

By: Senator(s) Huggins

To: Public Health and Welfare; Judiciary

SENATE BILL NO. 2747

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE STATUTORY CHILD SUPPORT AWARD GUIDELINES AS A  
3 PERCENTAGE OF THE ADJUSTED GROSS INCOME OF THE NONCUSTODIAL  
4 PARENT; AND FOR RELATED PURPOSES.

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

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

8 43-19-101. (1) The following child support award guidelines  
9 shall be a rebuttable presumption in all judicial or  
10 administrative proceedings regarding the awarding or modifying of  
11 child support awards in this state:

| Number Of Children | Percentage Of Adjusted Gross Income |
|--------------------|-------------------------------------|
| Due Support        | That Should Be Awarded For Support  |
| 1                  | <u>19%</u>                          |
| 2                  | <u>25%</u>                          |
| 3                  | <u>27%</u>                          |
| 4                  | <u>29%</u>                          |
| 5 or more          | <u>31%</u>                          |

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

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

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

43           (b) Subtract the following legally mandated deductions:

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

47               (ii) Social security contributions;

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

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

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

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

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

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

71           (5) The Department of Human Services shall review the  
72 appropriateness of these guidelines beginning January 1, 1994, and  
73 every four (4) years thereafter and report its findings to the  
74 Legislature no later than the first day of the regular legislative  
75 session of that year. The Legislature shall thereafter amend  
76 these guidelines when it finds that amendment is necessary to  
77 ensure that equitable support is being awarded in all cases  
78 involving the support of minor children.

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

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