

By: Senator(s) Kirby

To: Public Health and Welfare

SENATE BILL NO. 2015

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, 2002, 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, 2002, 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, 2002.

