

By: Representatives Peranich, Dedeaux

To: Judiciary A

HOUSE BILL NO. 1430

1 AN ACT TO AMEND SECTION 43-19-37, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ATTORNEY'S FEES SHALL BE ASSESSED BY THE COURT IN  
3 CHILD SUPPORT AND PATERNITY ACTIONS BROUGHT BY THE CHILD SUPPORT  
4 UNIT OF THE DEPARTMENT OF HUMAN SERVICES, AND THAT SUCH ATTORNEY'S  
5 FEES SHALL BE PAID TO THE DEPARTMENT OF HUMAN SERVICES SOLELY FOR  
6 THE SUPPORT OF THE LEGAL DIVISION OF THE CHILD SUPPORT UNIT; TO  
7 PROVIDE THAT A NONCUSTODIAL PARENT WHO WRITES A BAD CHECK TO MEET  
8 HIS OR HER OBLIGATION OF SUPPORT SHALL BE SUBJECT TO A SHOW CAUSE  
9 HEARING WHY HE OR SHE SHOULD NOT BE HELD IN CONTEMPT AND PUNISHED;  
10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 43-19-37, Mississippi Code of 1972, is  
13 amended as follows:

14 43-19-37. (1) Court orders of support in all cases brought  
15 under the provisions of Sections 43-19-31 through 43-19-53 shall  
16 specify that the payment of court costs shall be directed by the  
17 absent parent to the Mississippi Department of Human Services  
18 Central Receipting and Disbursement Unit for further disbursement  
19 in the manner as prescribed by Title IV-D of the federal Social  
20 Security Act. The court shall assess attorney's fees to recover  
21 the costs associated with preparing and prosecuting the case,  
22 which shall be paid directly to the Mississippi Department of  
23 Human Services solely for the support of the legal division of the  
24 Child Support Unit in a manner separate and distinct from the  
25 payment of child support. The court may allow the defendant to  
26 pay the attorney's fees over a period not to exceed four (4)  
27 months. The state portion of attorney's fees paid to the  
28 department shall be used to match federal funds for the support of  
29 the legal division of the Child Support Unit. Any payments made  
30 by the absent parent directly to the recipient or applicant in  
31 violation of the court order shall not be deemed to be a support



32 payment or an attorney's fee and shall not be credited to the  
33 court-ordered obligation of the absent parent or to the  
34 court-ordered obligation for the payment of the attorney's fee.  
35 Failure of the absent parent to comply with an order of support or  
36 for payment of an attorney's fee for a period of thirty (30) days  
37 shall be directed to the court having jurisdiction of the matter  
38 for contempt proceedings or execution issued in the manner and  
39 form prescribed by statute. Should civil proceedings become  
40 ineffective in producing support or attorney's fees in any case  
41 involving a legitimate child or a child wherein paternity has been  
42 established by law or acknowledged in writing, the case shall  
43 promptly be referred to the district attorney for prosecution as a  
44 violation of Section 97-5-3.

45 (2) Each application, petition, order or filing made under  
46 this section shall include the social security number(s) of the  
47 applicant or father, mother and child(ren), as applicable, in  
48 accordance with Section 93-11-64, Mississippi Code of 1972.

49 (3) After a support order has been obtained, if the  
50 noncustodial parent writes a check for support that is returned  
51 for any reason without payment, written notice shall be mailed by  
52 United States First Class Mail to the parent's last known address  
53 requiring appearance before the court to show cause why he or she  
54 should not be held in contempt and punished by fine, incarceration  
55 or other punishment that the court determines appropriate and  
56 just, including, but not limited to, administrative remedies  
57 available to the Department of Human Services providing for the  
58 suspension of all applicable licenses and permits under Sections  
59 93-11-151 through 93-11-163.

60 **SECTION 2.** This act shall take effect and be in force from  
61 and after July 1, 2003.

