

By: Representatives Whittington, Watson,  
McBride, Brown, Barnett (116th), Fredericks,  
Mayo

To: Judiciary A

HOUSE BILL NO. 984

1 AN ACT TO AMEND SECTIONS 25-7-9 AND 93-21-117, MISSISSIPPI  
2 CODE OF 1972, TO INCREASE THE FILING FEE IN DIVORCE ACTIONS TO  
3 GENERATE REVENUE FOR THE DOMESTIC VIOLENCE FUND; TO PROVIDE THAT A  
4 PORTION OF THE MONIES IN THE FUND DERIVED FROM THE FEES SHALL BE  
5 USED FOR SUPPORT OF CHILDREN'S PROGRAMS UNDER THE OPERATION OF ANY  
6 DOMESTIC VIOLENCE SHELTER; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 25-7-9, Mississippi Code of 1972, is  
9 amended as follows:

10 25-7-9. (1) The clerks of the chancery courts shall charge  
11 the following fees:

12 (a) For the act of certifying copies of filed  
13 documents, for each complete document..... \$ 1.00

14 (b) Recording deeds, wills, leases, amendments,  
15 subordinations, liens, releases, cancellations, orders, decrees,  
16 oaths, etc., including indexing..... 6.00

17 Sectional index entries per section or subdivision.... 1.00

18 (c) Recording deeds of trust..... 10.00

19 Sectional index entries per section or subdivision.... 1.00

20 (d) (i) Recording oil and gas leases, etc., including  
21 indexing in general indices..... 12.00

22 Sectional index entries per section or subdivision.... 1.00

23 (ii) Recording oil and gas cancellations,  
24 assignments, etc., including indexing in general indices:

25 First page..... 5.00

26 Each additional page..... 2.00

27 Abstracting each section or subdivision..... 1.00

28 Sectional index entries per section or subdivision.... 6.00



29 (e) Furnishing copies of any papers of record or on  
30 file and entering marginal notations on documents of record:  
31 If performed by the clerk or his employee, per page... .50  
32 If performed by any other person, per page..... .25

33 (f) For each day's attendance on the board of  
34 supervisors, for himself and one (1) deputy, each..... 20.00

35 (g) For other services as clerk of the board of  
36 supervisors an allowance shall be made to him (payable  
37 semiannually at the July and January meetings) out of the county  
38 treasury, an annual sum not exceeding..... 1,500.00

39 (h) For each day's attendance on the chancery court, to  
40 be approved by the chancellor:  
41 For the first chancellor sitting only, clerk and two (2)  
42 deputies, each..... 30.00  
43 For the second chancellor sitting, clerk only..... 30.00  
44 Provided that the fees herein prescribed shall be the total  
45 remuneration for the clerk and his deputies for attending chancery  
46 court.

47 (i) On order of the court, clerks and not more than two  
48 (2) deputies may be allowed five (5) extra days for each term of  
49 court for attendance upon the court to get up records.

50 (j) For public service not otherwise specifically  
51 provided for, the chancery court may by order allow the clerk to  
52 be paid by the county on the order of the board of supervisors, an  
53 annual sum not exceeding..... 5,000.00

54 The chancery clerk shall itemize on the original document a  
55 detailed fee bill of all charges due or paid for filing, recording  
56 and abstracting same. No person shall be required to pay such  
57 fees until same have been so itemized, but said fees may be  
58 demanded before the document is recorded.

59 (2) In accordance with Uniform Chancery Court Rule 9.01 as  
60 approved by Order of the Mississippi Supreme Court, the following  
61 fees shall be a total fee for all services performed by the clerk



62 with respect to a complaint which shall be payable upon filing and  
63 shall accrue to the chancery clerk at the time of filing. The  
64 clerk or his successor in office shall perform all duties set  
65 forth without additional compensation or fee to wit:

66	(a) Divorce to be contested.....	<u>\$125.00</u>
67	(b) Divorce uncontested.....	<u>80.00</u>
68	(c) Alteration of birth or marriage certificate.	25.00
69	(d) Removal of minority.....	25.00
70	(e) Guardianship or conservatorship.....	75.00
71	(f) Estate of deceased, intestate.....	75.00
72	(g) Estate of deceased, testate.....	75.00
73	(h) Adoption.....	75.00
74	(i) Land dispute.....	75.00
75	(j) Injunction.....	75.00
76	(k) Settlement of small claim.....	30.00
77	(l) Contempt in child support.....	75.00
78	(m) Partition suit.....	75.00
79	(n) Any cross-complaint.....	25.00

80 The clerk shall deposit Fifty Dollars (\$50.00) of each fee  
81 collected for a divorce, whether contested or uncontested, in the  
82 Victims of Domestic Violence Fund established in Section  
83 93-21-117, on a monthly basis.

84 Cost of process shall be borne by the issuing party.  
85 Additionally, should the attorney or person filing the pleadings  
86 desire the clerk to pay the cost to the sheriff for serving  
87 process on one person or more, or to pay the cost of publication,  
88 the clerk shall demand the actual charges therefor, at the time of  
89 filing.

90 **SECTION 2.** Section 93-21-117, Mississippi Code of 1972, is  
91 amended as follows:

92 93-21-117. There is hereby created in the State Treasury a  
93 special fund to be known as the "Victims of Domestic Violence  
94 Fund." The circuit clerks of the state shall deposit in such fund



95 on a monthly basis the additional fee charged and collected for  
96 marriage licenses under the provisions of Section 25-7-13, and  
97 Fifty Dollars (\$50.00) of each fee charged and collected in  
98 contested and uncontested divorce actions under the provisions of  
99 Section 25-7-9. In addition, all other monies received from every  
100 source for the support of the program for victims of domestic  
101 violence, established by Sections 93-21-101 through 93-21-113,  
102 shall be deposited in the "Victims of Domestic Violence Fund."  
103 The monies in the fund shall be used by the State Department of  
104 Health solely for funding and administering domestic violence  
105 shelters under the provisions of Sections 93-21-101 through  
106 93-21-113, in such amounts as the Legislature may appropriate to  
107 the department for the program for victims of domestic violence  
108 established by Sections 93-21-101 through 93-21-113. Not more  
109 than ten percent (10%) of the monies in the "Victims of Domestic  
110 Violence Fund" shall be appropriated to the State Department of  
111 Health for the administration of domestic violence shelters. That  
112 a portion of the monies in the fund derived from the additional  
113 fee charged for divorce actions under Section 25-7-9 shall be for  
114 support of children's programs under the operation and direction  
115 of any domestic violence shelter defined in Section 93-21-101(b)  
116 that meets the qualifications for receiving state funding as  
117 established by Sections 93-21-105 and 93-21-107.

118       **SECTION 3.** This act shall take effect and be in force from  
119 and after July 1, 2003.

