finding that a defendant is in delinquency for being out of compliance with an order for support, order the licensing entity as defined in Section 93-11-153(a) to suspend the license of the defendant. In its discretion, the court may stay such an order for a reasonable time to allow the defendant to purge himself of the delinquency. If a license is suspended under this section, the court may also order the

licensing entity to reinstate the license when it is satisfied that the defendant has purged himself of the delinquency.

Licensing entities shall treat a suspension under this section the same as a suspension under Section 93-11-157. Defendants whose license is suspended under this section shall be subject to any administrative fees established for reinstatement under Section 93-11-159.

SECTION 9. Section 41-57-23, Mississippi Code of 1972, is amended as follows:

41-57-23. (1) Any petition, bill of complaint or other proceeding filed in the chancery court to: (a) change the date of birth by two (2) or more days, (b) change the surname of a child, (c) change the surname of either or both parents, (d) change the birthplace of the child because of an error or omission of such information as originally recorded or (e) make any changes or additions to a birth certificate resulting from a legitimation, filiation or any changes not specifically authorized elsewhere by statute, shall be filed in the county of residence of the petitioner or filed in any chancery court district of the state if the petitioner be a nonresident petitioner. In all such proceedings, the State Board of Health shall be made a respondent therein, and a certified copy of the petition, bill of complaint or other proceeding shall be forwarded to the State Board of Health. Process may be served upon the State Registrar of Vital Records. The State Board of Health shall file an answer to all such proceedings within the time as provided by general law. The provisions of this section shall not apply to adoption proceedings. Upon receipt of a certified copy of a decree, which authorizes and directs the State Board of Health to alter the certificate, it shall comply with all of the provisions of such decree.

(2) If a child is born to a mother who was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges paternity, the name

of the father shall be added to the birth certificate if a notarized affidavit by both parents acknowledging paternity is received on the form prescribed or as provided in Section 93-9-9.

The surname of the child shall be that of the father except that an affidavit filed at birth by both listed mother and father may alter this rule. In the event the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate, action must be taken under Section 41-57-23(1) to add or change the name of the father.

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

(i) Sixty (60) days; or
(ii) The date of a judicial proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

(b) After the sixty-day period referred to above, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

SECTION 10. Section 93-9-9, Mississippi Code of 1972, is amended as follows:

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

parent may be enforced in the same or other proceedings by the custodial parent, the child, or any public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support and maintenance, and medical or funeral expenses for the custodial parent or the child.

The trier of fact shall receive without the need for third-party foundation testimony certified, attested or sworn documentation as evidence of (a) childbirth records; (b) cost of filing fees; (c) court costs; (d) services of process fees; (e) mailing cost; (f) genetic tests and testing fees; (g) the department's attorney's fees; (h) in cases where the state or any of its entities or divisions have provided medical services to the child or the child's mother, all costs of prenatal care, birthing, postnatal care and any other medical expenses incurred by the child or by the mother as a consequence of the mother's pregnancy or delivery; and (i) funeral expenses. However, proceedings hereunder shall not be instituted by the Department of Human Services after the child has reached the age of eighteen (18) years but proceedings may be instituted by a private attorney at any time until such child attains the age of twenty-one (21) years unless the child has been emancipated as provided in Section 93-5-23 and Section 93-11-65. In the event of court determined paternity, the surname of the child shall be that of the father, unless the judgment specifies otherwise.

(2) If the alleged father in an action to determine paternity to which the Department of Human Services is a party fails to appear for a scheduled hearing after having been served with process or subsequent notice consistent with the Rules of Civil Procedure, his paternity of the child(ren) shall be established by the court if an affidavit sworn to by the mother averring the alleged father's paternity of the child has accompanied the complaint to determine paternity. Said affidavit shall constitute sufficient grounds for the court's finding of the alleged father's paternity without the necessity of the presence

or testimony of the mother at the said hearing. The court shall, upon motion by the Department of Human Services, enter a judgment of paternity. Any person who shall willfully and knowingly file a false affidavit shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00).

(3) Upon application of both parents to the State Board of Health and receipt by the State Board of Health of a sworn acknowledgement of paternity executed by both parents subsequent to the birth of a child born out of wedlock, the birth certificate of the child shall be amended to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents for the legitimization of a child under this section, the surname of the child shall be changed on the certificate to that of the father.

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

(i) Sixty (60) days; or

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

(b) After the sixty-day period referred to above, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

SECTION 11. Section 93-9-28, Mississippi Code of 1972, is amended as follows:

93-9-28. (1) The Mississippi Department of Health in cooperation with the Mississippi Department of Human Services shall develop a form and procedure which may be used to secure a

voluntary acknowledgement of paternity from the mother and father of any child born out of wedlock in Mississippi. The form shall clearly state on its face that the execution of the acknowledgement of paternity shall result in the same legal effect as if the father and mother had been married at the time of the birth of the child. When such form has been completed according to the established procedure and the signatures of both the mother and father have been notarized, then such voluntary acknowledgement shall constitute a full determination of the legal parentage of the child. The completed voluntary acknowledgement of paternity shall be filed * * * with the Bureau of Vital Statistics of the Mississippi Department of Health. The name of the father shall be entered on the certificate of birth upon receipt of the completed voluntary acknowledgement.

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

(i) Sixty (60) days; or
(ii) The date of a judicial proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

(b) After the sixty-day period referred to above, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

(3) The Mississippi Department of Health and the Mississippi Department of Human Services shall cooperate to establish procedures to facilitate the voluntary acknowledgement of paternity by both father and mother at the time of the birth of any child born out of wedlock. Such procedures shall establish

responsibilities for each of the departments and for hospitals, birthing centers, midwives, and/or other birth attendants to seek and report voluntary acknowledgements of paternity. In establishing such procedures, the departments shall provide for obtaining the Social Security account numbers of both the father and mother on voluntary acknowledgements.

(4) Upon the birth of a child out of wedlock, the hospital, birthing center, midwife or other birth attendant shall provide an opportunity for the child's mother and natural father to complete an acknowledgement of paternity by giving the mother and natural father the appropriate forms and information developed through the procedures established in paragraph (3). The hospital, birthing center, midwife or other birth attendant shall be responsible for providing printed information, and audio visual material if available, related to the acknowledgement of paternity, and shall be required to provide notary services needed for the completion of acknowledgements of paternity. The information described above shall be provided to the mother and natural father, if present and identifiable, within twenty-four (24) hours of birth or before the mother is released. Such information, including forms, brochures, pamphlets, video tapes and other media, shall be provided at no cost to the hospital, birthing center or midwife by the Mississippi State Department of Health, the Department of Human Services or other appropriate agency.

SECTION 12. The following provision shall be codified as Section 43-19-34, Mississippi Code of 1972:

43-19-34. (1) In lieu of legal proceedings instituted to obtain a modification for an order for support, a written stipulated agreement for modification executed by the responsible parent when acknowledged before a clerk of the court having jurisdiction over such matters or a notary public and filed with and approved by the judge of said court shall have the same force and effect, retroactively and prospectively, in accordance with the terms of said agreement as an order for modification of

support entered by the court, and shall be enforceable and subject to subsequent modification in the same manner as is provided by law for orders of the court in such cases.

(2) With respect to a child support order in cases initiated or enforced by the Department of Human Services pursuant to Title IV-D of the Social Security Act, wherein the department has determined that a modification is appropriate, the department shall send a motion and notice of intent to modify the order, together with the proposed modification of the order under this section by first class mail to the last known mailing address of the defendant. Such notice shall specify the date and time certain of the hearing. The defendant may accept the proposed modification by signing and returning it to the department prior to the date of hearing for presentation to the court for approval.

In the event that the defendant does not sign and return the proposed modification, the court shall on the date and time previously set for hearing review the proposal and make a determination as to whether it should be approved in whole or in part.

SECTION 13. Section 43-19-33, Mississippi Code of 1972, is amended as follows:

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

(2) In lieu of legal proceedings instituted to establish paternity, a written admission of paternity containing a

804 stipulated agreement of support executed by the putative father of
805 the dependent child, when accompanied by a written affirmation of
806 paternity executed and sworn to by the mother of the dependent
807 child, when acknowledged by the putative father before a clerk of
808 the court having jurisdiction over such matters or a notary public
809 and filed with and approved by the judge of said court, shall have
810 the same force and effect, retroactively and prospectively, in
811 accordance with the terms of said agreement, as an order of
812 filiation and support entered by the court, and shall be
813 enforceable and subject to modification in the same manner as is
814 provided by law for orders of the court in such cases.

815 (3) At any time after filing with the court having
816 continuing jurisdiction of such matters of an acknowledgment of
817 paternity wherein a provision of support has not been entered
818 into, upon notice by the department to the defendant by first
819 class mail at his last known mailing address and without the
820 requirement of a summons being issued, the defendant shall be
821 required to appear in court at any time and place named therein,
822 to show cause, if any he can, why the court should not enter an
823 order for the support of the child by periodic payments, which
824 order may include provisions for reimbursement for medical
825 expenses incident to the pregnancy and the birth of the child,
826 accrued maintenance and reasonable expenses of the action under
827 this subsection on the acknowledgment of paternity previously
828 filed with said court. Provided, that in the case of a child who,
829 upon reaching the age of twenty-one (21) years, is mentally or
830 physically incapable of self-support, the putative father shall
831 not be relieved of the duty of support unless said child is a
832 long-term patient in a facility owned or operated by the State of
833 Mississippi. The prior judgment as to paternity shall be res
834 judicata as to that issue and shall not be reconsidered by the
835 court.

836 (4) Such agreements of support, acknowledgments and
837 affirmations of paternity and support shall be sworn to and shall

be binding on the person executing the same whether he be an adult or a minor and may include provisions for the reimbursement of medical expenses incident to the pregnancy and birth of the child, accrued maintenance and reasonable expenses of any action previously filed before the court.

(5) In lieu of legal proceedings instituted to enforce an order for support, a written stipulated agreement for the provision of periodic payments towards an arrearage executed by the defendant when acknowledged before a clerk of the court having jurisdiction over such matters or a notary public and filed with and approved by the judge of said court shall have the same force and effect, retroactively and prospectively, in accordance with the terms of said agreement as a judgment for overdue support entered by the court, and shall be enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases.

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

SECTION 14. The following provision shall be codified as Section 43-19-44, Mississippi Code of 1972:

43-19-44. For purposes of this section, an "authorized person" shall mean:

(a) Any agent or attorney of any state having in effect a plan approved under federal law, who has the duty or authority under such plan to seek to recover any amounts owed as child and spousal support (including, when authorized under the state plan, any official of a political subdivision);

(b) The court which has authority to issue an order or to serve as the initiating court in an action to seek an order against a noncustodial parent of the support and maintenance of a child, or any agent of such court;

(c) The resident parent, legal guardian, attorney or

agent of a child (other than a child receiving federal assistance as determined by federal regulation) without regard to the existence of a court order against a noncustodial parent who has a duty to support and maintain any such child;

(d) A state agency that is administering a program operated under a state plan approved under federal law;

(e) Any agent or attorney of any state having an agreement under this section, who has the duty or authority under the law of such state to enforce a child custody or visitation determination;

(f) Any court having jurisdiction to make or enforce such a child custody or visitation determination, or any agent of such court; and

(g) Any agent or attorney of the United States, or of a state having an agreement under this section, who has the duty or authority to investigate, enforce or bring a prosecution with respect to the unlawful taking or restraint of a child.

The department shall safeguard personal data if the department is provided with reasonable evidence of a risk of harm.

A state agency, court, department of another state, obligor, obligee and such other persons or entities as the department may specify may provide the department with reasonable evidence of a risk of harm in such manner as the department may require. The department shall not be required to safeguard personal data in intrastate cases for longer than one (1) year unless the department is provided with reasonable evidence of a continued risk of harm in such manner as the department may require. The department shall notify individuals whose personal data is safeguarded under this section that in order for the safeguards to remain in effect, such individuals must provide the department annually with reasonable evidence of a continued risk of harm. For the purposes of this section "reasonable evidence of a risk of harm" shall mean reasonable evidence that the release of information may result in physical harm to the parent or child,

that the release of information may result in emotional harm to the parent or child which would significantly reduce the parent's capacity to care for the child, or would significantly reduce the parent or child's ability to function adequately, or that a protective order or restraining order has been issued on behalf of the parent or child.

If the department is provided with reasonable evidence of a risk of harm, the department, its employees and its contractors shall not disclose any personal data that could otherwise be disclosed about the location of a parent or child, including residential address, telephone number and name, address and telephone number of employer, and shall not disclose the Social Security number of a parent or child; provided, however, that such personal data may be shared by and between employees of the department and its contractors; provided further, that the department may disclose such personal data to the Federal Parent Locator Service, to the court, or agent of a court that is authorized to receive information from the Federal Parent Locator Service established pursuant to Title IV-D of the Social Security Act.

Provided further, that the department may disclose the Social Security number of a child receiving IV-D services for the purposes directly connected to obtaining health care coverage for such child to an employer or provider of health care coverage.

If the department is provided with reasonable evidence of a risk of harm pursuant to this section, the department shall notify the Federal Parent Locator Service established pursuant to Title IV-D of the Social Security Act that a risk of harm exists. Upon order of the court in an intrastate matter the department shall release personal data, which may include location information and Social Security numbers, to such court or agent, as required by said Title IV-D of the Social Security Act; provided, however, that if the department has been provided with reasonable evidence of a risk of harm the department shall notify the court or agent

that the department has received such information, before making any disclosure of such personal data, the court is required to determine whether such disclosure to any other person could be harmful to the parent or child. A person or agency seeking disclosure of personal data which the department is prohibited from disclosing because of a risk of harm, but which could otherwise be disclosed may file a petition with the chancery court to request disclosure of such personal data.

Upon an order by the court in interstate cases to override nondisclosure procedures in cases dealing with domestic violence, the court shall order the department to release this information within thirty (30) days of the order. Whereupon, the department shall transmit said court order to the Federal Office of Child Support Enforcement (OCSE), Federal Parent Locator Service (FPLS).

Whereby OCSE will notify the department of its decision to remove the nondisclosure code. Upon notification from OCSE, the department shall release said information unto the court.

Any unauthorized disclosure or unauthorized willful inspection made in a good faith effort to comply with this section shall not be considered a violation of this section.

A person or agency, including the department, seeking personal data which the department is prohibited from disclosing because of a risk of harm, but which could otherwise be disclosed or which the Federal Parent Locator Service established pursuant to Title IV-D of the Social Security Act is prohibited from disclosing because the Secretary of the Federal Department of Health and Human Services has been notified that there is a reasonable evidence of domestic violence or child abuse, may file a petition with the court where the person resides to request disclosure of such personal data. The petition shall specify the purpose for which such personal data is required. When a petition is filed, or when the court receives notice from the department that the department has been notified of a risk of harm, the court shall determine whether disclosure of personal data could be

harmful to the parent or child before releasing such data to any other person or agency. In making such determination, the court shall notify the parent that the court has received a request to release personal data and shall provide a specific date by which the parent must object to release of the information and provide the basis for objection. The parent may provide such information in writing and shall not be required to appear in person to contest the release of information. The court shall also notify the department of any petition filed pursuant to this section and the department shall release to the court any information which it has been provided regarding the risk of harm, however, that the department shall not be made a party to the action. Further, the attorney for the Department of Human Services, in any proceeding herein, shall not be deemed to be appearing in a representative capacity for any party. The court may also request information directly from the Federal Parent Locator Service from the department of another state, and from any other source.

In determining whether disclosure of personal data could be harmful to the parent or child, the court shall consider any relevant information provided by the parent or child, any information provided by the department or by the department of another state, any evidence provided by the person seeking the personal data. Documentary evidence transmitted to the court by facsimile, telecopier or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission. The court may permit a party or witness to be deposed or to testify by telephone, audiovisual means, or other electronic means.

The court may enter an order (1) impounding the personal data and prohibiting any disclosure by the court or its agents, (2) permitting disclosure by the court or its agents to a specific person or persons, (3) removing any restrictions on disclosure by the court and its agents. An order permitting disclosure of personal data may specify the purposes for which the data may be

used and may prohibit a person to whom the data is disclosed from making further disclosures to any other person. The court shall notify the department of any order entered pursuant to this section. Any person or agency who violates an order issued pursuant to this section may be held in contempt of court and subject to the penalties provided herein.

The court may disclose location information about a parent for the limited purpose of notifying the parent of a proceeding under this section or of any other proceeding in court, provided that such information shall not be disclosed to another party unless the court issues an order pursuant to this section permitting such disclosure.

SECTION 15. Section 93-11-65, Mississippi Code of 1972, is amended as follows:

93-11-65. (1) In addition to the right to proceed under Section 93-5-23, Mississippi Code of 1972, and in addition to the remedy of habeas corpus in proper cases, and other existing remedies, the chancery court of the proper county shall have jurisdiction to entertain suits for the custody, care, support and maintenance of minor children and to hear and determine all such matters, and shall, if need be, require bond, sureties or other guarantee to secure any order for periodic payments for the maintenance or support of a child. In the event a legally responsible parent has health insurance available to him or her through an employer or organization that may extend benefits to the dependents of such parent, any order of support issued against such parent may require him or her to exercise the option of additional coverage in favor of such children as he or she is legally responsible to support. Proceedings may be brought by or against a resident or nonresident of the State of Mississippi, whether or not having the actual custody of minor children, for the purpose of judicially determining the legal custody of a child. All actions herein authorized may be brought in the county where the child is actually residing, or in the county of the

residence of the party who has actual custody, or of the residence of the defendant. Process shall be had upon the parties as provided by law for process in person or by publication, if they be nonresidents of the state or residents of another jurisdiction or are not found therein after diligent search and inquiry or are unknown after diligent search and inquiry; provided that the court or chancellor in vacation may fix a date in termtime or in vacation to which process may be returnable and shall have power to proceed in termtime or vacation. Provided, however, that if the court shall find that both parties are fit and proper persons to have custody of the children, and that either party is able to adequately provide for the care and maintenance of the children, and that it would be to the best interest and welfare of the children, then any such child who shall have reached his twelfth birthday shall have the privilege of choosing the parent with whom he shall live.

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

(3) Whenever the court has ordered a party to make periodic payments for the maintenance or support of a child, but no bond, sureties or other guarantee has been required to secure such payments, and whenever such payments as have become due remain unpaid for a period of at least thirty (30) days, the court may, upon petition of the person to whom such payments are owing, or such person's legal representative, enter an order requiring that bond, sureties or other security be given by the person obligated to make such payments, the amount and sufficiency of which shall be approved by the court. The obligor shall, as in other civil actions, be served with process and shall be entitled to a hearing in such case.

(4) When a charge of abuse or neglect of a child first arises in the course of a custody or maintenance action pending in

the chancery court pursuant to this section, the chancery court may proceed with the investigation, hearing and determination of such abuse or neglect charge as a part of its hearing and determination of the custody or maintenance issue as between the parents, as provided in Section 43-21-151, notwithstanding the other provisions of the Youth Court Law. The proceedings in chancery court on the abuse or neglect charge shall be confidential in the same manner as provided in youth court proceedings, and the chancery court shall appoint a guardian ad litem in such cases, as provided under Section 43-21-121 for youth court proceedings, who shall be an attorney. Unless the chancery court's jurisdiction has been terminated, all disposition orders in such cases for placement with the Department of Human Services shall be reviewed by the court or designated authority at least annually to determine if continued placement with the department is in the best interest of the child or the public.

(5) The noncustodial parent and custodial parent in a paternity or child support proceeding shall be required to file and update, with the court and with the state case registry, information on location and identity of the party, including Social Security number, residential and mailing addresses, telephone numbers, photograph, driver's license number, and name, address and telephone number of the party's employer. This information shall be required upon entry of an order or within five (5) days of a change of address.

(6) In such cases subsequently enforced by the Department of Human Services pursuant to Title IV-D of the Social Security Act, the court shall have continuing jurisdiction. State due process requirements for notice and service of process shall be met with respect to the party upon written notice sent by first class mail at least thirty (30) days prior to the hearing to the most recent residential or employer address filed with the court and the state case registry.

(7) The duty of support of a child terminates upon the

emancipation of the child. The court may determine that emancipation has occurred and no other support obligation exists when the child:

(a) Attains the age of twenty-one (21) years, or

(b) Marries, or

(c) Discontinues full-time enrollment in school and obtains full-time employment prior to attaining the age of twenty-one (21) years, or

(d) Voluntarily moves from the home of the custodial parent or guardian and establishes independent living arrangements and obtains full-time employment prior to attaining the age of twenty-one (21) years.

SECTION 16. Section 93-11-71, Mississippi Code of 1972, is amended as follows:

93-11-71. (1) Whenever a court orders any person to make periodic payments for the maintenance or support of a child, and whenever such payments as have become due remain unpaid for a period of at least thirty (30) days, a judgment by operation of law shall arise against the obligor in such amount as is equal to all such payments which are then due and owing.

(a) Said judgment which arises by operation of law shall have the same effect and be fully enforceable as any other judgment entered in this state. A judicial or administrative action to enforce said judgment may be commenced at any time; and

(b) Such judgments arising in other states by operation of law shall be entitled to be given full faith and credit.

(2) Any judgment arising under the provisions of this section shall operate as a lien upon all the property of the judgment debtor, both real and personal. The judgment for periodic payments for the maintenance and support of a child, along with sworn documentation of the delinquent child support, shall be entered on the judgment roll. Liens arising under the provisions of this section may be executed upon and enforced in the same manner and to the same extent as any other judgment.

1144 (3) Notwithstanding the provisions in paragraph (2), any
1145 judgment obtained under the provisions of this section shall
1146 subject the following assets to interception or seizure without
1147 regard to the entry of such judgment on the judgment roll of the
1148 situs district or jurisdiction:

1149 (a) Periodic or lump-sum payments from a federal, state
1150 or local agency, including unemployment compensation, workers'
1151 compensation and other benefits;

1152 (b) Winnings from lotteries and gaming winnings which
1153 are received in periodic payments made over a period in excess of
1154 thirty (30) days;

1155 (c) Assets held in financial institutions;

1156 (d) Settlements and awards resulting from civil
1157 actions; and

1158 (e) Public and private retirement funds, only to the
1159 extent that the obligor is qualified to receive and receives a
1160 lump sum or periodic distribution from the funds.

1161 (4) In any case in which a child receives assistance from
1162 block grants for Temporary Assistance for Needy Families (TANF),
1163 and the obligor owes past-due child support, the obligor, if not
1164 incapacitated, may be required by the court to participate in any
1165 work programs offered by any state agency.

1166 SECTION 17. The following provision shall be codified as
1167 Section 93-11-105, Mississippi Code of 1972:

1168 93-11-105. (1) Notwithstanding the provisions of Section
1169 93-11-103, the Department of Human Services shall be authorized to
1170 implement administrative orders for withholding without the
1171 necessity of obtaining an order through judicial proceedings. The
1172 administrative order for withholding shall be implemented pursuant
1173 to a previously rendered order for support and shall be on a form
1174 prescribed by the Department of Human Services. Unless
1175 inconsistent with the provisions of this section, the order for
1176 withholding shall be subject to the same requirements as provided
1177 in Sections 93-11-101 through 93-11-118.

(2) The administrative order shall be filed with the clerk by the department and a copy shall be transmitted to the obligor by first class mail.

(3) The order for withholding shall:

(a) Direct any payor to withhold an amount equal to the order for support;

(b) Direct any payor to withhold an additional amount equal to twenty percent (20%) of the current support obligation, unless a different amount has been previously ordered by the court, until payment in full of any delinquency; and

(c) Direct the payor not to withhold in excess of the amounts allowed under Section 303(b) of the Consumer Credit Protection Act, being 15. USCS 1673, as amended.

SECTION 18. Section 93-11-103, Mississippi Code of 1972, is amended as follows:

93-11-103. (1) **Child support orders enforced by Department of Human Services.** Upon entry of any order for support by a court of this state where the custodial parent is a recipient of services under Title IV-D of the federal Social Security Act, issued on or after October 1, 1996, the court entering such order shall enter a separate order for withholding which shall take effect immediately without any requirement that the obligor be delinquent in payment. All such orders for support issued prior to October 1, 1996, shall, by operation of law, be amended to conform with the provisions contained herein. All such orders for support issued shall:

(a) Contain a provision for monthly income withholding procedures to take effect in the event the obligor becomes delinquent in paying the order for support without further amendment to the order or further action by the court; and

(b) Require that the payor withhold any additional amount for delinquency specified in any order if accompanied by an affidavit of accounting, a notarized record of overdue payments or an attested judgment for delinquency or contempt. Any person who

1212 willfully and knowingly files a false affidavit, record or
1213 judgment shall be subject to a fine of not more than One Thousand
1214 Dollars (\$1,000.00). The Department of Human Services shall be
1215 the designated agency to receive payments made by income
1216 withholding.

1217 * * *

1218 (2) **Child support orders not enforced by the Department of**
1219 **Human Services.** Upon entry of any order for support by a court of
1220 this state where the custodial parent is not a recipient of
1221 services under Title IV-D of the federal Social Security Act,
1222 issued or modified or found to be in arrears on or after January
1223 1, 1994, the court entering such order shall enter a separate
1224 order for withholding which shall take effect immediately. Such
1225 orders shall not be subject to immediate income withholding under
1226 this subsection (a) if one of the parties (i.e. noncustodial or
1227 custodial parent) demonstrates, and the court finds, that there is
1228 good cause not to require immediate income withholding, or (b) if
1229 both parties agree in writing to an alternative arrangement.

1230 (3) If a child support order is issued or modified in the
1231 state but is not subject to immediate income withholding, it
1232 automatically becomes so if the court finds that a support payment
1233 is thirty (30) days past due. If the support order were issued or
1234 modified in another state but is not subject to immediate income
1235 withholding, it becomes subject to income withholding on the date
1236 on which child support payments are at least one (1) month in
1237 arrears, or if it is earlier, the earliest of (a) the date as of
1238 which the noncustodial parent requests that withholding begin, (b)
1239 the date as of which the custodial parent requests that
1240 withholding begin, or (c) an earlier date chosen by the court.

1241 (4) The clerk of the court shall submit copies of such
1242 orders to the obligor's payor, any additional or subsequent payor,
1243 and to the Mississippi Department of Human Services Case Registry.
1244 The clerk of the court, the obligee's attorney, or the
1245 department's attorney may serve such immediate order for

1246 withholding by first class mail or personal delivery on the
1247 obligor's payor, superintendent, manager, agent or subsequent
1248 payor, as the case may be. In a case where the obligee's attorney
1249 or the department's attorney serves such immediate order, the
1250 attorney shall notify the clerk of the court in writing, which
1251 notice shall be placed in the court file. There shall be no need
1252 for further notice, hearing, order, process or procedure prior to
1253 service of said order on the payor or any additional or subsequent
1254 payor. The obligor may contest, if grounds exist, service of the
1255 order of withholding on additional or subsequent payors, by filing
1256 an action with the issuing court. Such filing shall not stay the
1257 obligor's duty to support pending judicial determination of the
1258 obligor's claim. Nothing herein shall be construed to restrict
1259 the authority of the courts of this state from entering any order
1260 it deems appropriate to protect the rights of any parties
1261 involved.

1262 (5) The order for withholding shall:

1263 (a) Direct any payor to withhold an amount equal to the
1264 order for support;

1265 (b) Direct any payor to withhold an additional amount,
1266 not less than ten percent (10%) of the order for support, until
1267 payment in full of any delinquency; and

1268 (c) Direct the payor not to withhold in excess of the
1269 amounts allowed under Section 303(b) of the Consumer Credit
1270 Protection Act, being 15 USCS 1673, as amended.

1271 (6) In cases initiated or enforced by the Department of
1272 Human Services pursuant to Title IV-D of the federal Social
1273 Security Act, all such orders for withholding may permit the
1274 Department of Human Services to withhold through said withholding
1275 order additional amounts to recover costs incurred through its
1276 efforts to secure the support order, including, but not limited
1277 to, all filing fees, court costs, service of process fees, mailing
1278 costs, birth certificate certification fee, genetic testing fees,
1279 the department's attorney's fees; and, in cases where the state or

any of its entities or divisions have provided medical services to the child or the child's mother, all medical costs of prenatal care, birthing, postnatal care and any other medical expenses incurred by the child or by the mother as a consequence of her pregnancy or delivery.

(7) At the time the order for withholding is entered, the clerk of the court shall provide copies of the order for withholding and the order for support to the obligor, which shall be accompanied by a statement of the rights, remedies and duties of the obligor under Sections 93-11-101 through 93-11-119. The clerk of the court shall make copies available to the obligee and to the department or its local attorney.

(8) The order for withholding shall remain in effect for as long as the order for support upon which it is based.

(9) The failure of an order for withholding to state an arrearage is not conclusive of the issue of whether an arrearage is owing.

(10) Any order for withholding entered pursuant to this section shall not be considered a garnishment.

(11) All existing orders for support shall become subject to additional withholding if arrearages occur, subject to court hearing and order. The Department of Human Services or the obligee or his agent or attorney must send to each delinquent obligor notice that:

(a) The withholding on the delinquency has commenced;

(b) The information along with the required affidavit of accounting, notarized record of overdue payment or attested judgment of delinquency or contempt has been sent to the employer; and

(c) The obligor may file an action with the issuing court on the grounds of mistake of fact. Such filing must be made within thirty (30) days of receipt of the notice and shall not stay the obligor's duty to support pending judicial determination of the obligor's claim.

(12) An employer who complies with an income withholding notice that is regular on its face and which is accompanied by the required accounting affidavit, notarized record of overdue payments or attested judgment of delinquency or contempt shall not be subject to civil liability to any individual or agency for conduct in compliance with the notice.

(13) The court shall designate the appropriate entity to receive the payments made by income withholding.

SECTION 19. The following provision shall be codified as Section 43-19-59, Mississippi Code of 1972:

43-19-59. (1) The Department of Human Services, as the Title IV-D child support enforcement agency of this state, shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by another state to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting state.

(2) In this part, "high-volume, automated administrative enforcement" means the use of automatic data processing to search various available state data bases, including, but not limited to, license records, employment service data, and state new hire registries, to determine whether information is available regarding a parent who owes a child support obligation.

(3) The department may, by electronic or other means, transmit to another state or receive from another state a request for assistance in enforcing support orders through high-volume, automated administrative enforcement, which request:

(a) Shall include such information as will enable the state to which the request is transmitted to compare the information about the cases to the information in the data bases of the state receiving the request; and

(b) Shall constitute a certification by the requesting state:

(i) Of the amount of support under an order the

1348 payment of which is in arrears; and

1349 (ii) That the requesting state has complied with
1350 all procedural due process requirements applicable to each case.

1351 (c) If the department provides assistance to another
1352 state with respect to a case, or if another state seeks assistance
1353 from the department pursuant to this section, neither state shall
1354 consider the case to be transferred to the caseload of such other
1355 state.

1356 SECTION 20. This act shall take effect and be in force from
1357 and after July 1, 1999.