

By: Senator(s) Kirby

To: Public Health and Welfare

SENATE BILL NO. 2275

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE GUIDELINES FOR AWARDING OR MODIFYING CHILD SUPPORT  
3 AND TO ESTABLISH A COMMISSION TO REVIEW THE APPROPRIATENESS OF  
4 THESE GUIDELINES AND MAKE AN ANNUAL REPORT TO THE LEGISLATURE; AND  
5 FOR RELATED PURPOSES.

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

7 SECTION 1. Section 43-19-101, Mississippi Code of 1972, is  
8 amended as follows:

9 43-19-101. (1) The following child support award guidelines  
10 shall be a rebuttable presumption in all judicial or  
11 administrative proceedings regarding the awarding or modifying of  
12 child support awards in this state:

| Number Of Children | Percentage Of Adjusted Gross Income |
|--------------------|-------------------------------------|
| Due Support        | That Should Be Awarded For Support  |
| 1                  | <u>17%</u>                          |
| 2                  | <u>23%</u>                          |
| 3                  | <u>25%</u>                          |
| 4                  | <u>27%</u>                          |
| 5 or more          | <u>29%</u>                          |

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

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



29           (a) Determine gross income from all potential sources  
30 that may reasonably be expected to be available to the absent  
31 parent including, but not limited to, the following: wages and  
32 salary income; income from self employment; income from  
33 commissions; income from investments, including dividends,  
34 interest income and income on any trust account or property;  
35 absent parent's portion of any joint income of both parents;  
36 workers' compensation, disability, unemployment, annuity and  
37 retirement benefits, including an individual retirement account  
38 (IRA); any other payments made by any person, private entity,  
39 federal or state government or any unit of local government;  
40 alimony; any income earned from an interest in or from inherited  
41 property; any other form of earned income; and gross income shall  
42 exclude any monetary benefits derived from a second household,  
43 such as income of the absent parent's current spouse;

44           (b) Subtract the following legally mandated deductions:

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

48               (ii) Social security contributions;

49               (iii) Retirement and disability contributions  
50 except any voluntary retirement and disability contributions;

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

54           (d) If the absent parent is also the parent of another  
55 child or other children residing with him, then the court may  
56 subtract an amount that it deems appropriate to account for the  
57 needs of said child or children;

58           (e) Compute the total annual amount of adjusted gross  
59 income based on paragraphs (a) through (d), then divide this  
60 amount by twelve (12) to obtain the monthly amount of adjusted  
61 gross income.



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

66           (4) In cases in which the adjusted gross income as defined  
67 in this section is more than Fifty Thousand Dollars (\$50,000.00)  
68 or less than Five Thousand Dollars (\$5,000.00), the court shall  
69 make a written finding in the record as to whether or not the  
70 application of the guidelines established in this section is  
71 reasonable.

72           (5) Beginning July 1, 2001, the appropriateness of these  
73 child support guidelines shall be reviewed annually by a  
74 commission consisting of the following persons: (a) the Executive  
75 Director of the Mississippi Department of Human Services; (b) the  
76 Director of the Child Support Unit of the Department of Human  
77 Services; (c) two (2) members of the Mississippi Bar Association  
78 who have at least six (6) years' experience and are presently  
79 practicing domestic relations cases, one (1) member to be  
80 appointed by the President of the Mississippi Bar Association from  
81 a metropolitan or large urban area and one (1) member to be  
82 appointed by the President of the Mississippi Bar Association from  
83 a less populated area of the state; (d) two (2) chancellors  
84 appointed by the Chief Justice of the Mississippi Supreme Court;  
85 and (e) the Attorney General. The commission shall meet upon the  
86 call of the Attorney General and administrative support for the  
87 commission shall be provided by the Child Support Unit of the  
88 Department of Human Services. The commission shall review the  
89 appropriateness of these guidelines beginning July 1, 2001, and  
90 every year thereafter and report its findings to the Legislature  
91 no later than the first day of the regular legislative session of  
92 that year. The Legislature shall thereafter amend these  
93 guidelines when it finds that amendment is necessary to ensure



94 that equitable support is being awarded in all cases involving the  
95 support of minor children.

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

101 SECTION 2. This act shall take effect and be in force from  
102 and after July 1, 2001.

