

By: Representative Reeves

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 853

1 AN ACT TO AMEND SECTION 9-5-255, MISSISSIPPI CODE OF 1972, TO
2 RESTRICT THE APPOINTMENT AND JURISDICTION OF FAMILY MASTERS; AND
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 9-5-255, Mississippi Code of 1972, is
6 amended as follows:

7 9-5-255. (1) The chancellor, or chancellors if there be
8 more than one (1), for each chancery court district in this state,
9 may apply to the Mississippi Supreme Court for the appointment of
10 a family master in the district. In applying for such
11 appointment, the chancellor of the district or, if there is more
12 than one (1), then all chancellors of the district, must sign a
13 statement advising the Supreme Court:

14 (a) That the chancery court district's workload is so
15 great that, keeping regular business hours and working on a
16 full-time basis, the chancellor or, if there is more than one (1)
17 chancellor, each chancellor cannot maintain the workload; and

18 (b) That the chancellor or, if there is more than one
19 (1) chancellor, each chancellor is aware that, if granted, the
20 appointment of a family master will cause additional expenses
21 which must be paid by county taxpayers and that the taxpayers
22 should pay such expenses.

23 A copy of the statement shall be spread upon the minutes of
24 the court in each county in the district and a copy shall be
25 provided to the board of supervisors of each county in the
26 district, and the statement shall be a public record.



27 Upon receipt of the statement by the Clerk of the Supreme
28 Court, the Supreme Court shall independently review the statement
29 and take whatever actions it deems appropriate to satisfy itself
30 that the request for appointment of a family master for the
31 district is in fact necessary and proper, that the assertions made
32 in the statement are accurate and that the appointment of a family
33 master will not place an undue financial burden on the county or
34 counties involved. Any decision by the Supreme Court shall be in
35 writing, signed by the Chief Justice and shall be filed with the
36 Clerk of the Supreme Court and kept as a matter of public record.

37 (2) Family masters in chancery shall have only the power to
38 hear cases and recommend orders establishing, modifying and
39 enforcing orders for child support in cases referred to them by
40 the chancellor or chancellors, as the case may be, that are
41 brought pursuant to the Mississippi Uniform Law on Paternity * * *
42 by or against the Department of Human Services and such limited
43 authority shall be expressly stated in any appointment of a family
44 master approved by the Supreme Court.

45 (3) In all cases in which an order for support has been
46 established and the person to whom the support obligation is owed
47 is a nonrelated Temporary Assistance for Needy Families (TANF)
48 family on whose behalf the Department of Human Services is
49 providing services, the family master in chancery or chancellor,
50 as the case may be, shall, upon proper pleading by the
51 department * * *, order that the department may recover and that
52 the obligor shall be liable for reasonable attorney's fees and
53 court costs which the department incurs in enforcing and
54 collecting amounts of support obligation. Funds received pursuant
55 to such order shall be deposited in the General Fund.

56 (4) Persons appointed as family masters in chancery pursuant
57 to this section must meet and possess all of the qualifications
58 required of chancery * * * judges of this state, shall remain in
59 office for a term of one (1) year, and shall receive reasonable



60 compensation for services rendered by them, as fixed by law, or
61 allowed by general order of the Supreme Court. Family masters in
62 chancery shall be paid out of any available funds budgeted by the
63 board of supervisors of the county in which they serve; provided,
64 however, in the event that a family master in chancery is
65 appointed to serve in more than one (1) county within a chancery
66 court district, then the compensation and expenses of such master
67 shall be equally apportioned among and paid by each of the
68 counties in which such master serves. Upon appointment, the Clerk
69 of the Supreme Court shall issue to such persons a certificate of
70 appointment.

71 (5) Family masters in chancery shall have power, in cases
72 assigned to them pursuant to this section only, to administer
73 oaths, to take the examination of witnesses * * *, to examine and
74 report upon the cases referred to them * * *.

75 (6) Family masters in chancery shall have power, in cases
76 assigned to them pursuant to this section only, to * * * compel by
77 attachment the attendance of a witness subpoenaed to attend and
78 give evidence if a witness shall fail to appear.

79 * * *

80 (7) In all cases heard by masters pursuant to this section,
81 such masters shall make a written report to the chancellor or
82 judge who refers the case to him. Such chancellor or judge may
83 accept, reject or modify, in whole or in part, the findings or
84 recommendations made and reported by the master, and may recommit
85 the matter to the master with instructions. Any party may object
86 to such report and receive a hearing de novo before the chancellor
87 as provided in Rule 53 of the Mississippi Rules of Civil
88 Procedure. In all cases referred to such master, initialing for
89 approval by the master of a proposed judgment shall be sufficient
90 to constitute the master's report.

91 (8) The term of any family master appointed before the
92 effective date of this act shall expire upon the effective date of



93 this act and any family master must receive appointment pursuant
94 to the terms and provisions of this act before further service.

95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2002.

