

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1525

By Senator(s) Committee

19 Amend by striking all after the enacting clause and inserting
20 in lieu thereof the following:

21

22 SECTION 1. Section 43-19-34, Mississippi Code of 1972, is
23 amended as follows:

24 [Until July 1, 2002, this section shall read as follows:]

25 43-19-34. (1) In lieu of legal proceedings instituted to
26 obtain a modification for an order for support, a written
27 stipulated agreement for modification executed by the responsible
28 parent when acknowledged before a clerk of the court having
29 jurisdiction over such matters or a notary public and filed with
30 and approved by the judge of said court shall have the same force
31 and effect, retroactively and prospectively, in accordance with
32 the terms of said agreement as an order for modification of
33 support entered by the court, and shall be enforceable and subject
34 to subsequent modification in the same manner as is provided by
35 law for orders of the court in such cases.

36 (2) With respect to a child support order in cases initiated
37 or enforced by the Department of Human Services pursuant to Title
38 IV-D of the Social Security Act, wherein the department has
39 determined that a modification is appropriate, the department
40 shall send a motion and notice of intent to modify the order,
41 together with the proposed modification of the order under this

42 section to the last known mailing address of the defendant. Such
43 notice shall specify the date and time certain of the hearing and
44 shall be sent by certified mail, restricted delivery, return
45 receipt requested; notice shall be deemed complete as of the date
46 of delivery as evidenced by the return receipt. The required
47 notice may also be delivered by personal service in accordance
48 with Rule 4 of the Mississippi Rules of Civil Procedure insofar as
49 it may be applied to service of an administrative order or notice.

50 The defendant may accept the proposed modification by signing and
51 returning it to the department prior to the date of hearing for
52 presentation to the court for approval. In the event that the
53 defendant does not sign and return the proposed modification, the
54 court shall on the date and time previously set for hearing review
55 the proposal and make a determination as to whether it should be
56 approved in whole or in part.

57 (3) Every three (3) years, upon the request of either
58 parent, or if there is an assignment under Section 43-19-35, upon
59 the request of the Department of Human Services or of either
60 parent, the department shall review and, if appropriate, seek to
61 adjust a support order being enforced under 43-19-31 in accordance
62 with the guidelines established pursuant to Section 43-19-101, if
63 the amount of the child support award under the order differs from
64 the amount that would be awarded in accordance with the
65 guidelines, taking into account the best interests of the child
66 involved. No proof of a material change in circumstances is
67 necessary in the three-year review for adjustment pursuant to this
68 subsection (3). Proof of a material change in circumstances is
69 necessary for modification outside the three-year cycle.

70 (4) Any order for the support of minor children, whether
71 entered through the judicial system or through an expedited
72 process, shall not be subject to a downward retroactive
73 modification. An upward retroactive modification may be ordered
74 back to the date of the event justifying the upward modification.

75 [From and after July 1, 2002, this section shall read as
76 follows:]

77 43-19-34. (1) In lieu of legal proceedings instituted to
78 obtain a modification for an order for support, a written
79 stipulated agreement for modification executed by the responsible
80 parent when acknowledged before a clerk of the court having
81 jurisdiction over such matters or a notary public and filed with
82 and approved by the judge of said court shall have the same force
83 and effect, retroactively and prospectively, in accordance with
84 the terms of said agreement as an order for modification of
85 support entered by the court, and shall be enforceable and subject
86 to subsequent modification in the same manner as is provided by
87 law for orders of the court in such cases.

88 (2) With respect to a child support order in cases initiated
89 or enforced by the Department of Human Services pursuant to Title
90 IV-D of the Social Security Act, wherein the department has
91 determined that a modification is appropriate, the department
92 shall send a motion and notice of intent to modify the order,
93 together with the proposed modification of the order under this
94 section to the last known mailing address of the defendant. Such
95 notice shall specify the date and time certain of the hearing and
96 shall be sent by certified mail, restricted delivery, return
97 receipt requested; notice shall be deemed complete as of the date
98 of delivery as evidenced by the return receipt. The required
99 notice may also be delivered by personal service in accordance
100 with Rule 4 of the Mississippi Rules of Civil Procedure insofar as
101 it may be applied to service of an administrative order or notice.
102 The defendant may accept the proposed modification by signing and
103 returning it to the department prior to the date of hearing for
104 presentation to the court for approval. In the event that the
105 defendant does not sign and return the proposed modification, the
106 court shall on the date and time previously set for hearing review
107 the proposal and make a determination as to whether it should be
108 approved in whole or in part.

109 SECTION 2. Section 93-5-23, Mississippi Code of 1972, is
110 amended as follows:

111 [Until July 1, 2002, this section shall read as follows:]

112 93-5-23. (1) When a divorce shall be decreed from the bonds
113 of matrimony, the court may, in its discretion, having regard to
114 the circumstances of the parties and the nature of the case, as
115 may seem equitable and just, make all orders touching the care,
116 custody and maintenance of the children of the marriage, and also
117 touching the maintenance and alimony of the wife or the husband,
118 or any allowance to be made to her or him, and shall, if need be,
119 require bond, sureties or other guarantee for the payment of the
120 sum so allowed. Orders touching on the custody of the children of
121 the marriage may be made in accordance with the provisions of
122 Section 93-5-24. The court may afterwards, on petition, change
123 the decree, and make from time to time such new decrees as the
124 case may require. However, where proof shows that both parents
125 have separate incomes or estates, the court may require that each
126 parent contribute to the support and maintenance of the children
127 of the marriage in proportion to the relative financial ability of
128 each. In the event a legally responsible parent has health
129 insurance available to him or her through an employer or
130 organization that may extend benefits to the dependents of such
131 parent, any order of support issued against such parent may
132 require him or her to exercise the option of additional coverage
133 in favor of such children as he or she is legally responsible to
134 support.

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

147 (3) (a) Every three (3) years, upon the request of either
148 parent, or if there is an assignment under Section 43-19-35, upon
149 the request of the Department of Human Services or of either
150 parent, the department shall review and, if appropriate, seek to
151 adjust any support order in accordance with the guidelines
152 established pursuant to Section 43-19-101, if the amount of the
153 child support award under the order differs from the amount that
154 would be awarded in accordance with the guidelines, taking into
155 account the best interests of the child involved. No proof of a
156 material change in circumstances is necessary in the three-year
157 review for adjustment pursuant to this subsection (3). Proof of a
158 material change in circumstances is necessary for modification
159 outside the three-year cycle.

160 (b) Any order for the support of minor children,
161 whether entered through the judicial system or through an
162 expedited process, shall not be subject to a downward retroactive
163 modification. An upward retroactive modification may be ordered
164 back to the date of the event justifying the upward modification.

165 (4) (a) Whenever in any proceeding in the chancery court
166 concerning the custody of a child a party alleges that the child
167 whose custody is at issue has been the victim of sexual or
168 physical abuse by the other party, the court may, on its own
169 motion, grant a continuance in the custody proceeding only until
170 such allegation has been investigated by the Department of Human
171 Services. At the time of ordering such continuance the court may
172 direct the party, and his attorney, making such allegation of
173 child abuse to report in writing and provide all evidence touching
174 on the allegation of abuse to the Department of Human Services.
175 The Department of Human Services shall investigate such allegation
176 and take such action as it deems appropriate and as provided in
177 such cases under the Youth Court Law (being Chapter 21 of Title
178 43, Mississippi Code of 1972) or under the laws establishing
179 family courts (being Chapter 23 of Title 43, Mississippi Code of
180 1972).

181 (b) If after investigation by the Department of Human

182 Services or final disposition by the youth court or family court
183 allegations of child abuse are found to be without foundation, the
184 chancery court shall order the alleging party to pay all court
185 costs and reasonable attorney's fees incurred by the defending
186 party in responding to such allegation.

187 (c) The court may investigate, hear and make a
188 determination in a custody action when a charge of abuse and/or
189 neglect arises in the course of a custody action as provided in
190 Section 43-21-151, and in such cases the court shall appoint a
191 guardian ad litem for the child as provided under Section
192 43-21-121, who shall be an attorney. Unless the chancery court's
193 jurisdiction has been terminated, all disposition orders in such
194 cases for placement with the Department of Human Services shall be
195 reviewed by the court or designated authority at least annually to
196 determine if continued placement with the department is in the
197 best interest of the child or public.

198 (5) The duty of support of a child terminates upon the
199 emancipation of the child. The court may determine that
200 emancipation has occurred and no other support obligation exists
201 when the child:

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

203 (b) Marries, or

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

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

211 [From and after July 1, 2002, this section shall read as
212 follows:]

213 93-5-23. When a divorce shall be decreed from the bonds of
214 matrimony, the court may, in its discretion, having regard to the
215 circumstances of the parties and the nature of the case, as may
216 seem equitable and just, make all orders touching the care,

217 custody and maintenance of the children of the marriage, and also
218 touching the maintenance and alimony of the wife or the husband,
219 or any allowance to be made to her or him, and shall, if need be,
220 require bond, sureties or other guarantee for the payment of the
221 sum so allowed. Orders touching on the custody of the children of
222 the marriage may be made in accordance with the provisions of
223 Section 93-5-24. The court may afterwards, on petition, change
224 the decree, and make from time to time such new decrees as the
225 case may require. However, where proof shows that both parents
226 have separate incomes or estates, the court may require that each
227 parent contribute to the support and maintenance of the children
228 of the marriage in proportion to the relative financial ability of
229 each. In the event a legally responsible parent has health
230 insurance available to him or her through an employer or
231 organization that may extend benefits to the dependents of such
232 parent, any order of support issued against such parent may
233 require him or her to exercise the option of additional coverage
234 in favor of such children as he or she is legally responsible to
235 support.

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

248 Whenever in any proceeding in the chancery court concerning
249 the custody of a child a party alleges that the child whose
250 custody is at issue has been the victim of sexual or physical
251 abuse by the other party, the court may, on its own motion, grant

252 a continuance in the custody proceeding only until such allegation
253 has been investigated by the Department of Human Services. At the
254 time of ordering such continuance the court may direct the party,
255 and his attorney, making such allegation of child abuse to report
256 in writing and provide all evidence touching on the allegation of
257 abuse to the Department of Human Services. The Department of
258 Human Services shall investigate such allegation and take such
259 action as it deems appropriate and as provided in such cases under
260 the Youth Court Law (being Chapter 21 of Title 43, Mississippi
261 Code of 1972) or under the laws establishing family courts (being
262 Chapter 23 of Title 43, Mississippi Code of 1972).

263 If after investigation by the Department of Human Services or
264 final disposition by the youth court or family court allegations
265 of child abuse are found to be without foundation, the chancery
266 court shall order the alleging party to pay all court costs and
267 reasonable attorney's fees incurred by the defending party in
268 responding to such allegation.

269 The court may investigate, hear and make a determination in a
270 custody action when a charge of abuse and/or neglect arises in the
271 course of a custody action as provided in Section 43-21-151, and
272 in such cases the court shall appoint a guardian ad litem for the
273 child as provided under Section 43-21-121, who shall be an
274 attorney. Unless the chancery court's jurisdiction has been
275 terminated, all disposition orders in such cases for placement
276 with the Department of Human Services shall be reviewed by the
277 court or designated authority at least annually to determine if
278 continued placement with the department is in the best interest of
279 the child or public.

280 The duty of support of a child terminates upon the
281 emancipation of the child. The court may determine that
282 emancipation has occurred and no other support obligation exists
283 when the child:

- 284 (a) Attains the age of twenty-one (21) years, or
- 285 (b) Marries, or
- 286 (c) Discontinues full-time enrollment in school and

287 obtains full-time employment prior to attaining the age of
288 twenty-one (21) years, or

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

293 SECTION 3. Section 43-19-45, Mississippi Code of 1972, is
294 amended as follows:

295 [Until July 1, 2002, this section shall read as follows:]

296 43-19-45. (1) The Child Support Unit shall establish a
297 state parent locator service for the purpose of locating absent
298 and nonsupporting parents and alleged parents, which will utilize
299 all appropriate public and private locator sources. In order to
300 carry out the responsibilities imposed under Sections 43-19-31
301 through 43-19-53, the Child Support Unit may secure by
302 administrative subpoena from the customer records of public
303 utilities and cable television companies the names and addresses
304 of individuals and the names and addresses of employers of such
305 individuals that would enable the location of parents or alleged
306 parents who have a duty to provide support and maintenance for
307 their children. The Child Support Unit may also administratively
308 subpoena any and all financial information, including account
309 numbers, names and social security numbers of record for assets,
310 accounts, and account balances from any individual, financial
311 institution, business or other entity, public or private, needed
312 to establish, modify or enforce a support order. No entity
313 complying with an administrative subpoena to supply the requested
314 information of whatever nature shall be liable in any civil action
315 or proceeding on account of such compliance. Full faith and
316 credit shall be given to all uniform administrative subpoenas
317 issued by other state child support units. The recipient of an
318 administrative subpoena shall supply said Child Support Unit,
319 other state and federal IV-D agencies, its attorneys,
320 investigators, probation officers, county or district attorneys in
321 this state, all information relative to the location, employment,

322 employment related benefits including, but not limited to,
323 availability of medical insurance, income and property of such
324 parents and alleged parents and with all information on hand
325 relative to the location and prosecution of any person who has, by
326 means of a false statement or misrepresentation or by
327 impersonation or other fraudulent device, obtained Temporary
328 Assistance for Needy Families (TANF) to which he or she was not
329 entitled, notwithstanding any provision of law making such
330 information confidential. The Mississippi Department of
331 Information Technology Services and any other agency in this state
332 using the facilities of the Mississippi Department of Information
333 Technology Services are directed to permit the Child Support Unit
334 access to their files, inclusive of those maintained for other
335 state agencies, for the purpose of locating absent and
336 nonsupporting parents and alleged parents, except to the extent
337 that any such access would violate any valid federal statute or
338 regulation issued pursuant thereto. The Child Support Unit, other
339 state and federal IV-D agencies, its attorneys, investigators,
340 probation officers, or county or district attorneys, shall use
341 such information only for the purpose of investigating or
342 enforcing the support liability of such absent parents or alleged
343 parents or for the prosecution of other persons mentioned herein.
344 Neither the Child Support Unit nor said authorities shall use the
345 information, or disclose it, for any other purpose. All records
346 maintained pursuant to the provisions of Sections 43-19-31 through
347 43-19-53 shall be confidential and shall be available only to the
348 Child Support Unit, other state and federal IV-D agencies, the
349 attorneys, investigators and other staff employed or under
350 contract under Sections 43-19-31 through 43-19-53, district or
351 county attorneys, probation departments, child support units in
352 other states, and courts having jurisdiction in paternity, support
353 or abandonment proceedings. The Child Support Unit may release to
354 the public the name, photo, last known address, arrearage amount
355 and other necessary information of a parent who has a judgment
356 against him for child support and is currently in arrears in the

357 payment of this support. Such release may be included in a "Most
358 Wanted List" or other media in order to solicit assistance.

359 (2) The Child Support Unit shall have the authority to
360 secure information from the records of the Mississippi Employment
361 Security Commission that may be necessary to locate absent and
362 nonsupporting parents and alleged parents under the provisions of
363 Sections 43-19-31 through 43-19-53. Upon request of the Child
364 Support Unit, all departments, boards, bureaus and agencies of the
365 state shall provide to the Child Support Unit verification of
366 employment or payment and the address and social security number
367 of any person designated as an absent or nonsupporting parent or
368 alleged parent. In addition, upon request of the Child Support
369 Unit, the Mississippi Employment Security Commission, or any
370 private employer or payor of any income to a person designated as
371 an absent or nonsupporting parent or alleged parent, shall provide
372 to the Child Support Unit verification of employment or payment
373 and the address and social security number of the person so
374 designated. Full faith and credit shall be given to such notices
375 issued by child support units in other states. All such records
376 and information shall be confidential and shall not be used for
377 any purposes other than those specified by Sections 43-19-31
378 through 43-19-53. The violation of the provisions of this
379 subsection shall be unlawful and any person convicted of violating
380 the provisions of this subsection shall be guilty of a misdemeanor
381 and shall pay a fine of not more than Two Hundred Dollars
382 (\$200.00).

383 (3) Federal and state IV-D agencies shall have access to the
384 state parent locator service and any system used by the Child
385 Support Unit to locate an individual for purposes relating to
386 motor vehicles or law enforcement. No employer or other source of
387 income who complies with this section shall be liable in any civil
388 action or proceeding brought by the obligor or obligee on account
389 of such compliance.

390 [From and after July 1, 2002, this shall read as follows:]

391 43-19-45. (1) The Child Support Unit shall establish a

392 state parent locator service for the purpose of locating absent
393 and nonsupporting parents and alleged parents, which will utilize
394 all appropriate public and private locator sources. In order to
395 carry out the responsibilities imposed under Sections 43-19-31
396 through 43-19-53, the Child Support Unit may secure by
397 administrative subpoena from the customer records of public
398 utilities and cable television companies the names and addresses
399 of individuals and the names and addresses of employers of such
400 individuals that would enable the location of parents or alleged
401 parents who have a duty to provide support and maintenance for
402 their children. The Child Support Unit may also administratively
403 subpoena any and all financial information, including account
404 numbers, names and social security numbers of record for assets,
405 accounts, and account balances from any individual, financial
406 institution, business or other entity, public or private, needed
407 to establish, modify or enforce a support order. No entity
408 complying with an administrative subpoena to supply the requested
409 information of whatever nature shall be liable in any civil action
410 or proceeding on account of such compliance. The recipient of an
411 administrative subpoena shall supply said Child Support Unit,
412 other state and federal IV-D agencies, its attorneys,
413 investigators, probation officers, county or district attorneys in
414 this state, all information relative to the location, employment,
415 employment related benefits including, but not limited to,
416 availability of medical insurance, income and property of such
417 parents and alleged parents and with all information on hand
418 relative to the location and prosecution of any person who has, by
419 means of a false statement or misrepresentation or by
420 impersonation or other fraudulent device, obtained Temporary
421 Assistance for Needy Families (TANF) to which he or she was not
422 entitled, notwithstanding any provision of law making such
423 information confidential. The Mississippi Department of
424 Information Technology Services and any other agency in this state
425 using the facilities of the Mississippi Department of Information
426 Technology Services are directed to permit the Child Support Unit

427 access to their files, inclusive of those maintained for other
428 state agencies, for the purpose of locating absent and
429 nonsupporting parents and alleged parents, except to the extent
430 that any such access would violate any valid federal statute or
431 regulation issued pursuant thereto. The Child Support Unit, other
432 state and federal IV-D agencies, its attorneys, investigators,
433 probation officers, or county or district attorneys, shall use
434 such information only for the purpose of investigating or
435 enforcing the support liability of such absent parents or alleged
436 parents or for the prosecution of other persons mentioned herein.

437 Neither the Child Support Unit nor said authorities shall use the
438 information, or disclose it, for any other purpose. All records
439 maintained pursuant to the provisions of Sections 43-19-31 through
440 43-19-53 shall be confidential and shall be available only to the
441 Child Support Unit, other state and federal IV-D agencies, the
442 attorneys, investigators and other staff employed or under
443 contract under Sections 43-19-31 through 43-19-53, district or
444 county attorneys, probation departments, child support units in
445 other states, and courts having jurisdiction in paternity, support
446 or abandonment proceedings. The Child Support Unit may release to
447 the public the name, photo, last known address, arrearage amount
448 and other necessary information of a parent who has a judgment
449 against him for child support and is currently in arrears in the
450 payment of this support. Such release may be included in a "Most
451 Wanted List" or other media in order to solicit assistance.

452 (2) The Child Support Unit shall have the authority to
453 secure information from the records of the Mississippi Employment
454 Security Commission that may be necessary to locate absent and
455 nonsupporting parents and alleged parents under the provisions of
456 Sections 43-19-31 through 43-19-53. Upon request of the Child
457 Support Unit, all departments, boards, bureaus and agencies of the
458 state shall provide to the Child Support Unit verification of
459 employment or payment and the address and social security number
460 of any person designated as an absent or nonsupporting parent or
461 alleged parent. In addition, upon request of the Child Support

462 Unit, the Mississippi Employment Security Commission, or any
463 private employer or payor of any income to a person designated as
464 an absent or nonsupporting parent or alleged parent, shall provide
465 to the Child Support Unit verification of employment or payment
466 and the address and social security number of the person so
467 designated. All such records and information shall be
468 confidential and shall not be used for any purposes other than
469 those specified by Sections 43-19-31 through 43-19-53. The
470 violation of the provisions of this subsection shall be unlawful
471 and any person convicted of violating the provisions of this
472 subsection shall be guilty of a misdemeanor and shall pay a fine
473 of not more than Two Hundred Dollars (\$200.00).

474 (3) Federal and state IV-D agencies shall have access to the
475 state parent locator service and any system used by the Child
476 Support Unit to locate an individual for purposes relating to
477 motor vehicles or law enforcement. No employer or other source of
478 income who complies with this section shall be liable in any civil
479 action or proceeding brought by the obligor or obligee on account
480 of such compliance.

481 SECTION 4. Section 43-19-101, Mississippi Code of 1972, is
482 amended as follows:

483 [Until July 1, 2002, this section shall read as follows:]

484 43-19-101. (1) The following child support award guidelines
485 shall be a rebuttable presumption in all judicial or
486 administrative proceedings regarding the awarding or modifying of
487 child support awards in this state:

488	Number Of Children	Percentage Of Adjusted Gross Income
489	Due Support	That Should Be Awarded For Support
490	1	14%
491	2	20%
492	3	22%
493	4	24%
494	5 or more	26%

495 (2) The guidelines provided for in subsection (1) of this
496 section apply unless the judicial or administrative body awarding

497 or modifying the child support award makes a written finding or
498 specific finding on the record that the application of the
499 guidelines would be unjust or inappropriate in a particular case
500 as determined under the criteria specified in Section 43-19-103.

501 (3) The amount of "adjusted gross income" as that term is
502 used in subsection (1) of this section shall be calculated as
503 follows:

504 (a) Determine gross income from all potential sources
505 that may reasonably be expected to be available to the absent
506 parent including, but not limited to, the following: wages and
507 salary income; income from self employment; income from
508 commissions; income from investments, including dividends,
509 interest income and income on any trust account or property;
510 absent parent's portion of any joint income of both parents;
511 workers' compensation, disability, unemployment, annuity and
512 retirement benefits, including an individual retirement account
513 (IRA); any other payments made by any person, private entity,
514 federal or state government or any unit of local government;
515 alimony; any income earned from an interest in or from inherited
516 property; any other form of earned income; and gross income shall
517 exclude any monetary benefits derived from a second household,
518 such as income of the absent parent's current spouse;

519 (b) Subtract the following legally mandated deductions:

520 (i) Federal, state and local taxes. Contributions
521 to the payment of taxes over and beyond the actual liability for
522 the taxable year shall not be considered a mandatory deduction;

523 (ii) Social security contributions;

524 (iii) Retirement and disability contributions
525 except any voluntary retirement and disability contributions;

526 (c) If the absent parent is subject to an existing
527 court order for another child or children, subtract the amount of
528 that court-ordered support;

529 (d) If the absent parent is also the parent of another
530 child or other children residing with him, then the court may
531 subtract an amount that it deems appropriate to account for the

532 needs of said child or children;

533 (e) Compute the total annual amount of adjusted gross
534 income based on paragraphs (a) through (d), then divide this
535 amount by twelve (12) to obtain the monthly amount of adjusted
536 gross income.

537 Upon conclusion of the calculation of paragraphs (a)
538 through (e), multiply the monthly amount of adjusted gross income
539 by the appropriate percentage designated in subsection (1) to
540 arrive at the amount of the monthly child support award.

541 (4) In cases in which the adjusted gross income as defined
542 in this section is more than Fifty Thousand Dollars (\$50,000.00)
543 or less than Five Thousand Dollars (\$5,000.00), the court shall
544 make a written finding in the record as to whether or not the
545 application of the guidelines established in this section is
546 reasonable.

547 (5) The Department of Human Services shall review the
548 appropriateness of these guidelines beginning January 1, 1994, and
549 every four (4) years thereafter and report its findings to the
550 Legislature no later than the first day of the regular legislative
551 session of that year. The Legislature shall thereafter amend
552 these guidelines when it finds that amendment is necessary to
553 ensure that equitable support is being awarded in all cases
554 involving the support of minor children.

555 (6) All orders involving support of minor children, as a
556 matter of law, shall include reasonable medical support. Notice
557 to the noncustodial parent's employer that medical support has
558 been ordered shall be on a form as prescribed by the Department of
559 Human Services.

560 **[From and after July 1, 2002, this section shall read as**
561 **follows:]**

562 43-19-101. (1) The following child support award guidelines
563 shall be a rebuttable presumption in all judicial or
564 administrative proceedings regarding the awarding or modifying of
565 child support awards in this state:

566 Number Of Children Percentage Of Adjusted Gross Income

567	Due Support	That Should Be Awarded For Support
568	1	14%
569	2	20%
570	3	22%
571	4	24%
572	5 or more	26%

573 (2) The guidelines provided for in subsection (1) of this
574 section apply unless the judicial or administrative body awarding
575 or modifying the child support award makes a written finding or
576 specific finding on the record that the application of the
577 guidelines would be unjust or inappropriate in a particular case
578 as determined under the criteria specified in Section 43-19-103.

579 (3) The amount of "adjusted gross income" as that term is
580 used in subsection (1) of this section shall be calculated as
581 follows:

582 (a) Determine gross income from all potential sources
583 that may reasonably be expected to be available to the absent
584 parent including, but not limited to, the following: wages and
585 salary income; income from self employment; income from
586 commissions; income from investments, including dividends,
587 interest income and income on any trust account or property;
588 absent parent's portion of any joint income of both parents;
589 workers' compensation, disability, unemployment, annuity and
590 retirement benefits, including an individual retirement account
591 (IRA); any other payments made by any person, private entity,
592 federal or state government or any unit of local government;
593 alimony; any income earned from an interest in or from inherited
594 property; any other form of earned income; and gross income shall
595 exclude any monetary benefits derived from a second household,
596 such as income of the absent parent's current spouse;

597 (b) Subtract the following legally mandated deductions:

598 (i) Federal, state and local taxes. Contributions
599 to the payment of taxes over and beyond the actual liability for
600 the taxable year shall not be considered a mandatory deduction;

601 (ii) Social security contributions;

602 (iii) Retirement and disability contributions
603 except any voluntary retirement and disability contributions;
604 (c) If the absent parent is subject to an existing
605 court order for another child or children, subtract the amount of
606 that court-ordered support;
607 (d) If the absent parent is also the parent of another
608 child or other children residing with him, then the court may
609 subtract an amount that it deems appropriate to account for the
610 needs of said child or children;
611 (e) Compute the total annual amount of adjusted gross
612 income based on paragraphs (a) through (d), then divide this
613 amount by twelve (12) to obtain the monthly amount of adjusted
614 gross income.

615 Upon conclusion of the calculation of paragraphs (a)
616 through (e), multiply the monthly amount of adjusted gross income
617 by the appropriate percentage designated in subsection (1) to
618 arrive at the amount of the monthly child support award.

619 (4) In cases in which the adjusted gross income as defined
620 in this section is more than Fifty Thousand Dollars (\$50,000.00)
621 or less than Five Thousand Dollars (\$5,000.00), the court shall
622 make a written finding in the record as to whether or not the
623 application of the guidelines established in this section is
624 reasonable.

625 (5) The Department of Human Services shall review the
626 appropriateness of these guidelines beginning January 1, 1994, and
627 every four (4) years thereafter and report its findings to the
628 Legislature no later than the first day of the regular legislative
629 session of that year. The Legislature shall thereafter amend
630 these guidelines when it finds that amendment is necessary to
631 ensure that equitable support is being awarded in all cases
632 involving the support of minor children.

633 SECTION 5. Section 93-9-15, Mississippi Code of 1972, is
634 amended as follows:

635 [Until July 1, 2002, this section shall read as follows:]

636 93-9-15. The county court, * * * the circuit court, or the

637 chancery court has jurisdiction of an action under sections 93-9-1
638 through 93-9-49, and all remedies for the enforcement of orders
639 for expenses of pregnancy and confinement for a wife, or for
640 education, necessary support and maintenance, or funeral expenses
641 for legitimate children shall apply. The defendant must defend
642 the cause in whichever court the action is commenced. The court
643 has continuing jurisdiction to modify or revoke an order and to
644 increase or decrease amounts fixed by order for future education
645 and necessary support and maintenance. All remedies under the
646 uniform reciprocal enforcement of support act, and amendments
647 thereto, are available for enforcement of duties of support and
648 maintenance under Sections 93-9-1 through 93-9-49. Parties to an
649 action to establish paternity shall not be entitled to a jury
650 trial.

651 **[From and after July 1, 2002, this section shall read as**
652 **follows:]**

653 93-9-15. The county court, the family court, the circuit
654 court, or the chancery court has jurisdiction of an action under
655 sections 93-9-1 through 93-9-49, and all remedies for the
656 enforcement of orders for expenses of pregnancy and confinement
657 for a wife, or for education, necessary support and maintenance,
658 or funeral expenses for legitimate children shall apply. The
659 defendant must defend the cause in whichever court the action is
660 commenced. The court has continuing jurisdiction to modify or
661 revoke an order and to increase or decrease amounts fixed by order
662 for future education and necessary support and maintenance. All
663 remedies under the uniform reciprocal enforcement of support act,
664 and amendments thereto, are available for enforcement of duties of
665 support and maintenance under Sections 93-9-1 through 93-9-49.

666 SECTION 6. Section 93-9-27, Mississippi Code of 1972, is
667 amended as follows:

668 **[Until July 1, 2002, this section shall read as follows:]**

669 93-9-27. (1) If the court finds that the conclusions of all
670 the experts, as disclosed by the evidence based upon the tests,
671 are that the alleged father is not the father of the child, the

672 question of paternity shall be resolved accordingly. If an expert
673 concludes that the blood or other tests show the probability of
674 paternity, such evidence shall be admitted.

675 (2) There shall be rebuttable presumption, affecting the
676 burden of proof, of paternity, if the court finds that the
677 probability of paternity, as calculated by the experts qualified
678 as examiners of genetic tests, is ninety-eight percent (98%) or
679 greater. This presumption may only be rebutted by a preponderance
680 of the evidence.

681 (3) Parties to an action to establish paternity shall not be
682 entitled to a jury trial.

683 [From and after July 1, 2002, this section shall read as
684 follows:]

685 93-9-27. (1) If the court finds that the conclusions of all
686 the experts, as disclosed by the evidence based upon the tests,
687 are that the alleged father is not the father of the child, the
688 question of paternity shall be resolved accordingly. If an expert
689 concludes that the blood or other tests show the probability of
690 paternity, such evidence shall be admitted.

691 (2) There shall be rebuttable presumption, affecting the
692 burden of proof, of paternity, if the court finds that the
693 probability of paternity, as calculated by the experts qualified
694 as examiners of genetic tests, is ninety-eight percent (98%) or
695 greater. This presumption may only be rebutted by a preponderance
696 of the evidence.

697 SECTION 7. Section 93-11-65, Mississippi Code of 1972, is
698 amended as follows:

699 [Until July 1, 2002, this section shall read as follows:]

700 93-11-65. (1) (a) In addition to the right to proceed
701 under Section 93-5-23, Mississippi Code of 1972, and in addition
702 to the remedy of habeas corpus in proper cases, and other existing
703 remedies, the chancery court of the proper county shall have
704 jurisdiction to entertain suits for the custody, care, support and
705 maintenance of minor children and to hear and determine all such
706 matters, and shall, if need be, require bond, sureties or other

707 guarantee to secure any order for periodic payments for the
708 maintenance or support of a child. In the event a legally
709 responsible parent has health insurance available to him or her
710 through an employer or organization that may extend benefits to
711 the dependents of such parent, any order of support issued against
712 such parent may require him or her to exercise the option of
713 additional coverage in favor of such children as he or she is
714 legally responsible to support. Proceedings may be brought by or
715 against a resident or nonresident of the State of Mississippi,
716 whether or not having the actual custody of minor children, for
717 the purpose of judicially determining the legal custody of a
718 child. All actions herein authorized may be brought in the county
719 where the child is actually residing, or in the county of the
720 residence of the party who has actual custody, or of the residence
721 of the defendant. Process shall be had upon the parties as
722 provided by law for process in person or by publication, if they
723 be nonresidents of the state or residents of another jurisdiction
724 or are not found therein after diligent search and inquiry or are
725 unknown after diligent search and inquiry; provided that the court
726 or chancellor in vacation may fix a date in termtime or in
727 vacation to which process may be returnable and shall have power
728 to proceed in termtime or vacation. Provided, however, that if
729 the court shall find that both parties are fit and proper persons
730 to have custody of the children, and that either party is able to
731 adequately provide for the care and maintenance of the children,
732 and that it would be to the best interest and welfare of the
733 children, then any such child who shall have reached his twelfth
734 birthday shall have the privilege of choosing the parent with whom
735 he shall live.

736 (b) An order of child support shall specify the sum to
737 be paid weekly or otherwise. In addition to providing for support
738 and education, the order shall also provide for the support of the
739 child prior to the making of the order for child support, and such
740 other expenses as the court may deem proper.

741 (c) The court may require the payment to be made to the

742 custodial parent, or to some person or corporation to be
743 designated by the court as trustee, but if the child or custodial
744 parent is receiving public assistance, the Department of Human
745 Services shall be made the trustee.

746 (d) The noncustodial parent's liabilities for past
747 education and necessary support and maintenance and other expenses
748 are limited to a period of one (1) year next preceding the
749 commencement of an action.

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

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

766 (4) When a charge of abuse or neglect of a child first
767 arises in the course of a custody or maintenance action pending in
768 the chancery court pursuant to this section, the chancery court
769 may proceed with the investigation, hearing and determination of
770 such abuse or neglect charge as a part of its hearing and
771 determination of the custody or maintenance issue as between the
772 parents, as provided in Section 43-21-151, notwithstanding the
773 other provisions of the Youth Court Law. The proceedings in
774 chancery court on the abuse or neglect charge shall be
775 confidential in the same manner as provided in youth court
776 proceedings, and the chancery court shall appoint a guardian ad

777 litem in such cases, as provided under Section 43-21-121 for youth
778 court proceedings, who shall be an attorney. Unless the chancery
779 court's jurisdiction has been terminated, all disposition orders
780 in such cases for placement with the Department of Human Services
781 shall be reviewed by the court or designated authority at least
782 annually to determine if continued placement with the department
783 is in the best interest of the child or the public.

784 (5) Each party to a paternity or child support proceeding
785 shall notify the other within five (5) days after any change of
786 address. In addition, the noncustodial and custodial parent shall
787 file and update, with the court and with the state case registry,
788 information on that party's location and identity, including
789 social security number, residential and mailing addresses,
790 telephone numbers, photograph, driver's license number, and name,
791 address and telephone number of the party's employer. This
792 information shall be required upon entry of an order or within
793 five (5) days of a change of address.

794 (6) In any case subsequently enforced by the Department of
795 Human Services pursuant to Title IV-D of the Social Security Act,
796 the court shall have continuing jurisdiction.

797 (7) In any subsequent child support enforcement action
798 between the parties, upon sufficient showing that diligent effort
799 has been made to ascertain the location of a party, due process
800 requirements for notice and service of process shall be deemed to
801 be met with respect to the party upon delivery of written notice
802 to the most recent residential or employer address filed with the
803 state case registry.

804 (8) The duty of support of a child terminates upon the
805 emancipation of the child. The court may determine that
806 emancipation has occurred and no other support obligation exists
807 when the child:

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

809 (b) Marries, or

810 (c) Discontinues full-time enrollment in school and

811 obtains full-time employment prior to attaining the age of

812 twenty-one (21) years, or

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

817 (9) Upon motion of a party requesting temporary child
818 support pending a determination of parentage, temporary support
819 shall be ordered if there is clear and convincing evidence of
820 paternity on the basis of genetic tests or other evidence, unless
821 the court makes written findings of fact on the record that the
822 award of temporary support would be unjust or inappropriate in a
823 particular case.

824 [From and after July 1, 2002, this section shall read as
825 follows:]

826 93-11-65. (1) (a) In addition to the right to proceed
827 under Section 93-5-23, Mississippi Code of 1972, and in addition
828 to the remedy of habeas corpus in proper cases, and other existing
829 remedies, the chancery court of the proper county shall have
830 jurisdiction to entertain suits for the custody, care, support and
831 maintenance of minor children and to hear and determine all such
832 matters, and shall, if need be, require bond, sureties or other
833 guarantee to secure any order for periodic payments for the
834 maintenance or support of a child. In the event a legally
835 responsible parent has health insurance available to him or her
836 through an employer or organization that may extend benefits to
837 the dependents of such parent, any order of support issued against
838 such parent may require him or her to exercise the option of
839 additional coverage in favor of such children as he or she is
840 legally responsible to support. Proceedings may be brought by or
841 against a resident or nonresident of the State of Mississippi,
842 whether or not having the actual custody of minor children, for
843 the purpose of judicially determining the legal custody of a
844 child. All actions herein authorized may be brought in the county
845 where the child is actually residing, or in the county of the
846 residence of the party who has actual custody, or of the residence

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

862 (b) An order of child support shall specify the sum to
863 be paid weekly or otherwise. In addition to providing for support
864 and education, the order shall also provide for the support of the
865 child prior to the making of the order for child support, and such
866 other expenses as the court may deem proper.

867 (c) The court may require the payment to be made to the
868 custodial parent, or to some person or corporation to be
869 designated by the court as trustee, but if the child or custodial
870 parent is receiving public assistance, the Department of Human
871 Services shall be made the trustee.

872 (d) The noncustodial parent's liabilities for past
873 education and necessary support and maintenance and other expenses
874 are limited to a period of one (1) year next preceding the
875 commencement of an action.

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

880 (3) Whenever the court has ordered a party to make periodic
881 payments for the maintenance or support of a child, but no bond,

882 sureties or other guarantee has been required to secure such
883 payments, and whenever such payments as have become due remain
884 unpaid for a period of at least thirty (30) days, the court may,
885 upon petition of the person to whom such payments are owing, or
886 such person's legal representative, enter an order requiring that
887 bond, sureties or other security be given by the person obligated
888 to make such payments, the amount and sufficiency of which shall
889 be approved by the court. The obligor shall, as in other civil
890 actions, be served with process and shall be entitled to a hearing
891 in such case.

892 (4) When a charge of abuse or neglect of a child first
893 arises in the course of a custody or maintenance action pending in
894 the chancery court pursuant to this section, the chancery court
895 may proceed with the investigation, hearing and determination of
896 such abuse or neglect charge as a part of its hearing and
897 determination of the custody or maintenance issue as between the
898 parents, as provided in Section 43-21-151, notwithstanding the
899 other provisions of the Youth Court Law. The proceedings in
900 chancery court on the abuse or neglect charge shall be
901 confidential in the same manner as provided in youth court
902 proceedings, and the chancery court shall appoint a guardian ad
903 litem in such cases, as provided under Section 43-21-121 for youth
904 court proceedings, who shall be an attorney. Unless the chancery
905 court's jurisdiction has been terminated, all disposition orders
906 in such cases for placement with the Department of Human Services
907 shall be reviewed by the court or designated authority at least
908 annually to determine if continued placement with the department
909 is in the best interest of the child or the public.

910 (5) Each party to a paternity or child support proceeding
911 shall notify the other within five (5) days after any change of
912 address. In addition, the noncustodial and custodial parent shall
913 file and update, with the court and with the state case registry,
914 information on that party's location and identity, including
915 social security number, residential and mailing addresses,
916 telephone numbers, photograph, driver's license number, and name,

917 address and telephone number of the party's employer. This
918 information shall be required upon entry of an order or within
919 five (5) days of a change of address.

920 (6) In any case subsequently enforced by the Department of
921 Human Services pursuant to Title IV-D of the Social Security Act,
922 the court shall have continuing jurisdiction.

923 (7) In any subsequent child support enforcement action
924 between the parties, upon sufficient showing that diligent effort
925 has been made to ascertain the location of a party, due process
926 requirements for notice and service of process shall be deemed to
927 be met with respect to the party upon delivery of written notice
928 to the most recent residential or employer address filed with the
929 state case registry.

930 (8) The duty of support of a child terminates upon the
931 emancipation of the child. The court may determine that
932 emancipation has occurred and no other support obligation exists
933 when the child:

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

935 (b) Marries, or

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

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

943 SECTION 8. Section 93-11-103, Mississippi Code of 1972, is
944 amended as follows:

945 **[Until July 1, 2002, this section shall read as follows:]**

946 93-11-103. (1) **Child support orders enforced by Department**
947 **of Human Services.** Upon entry of any order for support by a court
948 of this state where the custodial parent is a recipient of
949 services under Title IV-D of the federal Social Security Act,
950 issued on or after October 1, 1996, the court entering such order
951 shall enter a separate order for withholding which shall take

952 effect immediately without any requirement that the obligor be
953 delinquent in payment. All such orders for support issued prior
954 to October 1, 1996, shall, by operation of law, be amended to
955 conform with the provisions contained herein. All such orders for
956 support issued shall:

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

961 (b) Require that the payor withhold any additional
962 amount for delinquency specified in any order if accompanied by an
963 affidavit of accounting, a notarized record of overdue payments or
964 an attested judgment for delinquency or contempt. Any person who
965 willfully and knowingly files a false affidavit, record or
966 judgment shall be subject to a fine of not more than One Thousand
967 Dollars (\$1,000.00). The Department of Human Services shall be
968 the designated agency to receive payments made by income
969 withholding in child support orders enforced by the department.
970 All withholding orders shall be on a form as prescribed by the
971 department.

972 (2) **Child support orders not enforced by the Department of**
973 **Human Services.** Upon entry of any order for support by a court of
974 this state where the custodial parent is not a recipient of
975 services under Title IV-D of the federal Social Security Act,
976 issued or modified or found to be in arrears on or after January
977 1, 1994, the court entering such order shall enter a separate
978 order for withholding which shall take effect immediately. Such
979 orders shall not be subject to immediate income withholding under
980 this subsection (a) if one (1) of the parties (i.e. noncustodial
981 or custodial parent) demonstrates, and the court finds, that there
982 is good cause not to require immediate income withholding, or (b)
983 if both parties agree in writing to an alternative arrangement.
984 Income withholding must be administered by the department through
985 the Central Receipting and Disbursement Unit. The Department of
986 Human Services shall be the designated agency to receive payments

987 made by income withholding in all child support orders. All
988 withholding orders shall be on a form as prescribed by the
989 department.

990 (3) If a child support order is issued or modified in the
991 state but is not subject to immediate income withholding, it
992 automatically becomes so if the court finds that a support payment
993 is thirty (30) days past due. If the support order was issued or
994 modified in another state but is not subject to immediate income
995 withholding, it becomes subject to immediate income withholding on
996 the date on which child support payments are at least thirty (30)
997 days in arrears, or (a) the date as of which the noncustodial
998 parent requests that withholding begin, (b) the date as of which
999 the custodial parent requests that withholding begin, or (c) an
1000 earlier date chosen by the court whichever is earlier.

1001 (4) The clerk of the court shall submit copies of such
1002 orders to the obligor's payor, any additional or subsequent payor,
1003 and to the Mississippi Department of Human Services Case Registry.
1004 The clerk of the court, the obligee's attorney, or the
1005 department's attorney may serve such immediate order for
1006 withholding by first class mail or personal delivery on the
1007 obligor's payor, superintendent, manager, agent or subsequent
1008 payor, as the case may be. In a case where the obligee's attorney
1009 or the department's attorney serves such immediate order, the
1010 attorney shall notify the clerk of the court in writing, which
1011 notice shall be placed in the court file. There shall be no need
1012 for further notice, hearing, order, process or procedure before
1013 service of said order on the payor or any additional or subsequent
1014 payor. The obligor may contest, if grounds exist, service of the
1015 order of withholding on additional or subsequent payors, by filing
1016 an action with the issuing court. Such filing shall not stay the
1017 obligor's duty to support pending judicial determination of the
1018 obligor's claim. Nothing herein shall be construed to restrict
1019 the authority of the courts of this state from entering any order
1020 it deems appropriate to protect the rights of any parties
1021 involved.

1022 (5) The order for withholding shall:

1023 (a) Direct any payor to withhold an amount equal to the
1024 order for current support;

1025 (b) Direct any payor to withhold an additional amount,
1026 not less than ten percent (10%) of the order for support, until
1027 payment in full of any delinquency; and

1028 (c) Direct the payor not to withhold in excess of the
1029 amounts allowed under Section 303(b) of the Consumer Credit
1030 Protection Act, being 15 USCS 1673, as amended.

1031 (6) All orders for withholding may permit the Department of
1032 Human Services to withhold through said withholding order
1033 additional amounts to recover costs incurred through its efforts
1034 to secure the support order, including, but not limited to, all
1035 filing fees, court costs, service of process fees, mailing costs,
1036 birth certificate certification fee, genetic testing fees, the
1037 department's attorney's fees; and, in cases where the state or any
1038 of its entities or divisions have provided medical services to the
1039 child or the child's mother, all medical costs of prenatal care,
1040 birthing, postnatal care and any other medical expenses incurred
1041 by the child or by the mother as a consequence of her pregnancy or
1042 delivery.

1043 (7) At the time the order for withholding is entered, the
1044 clerk of the court shall provide copies of the order for
1045 withholding and the order for support to the obligor, which shall
1046 be accompanied by a statement of the rights, remedies and duties
1047 of the obligor under Sections 93-11-101 through 93-11-119. The
1048 clerk of the court shall make copies available to the obligee and
1049 to the department or its local attorney.

1050 (8) The order for withholding shall remain in effect for as
1051 long as the order for support upon which it is based.

1052 (9) The failure of an order for withholding to state an
1053 arrearage is not conclusive of the issue of whether an arrearage
1054 is owing.

1055 (10) Any order for withholding entered pursuant to this
1056 section shall not be considered a garnishment.

1057 (11) All existing orders for support shall become subject to
1058 additional withholding if arrearages occur, subject to court
1059 hearing and order. The Department of Human Services or the
1060 obligee or his agent or attorney must send to each delinquent
1061 obligor notice that:

1062 (a) The withholding on the delinquency has commenced;

1063 (b) The information along with the required affidavit
1064 of accounting, notarized record of overdue payment or attested
1065 judgment of delinquency or contempt has been sent to the employer;
1066 and

1067 (c) The obligor may file an action with the issuing
1068 court on the grounds of mistake of fact. Such filing must be made
1069 within thirty (30) days of receipt of the notice and shall not
1070 stay the obligor's duty to support pending judicial determination
1071 of the obligor's claim.

1072 (12) An employer who complies with an income withholding
1073 notice that is regular on its face and which is accompanied by the
1074 required accounting affidavit, notarized record of overdue
1075 payments or attested judgment of delinquency or contempt shall not
1076 be subject to civil liability to any individual or agency for
1077 conduct in compliance with the notice.

1078 **[From and after July 1, 2002, this section shall read as**
1079 **follows:]**

1080 93-11-103. (1) **Child support orders enforced by Department**
1081 **of Human Services.** Upon entry of any order for support by a court
1082 of this state where the custodial parent is a recipient of
1083 services under Title IV-D of the federal Social Security Act,
1084 issued on or after October 1, 1996, the court entering such order
1085 shall enter a separate order for withholding which shall take
1086 effect immediately without any requirement that the obligor be
1087 delinquent in payment. All such orders for support issued prior
1088 to October 1, 1996, shall, by operation of law, be amended to
1089 conform with the provisions contained herein. All such orders for
1090 support issued shall:

1091 (a) Contain a provision for monthly income withholding

1092 procedures to take effect in the event the obligor becomes
1093 delinquent in paying the order for support without further
1094 amendment to the order or further action by the court; and

1095 (b) Require that the payor withhold any additional
1096 amount for delinquency specified in any order if accompanied by an
1097 affidavit of accounting, a notarized record of overdue payments or
1098 an attested judgment for delinquency or contempt. Any person who
1099 willfully and knowingly files a false affidavit, record or
1100 judgment shall be subject to a fine of not more than One Thousand
1101 Dollars (\$1,000.00). The Department of Human Services shall be
1102 the designated agency to receive payments made by income
1103 withholding in child support orders enforced by the department.

1104 (2) **Child support orders not enforced by the Department of**
1105 **Human Services.** Upon entry of any order for support by a court of
1106 this state where the custodial parent is not a recipient of
1107 services under Title IV-D of the federal Social Security Act,
1108 issued or modified or found to be in arrears on or after January
1109 1, 1994, the court entering such order shall enter a separate
1110 order for withholding which shall take effect immediately. Such
1111 orders shall not be subject to immediate income withholding under
1112 this subsection (a) if one (1) of the parties (i.e. noncustodial
1113 or custodial parent) demonstrates, and the court finds, that there
1114 is good cause not to require immediate income withholding, or (b)
1115 if both parties agree in writing to an alternative arrangement.
1116 The court may designate the person or entity to receive payments
1117 made by income withholding.

1118 (3) If a child support order is issued or modified in the
1119 state but is not subject to immediate income withholding, it
1120 automatically becomes so if the court finds that a support payment
1121 is thirty (30) days past due. If the support order was issued or
1122 modified in another state but is not subject to immediate income
1123 withholding, it becomes subject to immediate income withholding on
1124 the date on which child support payments are at least thirty (30)
1125 days in arrears, or (a) the date as of which the noncustodial
1126 parent requests that withholding begin, (b) the date as of which

1127 the custodial parent requests that withholding begin, or (c) an
1128 earlier date chosen by the court whichever is earlier.

1129 (4) The clerk of the court shall submit copies of such
1130 orders to the obligor's payor, any additional or subsequent payor,
1131 and to the Mississippi Department of Human Services Case Registry.
1132 The clerk of the court, the obligee's attorney, or the
1133 department's attorney may serve such immediate order for
1134 withholding by first class mail or personal delivery on the
1135 obligor's payor, superintendent, manager, agent or subsequent
1136 payor, as the case may be. In a case where the obligee's attorney
1137 or the department's attorney serves such immediate order, the
1138 attorney shall notify the clerk of the court in writing, which
1139 notice shall be placed in the court file. There shall be no need
1140 for further notice, hearing, order, process or procedure before
1141 service of said order on the payor or any additional or subsequent
1142 payor. The obligor may contest, if grounds exist, service of the
1143 order of withholding on additional or subsequent payors, by filing
1144 an action with the issuing court. Such filing shall not stay the
1145 obligor's duty to support pending judicial determination of the
1146 obligor's claim. Nothing herein shall be construed to restrict
1147 the authority of the courts of this state from entering any order
1148 it deems appropriate to protect the rights of any parties
1149 involved.

1150 (5) The order for withholding shall:

1151 (a) Direct any payor to withhold an amount equal to the
1152 order for current support;

1153 (b) Direct any payor to withhold an additional amount,
1154 not less than ten percent (10%) of the order for support, until
1155 payment in full of any delinquency; and

1156 (c) Direct the payor not to withhold in excess of the
1157 amounts allowed under Section 303(b) of the Consumer Credit
1158 Protection Act, being 15 USCS 1673, as amended.

1159 (6) All orders for withholding may permit the Department of
1160 Human Services to withhold through said withholding order
1161 additional amounts to recover costs incurred through its efforts

1162 to secure the support order, including, but not limited to, all
1163 filing fees, court costs, service of process fees, mailing costs,
1164 birth certificate certification fee, genetic testing fees, the
1165 department's attorney's fees; and, in cases where the state or any
1166 of its entities or divisions have provided medical services to the
1167 child or the child's mother, all medical costs of prenatal care,
1168 birthing, postnatal care and any other medical expenses incurred
1169 by the child or by the mother as a consequence of her pregnancy or
1170 delivery.

1171 (7) At the time the order for withholding is entered, the
1172 clerk of the court shall provide copies of the order for
1173 withholding and the order for support to the obligor, which shall
1174 be accompanied by a statement of the rights, remedies and duties
1175 of the obligor under Sections 93-11-101 through 93-11-119. The
1176 clerk of the court shall make copies available to the obligee and
1177 to the department or its local attorney.

1178 (8) The order for withholding shall remain in effect for as
1179 long as the order for support upon which it is based.

1180 (9) The failure of an order for withholding to state an
1181 arrearage is not conclusive of the issue of whether an arrearage
1182 is owing.

1183 (10) Any order for withholding entered pursuant to this
1184 section shall not be considered a garnishment.

1185 (11) All existing orders for support shall become subject to
1186 additional withholding if arrearages occur, subject to court
1187 hearing and order. The Department of Human Services or the
1188 obligee or his agent or attorney must send to each delinquent
1189 obligor notice that:

1190 (a) The withholding on the delinquency has commenced;

1191 (b) The information along with the required affidavit
1192 of accounting, notarized record of overdue payment or attested
1193 judgment of delinquency or contempt has been sent to the employer;
1194 and

1195 (c) The obligor may file an action with the issuing
1196 court on the grounds of mistake of fact. Such filing must be made

1197 within thirty (30) days of receipt of the notice and shall not
1198 stay the obligor's duty to support pending judicial determination
1199 of the obligor's claim.

1200 (12) An employer who complies with an income withholding
1201 notice that is regular on its face and which is accompanied by the
1202 required accounting affidavit, notarized record of overdue
1203 payments or attested judgment of delinquency or contempt shall not
1204 be subject to civil liability to any individual or agency for
1205 conduct in compliance with the notice.

1206 SECTION 9. Section 93-11-105, Mississippi Code of 1972, is
1207 amended as follows:

1208 **[Until July 1, 2002, this section shall read as follows:]**

1209 93-11-105. (1) Notwithstanding the provisions of Section
1210 93-11-103, the Department of Human Services shall be authorized to
1211 implement administrative orders for withholding without the
1212 necessity of obtaining an order through judicial proceedings. The
1213 administrative order for withholding shall be implemented pursuant
1214 to a previously rendered order for support and shall be on a form
1215 prescribed by the Department of Human Services. Unless
1216 inconsistent with the provisions of this section, the order for
1217 withholding shall be subject to the same requirements as provided
1218 in Sections 93-11-101 through 93-11-118.

1219 (2) The administrative order shall be filed with the clerk
1220 by the department and a copy shall be transmitted to the obligor
1221 by regular mail to the last known address of the obligor.

1222 (3) The order for withholding shall:

1223 (a) Direct any payor to withhold an amount equal to the
1224 order for the current support obligation;

1225 (b) Direct any payor to withhold an additional amount
1226 equal to twenty percent (20%) of the current support obligation,
1227 unless a different amount has been previously ordered by the
1228 court, until payment in full of any delinquency; and

1229 (c) Direct the payor not to withhold in excess of the
1230 amounts allowed under Section 303(b) of the Consumer Credit
1231 Protection Act, being 15 USCS 1673, as amended.

1232 [From and after July 1, 2002, this section shall read as
1233 follows:]

1234 93-11-105. (1) Notwithstanding the provisions of Section
1235 93-11-103, the Department of Human Services shall be authorized to
1236 implement administrative orders for withholding without the
1237 necessity of obtaining an order through judicial proceedings. The
1238 administrative order for withholding shall be implemented pursuant
1239 to a previously rendered order for support and shall be on a form
1240 prescribed by the Department of Human Services. Unless
1241 inconsistent with the provisions of this section, the order for
1242 withholding shall be subject to the same requirements as provided
1243 in Sections 93-11-101 through 93-11-118.

1244 (2) The administrative order shall be filed with the clerk
1245 by the department and a copy shall be transmitted to the obligor
1246 by certified mail, restricted delivery, return receipt requested;
1247 notice shall be deemed complete as of the date of delivery as
1248 evidences by the return receipt. The required notice may also be
1249 delivered by personal service in accordance with Rule 4 of the
1250 Mississippi Rules of Civil Procedure insofar as it may be applied
1251 to service of an administrative order or notice.

1252 (3) The order for withholding shall:

1253 (a) Direct any payor to withhold an amount equal to the
1254 order for the current support obligation;

1255 (b) Direct any payor to withhold an additional amount
1256 equal to twenty percent (20%) of the current support obligation,
1257 unless a different amount has been previously ordered by the
1258 court, until payment in full of any delinquency; and

1259 (c) Direct the payor not to withhold in excess of the
1260 amounts allowed under Section 303(b) of the Consumer Credit
1261 Protection Act, being 15 USCS 1673, as amended.

1262 SECTION 10. This act shall take effect and be in force from
1263 and after July 1, 2000.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 43-19-34 AND 93-5-23, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE FOR REVIEW ON A 3-YEAR CYCLE FOR POSSIBLE
3 MODIFICATION OF CHILD SUPPORT ORDERS, AND TO PROVIDE THAT ONLY
4 UPWARD, NOT DOWNWARD, ADJUSTMENTS MAY BE ORDERED RETROACTIVELY; TO
5 AMEND SECTION 43-19-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
6 FULL FAITH AND CREDIT BE GIVEN TO THE NOTICES AND SUBPOENAS ISSUED
7 BY OTHER STATES; TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF
8 1972, TO PROVIDE THAT ALL CHILD SUPPORT ORDERS SHALL ORDER
9 REASONABLE MEDICAL SUPPORT; TO AMEND SECTION 93-9-15, AND SECTION
10 93-9-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THERE IS NO
11 RIGHT TO A TRIAL BY JURY IN AN ACTION TO ESTABLISH PATERNITY; TO
12 AMEND SECTION 93-11-65, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
13 TEMPORARY SUPPORT IS TO BE GRANTED PENDING A DETERMINATION OF
14 PARENTAGE; TO AMEND SECTIONS 93-11-103 AND 93-11-105, MISSISSIPPI
15 CODE OF 1972, TO PROVIDE THAT NOTICE OF AN ADMINISTRATIVE ORDER
16 FOR CHILD SUPPORT MAY BE GIVEN THROUGH REGULAR MAIL TO THE LAST
17 KNOWN ADDRESS OF THE OBLIGOR; AND FOR RELATED PURPOSES.