

By: Representative Reeves

To: Judiciary A

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) Except as provided by subsection (8) of this
8 section, the * * * chancellor of each chancery court district in
9 the state, or in the event there is more than one chancellor for
10 the district, than upon a majority vote of all chancellors for the
11 district, may apply to the Chief Justice of the Supreme Court for
12 the appointment of one or more persons to serve as family masters
13 in chancery in each of the counties or for all of the counties
14 within the respective chancery court district if the * * *
15 chancellor, or in the event there is more than one chancellor for
16 the district, then all chancellors for the district, states in
17 writing that the chancery court district's docket is crowded
18 enough to warrant an appointment of a family master. The Chief
19 Justice shall determine from the information provided by the
20 * * * chancellors if the need exists for the appointment of a
21 family master. If the Chief Justice determines that the need
22 exists, a family master shall be appointed. If the Chief Justice
23 determines that the need does not exist, no family master shall be
24 appointed.

25 (2) Family masters in chancery shall have only the power to
26 hear cases and recommend orders establishing, modifying and
27 enforcing orders for support in matters referred to them by



28 chancellors and judges of the circuit, county or family courts of
29 such county, and over all child support and paternity matters that
30 are brought pursuant to the Mississippi Uniform Law on Paternity
31 and referred to them by such judges provided that one (1) of the
32 parties in the case is the Department of Human Services. As used
33 in this section, "order for support" shall have the same meaning
34 as such term is defined in Section 93-11-101.

35 (3) In all cases in which an order for support has been
36 established and the person to whom the support obligation is owed
37 is a nonrelated Temporary Assistance for Needy Families (TANF)
38 family on whose behalf the Department of Human Services is
39 providing services, the family master in chancery or any other
40 judge or court of competent jurisdiction shall, upon proper
41 pleading by the department and upon appropriate proceedings
42 conducted thereon, order that the department may recover and that
43 the obligor shall be liable for reasonable attorney's fees and
44 court costs which the department incurs in enforcing and
45 collecting amounts of support obligation which exceed
46 administrative fees collected and current support owed by the
47 obligor.

48 (4) Persons appointed as family masters in chancery pursuant
49 to this section shall meet and possess all of the qualifications
50 required of chancery and circuit court judges of this state, shall
51 remain in office at the pleasure of the appointing chancellor, and
52 shall receive reasonable compensation for services rendered by
53 them, as fixed by law, or allowed by the court. Family masters in
54 chancery shall be paid out of any available funds budgeted by the
55 board of supervisors of the county in which they serve; provided,
56 however, in the event that a family master in chancery is
57 appointed to serve in more than one county within a chancery court
58 district, then the compensation and expenses of such master shall
59 be equally apportioned among and paid by each of the counties in



60 which such master serves. The chancery clerk shall issue to such
61 persons a certificate of appointment.

62 (5) Family masters in chancery shall have power to
63 administer oaths, to take the examination of witnesses in cases
64 referred to them, to examine and report upon all matters referred
65 to them, and they shall have all the powers in cases referred to
66 them properly belonging to masters or commissioners in chancery
67 according to the practice of equity courts as heretofore
68 exercised.

69 (6) Family masters in chancery shall have power to issue
70 subpoenas for witnesses to attend before them to testify in any
71 matter referred to them or generally in the cause, and the
72 subpoenas shall be executed in like manner as subpoenas issued by
73 the clerk of the court. If any witness shall fail to appear, the
74 master shall proceed by process of attachment to compel the
75 witness to attend and give evidence.

76 * * *

77 (7) In all cases heard by masters pursuant to this section,
78 such masters shall make a written report to the chancellor or
79 judge who refers the case to him. Such chancellor or judge may
80 accept, reject or modify, in whole or in part, the findings or
81 recommendations made and reported by the master, and may recommit
82 the matter to the master with instructions. In all cases referred
83 to such master, initialing for approval by the master of a
84 proposed decree shall be sufficient to constitute the master's
85 report.

86 (8) Any chancellor required by this section to appoint a
87 person or persons to serve as family masters in chancery may
88 forego the requirement to appoint such masters or if family
89 masters have been appointed, such chancellor may terminate such
90 appointments and leave such positions vacant, only if an exemption
91 from the United States Department of Health and Human Services is



92 obtained for the county or counties involved. Such positions may
93 remain vacant for as long as such exemption remains in effect.

94 **SECTION 2.** This act shall take effect and be in force from
95 and after its passage.

