

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2350

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE APPLICATION OF THE STATUTORY CHILD SUPPORT
3 GUIDELINES IN CHILD SUPPORT CASES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 43-19-101, Mississippi Code of 1972, is
6 amended as follows:

7 43-19-101. (1) The following child support award guidelines
8 shall be a rebuttable presumption in all judicial or
9 administrative proceedings regarding the awarding or modifying of
10 child support awards in this state:

Number Of Children	Percentage Of Adjusted Gross Income
Due Support	That Should Be Awarded For Support
1	14%
2	20%
3	22%
4	24%
5 or more	26%

18 (2) The guidelines provided for in subsection (1) of this
19 section apply unless the judicial or administrative body awarding
20 or modifying the child support award makes a written finding or
21 specific finding on the record that the application of the
22 guidelines would be unjust or inappropriate in a particular case
23 as determined under the criteria specified in Section 43-19-103.

24 (3) The amount of "adjusted gross income" as that term is
25 used in subsection (1) of this section shall be calculated as
26 follows:



27 (a) Determine gross income from all potential sources
28 that may reasonably be expected to be available to the absent
29 parent including, but not limited to, the following: wages and
30 salary income, including, but not limited to, regular bonuses;
31 income from self-employment; income from commissions; income from
32 investments, including dividends, interest income and income on
33 any trust account or property; absent parent's portion of any
34 joint income of both parents; workers' compensation, disability,
35 unemployment, annuity and retirement benefits, including an
36 individual retirement account (IRA); any other payments made by
37 any person, private entity, federal or state government or any
38 unit of local government; alimony; any income earned from an
39 interest in or from inherited property; any other form of earned
40 income; and gross income shall exclude any monetary benefits
41 derived from a second household, such as income of the absent
42 parent's current spouse; in instances where no sources are
43 available to determine gross income, the court shall impute income
44 at least at minimum wage;

45 (b) Subtract the following legally mandated deductions:

46 (i) Federal, state and local taxes. Contributions
47 to the payment of taxes over and beyond the actual liability for
48 the taxable year shall not be considered a mandatory deduction;

49 (ii) Social security contributions;

50 (iii) Retirement and disability contributions
51 except any voluntary retirement and disability contributions;

52 (c) If the absent parent is subject to an existing
53 court order for another child or children, subtract the amount of
54 that court-ordered support;

55 (d) If the absent parent is also the parent of another
56 child or other children residing with him, then the court may
57 subtract an amount that it deems appropriate to account for the
58 needs of said child or children;



59 (e) Compute the total annual amount of adjusted gross
60 income based on paragraphs (a) through (d), then divide this
61 amount by twelve (12) to obtain the monthly amount of adjusted
62 gross income.

63 Upon conclusion of the calculation of paragraphs (a) through
64 (e), multiply the monthly amount of adjusted gross income by the
65 appropriate percentage designated in subsection (1) to arrive at
66 the amount of the monthly child support award. However, where
67 multiple obligations are to be established or modified, this
68 percentage shall apply to each case and shall not be divided
69 between the households of multiple custodial parents.

70 (4) In cases in which the adjusted gross income as defined
71 in this section is more than Seventy-five Thousand Dollars
72 (\$75,000.00) or less than Seven Thousand Five Hundred Dollars
73 (\$7,500.00), the court shall make a written finding in the record
74 as to whether or not the application of the guidelines established
75 in this section is reasonable. However, in cases in which the
76 adjusted gross income is more than Seventy-five Thousand Dollars
77 (\$75,000.00), the child support guideline amount shall serve as
78 the minimum child support award.

79 (5) The Department of Human Services shall review the
80 appropriateness of these guidelines beginning January 1, 1994, and
81 every four (4) years thereafter and report its findings to the
82 Legislature no later than the first day of the regular legislative
83 session of that year. The Legislature shall thereafter amend
84 these guidelines when it finds that amendment is necessary to
85 ensure that equitable support is being awarded in all cases
86 involving the support of minor children.

87 (6) All orders involving support of minor children, as a
88 matter of law, shall include reasonable medical support. Notice
89 to the noncustodial parent's employer that medical support has
90 been ordered shall be on a form as prescribed by the Department of
91 Human Services and as set forth in Section 43-13-303.



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

